



MEMORANDUM

Date: July 6, 2005

To: Marty Brown, OFM Director
Joint Administrative Rules Review Committee

Agency Rule Coordinators:

Department of Corrections
Department of Ecology
Department of Fish and Wildlife
Department of Health
Department of Labor and Industries
Department of Natural Resources
Washington State Parks and Recreation Commission
Department of Social and Health Services
Department of Transportation

From: George Huffman, Rules Coordinator
Washington State Department of Agriculture
P. O. Box 42560
Olympia, WA 98504-2560
Phone: 902-1802

Re: **Semi-Annual Rules Development Agenda**
(July 1, 2005 to December 31, 2005)

Attached is the Department of Agriculture's semi-annual rules development agenda for the period July 1, 2005, through December 31, 2005, which is being sent to you in compliance with RCW 34.05.314.

If you have any questions, please call me at (360) 902-1802 or e-mail me at ghuffman@agr.wa.gov

Attachment

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| CODE REVISER'S OFFICE STATE OF WASHINGTON FILED | |
| JUL 6 2005 | |
| TIME | 1:49 |
| | 05:15:002 |
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**Washington State Department of Agriculture
Semi-Annual Rules Agenda, July 1, 2005 – December 31, 2005**
P.O. Box 42560, Olympia, WA 98504-2560

| WAC Number | Rule Title | Agency Contact | CR-101 | Tentative Timeline CR-102 | CR-103 | Subject of Rulemaking |
|-------------------------------------|--|---|---------|---------------------------------|--------|--|
| Commodity Inspection Division | | | | | | |
| Chapter 16-403 WAC | Standards for Apples Marketed Within The State of Washington | Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883 | TBD | TBD | TBD | Rewrite in a clear and readable format and possibly ame. to mimic U.S. grades. |
| Chapter 16-436 WAC | Washington Standards for Peaches | Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883 | TBD | TBD | TBD | Rewrite in a clear and readable format. |
| Chapter 16-439 WAC | Pears, Summer and Fall | Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883 | TBD | TBD | TBD | Rewrite in a clear and readable format. No new requirements. |
| Chapter 16-442 WAC | Winter Pears | Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883 | TBD | TBD | TBD | Rewrite in a clear and readable format. No new requirements. |
| Chapter 16-301 WAC | General Seed Regulations | Fawad Shah, Seed Program, Program Manager Phone: (509) 225-2682 | 9-15-04 | TBD | TBD | In response to a petition from the Puget Sound Seed Growers Association, the department has formed a work group to develop amendments to chapter 16-301 WAC that satisfy petitioner concerns. |
| WAC 16-302-225 | Land requirements for alfalfa seed certification | Fawad Shah, Seed Program, Program Manager Phone: (509) 225-2682 | TBD | TBD | TBD | In response to an industry request, the department will consider modifying the dormancy restrictions for planting certified seed. |

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WAC Number Rule Title Agency Contact CR-101 CR-102 CR-103 Subject of Rulemaking

| WAC Number | Rule Title | Agency Contact | CR-101 | CR-102 | CR-103 | Subject of Rulemaking |
|--------------------------------------|---|--|---------|---------|----------|---|
| Pesticide Management Division | | | | | | |
| WAC 16-228-1010 | What are the definitions that apply to this chapter? | Ann Wick Program Development Program Manager Phone: (360) 902-2051 | 5-11-05 | 8-24-05 | 10-19-05 | Amend WAC 16-228-1010 to add a definition for "responsible person" and modify or delete the definition of "fumigant". |
| WAC 16-201-220 | Backflow prevention | Ted Maxwell Registration Services Program Manager Phone: (360) 902-2026 | 8-3-05 | 9-21-05 | TBD | Amend the section to eliminate annual inspection of approved air gaps. |
| WAC 16-229-010 | Definitions | Ted Maxwell Registration Services Program Manager Phone: (360) 902-2026 | 8-3-05 | 9-21-05 | TBD | Add definition of "approved air gap" and "approved reduced pressure principle backflow prevention assembly". |
| WAC 16-229-240 | Backflow prevention | Ted Maxwell Registration Services Program Manager Phone: (360) 902-2026 | 8-3-05 | 9-21-05 | TBD | Amend the section to eliminate annual inspection of approved air gaps. |
| WAC 16-229-410 | Backflow prevention | Ted Maxwell Registration Services Program Manager Phone: (360) 902-2026 | 8-3-05 | 9-21-05 | TBD | Amend the section to eliminate annual inspection of approved air gaps. |
| WAC 16-228-1410 | What pesticides are considered home and garden use only pesticides? | Cliff Weed Program Development Program Manager Phone: (360) 902-2036 | TBD | TBD | TBD | Amend this section by replacing the words "labeled solely for" with the words "primarily for". This will provide greater flexibility in classifying some pesticides as home and garden. |
| WAC 16-228-1231 | State restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only. | Ann Wick Program Development Program Manager Phone: (360) 902-2051 | 1-8-04 | TBD | TBD | Amend subsections (1) and (4) to define herbicides and related container sizes that should be considered Restricted Use or have restrictions due to product volatility causing phytotoxicity. |

