

T. NSMITTAL OF RULES ADOPTED

FROM: AGRICULTURE
(Name of Agency)

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

The enclosed Permanent rules , being order No. 1294
Emergency rules
relating to (Name of rules or description of subject matter)

the use of rodenticides by commercial pest control operators and
pest control operators employed by public agencies. Proposed
amendments extend controls to additional rodenticides and tighten
restrictions on the placement of baits to protect the public.

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

pursuant to Notice No. 3809 ① filed with the code reviser
on 12/27/72 ② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Wa. on 2/15/73 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be 3/17/73 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
(place) (date)
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 15th day of February 1973.

STATE OF WASHINGTON
FILED
FEB 15 1973
CODE REVISER'S OFFICE
DOCKET # 4597 FILE # 27

AGRICULTURE
(AGENCY)
Stewart Bledsoe
By Stewart Bledsoe
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
Order No. 1294
(Supersedes Order 674)
Effective March 17, 1973

NEW

WAC 16-220-002 PROMULGATION. (This promulgation relates to Order 674, WAC 16-220-110 through 170).

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.58 and 17.21 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Bellevue, Washington on February 2, 1973, do hereby promulgate the following regulations relating to pest control operators (PCO's) licensed as commercial applicators and operators, and public operators licensed in the health vector classification.

NEW

WAC 16-220-200 DEFINITIONS. (1) "Bait Box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated synthetic material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized persons and domestic animals from gaining access to the bait. The cover shall be provided with a lock that can be unlocked only by a combination, key, special tool, or forced entry. Fragile materials are unacceptable.

(2) "Bait Station" may be any location where baits are placed to allow rodents to gain access to the bait.

(3) "Rodent Bait" means a mixture of any substance mixed with a rodenticide and used for the purpose of eliminating rodents from a specific area: PROVIDED, That seeds treated with registered pesticides to protect them from pest attack and are used and intended only for seeding purposes shall not be considered a rodent bait.

(4) "Floor Level" is considered to be the floor upon which people normally walk---not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

(5) "Food Service Establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill, tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(6) "Fumigant" means any substance or combination of substances that produces gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

(7) "Controlled Dump" means any place where solid or liquid waste is dumped for disposal purposes: PROVIDED, That the area has been designated as a disposal site for waste materials by the jurisdictional health officer: and PROVIDED FURTHER, That the site is fenced, barricaded or otherwise enclosed or attended by some person in charge to facilitate control-access of domestic animals, pets, and unauthorized persons.

NEW

WAC 16-220-205 PESTICIDE APPLICATOR AND PUBLIC OPERATOR RECORDS. (1) All pesticide applicators and public operators licensed in the pest control operator (PCO) or health vector classifications in their pesticide applications shall keep records prescribed in RCW 17.21.100 and the following:

(a) The address and location of the property where the pesticide was applied.

(b) The amount and concentration of the pesticide(s) applied which may be recorded to the nearest ounce of active ingredient or to the nearest gallon of liquid spray; fumigation records shall include the pounds of gas released per 1000 cubic feet of space, the temperature, and the duration of the exposure period.

(c) The pest to be controlled.

(d) The applicator's and the operator's name.

NEW

WAC 16-220-210 REGULATION OF APPLICATION OF RODENTICIDE BAIT. (1) PCO applicators and operators shall use rodenticide baits only under the following conditions:

(a) Applicators and operators in charge of baiting operations shall have had training in the use of rodenticides prior to applying them and shall have passed the department's general PCO examinations.

(b) Use only rodenticides that are registered for that use by the Environmental Protection Agency (EPA); the department; or that are officially recommended by Washington State University; and adhere to the registered label warnings, precautions, use directions, and any regulations restricting their use.

(c) Rodenticides shall be placed only in locations that are not readily accessible to non-pest animals, children, and unauthorized persons, and in a manner that shall preclude contamination of food, feed, drugs, and other consumer commodities. Exposure within buildings shall not be above floor levels.

