

Title 16 WAC

AGRICULTURE, DEPARTMENT OF

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Chapter 16-484 POTATO VIRUS Y - N QUARANTINE

- 16-484-200 Definitions. [Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-200, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-484-205 Penalties. [Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-205, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07,

effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.

- 16-484-210 Quarantine—PVYⁿ. [Statutory Authority: Chapter 17.24 RCW. 02-12-009, § 16-484-210, filed 5/23/02, effective 6/23/02; 91-13-026 (Order 2087), § 16-484-210, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-484-220 Area under quarantine. [Statutory Authority: Chapter 17.24 RCW. 02-12-009, § 16-484-220, filed 5/23/02, effective 6/23/02; 91-13-026 (Order 2087), § 16-484-220, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-484-230 Regulated articles. [Statutory Authority: Chapter 17.24 RCW. 02-12-009, § 16-484-230, filed 5/23/02, effective 6/23/02; 91-13-026 (Order 2087), § 16-484-230, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-484-240 Conditions governing the movement of regulated articles into Washington state. [Statutory Authority: Chapter 17.24 RCW. 02-12-009, § 16-484-240, filed 5/23/02, effective 6/23/02; 91-13-026 (Order 2087), § 16-484-240, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-484-250 Special permits and compliance agreements. [Statutory Authority: Chapter 17.24 RCW. 02-12-009, § 16-484-250, filed 5/23/02, effective 6/23/02; 91-13-026 (Order 2087), § 16-484-250, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-484-260 Disposition of regulated articles entering in violation or found infected with PVYⁿ. [Statutory Authority: Chapter 17.24 RCW. 02-12-009, § 16-484-260, filed 5/23/02, effective 6/23/02; 91-13-026 (Order 2087), § 16-484-260, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.

Chapter 16-25 WAC DISPOSAL OF DEAD LIVESTOCK

WAC

- 16-25-010 Purpose.
- 16-25-015 Applicability.
- 16-25-020 Definitions.
- 16-25-025 Routine disposal.
- 16-25-030 Disposal of livestock that have died from a reportable disease.
- 16-25-040 General emergency authority.

WAC 16-25-010 Purpose. The purpose of this rule is to prevent the transmission of livestock diseases and to protect the public health, safety, and welfare and Washington state's livestock industry through the proper routine disposal of carcasses of livestock that have died because of disease. The statutory authority for the rule is found in RCW 16.36.010 and 16.36.092.

[Statutory Authority: RCW 16.36.010, 16.36.092, and chapter 34.05 RCW. 07-10-086, § 16-25-010, filed 5/1/07, effective 6/1/07.]

WAC 16-25-015 Applicability. This rule applies to the disposal of livestock that has died because of disease or an unknown cause.

[Statutory Authority: RCW 16.36.010, 16.36.092, and chapter 34.05 RCW. 07-10-086, § 16-25-015, filed 5/1/07, effective 6/1/07.]

WAC 16-25-020 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Burial" means placing a carcass below the natural surface of the ground and completely covering it with soil.

"Carcass" means the body or tissues of a livestock animal that has died or has been killed other than by slaughter for human or animal consumption or commercial use.

"Composting" means the aerobic decomposition of organic matter under controlled conditions.

"Death from disease" means livestock that has died from a disease or an unknown cause.

"Emergency disposal" means disposal of carcasses ordered depopulated by the director or depopulated as a result of a reportable disease listed in WAC 16-70-010.

"Incineration" means the controlled and monitored combustion of carcasses for the purposes of volume reduction and pathogen control as approved by the department of ecology or local air pollution control authorities.

"Landfill" means a permitted facility, whether on-site or off-site, where solid waste is permanently placed in or on land, in accordance with chapter 70.95 RCW and chapters 173-350 and 173-351 WAC.

"Livestock" means horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds, and other species so designated by statute. This term does not include free ranging wildlife as defined in Title 77 RCW.

"Natural decomposition" means decomposition of carcasses through natural decay processes on the surface of the ground without cover material.

"Open burning" means the act of consuming or destroying a carcass by fire with or without the use of an accelerant.

"Rangeland" means a large open area for grazing of livestock in excess of one hundred sixty acres of contiguous usable grazing or timberland.

"Rendering" means the practice of using heat to convert dead animal carcasses and animal by-products into marketable products, such as meat and bone meal for animal feed, human food additives, or cosmetics.

