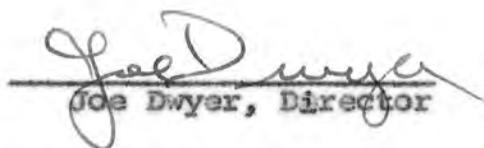
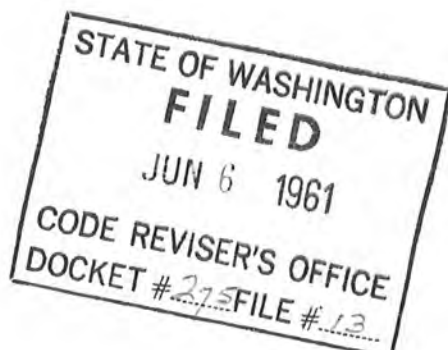


ORDER NUMBER 726 previously in effect, pursuant to a law repealed by the 1961 Legislature and pertaining to regulations relating to commercial sprayers and dusters is hereby adopted as an emergency order pursuant to those laws which shall become effective June 8, 1961; specifically Chapter 249, Laws of 1961 and which replace the laws under which this order previously existed. This is necessary for the immediate preservation of the economic health and general welfare. It is necessary that the order become effective immediately to provide the transition of the old and new law in that Chapter 249 does not allow time for the usual hearing procedures for this order to become effective.

I hereby certify that the attached order is a true and correct copy of that order adopted by the Department of Agriculture.


Joe Dwyer, Director

Dated this 8th day of June, 1961.



Order 863 supersedes Order 726. See

File 13, Docket 355, filed 8/14/61.

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
Sverre N. Omdahl, Director
Olympia

ORDER NO. 726
(Supersedes Order No. 685)

Effective January 18, 1956

REGULATIONS RELATING TO COMMERCIAL SPRAYERS AND DUSTERS

I, Sverre N. Omdahl, Director of Agriculture, by virtue of the authority vested in me under Chapter 120, Laws of 1945, as amended by Chapter 61, Laws of 1951 and Chapter 261, Laws of 1953 (R.C.W. Chapter 17.20) do make and promulgate the following rules and regulations relating to and controlling the use of chemicals or chemically treated materials used for the control of insects, pests, weeds or diseases, by commercial sprayers and dusters, and the application for and issuance of license to so operate as commercial applicators.

It is the purpose of this regulation to establish rules governing licensing of commercial applicators, applying equipment used thereby, commercial use of chemicals or chemically treated materials used for the control of insects, weeds, pests or diseases which are lethal or injurious to pollinating insects, bees, crops, lands or livestock, and disposal of containers and cleansing of equipment used in the handling of injurious chemicals. These rules are established for the benefit and protection of the State and its people from indiscriminate use of toxic pesticides according to policies established by the legislature of the State of Washington.

Regulation 1.

Each person, partnership, company, corporation or association engaged in this State in the commercial application for hire of chemicals or chemically treated materials for the control of insects, pests, weeds or diseases, shall:

1. Keep all applying equipment in a state of good repair and shall use only that equipment capable of performing all functions necessary to insure proper application of materials being used.
2. Regulate the timing of the application of insecticides directly or indirectly lethal to pollinating insects, bees, crops, and livestock so that they will not be applied on blooms of fruits, and other crops while pollinating insects are actively working in the fields; except that in cases where it is necessary to spray on a small percent of bloom, such as calyx sprays for fruits and other similar conditions, the owners of bees used for pollinating purposes and placed within a radius of one (1) mile must be notified at least forty-eight hours in advance of application in person by written notice, in newspapers or over commercial radio stations and by notification to the county agent and horticultural inspector.
3. Keep accurate records of (1) date of application, (2) type and amount of chemical used, (3) name and address of owner of crops on which application is made and (4) weather conditions, including wind direction and approximate velocity during the time of application. These records for all types of chemical application shall be held in the applicator's file for at least two years following the date of application and made available upon request to any authorized representative of the Department, for inspection. For all applications of 2,4-D (2,4-dichlorophenoxyacetic acid), 2,4,5-T (2,4,5-trichlorophenoxyacetic acid), MCP (2-methyl-4-chlorophenoxyacetic acid) and 2,4,5-TP (2,4,5-trichlorophenoxypropionic acid) reports including the above required information, shall be kept in the applicator's file for at least two years and a copy of these reports shall also be forwarded to the State Department of Agriculture, Weed Branch, P. O. Box 617, Yakima on or before the 10th day of each month following the application.
4. Not dump or abandon injurious chemicals or chemically treated materials or emptied containers thereof at any place where plants or animals of value are likely to be injured by the vapor or by water flowing through or over the materials, or where contaminated soil is likely to be transported or used in proximity to susceptible crops, and equipment used for injurious chemicals shall be cleaned so that no injurious residue might come in contact with susceptible crops or animals before being stored in any place where susceptible crops or animals might be affected or being used to apply chemicals where crops susceptible to the residues may be affected.

Regulation 2.

Each person, partnership, company, corporation, cooperative or association engaged in the commercial application within the State of chemicals or chemically treated materials for the control of insects, pests, weeds or diseases to lands or crops other than his own shall be licensed by the State Department of Agriculture. None of the afore-mentioned shall engage in the commercial application of said chemicals or chemically treated materials unless he shall at all times have a currently valid license as an applicator issued by the State Department of Agriculture.

1. Each applicant for such license shall demonstrate to the Department, not less than 30 days before the issuance of such license, that he has met all of the requirements of this regulation. The fee for such license shall be \$20.00 for each calendar year or portion thereof. Licenses shall expire on December 31st of each year.
2. Each machine or aircraft used to apply agricultural sprays, dusts, hormones, or insecticides, for hire, in forms directly or indirectly lethal to pollinating insects, bees, livestock and crops, shall have affixed to it a license plate issued by the Department. This license plate shall be of a size, form and color to be determined by the Director of Agriculture. It shall be displayed in a prominent, easily seen location on ground equipment, and affixed to each airplane just back of the cockpit, at shoulder level, on the starboard side. The Department shall charge \$1.00 each for the issuance of said license plate.
3. Failure to maintain all of the requirements of this regulation at all times during the life of the applicator's license shall be grounds for immediate suspension or revocation of the license by the Department.
4. To engage in the commercial application, for hire, within the State, of dusts, sprays, hormones, insecticides or other substances in forms directly or indirectly lethal to pollinating insects, bees, livestock and crops, in violation of any of the provisions of the controlling law, shall be a misdemeanor.

Regulation 3.

All aircraft, helicopters, and pilots used for or engaged in the commercial application for hire within the State, of agricultural or insect control chemicals or substances directly or indirectly lethal to pollinating insects, bees, livestock and crops, shall:

1. Be governed by such regulations as may be issued by the State Aeronautics Commission, and shall comply fully with all such regulations.
2. Present to the State 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.
3. No person shall 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 Civil Aeronautics Authority's rules and regulations relative to air-worthiness, and unless the same is being used in strict compliance with all rules and regulations issued by the State Aeronautics Commission.

SVERRE N. OMDAHL
Director

G. H. RIDDER
Assistant Director

Signed at Olympia, Washington
January 18, 1956

Note: All questions regarding requirements of this order shall be directed to
Larry Semler, Chief, Weed Branch, State Department of Agriculture,
P. O. Box 617, Yakima, Washington.

108 N. Pierce Avenue -- Yakima -- Phone 38201 Glencourt