(d) Baits must be colored or otherwise formulated so that they will be identifiable from foods common to the establishment in which the bait is placed. All compound 1080 solutions shall be dyed black.

(e) When the use of bait boxes is necessary to insure that baits are not readily accessible to non-pest animals, children, and unauthorized persons, the bait boxes shall be of sturdy construction and designed to accomplish that purpose, and shall be labeled clearly with letters on contrasting background showing the following information:

(i) For the rodenticides warfarin, pindone (Pival), diphacinone (Diphacin), coumafuryl (Fumarin), chlorophacinone (Rozol) and other anticoagulants, the words "WARNING"-- "RODENT BAIT" in letters not less than one-half inch in height and directly under, in letters not less than one-eighth inch in height the word "ANTICOAGULANT" -- and name of the rodenticide.

(ii) For the baits containing zinc phosphide, arsenic, Red Squill, strychnine, alpha naphthylthiourea (Antu), or barium carbonate, the words "WARNING" -- "RODENT BAIT" -- "POISON" in letters not less than one-half inch in height and the skull and crossbones, in red, not smaller than the letters; and in letters not less than one-eighth inch in height, the name of the rodenticide.

(iii) For the baits containing Sodium Fluoroacetate (1080), Fluoroacetamide (1081), and phosphorus paste the words "DANGER -- "RODENT BAIT" -- "FATAL POISON" in red letters not less than one-half inch in height and the skull and crossbones insignia in red, not smaller than the letters and on contrasting background; and in letters not less than one-eighth inch in height, the name of the rodenticide.

(iv) The name of the firm and/or applicator, address, and the telephone number.

(v) Thallium shall not be used.

(f) Containers used for exposing rodenticides to pests shall be composed of tough, non-absorbent, corrosion resistant materials and designed so they cannot be readily overturned or carried off by pest animals. Those containers that are used for exposing rodenticides outside of bait boxes shall bear a legible warning label with wording not less restrictive than requirements on bait boxes for rodenticides being used as per WAC 16-220-210 (1) (e), (except for the size of lettering). Food containers, such as "meat boats" and "souffle cups" are unacceptable. Containers used for liquid bait exposure shall be water and/or liquid impervious.

(g) For residential areas, bait portions will be limited at each bait station to quantities containing no more than one-fourth ($\frac{1}{4}$) of a LD₅₀ dose of the rodenticide for a 70 kilogram (approximately 154 pound) human. LD₅₀ ratings shall be established by the director.

(h) All rodenticide stocks, when not in use or when unattended, shall be kept in locked storage or locked service vehicles. In addition, compounds 1080 and 1081 shall be kept in a locked container within locked storage or locked service vehicle.

(i) All containers used for storing or transporting rodenticide concentrates shall bear an EPA or department registered label, or in the case of bulk prepared baits, a label identifying the contents as rodent bait, the active ingredient, and appropriate cautions.

(j) Servicemen's kits which contain rodenticides shall be handled with extra caution and shall not be left where children or other unauthorized persons or non-target animals might remove contents.

(k) Upon completion of a rodent baiting operation, all bait boxes, containers, and/or throw bags, if they may become readily accessible to the public, shall be recovered for disposal in an approved manner.

(l) Wherever poisoned rodent carcasses jeopardize public sanitation, or create a health hazard to wildlife, domestic animals, or the public, they must be recovered and disposed of by burning, burying not less than three feet below the soil surface, or placed in proper waste containers and delivered to an approved disposal site.

(m) When anticoagulant baits are placed outdoors they shall be placed into burrows, tunnels, deep holes, or in covered field rodent bait stations. Grain baits coated with anticoagulants and embedded in paraffin may be used in open bait stations. Compliance with WAC 16-220-210 (1) (c) shall be maintained.

(n) Strychnine shall be applied only on grain baits except when used for the control of native rodents, such as porcupines, etc., which shall be in accordance with instructions issued by the U.S. Bureau of Sports Fisheries & Wildlife Service.