"Routine disposal" means the disposal of the carcass of a livestock animal that died in the normal course of business. Routine disposal does not include carcasses of livestock ordered depopulated by the director or depopulated as a result of a reportable disease listed in WAC 16-70-010.

[Statutory Authority: RCW 16.36.010, 16.36.092, and chapter 34.05 RCW. 07-10-086, § 16-25-020, filed 5/1/07, effective 6/1/07.]

WAC 16-25-025 Routine disposal. A carcass must be disposed of within seventy-two hours of the time of death or discovery to avoid nuisance odors or disease. If weather conditions prevent burial within seventy-two hours and rendering, composting, landfilling, or natural decomposition cannot be accomplished, then the carcass must be buried as soon as the weather permits. The following are acceptable methods for the routine disposal of carcasses:

(1) **Burial.**

(a) A carcass may be disposed of by burial on the property where the livestock animal died if done with the approval of the property owner.

(b) A carcass must be buried to a depth so that no part of the carcass is nearer than three feet to the natural surface of the ground. Every part of the carcass must be covered with at least three feet of soil within twenty-four hours of placement in the ground.

(c) Carcass burial must be:

(i) At least three hundred feet from any well, spring, or body of surface water, such as a river, stream, lake, pond, or intermittent stream;

(ii) At least three hundred feet from any residence not owned by the owner of the livestock animal;

(iii) At least fifty feet from any property line between parcels under different ownership; and

(iv) Not in a low-lying area subject to seasonal flooding or within a hundred-year flood plain or in a manner that will impact ground water.

(d) Each burial site is limited to one thousand pounds of carcasses or one livestock animal weighing more than one thousand pounds.

(e) Carcass burial is not allowed on a property of less than five acres, except for the burial of a single carcass weighing less than two hundred pounds. The maximum amount of land used for burial during any year is limited to ten percent of the property or one acre, whichever is greater.

(2) **Burning.** Open burning of carcasses is not allowed for routine disposal under RCW 70.94.775.

(3) **Composting.** Composting must be conducted in compliance with chapter 70.95 RCW and chapter 173-350 WAC.

(4) **Incineration.**

(a) Complete incineration of carcasses to a mineral residue must be performed in an approved incineration facility or by a mobile air curtain incinerator; and

(b) Appropriate permits must be obtained in advance through the local air pollution control authority or the department of ecology in accordance with requirements of chapter 70.94 RCW, Washington Clean Air Act.

(5) **Landfill.** Carcasses may be disposed of at a privately or publicly owned landfill with prior approval of the local health officer and the landfill operator, and permitted in accordance with chapter 70.95 RCW and chapters 173-350 and 173-351 WAC.

(6) **Natural decomposition.** A livestock animal that dies on private or state rangeland from causes other than a significant infectious or contagious disease agent may be left to decompose naturally on that property as long as the carcass:

(a) Is at least one thousand three hundred twenty feet from any well, spring, sinkhole, or body of surface water such as a river, stream, lake, pond, or intermittent stream;

(b) Is at least one thousand three hundred twenty feet from any residence not owned by the owner of the dead livestock animal;

(c) Is at least one thousand three hundred twenty feet from any public roadway;

(d) Is out of public view; and

(e) Is left to decompose on the land with the property owner's permission.

(7) **Digestion.** Digestion of carcasses may be accomplished only in a properly designed and sized carcass digester approved by the director.

(8) **Rendering.** Carcasses may be rendered only by a rendering plant licensed under chapter 16.68 RCW, Disposal of dead animals.

[Statutory Authority: RCW 16.36.010, 16.36.092, and chapter 34.05 RCW. 07-10-086, § 16-25-025, filed 5/1/07, effective 6/1/07.]

WAC 16-25-030 Disposal of livestock that have died from a reportable disease. The carcass of a livestock animal that has died from a reportable disease must be disposed of in consultation with the state veterinarian. The list of reportable diseases and reporting requirements are found in chapter 16-70 WAC.

[Statutory Authority: RCW 16.36.010, 16.36.092, and chapter 34.05 RCW. 07-10-086, § 16-25-030, filed 5/1/07, effective 6/1/07.]

