

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1573

(1) I, Bob J. Mickelson, director of Department of Agriculture

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to: WAC 16-230-250, WAC 16-230-260, WAC 16-230-270, WAC 16-230-280, and WAC 16-230-290, and WAC 16-230-300 pertaining to regulations restricting the use of microencapsulated methyl parathion.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules. 3-31-78
This action is taken pursuant to Notice No. WSR 78-04-069 & 034; 78-02-114 filed with the code reviser on 3-17-78 and 2-1-78. Such rules shall take effect:
[X] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.
I, find that an emergency exists and that the foregoing order 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 public interest. A statement of the facts constituting such emergency is:
Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

[X] (a) This rule is promulgated pursuant to RCW 15.58 and 17.21 and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency) as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND TRANSMITTED April 21 1978

FILED

APR 21 1978

By Bob J. Mickelson Director, Department of Agriculture

Title

[Form CR-7: Effective 12/1/77]

CODE REVISER'S OFFICE WSR 78-05-042



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purposes of legislative review of agency rules, the following statement is submitted:

1. Rules pertaining to the use and application of the methyl-parathion encapsulated insecticide known as PennCap-M.
2. Amendments to add additional unrestricted orchard areas and to change the restrictions on the time period for the restricted use of the insecticide.
3. Art Losey
406 General Administration Bldg.
Olympia, Washington 98504
- F. Clarke Brown
2015 S. 1st Street
Yakima, Washington 98903

4. Proponents:

Rodney B. Keller	John M. Stover	Denny Evans
Kenneth O. Turner	Chester Hemphill	Don Van Wechel
E. S. Forkel	Craig Sundquist	Rich Miller
R. Rodgers Hamilton	Donald L. Williams	Daniel R. Flick
G. R. Fanning	Martin Roys	Eldwood Dart
A. L. Hooper	Larry S. Peterson	Steve Weaver
Howard Norman	Wallace Loudon	Darrel G. Worley
Jack A. Hamilton	Norman P. Gutzwiler	David Gillespie
W. A. Duling	Eric Strutzel	Jim Gollaher
Gordon D. Grosvenor	George Sorrell	Don Craig
Francis M. Lloyd	Dick Whitehall	Dr. J. R. Lowell
G. J. Hitchner	Ray Sandidge	Benson P. Allen
Robert P. Power	George Moore	C. C. Hill
Charles D. Heinten	Grover Collins	Leo Cotter
Ralph B. Johnston	Fred Valentine	Harold Schell
Mel Crowder	Bob Valaas	George Staples
Mike Grubbs	Noel G. Adkins	John Neff
Growers Credit Corp.	Jerry Nolan	Robert Brody
James W. Stephens	Kal Kelley	Norm Kuntz
Blue Star Growers, Inc.	Fred Scaman	
Charles A. Drake	Doug Stockwell	
Edwin H. Tracy	Greg Hendrick	
R. O. Blank	Doug McDougall	
Lloyd R. Woda	Earl Talley	
Douglas Clarke	Charles Worthen	

Opponents:

Lyle Hoetner	Sid Hiatt	John Davidson
Jack Akers	Eldwood Sires	Doug Davidson
Erenest Soodnight	Louis Vanderford Blackwell	
P. F. Thurber	Erla Smith	Thomas K. Mathison
R. A. Neumann	Alfred A. Powell	W. L. Fowler
F. G. Leery	Joe Holt	Jerry L. Fife

Opponents (Continued)

Doug Fife
Gary Bradford
James B. Akers
Francis L. Marckx
Kenneth D. Stafford
Kathleen Pryor
Neil Shenyer
Kenneth B. Smith
Keith Stennes
Robert H. Turner
Tom Perkins
Ed H. Friis
Don & Margaret Stivers
William Harms
Charles E. Boone
Harold Buckmiller
Phil Hoge

Bill Chadderton
Frank Daniels
Larry Witte
Edward D. Hames
Ron Engeland
Steve Campbell
Robert N. Key
Randy Wick
E. V. Carpenter
Thomas K. Mathison
Clarence C. Smith
Harold Copple
Bill Pyper
Charles R. Freestone
Don R & Ardith E. Stivers
Warren J. Sires

Bill Bainard
Jack L. Smith
Harold Charlet
Kenneth W. Crandall
Robert Anderson
William Harris
Bradley K. Thayer
Vern Harkness
Wilbur G. Freese
Mr. & Mrs. Calhoun Shorts
T. M. Stimson
Charles E. Bratcher
David Sabold
Craig A. Bowes
William A. Harris
Laurie Davidson

NEW SECTION

WAC 16-230-250 AREA UNDER ORDER. This order will be in effect in all counties of the State of Washington.

