



RULE-MAKING ORDER
(RCW 34.05.360)

5003

CR-103 (10/1/89)

- Permanent Rule
- Emergency Rule

Agency: AGRICULTURE

(1) Date of adoption: August 6, 1993

(2) Purpose: Restrictions on the use of microencapsulated methyl parathion in chapter 16-230 WAC.

(3) Citation of existing rules affected by this order:
Repealed: 16-230-280; 16-230-300
Amended: 16-230-250; 16-230-260; 16-230-290
Suspended:

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

(5.1) PERMANENT RULE ONLY
Pursuant to notice filed as WSR 93-12-129 & 93-16-018 on 6/2/93 & 7/23/93 (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:

(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:
Permanent Rules Emergency Rules
 31 days after filing Immediately
 Other (specify) _____ * 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

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STATE OF WASHINGTON

AUG 11 1993

TIME 3:12

NOV 93 17 041

NAME (TYPE OR PRINT)
John King
SIGNATURE
John King
TITLE
Acting Director
DATE
8/11/93

AMENDATORY SECTION (Amending Order 1573, filed 4/21/78)

WAC 16-230-250 Microencapsulated methyl parathion--Area under order. ((This order will)) WAC 16-230-260 through 16-230-290 shall be in effect in all counties of the state of Washington.

AMENDATORY SECTION (Amending Order 1573, filed 4/21/78)

WAC 16-230-260 Microencapsulated methyl parathion--Definitions. (1) "Blossoming ((crops)) plants" as used in ((this order)) WAC 16-230-270 through 16-230-290 shall mean:

(a) When there are five or more blooms per square yard on the average in a given field((7)); or

(b) When there are one or more open blooms per tree or vine in an orchard or vineyard((7-and)); or

(c) When there are five or more open weed blooms per square yard on the average for the area being measured for ground 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)) this definition shall not apply to blossoming plants that are not attractive to bees such as barley, lentils, white blossomed peas, second bloom of pears, potatoes, and wheat.

(2) "Pollen shedding corn" shall mean that stage of growth when ((10)) ten percent 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.")) and rules adopted thereunder. See WAC 16-602-040.

(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)) mean when there are three open blooms per spur cluster on the north side of an apple tree or when eighty percent of the king blossoms are open.

WAC 16-230-270 Microencapsulated methyl parathion--Restrictions (~~Exemptions~~). (1) Microencapsulated methyl parathion is hereby declared to be a restricted use pesticide and the use or application of the formulation, either directly or through drift, shall be prohibited on all blossoming (~~(crops)~~) plants and on pollen shedding corn (~~(: Provided, That (1) on or after October 15 through May 15 of the following year, applications of microencapsulated methyl parathion shall be allowed (using label restrictions) on winter wheat for aphid 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 Snake River Canyon).~~

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

~~(4) The use)) (2) Applications of microencapsulated methyl parathion shall be ((allowed, (using label restrictions) during the period starting)) prohibited on orchards until thirty days after full bloom ((to sixty days after full bloom)) of red delicious apples in each year 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)) fruit growing districts: Provided, That applications of microencapsulated methyl parathion shall be further prohibited on orchards until fifty days after full bloom of red delicious apples in each year in all fruit growing districts located in Yakima and Benton counties.~~

NEW SECTION

WAC 16-230-281 Microencapsulated methyl parathion--Emergency clause--Permits. (1) In the event of an emergency, as declared by the director, the department may issue permits for the use of microencapsulated methyl parathion that are otherwise prohibited in WAC 16-230-270. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agricultural crop substantially outweighs the risk and amount of damage likely to occur if a permit is issued.

(2) Application for a permit may be made by mail or in person to the Washington State Department of Agriculture, Pesticide Management Division, 2015 S. 1st Street, Yakima, WA 98903-2231.

Applications may also be by facsimile ((509) 575-2210). Permits will not be granted by telephone.

(3) Any permit issued shall be subject to terms and conditions as prescribed by the director to prevent damage to apiaries. Conditions may include but not be limited to on-site monitoring by the department and locations of properly marked honey bee apiaries. A representative of the department may condition, deny, or revoke a permit at any time if the representative determines that the situation at the application site creates an unreasonable risk. Any denial or revocation of a permit is subject to provisions outlined in RCW 34.05.479.

AMENDATORY SECTION (Amending Order 1573, filed 4/21/78)

WAC 16-230-290 Microencapsulated methyl parathion--
Distribution. (1) Microencapsulated methyl parathion shall not 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)) unless the purchaser has obtained a written recommendation: Provided, That this shall not apply to applications performed by a licensed commercial applicator or public operator.

(2) A written recommendation shall be prepared by a licensed commercial pest control consultant, or public pest control consultant, and shall include the following information:

- (a) Customer name;
- (b) Crop or site to be treated;
- (c) Number of acres to be treated;
- (d) Legal description (to the nearest quarter/quarter section) or other clearly identifiable description of physical location;
- (e) Tentative date of application;
- (f) Pest(s) to be controlled;
- (g) Rate per acre and dilution of microencapsulated methyl parathion to be used;
- (h) Special precautions to be followed (e.g., bloom removal, drift control); and
- (i) Name and license number of the person making the recommendation.

(3) Pesticide dealers shall keep a copy of the written recommendation on file for a period of three years from the date of distribution. Written recommendations shall be available to the director immediately upon request.

(4) Pesticide dealers shall provide a copy of the microencapsulated methyl parathion rules to the purchaser at the time of distribution.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-230-280 Six-mile radius.

WAC 16-230-300 Supersedure.