WAC 16-25-040 General emergency authority. If the state veterinarian determines there is an animal health emergency, the state veterinarian has the authority to specify the method of disposal and place additional requirements for the disposal of carcasses of livestock animals that die of disease or are euthanized to prevent the spread of disease.

[Statutory Authority: RCW 16.36.010, 16.36.092, and chapter 34.05 RCW. 07-10-086, § 16-25-040, filed 5/1/07, effective 6/1/07.]

Chapter 16-30 WAC

RESTRICTED FEEDLOTS AND RESTRICTED HOLDING FACILITIES

WAC

16-30-010	Definitions.
16-30-025	Restricted feedlots.
16-30-030	Conditions of permit to operate a restricted feedlot.
16-30-035	Restricted holding facilities.
16-30-038	Conditions of permit to operate a restricted holding facility.
16-30-039	Permit applications for a restricted feedlot or restricted holding facility.
16-30-040	Expiration and revocation of restricted feedlot and restricted holding facility permits.
16-30-050	Brands.
16-30-060	Brand time.
16-30-070	Place of brand.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-30-020	Permit applications. [Statutory Authority: RCW 16.36-040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-020, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-020, filed 2/5/88; Order 955, Regulation 2, filed 8/31/64; Order 851, Regulation 2, effective 7/19/61.] Repealed by 08-01-095, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-30-080	Lot size. [Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-080, filed 2/5/88; Order 955, Regulation 8, filed 8/31/64; Order 851, Regulation 8, effective 7/19/61.] Repealed by 08-01-095, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-30-090	Feedlot requirements. [Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-090, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-090, filed 2/5/88; Order 955, Regulation 9, filed 8/31/64; Order 851, Regulation 9, effective 7/19/61.] Repealed by 08-01-095, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.

WAC 16-30-010 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of the department of agriculture or the director's authorized representative.

"Official individual identification" means identifying an animal or group of animals using devices or methods including, but not limited to, official tags, tattoos, and registered brands when accompanied by a certificate of brand inspection from a brand inspection authority who is recognized by the director.

"Restricted cattle" means cattle being held in a restricted holding facility or a restricted feedlot.

"Restricted feedlot" means a dry feed yard with no provision for grazing where cattle specified in this rule are confined for feeding and kept separate and apart from all other cattle.

"Restricted holding facility" means a dry feed yard with no provision for grazing where cattle are held to meet import test requirements.

"Test-eligible" means bulls over six months of age, brucellosis vaccinated female dairy cattle over twenty months of age, and brucellosis vaccinated beef breed female cattle over twenty-four months of age.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-010, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 16.36 RCW. 99-14-032, § 16-30-010, filed 6/29/99, effective 7/30/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-010, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-010, filed 2/5/88; Order 955, Regulation 1, filed 8/31/64; Order 851, Regulation 1, effective 7/19/61.]

WAC 16-30-025 Restricted feedlots. (1) A restricted feedlot is a designated area that is isolated from all other non-restricted areas within a feedlot. Restricted feedlots must meet the following standards:

(a) Cattle in the restricted feedlot must not share water or feeding facilities accessible to other areas.

(b) Restricted feedlots must be clearly identified as such by signs permanently affixed at all corners stating "restricted feeding area" in letters a minimum of six inches in height.

(c) There must be a minimum of thirty feet between restricted feedlots and other lots and facilities.

(d) No common fences and gates may be used.

(2) The purpose of a restricted feedlot is to accept for feeding purposes with no provision for grazing:

(a) Female cattle from a Class Free state that are not officially brucellosis vaccinated and not knowingly exposed to brucellosis;

(b) Cattle that enter Washington state on a brand certificate that includes the permit number and without a certificate of veterinary inspection; and

(c) Cattle imported from Canada. These cattle must be confined to the initial restricted feedlot until moved to slaughter.

(3)(a) Restricted feedlots may buy and import cattle from a Class A state if the cattle do not originate from a herd known to be exposed to brucellosis. Female cattle entering a restricted feedlot from a Class A state must be:

(i) Officially brucellosis vaccinated; or

(ii) Brucellosis tested negative within thirty days prior to movement.

(b) Cattle may not be imported from restricted feedlots that accept cattle known to be exposed to brucellosis.

(4) The classification of states and areas as Class Free and Class A is designated by United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) in Title 9 CFR Part 78.41 (January 1, 2006) and is defined in *Brucellosis Eradication: Uniform Methods and Rules*, effective October 1, 2003.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-025, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-025, filed 2/23/89.]