NEW SECTION

WAC 16-230-260 DEFINITIONS. (1) "Blossoming crops" as used in this order shall mean when there are five or more blooms per square yard on the average in a given field, when there are one or more open blooms per tree or vine in an orchard or vineyard, and when there are five or more weed blooms per square yard on the average for the area being measured for cover crops in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges: PROVIDED, That white blossomed pea plants and second bloom of pears shall be exempt from this definition.

(2) "Pollen shedding corn" shall mean that stage of growth when 10 per cent or more of the corn plants in any one quarter portion of that field are showing spike anthers.

(3) "Properly marked honey bee apiaries" shall mean apiaries marked in accordance with RCW 15.60.030 as follows: "Each person owning or having bees in his possession shall register with the director the location of the bee yard, name, address, and phone number of the owner, and post at the bee yard a registration number as provided for herein, on or before April 1st each year. The director shall issue to each apiarist owning or operating more than twenty-five colonies in the state who is registered with the department a registration number, transferable, which shall be posted conspicuously at the entrance of each apiary at all times, not more than one hundred fifty feet from the bees. Bees placed in orchards for pollination shall be exempt from posting during placement."

(4) "Full bloom" shall be those dates as established by the state department of agriculture plant industry division for full bloom of red delicious apples.

NEW SECTION

WAC 16-230-270 RESTRICTIONS - EXEMPTIONS. Microencapsulated methyl parathion is hereby declared to be a restricted use pesticide and the use or application of the formulation shall be prohibited on all blossoming crops and on pollen shedding corn: PROVIDED, That (1) Winter applications of microencapsulated methyl parathion shall be allowed (using label restrictions) on winter wheat for green bug control in the wheat growing areas of eastern Washington.

(2) The application of microencapsulated methyl parathion shall be allowed (using label restrictions) in the Palouse area of Spokane and Whitman counties. This area shall be bounded on the north by an east-west line along longitude 47°30', in the southern portion of Spokane county, to the southern boundary of Whitman county. Applications of microencapsulated methyl parathion on white blooming peas in this area shall be prohibited within 1/2 mile of the breaks of the Sanke River Canyon.

(3) Applications of microencapsulated formulations of methyl parathion shall be prohibited on orchards before thirty days from full bloom of each year in the area under order.

(4) The use of microencapsulated methyl parathion shall be allowed, (using label restrictions) during the period starting thirty days from full bloom to sixty days from full bloom in all orchards within designated areas in the Wenatchee River Valley area from the mouth of the Wenatchee River through Leavenworth, excluding Mission Creek and Brender Canyons; Entiat proper and the Entiat Valley area from the mouth of the Entiat River through Ardenvoir; and the Howard Flats area and the Chelan-Manson area from the mouth of the Chelan River to the town of Lake Chelan on the south side of Lake Chelan and to Antilon Creek on the north side of Lake Chelan.

NEW SECTION

WAC 16-230-280 SIX-MILE RADIUS. The application of microencapsulated methyl parathion shall be prohibited on all blossoming crops and pollen shedding corn when properly marked honey bee apiaries occur within a six-mile radius of the blossoming crop or pollen shedding corn to be treated; PROVIDED, That designated orchard areas in WAC 16-230-270(4) shall be excluded from this requirement during the period starting thirty days from full bloom to sixty days from full bloom.

NEW SECTION

WAC 16-230-290 DISTRIBUTION. Microencapsulated methyl parathion shall be distributed only by licensed pesticide dealers to certified applicators or their authorized representative. Microencapsulated methyl parathion shall be applied only by certified applicators or by persons under the direct supervision of a certified applicator.

NEW SECTION

WAC 16-230-300 SUPERSEDURE. This order supersedes all previous restrictions related to the use of methyl parathion formulations where a conflict may exist in Order No. 1299 (relating to the restricted use of insecticides on corn actively shedding pollen).