WAC 16-220-215 SPECIAL RESTRICTIONS ON THE USE OF COMPOUNDS 1080 AND 1081, AND PHOSPHORUS PASTE. (1) Compounds 1080 and 1081, and phosphorus paste shall be restricted for use as follows:

(a) No person shall possess or use these rodenticides except federal, state, county, or municipal officers or their employees for use in their official duties in pest control; research or chemical laboratories in their respective fields; pest control applicators and operators licensed by the state; and wholesalers or jobbers who distribute, sell, or export these pesticides to the aforementioned persons.

(b) No person shall use these rodenticides in occupied structures such as private homes, apartment houses, other human dwellings or food service establishments. Those persons authorized in subsection (a) above shall use these rodenticides only when buildings such as grain elevators, seed houses, warehouses, or portions of these buildings being baited are under the control of the licensee. A controlled building is one that is locked or attended and that is under at least once-a-day surveillance by the licensee, unless authorized as per WAC 16-220-215(1)(g).

(c) Compounds 1080 and 1081 may be used only by authorized persons who have read and will comply with the "Instructions For Using Sodium Fluoroacetate (Compound 1080)", by the National Research Council and all other labeling of the registrant, and are familiar with hazards of the above compounds.

(d) Compounds 1080 and 1081 may be used in warehouses and industrial buildings only when warning signs are used which are not less than 8" x 10" with the words "DANGER" -- "FATAL POISON" -- "RODENT BAIT" in red letters not less than one inch in height on a contrasting background and the skull and crossbones, in red, not smaller than the letters. These signs must be conspicuously posted at all entrances to the building and portions of the building under control of the licensee. Below is the suggested format:

DANGER

FATAL POISON - RODENT BAIT



IN THIS AREA



DO NOT TOUCH BAITS

OR DEAD ANIMALS

Name, address, and phone number
of applicator

All authorized personnel in the building must be notified of the baiting; a diagram showing the number of bait stations and the location of each on the premises must be readily available on the property; and a copy of such diagram must be in the possession of the licensee who is performing the baiting operation.

(e) No person shall use compounds 1080 and 1081, or phosphorus paste unless all unused baits are recovered and disposed of appropriately at the end of the baiting operation. Carcasses shall be recovered daily and disposed of as per WAC 16-220-210(1)(1).

(f) Food baits containing compounds 1080 and 1081, or phosphorus paste in non-water form may be used only in controlled dumps and only if the bait is composed of a dry crumbly particle-type, or in a thin paste so that the bait cannot be readily carried to other areas by rodents. This bait shall be placed in such a manner so that it will not be readily accessible to birds, desirable animals, or the public. When placed in burrows, the bait should be put far enough into the burrow so that domestic animals cannot reach it readily. Baits applied to dumps should be placed beneath objects, in containers, or into holes so that it is inaccessible. Appropriate warning cards, as per WAC 16-220-215(1)(d) shall be conspicuously displayed in adequate numbers whenever compounds 1080 and 1081 or phosphorous baits are used on public property or on private property accessible to the public.

(g) Any authorized person desiring to use these rodenticides in any areas other than licensee-controlled buildings; controlled dumps; sanitary sewers; or in emergency situations where application sites are controlled and attended, such as waterfronts, shall apply for and obtain a permit from the director prior to applying the rodenticide. These permits may be issued by the department if, after an on-site inspection, the department determines that:

(i) Good housekeeping and sanitary procedures are being followed to help control the rodent population;

(ii) Rodent populations and conditions are such that an emergency situation exists and less toxic rodenticides and other control measures will not be adequate for the needed rodent control;


(iii) The applicant designates a competent trained person to be named on the permit, who will accept responsibility for properly collecting and disposing of dead rodents; and

(iv) A date is given for completion of the baiting operation (not more than 30 days duration) when the licensee will service the bait boxes and determine if a renewal of the permit is necessary.

REP

WAC 16-220-101 and WAC 16-220-110 through 170 and Order 674 are hereby repealed.

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



STEWART BLEDSOE, Director
Department of Agriculture
State of Washington

Signed at Olympia, WA.

Date: February 15, 1973