WAC 16-30-030 Conditions of permit to operate a restricted feedlot. The operator of a restricted feedlot must abide by the following conditions:

(1) There may be no contact between animals not also similarly restricted.

(2)(a) No cattle, except for brucellosis vaccinated females, may be removed from the restricted feedlot except to a federally inspected slaughter plant or a restricted feedlot of like status or to a licensed public livestock market where they will be marketed for immediate slaughter.

(b) Cattle that move from a restricted feedlot to a public livestock market must be identified with an "F" brand and remain in the slaughter channels.

(c) Female cattle that are calfhooed vaccinated may be removed from the restricted feedlot for breeding purposes only and by permit from the director. Calfhooed vaccinated female cattle that are test-eligible must also test negative for brucellosis and tuberculosis before removal from the restricted feedlot for breeding purposes.

(d) Bulls under six months of age may be removed from the restricted feedlot for breeding purposes only.

(3) The restricted feedlot will be maintained in a sanitary condition.

(4) The department will be notified immediately of any outbreak of any infectious or contagious disease.

(5) The disposal of dead livestock will be in accordance with the laws relating to the disposal of dead livestock and in accordance with chapter 16-25 WAC.

(6) Accurate records will be kept for six years accounting for all cattle entering and leaving the restricted feedlot.

(7) Proper facilities shall be provided for inspection of brands, branding, and identification of cattle.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-030, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-030, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-030, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 83-07-028 (Order 1790), § 16-30-030, filed 3/14/83; Order 955, Regulation 3, filed 8/31/64; Order 851, Regulation 3, effective 7/19/61, but corrected for clerical error by filing dated 7/20/61.]

WAC 16-30-035 Restricted holding facilities. (1) Restricted holding facilities are areas approved by the director, as advised by the designated brucellosis and tuberculosis epidemiologist. Such facilities are specifically for cattle that have been imported into the state but have not met the department's brucellosis and tuberculosis entry requirements.

(2) The restricted holding facility area shall house restricted cattle separate and apart from all other cattle.

(3) Upon negative brucellosis and tuberculosis test results, restricted cattle will be released from the holding facility.

(4) Milk from restricted cattle may not be used for human consumption.

(5) Restricted holding facilities must be clearly identified as such by signs permanently affixed at all corners stating "restricted holding facility" in letters a minimum of six inches in height.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-035, filed 12/17/07, effective 1/17/08.]

WAC 16-30-038 Conditions of permit to operate a restricted holding facility. The operator of a restricted holding facility must abide by the following conditions:

(1) All cattle entering restricted holding facilities must have official individual identification listed on the certificate of veterinary inspection.

(2) There may be no contact between cattle not also similarly restricted and no commingling between separate shipments of cattle.

(3) No cattle may be removed from the restricted holding facility until they meet state and federal import regulations.

(4) Cattle may be removed from the restricted holding facility without meeting state and federal import regulations if they are sent to a federally inspected slaughter plant.

(5) The restricted holding facility will be maintained in a sanitary condition.

(6) The department of agriculture will be notified immediately of any outbreak of any infectious or contagious disease.

(7) The disposition of dead cattle will be in accordance with the laws relating to the disposal of dead livestock and in accordance with chapter 16-25 WAC.

(8) Accurate records will be kept for six years to account for all cattle entering and leaving the restricted holding facility. Records must be open for review by authorized department of agriculture personnel during normal business hours, and must be provided to the department upon the director's request.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-038, filed 12/17/07, effective 1/17/08.]

WAC 16-30-039 Permit applications for a restricted feedlot or restricted holding facility. (1) Application forms to establish a restricted feedlot or restricted holding facility may be obtained from:

Washington State Department of Agriculture
Animal Services Division
1111 Washington St. S.E.
P.O. Box 42577
Olympia, Washington 98504-2577
Phone: 360-902-1878.

(2) Applicants for restricted feedlots and restricted holding facilities must provide the following information on the application form:

(a) Name and address of applicant;

(b) Location of the restricted feedlot or restricted holding facility; and

(c) Drawing of the layout of the restricted feedlot or restricted holding facility.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-039, filed 12/17/07, effective 1/17/08.]

WAC 16-30-040 Expiration and revocation of restricted feedlot and restricted holding facility permits.

