

FROM: AGRICULTURE
(Name of Agency)

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

The enclosed Permanent rules , being order No. 1296
Emergency rules

relating to (Name of rules or description of subject matter)

Placing Tordon 22K and volatile ester formulations of 2,4-D on a pesticide user permit basis; adopt new regulations concerning the activities of pest control consultants; update regulations pertaining to Thallium; and adopt a highly toxic pesticide list.

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

pursuant to Notice No. 3819 ① filed with the code reviser on 1/16/73 ② were regularly adopted as permanent rules of this agency at Olympia, Wa. on 2/20/73 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 3/22/73 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 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 20th day of February 1973.

STATE OF WASHINGTON
FILED
FEB 20 1973
CODE REVISER'S OFFICE
DOCKET # 4601 FILE # 25

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. 1296
(Amends Orders 1161, 1222, & 1272)
Effective March 22, 1973

AMD WAC 16-222-001 PROMULGATION. (This promulgation relates to WAC 16-222-120, WAC 16-222-130 and Order 1161; to WAC 16-222-145 and Order 1222; to WAC 16-222-160 and Order 1272).

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, and due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Yakima, Washington, on February 9, 1973, do hereby promulgate the following regulations relating to restricted use pesticides.

AMD WAC 16-222-120 SALE OR POSSESSION OF SODIUM FLUORACETATE, FLUORACETAMIDE, AND PHOSPHORUS PASTES. (1) No person shall possess or use sodium fluoracetate (1080) and fluoracetamide (1081) 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 operators licensed by the state; and wholesalers or jobbers of pesticides for sale to the aforementioned persons, or for export.

(2) No person shall possess or use phosphorus pastes 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 operators licensed by the state; and wholesalers or jobbers of pesticides for sale to the aforementioned persons, or for export. Labels for this pesticide must bear a clear and prominent warning against sale to the general public and a statement that the pesticide is for use by government agencies and licensed pest control operators only.

AMD WAC 16-222-130 RESPONSIBILITIES OF PESTICIDE DEALERS AND PEST CONTROL CONSULTANTS IN SALES OF HIGHLY TOXIC AND RESTRICTED USE PESTICIDES AND IN RECOMMENDATIONS. (1) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The use of the same "checkstand" or food packaging area is prohibited for the distribution of highly toxic pesticides.

(2) Pesticide dealers and their employees and pest control consultants shall not make a pesticide recommendation or give advice that would violate federal or Washington state food and drug laws, or would violate the approved labeled use and/or EPA or Washington State registration for that pesticide: PROVIDED, That pesticide dealers and their employees and pest control consultants will not be violating this regulation when following current official Washington State University pesticide recommendations.

(3) Pesticide dealers shall post a list of persons to contact in case of a pesticide accident. This list shall include the name and address of the nearest poison control center, the Community Pesticide Study Project Laboratory in Wenatchee, the county extension agent, the department of agriculture offices in Yakima and Olympia, and the local health officer.

WAC 16-222-145 RESTRICTED USE PESTICIDES -- FOR COMMERCIAL AND GOVERNMENT AGENCY USE ONLY. (1) The following pesticides are hereby declared to be restricted use pesticides in the state of Washington and shall not be sold to home and garden users. The following pesticides will be registered only when manufactured, labeled, delivered, distributed, sold, or held for sale for use by commercial producers and/or commercial applicators and governmental agencies experienced in the application of pesticides. Such pesticides shall not, under any circumstances, be registered for sale or distribution if labeled for home or garden use:

