

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 944

(Supersedes Order No. 863)

Effective May 1, 1964

REGULATIONS RELATING TO COMMERCIAL APPLICATORS

I, JOE DWYER, Director of Agriculture, by virtue of the authority vested in me under Chapter 17.21 RCW, Laws of 1961, after due notice as provided under Chapters 34.04 and 42.32 RCW, and a public hearing held in Yakima on March 16, 1964, do hereby promulgate the following regulations relating to and controlling the use of agricultural pesticides and the application for and issuance of commercial applicator's license.

Regulation 1. Each person, engaged in the business of commercial application of pesticides, shall:

- (a) Keep all applying apparatus in good repair and shall use only that apparatus capable of performing all functions necessary to insure proper and thorough application of pesticides.
- (b) Regulate the timing and technique of the application of pesticides directly or indirectly hazardous to economically important pollinating insects so that the pesticides will not be applied on blooms of fruits and other commercial crops while pollinating insects are actively working in the area: PROVIDED, That the application of calyx sprays for fruits and/or other similar applications may be made.
- (c) Keep records on a form prescribed by the Director which shall include the following:
 - (1) The name of the person for whom the pesticide was applied.
 - (2) The location of the land where the pesticide was applied.
 - (3) The year, month, day, and time the pesticide was applied.
 - (4) The person or firm who supplied the pesticide which was applied.
 - (5) The trade name of the pesticide which was applied.
 - (6) The direction and velocity of the wind and the temperature at the time the pesticide was applied.
 - (7) The amount or concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per 100 gallons) of the pesticide used.
 - (8) Specific crop to which pesticide is applied.
 - (9) Apparatus license plate number (ground) or plane F.A.A. number (aircraft).

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- (10) Operator's name and address.
- (d) Keep pesticide application records for a period of three years from the date of the application of the pesticide to which such records refer, and the Director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.
- (e) Upon written request provide growers with a record of each application of pesticides to food crops which shall contain the information listed in Regulation 1 (c): PROVIDED, That items (4), (6), (9), and (10) need not be included.
- (f) Not dump or abandon pesticides, pesticide treated materials, or emptied pesticide containers thereof at any place where humans, plants or animals of value are likely to be injured by the vapor or by water flowing through or over the pesticides, or where contaminated soil is likely to be transported or used in proximity to susceptible crops.
- (g) Clean apparatus used for pesticides so that no injurious residue from prior usage might come in contact with susceptible crops or animals. Unless properly cleaned, apparatus shall not be stored where susceptible crops or animals might be affected.
- (h) Not apply pesticides if weather conditions are such that damage normally would result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization.
- (i) Make available immediately on demand of the Director his apparatus and the pesticides being applied from the apparatus for the Director to sample and analyze.

Regulation 2. All pilots and aircraft, used for or engaged in the commercial application of pesticides, shall:

- (a) Be governed by such regulations as may be issued by the State Aeronautics Commission, and shall comply fully with all such regulations.
- (b) Present to the Director of Agriculture, at the time an application for an applicator's license is made, a written notification from the office of the State Director of Aeronautics, to the effect that the applicant and his aircraft have complied fully with all of the regulations issued by the State Aeronautics Commission.
- (c) Not engage in any of the activities covered by these rules and regulations from an aircraft or permit such activities from or by an aircraft unless the said aircraft meets the requirements as set forth by the Federal Aviation Agency rules and regulations relative to airworthiness, and unless the same in being used in strict compliance with all rules and regulations issued by the State Aeronautics Commission.

Regulation 3. Commercial applicators and their employees may not make a pesticide recommendation or application that would violate pure food laws, violate the approved labeled use and/or approved U.S.D.A. registration for that pesticide, or would endanger the customer, crops, livestock, the general public or the property of others.

Regulation 4. Pesticides must be handled and loaded in a manner that will assure the protection of crops, livestock, and the general public. Toxicity and volatility of pesticides shall be considered in the storage and handling practices.

Regulation 5. The loading of pesticides into application equipment and the storage of pesticides within 100 yards of an airline passenger terminal is prohibited.

Regulation 6. Sale of Thallium and Sodium Fluoracetate (Compound 1080).

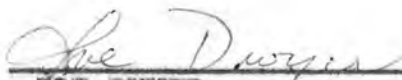
- (a) No person shall sell or possess any Sodium Fluoracetate except federal, state, county, or municipal officers or their deputies for use in their official duties in pest control; research or chemical laboratories in their respective field; regularly licensed pest control operators for use in their own service work; and wholesalers or jobbers of pesticides for sale to the aforementioned persons, or for export.
- (b) No person shall sell or possess any Thallium or Thallium compound except federal, state, county, or municipal officers, or their deputies, for use in their official duties in pest control; research or chemical laboratories in their respective fields; regularly licensed pest control operators for use in their own service work; wholesalers or jobbers of pesticides for sale to the aforementioned persons, or for export: PROVIDED, That properly registered Thallium ant poisons containing not more than 1% Thallium expressed as metallic may be sold.

Regulation 7. Financial Responsibility Insurance Certificate. A pesticide applicator's license shall not be issued until the applicant has furnished a duplicate copy of the insurance policy in effect and a properly executed Financial Responsibility Insurance Certificate which shall certify: (Forms to be supplied by the Department).

- (a) Name of insured.
- (b) Address of insured.
- (c) Policy number.
- (d) Plane number (if applicable).
- (e) Effective period.
- (f) Amount of Insurance required
 - (1) Public liability, (personal injury), (\$25,000.00 minimum) and Property damage, (\$25,000.00) or
 - (2) Alternately a policy providing both public liability, (personal injury), and property damage liability coverage within the same limit, providing such policy is issued in an amount of not less than \$50,000.00.
- (g) List of any pesticides or groups of pesticides not covered by this policy.

- (h) Acknowledgement of provision for 10 days' prior written notice of cancellation or reduction of the insurance coverage.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated by the Department of Agriculture.



JOE DWYER
Director of Agriculture
State of Washington

Signed at Olympia, Washington

Date: March 26, 1964