(1) All permits for restricted feedlots and holding facilities expire on the 30th day of June of the year following the date of issue. Restricted feedlots and holding facilities must be inspected annually upon renewal and at any other time as determined by the director. Renewal of a restricted feedlot is contingent upon accurate recordkeeping.

(2) Any violation of chapter 16.36 RCW or any of the rules adopted under that chapter is sufficient cause for the suspension or revocation of any permit to operate a restricted feedlot or restricted holding facility. In all proceedings for suspension or revocation of a restricted feedlot or restricted holding facility permit, the owner or manager has the right to request a hearing before revocation is made permanent. Any action shall be taken under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-040, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-040, filed 2/5/88; Order 955, Regulation 4, filed 8/31/64; Order 851, Regulation 4, effective 7/19/61.]

WAC 16-30-050 Brands. Before a permit is issued for a restricted feedlot the operator or owner must have an "F" brand and number recorded with the state department of agriculture. Such a brand consists of the letter "F" followed by an assigned number and is to be used only by the restricted feedlot to which it is recorded.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-050, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-050, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-050, filed 2/5/88; Order 955, Regulation 5, filed 8/31/64; Order 851, Regulation 5, effective 7/19/61.]

WAC 16-30-060 Brand time. For the purpose of proper identification, all cattle moving from a restricted feedlot to a public livestock market must be branded with an "F" brand.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-060, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-060, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-060, filed 2/5/88; Order 955, Regulation 6, filed 8/31/64; Order 851, Regulation 6, effective 7/19/61.]

WAC 16-30-070 Place of brand. (1) The "F" brand shall be placed immediately behind the shoulder and high on the back. In the event a brand is already situated there, the feedlot brand may be placed directly in front of or below the existing brand, but must not deface the existing brand.

(2) Restricted feedlots may apply for an "F" series brand from the department at the following address:

Brand Registrar
Washington State Department of Agriculture
P.O. Box 42577
Olympia, WA 98504-2577
Phone: 360-725-5505.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-070, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040

and 16.36.050. 89-06-014 (Order 1995), § 16-30-070, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-070, filed 2/5/88; Order 955, Regulation 7, filed 8/31/64; Order 851, Regulation 7, effective 7/19/61.]

Chapter 16-54 WAC

ANIMAL IMPORTATION

WAC

16-54-010	Definitions.
16-54-025	Transporting livestock—Sanitary requirements.
16-54-028	Testing procedure requirements.
16-54-030	Certificate of veterinary inspection, and entry permit requirements.
16-54-032	Certificate of veterinary inspection—Required information.
16-54-060	Quarantine.
16-54-065	Prohibited entries.
16-54-068	Restrictions.
16-54-071	Domestic equine and equine reproductive products—Importation requirements.
16-54-082	Domestic bovine animals—Importation requirements.
16-54-083	Domestic and foreign bovine brucellosis requirements.
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16-54-090	Goats—Importation and testing requirements.
16-54-101	Sheep—Importation and testing requirements.
16-54-105	Llamas and alpacas.
16-54-111	Swine—Importation and testing requirements.
16-54-145	Poultry, including ratites—Importation and testing requirements.
16-54-160	Birds other than poultry—Importation and testing requirements.
16-54-170	Dogs, cats, and ferrets—Importation and testing requirements.
16-54-180	Wild and exotic animals and birds—Importation and testing requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-54-018	Official brucellosis vaccinates. [Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-018, filed 4/15/99, effective 5/16/99.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-54-020	Illegal importation. [Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-020, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-020, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-020, filed 10/15/92, effective 11/15/92; Order 1540, § 16-54-020, filed 10/17/77; Order 1172, § 16-54-020, filed 12/15/70; Order 1024, filed 7/22/66, effective 8/22/66; Order 957, Regulation 2, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-54-035	Certification of health—Wild and exotic animals. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-035, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-035, filed 10/15/92, effective 11/15/92.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-54-040	Immediate slaughter cattle and horses. [Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-040, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapter 16.36 RCW. 83-09-009 (Order 1792), § 16-54-040, filed 4/8/83; Order 1172, § 16-54-040, filed 12/15/70; Order 1024, Regulation 7, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61, Order 756, filed 3/22/60.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-54-050	Vehicles. [Order 1172, § 16-54-050, filed 12/15/70; Order 1024, Regulation 4, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed

