

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1595

(1) I, Bob J. Mickelson, director of Department of Agriculture

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

Regulations controlling the use of microencapsulated methyl parathion in WAC 16-230-260, WAC 16-230-270 and WAC 16-230-290.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 79-01-080 & WSR 79-03-043 1-2-79 & 3-2-79 shall take effect:

XX pursuant to RCW 34.04.040(2). at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW 15.58 and 17.21 and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the (agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED March 16 19 79

STATE OF WASHINGTON FILED

By Bob J. Mickelson Director

MAR 16 1979

Title

[Form CR-7: Effective 12/1/77]

CODE REVISER'S OFFICE

WSR 79-04-018



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98501

For the purposes of legislative review of agency rules, the following statement is submitted:

1. Rules pertaining to controlling the use of microencapsulated methyl parathion. (Statutory authority RCW 15.58 and 17.21)
2. Amendments for housekeeping purposes and add "aphid" in place of "greenbug".
3. Art G. Losey
406 General Administration Bldg.
Olympia, WA 98504
753-5062
Clarke Brown
2015 So. 1st Street
Yakima, WA 98903
509/575-2746

4. Proponents:

Charles E. Boone
Carl Johansen
Dennis Sires
Floyd Hall
Elwood Sires
Roger Giddings
Jeff Sires
Charles Drake

Will Harris
Manlon Sells
Kenneth Smith
Francis Marck
Don Smith
Charles Olsen
G. Nolen
P. F. Thurber

Opponents:

Department of Agriculture
Carl Griffith
Jeffrey Heath
Gary Staples
Jack Pheasant
Hal C. Lyons
Harold Blain
Duane W. Scheele
Bob Hisby
Kenneth L. Agnew
Thomas E. Morris
Harold Schell
Barry Buth
Arden Fries, Jr.
Dan Mellenberger
Don Cozart
James W. Kohl
Wayne Cochran
The Horticultural and
Traffic Association
of Okanogan County
Jack Ensley
Mrs. Marty Morris
Jimmy Young

Cay Sandidge
Leonard Schmitt
Fred Valentine
Steven L. Weaver
Noble Law
Gerald Scheele
Lloyd Lasz
Donald Gordon
Bill Mays
George Sorrell
M. E. Hill
Kenneth Parker
W. R. McGregor
William A. Brown
Dennis Evans
Noel Adkins
Douglas McDougall
Carry Siferd
Jack Briggs
Joe Abbey
Marvin E. Hill
Harold Aischliman
Mrs. Gerald Walker
Don Williams

Jack Pheasant

5. Agency Comments:

The beekeepers requested this hearing to consider radical changes to these WAC's. The "Proponents" listed above support the original proposed amendments and the "Opponents" listed opposed the original request. The final decision of the department was to reject the beekeepers' proposals as supported by the hearing testimony. Housekeeping amendments were included in this final order as stated in No. 2.

AMENDATORY SECTION (Amending Order No. 1573, filed 4/21/78)

WAC 16-230-260 DEFINITIONS. (1) "Blossoming crops" as used in this order shall mean when there are five or more blooms per square yard on the average in a given field, when there are one or more open blooms per tree or vine in an orchard or vineyard, and when there are five or more weed blooms per square yard on the average for the area being measured for cover crops in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges: PROVIDED, That white blossomed pea plants and second bloom of pears shall be exempt from this definition.

(2) "Pollen shedding corn" shall mean that stage of growth when 10 percent or more of the corn plants in any one quarter portion of that field are showing spike anthers.

(3) "Properly marked honey bee apiaries" shall mean apiaries marked in accordance with RCW 15.60.030 as follows: "Each person owning or having bees in his possession shall register with the director the location of the bee yard, name, address, and phone number of the owner, and post at the bee yard a registration number as provided for herein, on or before April 1st each year. The director shall issue to each apiarist owning or operating more than twenty-five colonies in the state who is registered with the department a registration number, transferable, which shall be posted conspicuously at the entrance of each apiary at all times, not more than one hundred fifty feet from the bees. Bees placed in orchards for pollination shall be exempt from posting during placement."

(4) "Full bloom" shall be those dates as established by the state department of agriculture plant industry division for full bloom of red delicious apples.

AMENDATORY SECTION (Amending Order No. 1573, filed 4/21/78)

WAC 16-230-270 RESTRICTIONS--EXEMPTIONS. Microencapsulated methyl parathion is hereby declared to be a restricted use pesticide and the use or application of the formulation shall be prohibited on all blossoming crops and on pollen shedding corn: PROVIDED, That (1) ((Winter)) On or after October 15 through May 15 of the following year, applications of microencapsulated methyl parathion shall be allowed (using label restrictions) on winter wheat for ((green-bug)) aphid control in the wheat growing areas of eastern Washington.

(2) The application of microencapsulated methyl parathion shall be allowed (using label restrictions) in the Palouse area of Spokane and Whitman counties. This area shall be bounded on the north by an east-west line along longitude 47°30', in the southern portion of Spokane county, to the southern boundary of Whitman county. Applications of microencapsulated methyl parathion on white blooming peas in this area shall be prohibited within 1/2 mile of the breaks of the Snake River Canyon.

(3) Applications of microencapsulated formulations of methyl parathion shall be prohibited on orchards ((before)) up to thirty days ((from)) after full bloom of each year in the area under order.

(4) The use of microencapsulated methyl parathion shall be allowed, (using label restrictions) during the period starting thirty days ((from)) after full bloom to sixty days ((from)) after full bloom in all orchards within designated areas in the Wenatchee River Valley area from the mouth

of the Wenatchee River through Leavenworth, excluding Mission Creek and Brender Canyons; Entiat proper and the Entiat Valley area from the mouth of the Entiat River through Ardenvoir; and the Howard Flats area and the Chelan-Manson area from the mouth of the Chelan River to the town of Lake Chelan on the south side of Lake Chelan and to Antilon Creek on the north side of Lake Chelan.

AMENDATORY SECTION (Amending Order No. 1573, filed 4/21/78)

WAC 16-230-290 DISTRIBUTION. Microencapsulated methyl parathion shall be distributed only by licensed pesticide dealers to certified applicators or their authorized representative. Microencapsulated methyl parathion shall be applied only by certified applicators or by persons under the direct supervision of a certified applicator.