

FROM: AGRICULTURE
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 1231
Emergency rules
relating to (Name of rules or description of subject matter)

Order 1231 amends Order 1219 and relates to restrictions on holding, handling, using, or disposing of pesticides and their containers.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 3358 ① filed with the code reviser on 2/2/72 ② were regularly adopted as permanent rules of this agency at Olympia, Wa. on 2/14/72 and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be 3/15/72 ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of these rules 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 the public interest, were regularly adopted as emergency rules of this agency at _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this 14th day of February 19 72

STATE OF WASHINGTON
FILED
FEB 14 1972
CODE REVISER'S OFFICE
DOCKET # 5946 FILE # 24

AGRICULTURE
(AGENCY)
Cameron S. Adams
By Cameron S. Adams
Acting Director
Title _____

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING: RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 1231
(Amends Order 1219)
Effective March 15, 1972

NEW

WAC 16-235-002 PROMULGATION. (This promulgation relates only to WAC 16-235-001 and WAC 16-235-020).

I, Cameron S. Adams, Acting Director of Agriculture, by virtue of the authority vested in me under chapters 17.21 and 15.58 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Yakima, Washington on January 28, 1972, do hereby promulgate the following regulations relating to restrictions on holding, handling, using, or disposing of pesticides and their containers.

AMD

WAC 16-235-020 RESTRICTIONS APPLYING TO ANY PERSON HOLDING, HANDLING, USING, OR DISPOSING OF PESTICIDES AND THEIR CONTAINERS. (1) Any person applying pesticides to blooms of fruits, cover crops, and other plants shall regulate the timing and technique of application to minimize hazard to commercially important pollinating insects.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide or pesticide container in a manner that will pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants and animals, pollinating insects, or wildlife; PROVIDED, That a pesticide labeled for aquatic use and used as directed shall not be considered a violation of this subsection; PROVIDED FURTHER, That disposing of pesticides at disposal sites approved by the local health department complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

(a) Requirements of subsection (2) shall apply to apparatus containing pesticides.

(b) No person shall pollute streams, lakes, and other public water supplies in their pesticide loading and mixing operation. This includes using devices or procedures to prevent "back-syphoning."

(3) None of the following highly toxic pesticides shall be applied by aircraft or airblast sprayers immediately adjacent to occupied schools in session, hospitals, nursing homes, or other similar establishments under conditions that may result in contamination of these establishments or their premises.

DiSyston - Liquid	Systox (Demeton)
Endrin	Temik
Parathion	TEPP
Phosdrin	Thimet (Phorate) - Liquid
Schradan (OMPA)	Zinophos

(4) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices must be maintained for all pesticides and their containers which are covered under chapter 15.58 RCW.

(b) The provisions of subsections (4)(d) and (e) shall not apply to empty pesticide containers when adequately decontaminated (e.g. three successive rinsings); shall not apply to class 3 and 4 pesticide formulations labeled for home and garden use only; and shall not apply to drums of petroleum oils, lime-sulfur, and ferrous sulfate.

(c) For the purposes of subsections (4) (d) and (e), pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Class 1 -- highly toxic pesticides which require the skull and crossbones insignia and the word "Poison" on the label.

(i) These formulations and their containers shall be stored in one of the following enclosures which, when unattended, shall be locked (except 6. below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry:


1. Closed vehicle.
2. Closed trailer.
3. Building or room.
4. Fenced area with a fence at least six feet high. Appropriate warning signs, visible from any direction, shall be posted around these fenced pesticide and pesticide container storage enclosures.
5. Foot locker or other container which can be locked.
6. Truck or trailer with solid sideracks and secured tailgate at least six feet above ground level.

(e) Class 2 -- pesticides having toxicities down to one-tenth of the highly toxic class and which carry "warning" statement (LD₅₀ 50-500); Class 3 -- pesticides having hazards below Class 2 and which carry a "caution" statement (LD₅₀ 500-5000); and Class 4 -- (LD₅₀ over 5000).

(i) These pesticide formulations and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in subsection (d) (i): PROVIDED, That metal containers, 28 gallons and larger, with tight screw-type bungs and sealed five-gallon containers (requiring tool to unseal) shall be considered secured storage for pesticides covered in subsection (e); and PROVIDED FURTHER, That temporary (not to exceed one month) loading areas at least 100 yards from public roads, occupied dwellings, or other occupied buildings shall also be considered secured storage for pesticides covered in subsection (e) if all containers are removed immediately following the temporary use of these loading areas.

(f) No person shall apply pesticides if weather conditions are such that physical drift or volatilization may cause damage to adjacent land, including humans, desirable plants or animals.

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


CAMERON S. ADAMS
Acting Director of Agriculture
State of Washington

Signed at Olympia, Wa.

Date: February 14, 1972