- 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-54-120 Dogs and cats. [Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-120, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 87-08-021 (Order 1918), § 16-54-120, filed 3/25/87; Order 1540, § 16-54-120, filed 10/17/77; Order 1172, § 16-54-120, filed 12/15/70; Order 1024, Regulation 12, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-54-125 Species prohibited by state health department. [Statutory Authority: RCW 16.70.040. 97-01-068 (Order 6010), § 16-54-125, filed 12/16/96, effective 1/16/97; Order 1172, § 16-54-125, filed 12/15/70.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-54-135 Llamas and alpacas. [Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-135, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-135, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-135, filed 10/15/92, effective 11/15/92.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-54-155 Exotic Newcastle Disease (END) quarantine. [Statutory Authority: Chapters 16.36 and 34.05 RCW. 03-19-029, § 16-54-155, filed 9/9/03, effective 10/10/03.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.

WAC 16-54-010 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Accredited free state" means a state that has been determined by United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) to have a zero prevalence of cattle and bison herds affected with bovine tuberculosis as listed in Title 9 CFR Part 77.79 (January 1, 2006).

"Approved veterinary laboratory" means a laboratory that has been approved by National Veterinary Services Laboratories.

"Certificate of veterinary inspection" means a legible veterinary health inspection certificate on an official form (electronic or paper) from the state of origin or from APHIS, USDA executed by a licensed and accredited veterinarian or a veterinarian approved by APHIS, USDA. The certificate of veterinary inspection is also known as an "official health certificate."

"Class free and Class A, B, and C states" means states that are classified for brucellosis by USDA, APHIS in Title 9 CFR Part 78.41 (January 1, 2006).

"Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of WSDA or the director's authorized representative.

"Domestic bovine" means domesticated cattle, including bison.

"Domestic equine" means horses, donkeys, mules, ponies, and other animals in the *Equidae* family.

"Entry permit" means prior written permission issued by the director to admit or import animals or animal reproductive products into Washington state.

"Exotic animal" means species of animals that are not native to Washington state but exist elsewhere in the world in the wild state.

"Immediate slaughter" means livestock will be delivered to a federally inspected slaughter plant within three days of entry into Washington state.

"Mature vaccinate" means a female bovine over the age of twelve months that has been vaccinated, under directions issued by the state of origin, with a mature dose of brucellosis vaccine.

"Modified accredited state" means a state that has been determined by USDA, APHIS to have a prevalence of bovine tuberculosis of less than 0.1 percent of the total number of herds of cattle and bison as listed in Title 9 CFR Part 77.11 (January 1, 2006).

"Movement permit" means an entry permit that is valid for six months and permits the entry of domestic equine into Washington state.

"NPPI" means the National Poultry Improvement Plan.

"Official brucellosis test" means the official test defined by Title 9 CFR Part 78.1 (January 1, 2006).

"Official brucellosis vaccinate" means an official adult vaccinate or official calfhod vaccinate as defined by Title 9 CFR Part 78.1 (January 1, 2006).

"Poultry" means chickens, turkeys, ratites, waterfowl, game birds, pigeons, doves, and other domestic fowl designated by statute. Poultry does not mean free ranging birds defined as wildlife in RCW 77.08.010(16).

"Restricted feedlot" means a feedlot holding a permit issued under chapter 16-30 WAC.

"Stage I, II, III, IV, or V pseudorabies state" means states as classified by the Pseudorabies Eradication State-Federal-Industry Program Standards (November 1, 2003).

"USDA, APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.

"Wild animals" is defined in RCW 77.08.010(17).

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-010, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-010, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-010, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-010, filed 10/15/92, effective 11/15/92. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-54-010, filed 2/5/88; 84-16-022 (Order 1838), § 16-54-010, filed 7/24/84; Order 1172, § 16-54-010, filed 12/15/70; Order 1024, Regulation 1, filed 7/22/66, effective 8/22/66; Order 957, Regulation 1, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61.]

WAC 16-54-025 Transporting livestock—Sanitary requirements. All trucks, railway cars, and other conveyances used for the transportation of livestock must be maintained in a sanitary condition and cleaned and disinfected when required by the director in order to prevent the spread of disease.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-025, filed 6/28/07, effective 7/29/07.]