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Subject of Rulemaking

**Tentative
Timeline**

Agency Contact

Rule Title

WAC Number

CR-103

CR-101

CR-102

| WAC Number | Rule Title | Agency Contact | 1-8-04 | Tentative Timeline | Subject of Rulemaking |
|---------------------------------------|---|---|--------|-----------------------|--|
| Pesticide Management Division | | | | | |
| WAC 16-228-1250 | Phenoxy herbicide restrictions. | Ann Wick Program Development Program Manager Phone: (360) 902-2051 | 1-8-04 | TBD | Amend sections to define herbicides and related container sizes that should be considered Restricted Use or have restrictions due to product volatility causing phytotoxicity. |
| WAC 16-230-400 through WAC 16-230-470 | Restricted use herbicides-Spokane County | | | | |
| WAC 16-230-600 through WAC 16-230-675 | High volatile ester and dust formulations, area under order and specific rules for eastern Washington | | | | |
| WAC 16-230-800 through WAC 16-230-868 | Application of pesticides in Benton County | | | | |
| WAC 16-231-100 through WAC 16-231-183 | Restricted use herbicides-Franklin County | | | | |
| WAC 16-231-200 through WAC 16-231-235 | Restricted use herbicides-Yakima County | | | | |
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| Pesticide Management Division WAC 16-231-300 through WAC 16-231-335 WAC 16-231-400 through WAC 16-231-425 WAC 16-231-500 through WAC 16-231-530 WAC 16-231-600 through WAC 16-231-620 WAC 16-231-700 through WAC 16-231-725 WAC 16-231-800 through WAC 16-231-840 | Restricted use herbicides-Adams County Restricted use herbicides-Columbia County Restricted use herbicides-Whitman County Restricted use herbicides-Klickitat County Restricted use herbicides-Okanogan County Restricted use herbicides-Douglas and Chelan counties | Ann Wick Program Development Program Manager Phone: (360) 902-2051 | 1-8-04 | TBD | TBD | Amend sections to define herbicides and related container sizes that should be considered Restricted Use or have restrictions due to product volatility causing phytotoxicity. |

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| CR-101 | | | CR-102 | CR-103 |
| | | 1-8-04 | TBD | TBD |
| | | Ann Wick Program Development Program Manager Phone: (360) 902-2051 | | |
| Pesticide Management Division | | | | |
| WAC 16-231-900 through WAC 16-231-935 | Restricted use herbicides-Grant County | | | Amend sections to define herbicides and related container sizes that should be considered Restricted Use or have restrictions due to product volatility causing phytotoxicity. |
| WAC 16-232-001 through WAC 16-232-077 | Restricted use herbicides and application of pesticides-Walla Walla County | | | |
| WAC 16-232-100 through WAC 16-232-120 | Restricted use herbicides-Lincoln County | | | |
| WAC 16-232-200 through WAC 16-232-225 | Restricted use herbicides-Garfield County | | | |
| WAC 16-232-300 through WAC 16-232-315 | Restricted use herbicides-Kittitas County | | | |

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| Animal Health and Livestock Identification | | | | | | |
| Chapter 16-54 WAC | Animal Importation | Leonard Eldridge, DVM Assistant Director, Animal Health and Livestock Identification Division Phone: (360) 902-1881 | 5-18-05 | TBD | TBD | The department is considering amendments throughout the chapter that will clarify language, update references, bring procedures into line with industry needs and reformat rule sections so they are easier to understand and use. |
| Food Safety and Consumer Services Division | | | | | | |
| NEW | Public Disclosure of Nutrient Management Plan information | Nora Mena Livestock Nutrient Management Program Manager Phone: 360 902-2894 | 12-7-05 | 7-06 | TBD | Implement rulemaking required by SSB 5602 to establish ranges by which certain figures in Livestock Nutrient Management Plans are reported. When a public disclosure request is made total number of animals, acres, nutrients generated and nutrients exported off site as well as crop yields will be reported in ranges rather than as specific numbers. |
| WAC 16-157-220 | Producer fee schedule | Miles McEvoy Organic Food Program Manager Phone: 360-902-1924 | 6-22-05 | 8-24-05 | 10-27-05 | Amend WAC 16-157-220 to change the way the maximum application/renewal fees for producers are calculated and change renewal application date from March 1 to February 1. |
| Chapter 16-160 WAC | Material Registration | Miles McEvoy Organic Food Program Manager Phone: 360-902-1924 | 8-15-05 | 10-15-05 | 12-15-05 | Amend organic material registration rule to include evaluation for materials compliance with Japanese organic standards and European organic standards. |
| NEW | State Organic Program | Miles McEvoy Organic Food Program Manager Phone: 360-902-1924 | 8-15-05 | 10-15-05 | 12-15-05 | Write new rules to enforce the National Organic Program within Washington State and for becoming a State Organic Program. |