1. Aluminum Phosphide (Phostoxin)
2. Arsenic Trioxide (1.6% and above) except for the control or eradication of crabgrass and the container thereof is restrictively labeled for such.
3. Bidrin
4. Castrix
5. Dasanit
6. Delnav (25.1% and above)
7. DiNitro-O-Cresol (DNOC)
8. DiNitro-O-Sec Butyl Phenol (DNOSBP)
9. DiSyston (2.1% and above)
10. Dyfonate (11% and above)
11. Endothal (20% and above)
12. Endrin (2.5% and above)
13. EPN
14. Ethion (26% and above)
15. Furadan (Carbofuran)
16. Guthion (16% and above)
17. Hydrogen Cyanide (Hydrocyanic acid) (HCN)
18. Lannate (Methomyl)
19. Methyl Bromide (without a warning agent)
20. Methyl Demeton (Meta Systox) (25% and above)
21. Methyl Parathion
22. Monitor (40% and above)
23. OMPA (Schradan)
24. Parathion
25. Phosdrin
26. Phosphamidon
27. Phosphorus paste (further restricted in WAC 16-222-120)
28. PMA - Phenyl Mercuric Acetate (1.5% and above)
29. Sodium Arsenite
30. Sodium Selanate
31. Strychnine and its salts (Strychnine Alkaloid 1.1% and above)
32. Systox (Demeton)
33. Temik
34. 1080 and 1081 (further restricted in WAC 16-222-120)
35. TEPP
36. Thallium compounds (banned for all rodenticide uses)
37. Thimet
38. Trithion (liquid and wettable powder 26% and above; granular and dust 11% and above)
39. Zinc Phosphide (2.1% and above)
40. Zinophos
41. All high volatile ester formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T, and MCP as defined in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide and Rodenticide Act.

WAC 16-222-160 USER PERMITS. (1) The following highly toxic and restricted use pesticides shall not be sold or made available to any ultimate user unless such ultimate user has obtained an annual user permit.

- (a) Bidrin
 - (b) DDT & DDD (For essential uses see Order 1281, WAC 16-223-220, 221, and 230).
 - (c) DiSyston - Liquid
 - (d) Endrin - 2.5% and above
 - (e) Parathion & Methyl Parathion - 1.1% and above
 - (f) Phosdrin
 - (g) Schradan (OMPA)
 - (h) Sodium Arsenite
 - (i) Systox (Demeton)
 - (j) Temik
 - (k) TEPP
 - (l) Thimet (Phorate) - Liquid
 - (m) Tordon® 22K - For use on rangeland and permanent grass pastures east of the crest of the Cascade Mountains. The distribution for this use of Tordon® 22K, and the weeds to be controlled, shall be limited by the supplemental labeling for "Tordon® 22K Weed Killer for use in Eastern Washington" as registered with the department by the Dow Chemical Company.
 - (n) 2,4-D - all volatile ester formulations to be used in counties located east of the crest of the Cascade Mountains.
 - (o) Zinophos
- (2) Permits may be obtained immediately prior to sale or delivery from any authorized pesticide dealer.
- (3) An ultimate user may list on his permit the name or names of an authorized agent/s for the purpose of purchasing or receiving above listed pesticides for the ultimate user.
- (4) Permits may be issued by pesticide dealers authorized to do so by the director. Authorization to issue permits may be obtained by making written application to the director.
- (5) Permits shall be on a form furnished by the director and shall include the following:
- (a) Permit number.
 - (b) Date of issuance.
 - (c) Name and address of the ultimate user.
 - (d) Crops and acreage to which the pesticides will be applied.
 - (e) Name of authorized agent/s.
 - (f) Any other information prescribed by the director.
 - (6) A copy of the permit shall be issued to the user and a duplicate copy shall be retained by the pesticide dealer. Permits shall expire on December 31 of each year.
 - (7) Authorized dealers shall keep records on each sale of these restricted use pesticides which shall include the following:
 - (a) Name and address of ultimate user.
 - (b) Name of authorized agent.
 - (c) Date of purchase.
 - (d) Brand and specific pesticide name.
 - (e) Percent active ingredient or pounds active ingredient per gallon.
 - (f) For DDT & DDD - rate of formulation to be applied per acre.
 - (g) Amount sold.
 - (h) Crop to which pesticide will be applied.

