

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1924

(1) I, C. Alan Pettibone, director of the department of agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

use of dinoseb on dry peas, chickpeas and lentils.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on These rules shall take effect:
[] thirty days after they are filed with the code reviser 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, C. Alan Pettibone, find that an emergency exists and that this 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 the emergency is: In the fall of 1986, the U.S. Environmental Protection Agency suspended all uses of the herbicide dinoseb. The dry pea and lentil industry appealed the EPA decision and on April 1 1987 the EPA agreed to allow the use of dinoseb on dry peas, chickpeas and lentils under severe restrictions. These emergency rules are to place further restrictions on the distribution and use of dinoseb in Washington and must be effective immediately because the application season begins on April 5, 1987. These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 ADOPTED April 2 1987

STATE OF WASHINGTON FILED

By [Signature] Deputy Director

APR 2 1987

CODE REVISER'S OFFICE WSR 87-09-001

NEW SECTION

WAC 16-228-400 RESTRICTED USE PESTICIDE. Dinoseb is hereby declared to be a restricted use pesticide. The use or application of any formulation of dinoseb shall be limited to dry peas, chickpeas and lentils prior to July 15, 1987 under the conditions of the Section 18 issued by the federal Environmental Protection Agency.

NEW SECTION

WAC 16-228-410 DISTRIBUTION. Distribution of dinoseb shall be only by pesticide dealers who are currently licensed with the Washington State department of agriculture and who have obtained a permit from the department to distribute dinoseb. The permit shall contain dealer recordkeeping and distribution requirements.

NEW SECTION

WAC 16-228-420 PRIVATE APPLICATOR RECORDS. Private applicators applying dinoseb shall keep records in accordance with the provisions of the federal Section 18 and furnish them to the department as required.

NEW SECTION

WAC 16-228-430 TRAINING. Persons applying dinoseb shall be required to have proof of attending specific training in the use of dinoseb or having passed an examination demonstrating knowledge of the Section 18 and the safe handling, use, application and disposal of dinoseb.