

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 863

Supersedes Order No. 726

Effective September 13, 1961

STATE OF WASHINGTON
FILED
AUG 14 1961
CODE REVISER'S OFFICE
DOCKET # 353 FILE # 13

REGULATIONS RELATING TO COMMERCIAL APPLICATORS

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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 Chapter 34.04 and 42.32, RCW, and a public hearing held in Yakima on August 1, 1961, do promulgate the following regulations relating to and controlling the use of agricultural pesticides used for the control of agricultural pests, and the application for and issuance of license to so operate as commercial applicators.

Regulation 1. Each person, engaged in this State in the commercial application for hire of pesticides, shall:

- (a) 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.
- (b) Regulate the timing and technique of the application of insecticides directly or indirectly lethal to economically important pollinating insects (such as honey bees and alkali 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.
- (c) Pesticide applicators licensed under the provisions of this act shall 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 estimated velocity of the wind at the time the pesticide was applied.
 - (7) The amount or concentration (pounds per acre) of the pesticide used.
 - (8) Any other reasonable information required by the director.
 - (9) Such records shall be kept 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: PROVIDED, That the director may require the submission of such records 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) including the above required information, which shall be kept in the application file for at least three years and a copy of these reports shall also be forwarded to the State Department of Agriculture, within thirty days of the application of these pesticides.
- (d) Not dump or abandon pesticides or pesticide treated materials or emptied 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 materials, or where contaminated soil is likely to be transported or
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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.

- (e) It shall be the responsibility of commercial applicators to present and make available immediately on demand of the Director his equipment and the materials being dispensed by the equipment including the opportunity for the Director to sample and analyze the materials being dispensed from the applying equipment.

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) 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 Federal Aviation Agency 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.

Regulation 3. Commercial applicators and their employees may not make pesticide recommendations that would violate pure food laws, approved uses for pesticides or endanger the customer, crops, livestock, the general public or the property of others.

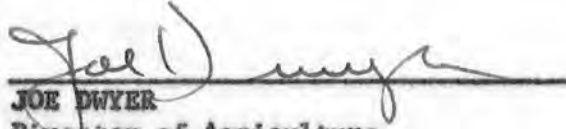
Regulation 4. Pesticides must be handled and loaded in a manner such as to reasonably assure the protection of the public. Toxicity and volatility of pesticides shall be considered in the storage and handling practices.

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

Regulation 6. Sale of Thallium and Sodium Fluoracetate.

- (a) No person shall sell or possess any sodium fluoracetate except federal, state, county 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; 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 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; properly registered ant poisons containing thallium expressed as metallic not more than 1%; wholesalers or jobbers of pesticides for sale to the aforementioned persons; or for export.

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: August 14, 1961