



RULE-MAKING ORDER
(RCW 34.05.360)

Order 5004

CR-103 (10/1/89)

Agency: **Washington State Department of Agriculture**

- Permanent Rule
 Emergency Rule

(1) Date of adoption: **August 30, 1993**

(2) Purpose: **Emergency rules relating to the use of mevinphos (Phosdrin) in Chapter 16-219 WAC.**

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

Repealed:
Amended: **16-219-015.**
Suspended:

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

- DM* (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: **During recent events concerning the use of Phosdrin, individuals have visited the emergency room and three individuals were admitted to the hospital with symptoms of pesticide poisoning. The Department is prohibiting the use and application of Phosdrin in orchards until a hearing is held to consider the permanent adoption of prohibiting the use and application.**

(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
<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

STATE OF WASHINGTON

AUG 30 1993

401
16-18-0009

NAME (TYPE OR PRINT)
John M. King

SIGNATURE
John M. King

TITLE
Acting Director

DATE
8/30/93

NEW SECTION

WAC 16-219-014 Use and application--Mevinphos (Phosdrin). The use and application of all formulations containing the active ingredient mevinphos (Phosdrin) shall be prohibited in all orchards throughout the state of Washington.

AMENDATORY SECTION

WAC 16-219-015 Restricted use pesticides--Mevinphos (Phosdrin).

For the purposes of ~~((WAC 16-219-015 through 16-219-030))~~ WAC 16-219-014 through 16-219-027, all formulations of mevinphos (Phosdrin) are declared to be restricted use pesticides due to its acute toxicity. If any restriction in ~~((WAC 16-219-015 through 16-219-030))~~ WAC 16-219-014 through 16-219-027 is in conflict with restrictions on the pesticide label, the most restrictive statement will apply.

NEW SECTION

WAC 16-219-016 Certified applicator requirements--Mevinphos (Phosdrin).

All mixing, loading of any apparatus, or application of mevinphos (Phosdrin) shall be conducted by a certified applicator who is licensed to apply the product: PROVIDED, That when an aerial application is to be made, the pilot may not act as the certified applicator for mixing and loading or otherwise assist in the mixing and loading operation.

NEW SECTION

WAC 16-219-026 Dealer requirements--Mevinphos (Phosdrin). Pesticide dealers shall provide a copy of the Mevinphos (Phosdrin) rules to the purchaser at the time of distribution.

NEW SECTION

WAC 16-219-027 Applicator site observations--Mevinphos (Phosdrin). Any application site onto which Mevinphos (Phosdrin) will be applied shall be observed by the licensed applicator responsible for the application at least fifteen minutes prior to the start of the application. Observations shall be made to determine the presence of humans and nearby dwellings.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-219-020 Application requirements--Mevinphos (Phosdrin).

WAC 16-219-025 Restricted entry interval--Posting--Mevinphos (Phosdrin).

WAC 16-219-030 Training--Mevinphos (Phosdrin).