



**RULE-MAKING ORDER**  
(RCW 34.05.360)

Adm. Order 3035

**CR-103** (10/1/89)

- Permanent Rule  
 Emergency Rule

Agency: Washington State Dept. of Agriculture

(1) Date of adoption: June 14, 1993

(2) Purpose:  
Restrictions on the use of phosdrin in WAC 16-219

(3) Citation of existing rules affected by this order:

- Repealed:  
Amended:  
Suspended:

(4) Authority for adoption:  
Statute: RCW 15.58 and 17.21  
Other Authority:

**(5.1) PERMANENT RULE ONLY**

Pursuant to notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

Describe any changes other than editing from proposed to adopted version:

**(5.2) EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Due to the loss of pesticides used to control aphids in an orchard environment, a situation now exists which will prompt the use of Mevinphos (phosdrin) which is a highly toxic pesticide. Existing product label requirements do not provide adequate protection for pesticide applicators and other workers until rules can be adopted on a permanent basis.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes  No If yes, explain:

(6) Effective date of rule:

- |  |   |
|--|---|
| <b>Permanent Rules</b>                           | <b>Emergency Rules</b>                          |
| <input type="checkbox"/> 31 days after filing    | <input checked="" type="checkbox"/> Immediately |
| <input type="checkbox"/> Other (specify) _____ * | <input type="checkbox"/> Later (specify) _____  |

\* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON

JUN 14 1993

TIME 4:30  
DATE 93-13-046

NAME (TYPE OR PRINT)

John King

SIGNATURE

*John King*

Acting Director

DATE  
6/14/93

Chapter 16-219 WAC  
Restricted Use Pesticides

**WAC**

- 16-219-015 Restricted use pesticides--Mevinphos (Phosdrin).
- 16-219-020 Application requirements--Mevinphos (Phosdrin).
- 16-219-025 Restricted Entry Interval--Posting--Mevinphos (Phosdrin).
- 16-219-030 Training--Mevinphos (Phosdrin).

**NEW SECTION**

**WAC 16-219-015 Restricted use pesticides--Mevinphos (Phosdrin).** For the purposes of WAC 16-219-010 through 16-219-020, all formulations of mevinphos (Phosdrin) are declared to be restricted use pesticides due to its acute toxicity. If any restriction in WAC 16-219-010 through 16-219-020 is in conflict with restrictions on the pesticide label, the most restrictive statement will apply.

**NEW SECTION**

**WAC 16-219-020 Application requirements--Mevinphos (Phosdrin).** The following restrictions apply to any application of mevinphos (Phosdrin) to pears or apples:

- (1) A maximum of one pound active ingredient may be applied per acre per application.
- (2) A minimum of seven days between applications shall be observed.
- (3) Do not apply within ninety-six hours of harvest.
- (4) An observer shall be present during all mixing and loading activities in order to furnish assistance in the event of an accident. The observer shall not be involved in the mixing or loading operation.
- (5) Do not apply within one hundred feet of any inhabited building or public road.
- (6) Do not apply when wind speeds exceed ten miles per hour.
- (7) Do not apply when air temperature exceeds 80 degrees Fahrenheit.
- (8) Do not apply with hand equipment.
- (9) Human flaggers are prohibited during aerial application.
- (10) The pilot making the application may not assist in the mixing and loading operation, but may act as the observer as required in subsection (4) of this section.

## **NEW SECTION**

### **WAC 16-219-025 Restricted Entry Interval--Posting--Mevinphos (Phosdrin).**

(1) Entry into a pear or apple orchard treated with mevinphos (Phosdrin) is prohibited for ninety-six hours after application: PROVIDED, That entry into the treated area may occur within the ninety-six hour interval if the person is wearing all the protective clothing required on the pesticide label for an applicator.

(2) Any time mevinphos (Phosdrin) is applied to pears or apples, the area being treated shall be posted with warning signs.

## **NEW SECTION**

**WAC 16-219-030 Training--Mevinphos (Phosdrin).** (1) Any company registering any formulation of mevinphos (Phosdrin) for use on apples or pears in Washington shall be responsible for ensuring that appropriate training in the safe use of mevinphos (Phosdrin) is made available. The training shall include, but not be limited to, the following information: Storage, handling, disposal, enclosed cabs, closed mixing/loading systems, poisoning symptoms/first aid, personal protective equipment, reentry and posting.