(8) Authorized pesticide dealers shall keep permits and dealer records for a period of one year from the date of issuance and the director shall have access to these records upon request. (Refer to current DDT and DDD order).

(9) Authorized pesticide dealers shall submit to the department by November 20 each year a summation of the amount of high volatile ester 2,4-D and the amount of low volatile ester 2,4-D sold to ultimate users during the previous 12-month period, October 1 to October 1.

(10) Any ultimate user found violating the provisions of this order or the approved labeled use and/or the Environmental Protection Agency or Washington State registration for that pesticide shall be subject to revocation of the permit, subject to a hearing as provided for in the Washington Pesticide Control Act, chapter 15.58 RCW: PROVIDED, That an ultimate user will not be violating this regulation when following current official Washington State University pesticide recommendations.

(11) Any pesticide applicator licensed under the provisions of the Washington Pesticide Application Act, chapter 17.21 RCW, shall not be required to obtain the permit provided for in WAC 16-222-160.

NEW WAC 16-222-180 HIGHLY TOXIC LIST. Any person selling, offering for sale, or holding for sale any of the following listed highly toxic pesticide formulations in any amount must obtain an annual license for each outlet or location from which such pesticides are sold.

ACTIDIONE - 5% and above

ALUMINUM PHOSPHIDE (Phostoxin)

ARSENIC COMPOUNDS - Inorganic insoluble arsenicals 50% and above including Calcium Arsenate, Lead Arsenate, Magnesium Arsenate, Paris Green, and London Purple. Inorganic soluble arsenicals 5% and above including Arsenious Oxide, Sodium Arsenate, and Sodium Arsenite.

AQUALIN

AZODRIN

BIDRIN - Above 25%

CARBON DISULFIDE - 90% and above

CASTRIX

CHLOROPICRIN

CYANIDE (Calcium Cyanide) - 5% and above

DASANIT

DDVP - 3.0% and above (except when impregnated in resin strips)

DELNAV - 68% and above

DEMETON (Systox) - 2% and above

DIPHACINONE - Above 3%

DI-SYSTON - 5% and above

DNBP, DNOSBP & DINITRO ORTHO CRESOL - 10% and above

DYFONATE - 16% and above

ENDOTHOL - 50% and above

ENDRIN - 2.5% and above

EPN

ETHYLENE DIBROMIDE - 83% and above

FORMALDEHYDE SOLUTIONS - 4% and above

FURADAN (Carbofuran) - 11% and above

GUTHION - 16% and above

INORGANIC CYANIDES - 5% and above

LANNATE (Methomyl)

LIQUID HCN (Hydrocyanic Acid)

MATACIL - 80% and above

MERCURY COMPOUNDS - Inorganic Salts (Except Calomel) - 20% and above (Based on percentage of Elemental Mercury present)

MERCURY METALLIC (In ointments) - 20% and above

METHYL BROMIDE (Technical)

METHYL PARATHION

MONITOR - 40% and above

NICOTINE ALKALOID - 5% and above

NICOTINE SULFATE - 41% and above (Based on Alkaloid)

OMPA

PARAQUAT - 0.5% and above

PARATHION

PHENYLMERCURIC ACETATE (PMA) - 5% and above

PHORATE (Thimet)

PHOSDRIN

PHOSPHAMIDON - Above 2%

PHOSPHOROUS (White or Yellow) - 1% and above

SELENATES & SELENITES - 3% and above

STRYCHNINE & its SALTS

TEMIK (Aldicarb)

1080 (SODIUM FLUOROACETATE)

1081 (FLUORACETAMIDE)

TEPP

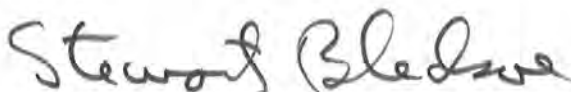
THALLIUM COMPOUNDS (Banned for all rodenticide uses)

WARFARIN & SALTS - Above 3%

ZINC PHOSPHIDE - 10% and above

ZINOPHOS

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 20, 1973