WAC 16-54-028 Testing procedure requirements. (1) An accredited veterinarian or a veterinary technician under the direct supervision of an accredited veterinarian must collect and submit all test specimens.

(2) All livestock regulatory tests must be performed by a laboratory approved by the National Veterinary Services Laboratories.

(a) Official tuberculosis tests must be conducted by a licensed accredited veterinarian.

(b) Technicians employed and approved by state, federal, or tribal government and directly or indirectly supervised by state, federal, or tribal animal health veterinarians may conduct routine surveillance tests.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-028, filed 6/28/07, effective 7/29/07.]

WAC 16-54-030 Certificate of veterinary inspection, and entry permit requirements. (1) Certificate of veterinary inspection:

(a) A certificate of veterinary inspection must accompany all animals entering Washington state, except where specifically exempted in this chapter.

(b) The certificate of veterinary inspection must show that all livestock listed have been examined and found in compliance with vaccination, testing, and Washington animal identification requirements found in chapter 16-610 WAC.

(c) Any exemption to the requirement for a certificate of veterinary inspection may be suspended during an emergency disease condition declared by the director.

(2) **Entry permit:** An entry permit is required on:

(a) All domestic bovine (including Mexican cattle, Canadian cattle, and bison);

(b) Swine;

(c) Rams;

(d) Equine identified on a certificate similar to the Washington Equine Certificate of Veterinary Inspection and Movement Permit (form AGR-3027);

(e) Equine from states or countries where the diseases listed in WAC 16-54-071 have been diagnosed;

(f) Intact male equine that test positive to equine viral arteritis; and

(g) Equine reproductive products from donors that test positive to equine viral arteritis.

(3) Entry permits are granted at the discretion of the director and may be obtained from:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, Washington 98504-2577
360-902-1878.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-030, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-030, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-030, filed 10/15/92, effective 11/15/92. Statutory Authority: RCW 16.36.040 and 16.36.050. 87-08-021 (Order 1918), § 16-54-030, filed 3/25/87; Order 1540, § 16-54-030, filed 10/17/77; Order 1172, § 16-54-030, filed 12/15/70; Order 1024, Regulation 3, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16-54-032 Certificate of veterinary inspection—Required information. (1) A certificate of veterinary inspection must contain the following information:

(a) An entry permit, when required;
(b) Date of inspection;
(c) Names and addresses of the consignor and consignee;
(d) Shipment information, including:
(i) Origin of shipment;
(ii) Anticipated shipment date; and
(iii) Number of animals in the shipment;
(e) Certification that the animals are free from clinical signs or known exposure to any infectious or communicable disease;

(f) Test or vaccination status, when required;

(g) Description of each animal by:

(i) Identifying species;

(ii) Breed;

(iii) Age;

(iv) Sex of the animal;

(v) Color; and

(vi) Tag, tattoo, microchip, USDA-approved RFID (radio frequency identification device) ear tag, or other official method of identification, including ownership brands.

(2) All certificates of veterinary inspection must be reviewed by the animal health official of the state of origin and a copy must be immediately forwarded to:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, Washington 98504-2577.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-032, filed 6/28/07, effective 7/29/07.]

WAC 16-54-060 Quarantine. Any animal entering Washington state without a required certificate of veterinary inspection, or required entry permit, or that does not meet the requirements of this chapter shall be quarantined at the owner's expense and subject to any required test, inspection, or vaccination at the owner's expense until released from quarantine by the director.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-060, filed 6/28/07, effective 7/29/07; Order 1172, § 16-54-060, filed 12/15/70; Order 1024, Regulation 5, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16-54-065 Prohibited entries. (1) Any animal that is infected with or exposed to any infectious or communicable disease is prohibited from entering Washington state.

(2) Livestock susceptible to vesicular stomatitis that have been located within the past thirty days within ten miles of any premises under quarantine for vesicular stomatitis are prohibited from entering Washington state.

(3) The following animals are prohibited from entering Washington state for any purpose:

(a) Cattle originating from Mexican dairies;

(b) Feral swine;

(c) Domestic swine from herds where brucellosis is known to exist;

(d) Deleterious exotic wildlife, as defined by RCW 77.08.010 and designated at WAC 232-12-017, except as provided in WAC 232-12-017.

(4) The Washington state department of health under WAC 246-100-191 (Animals, birds, pets—Measures to prevent human disease) prohibits certain animals including bats, skunks, foxes, raccoons, and coyotes from being imported into Washington state except for exhibition by bona fide public or private zoological parks.

(5) Entry permits allowing bona fide public or private zoological parks to import bats, skunks, foxes, raccoons, and coyotes may be issued by the director in consultation with the secretary of the Washington state department of health.

Exemptions:

(6) Infected or exposed animals destined for immediate slaughter, or with an entry permit to a research facility, or with an entry permit to a veterinary facility for treatment may enter at the discretion of the director.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-065, filed 6/28/07, effective 7/29/07.]

WAC 16-54-068 Restrictions. (1) It is a violation to import animals into Washington state that do not comply with the requirements of this chapter or any other Washington state regulation relating to animal health and care, or to the importation and movement of poultry, hatching eggs, and wildlife.

(2) All animals entering Washington state must comply with the requirements of USDA, APHIS regulations found at Title 9 CFR for movement or importation from foreign countries.

(3)(a) Livestock entering Washington state from a state where a reportable disease listed in WAC 16-70-010 has been diagnosed within the past thirty days must be accompanied by a valid entry permit and a certificate of veterinary inspection.

(b) The certificate of veterinary inspection shall also include written verification that the animals have not been exposed to any reportable disease nor located within ten miles of an area where such a disease has been diagnosed.

(c) In the case of a state where vesicular stomatitis has been diagnosed, the certificate of veterinary inspection must be issued within twenty-four hours of shipment to Washington state and must contain:

(i) The temperature reading of each animal at the time of inspection; and

(ii) The following statement written by an accredited veterinarian:

"All animals identified on this certificate have been examined and found to be free from clinical signs of vesicular stomatitis. During the past thirty days, these animals have not been exposed to vesicular stomatitis or located within ten miles of an area where vesicular stomatitis has been diagnosed."

(d) Cattle entering Washington state from a state or a foreign state or province where vesicular stomatitis has been diagnosed must be held at their destination separate and apart from all other cattle for a period of seven days and reexamined by an accredited veterinarian at the end of that period.

(4) Dogs, cats, and ferrets must be accompanied by an entry permit and proof of current rabies vaccination if they originate from a rabies quarantined area or an area where the state or country of origin has designated terrestrial rabies as endemic.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-068, filed 6/28/07, effective 7/29/07.]

WAC 16-54-071 Domestic equine and equine reproductive products—Importation requirements. Import health requirements.

(1)(a) In addition to the other requirements of this chapter, all horses, donkeys, mules, and other domestic equine and equine reproductive products entering Washington state must be accompanied by a certificate of veterinary inspection.

(b) Equine vaccinated against equine viral arteritis (EVA) must be accompanied by a vaccination certificate.

(c) Reproductive products from donors that test positive for EVA must be accompanied by an application and entry permit.

(d) Domestic equine from the western states of Oregon, Idaho, California, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, and New Mexico may enter Washington state for shows, rides, or other events either with a certificate of veterinary inspection or with a document similar to the Equine Certificate of Veterinary Inspection and Movement Permit. Individual trips cannot exceed ninety days.

(e) An itinerary of interstate travel must be filed with the department within fourteen days of the expiration of the movement permit.

(2) All certificates and forms may be obtained from and sent to:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, Washington 98504-2577

Exemptions to import health requirements.

(3) Horses traveling into Washington state with their Oregon or Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

Import test requirements.

Equine infectious anemia (EIA).

(4) All domestic equine, except foals under six months of age accompanying their negative tested dams, must have a negative test for equine infectious anemia (EIA) within six months before entering Washington state.

Exemptions to EIA test requirements.

(5) Domestic equine moving to Washington from Oregon are excluded from EIA test requirements.

Equine viral arteritis (EVA).

(6) Intact males over six months of age must test antibody negative for EVA within thirty days before entry into Washington state or have proof of vaccination.

(7) Vaccinated equine that test antibody positive for EVA must be accompanied by a certificate of veterinary inspection that provides proof of:

(a) A prevaccination negative antibody blood test;

(b) Vaccination within ten days of the prevaccination blood test; and

(c) Approved method of animal identification. Approved methods of identification are:

- (i) Photograph or clearly drawn picture of the animal (both sides and front);
- (ii) Brand (hot iron or freeze brand);
- (iii) Microchip; and/or
- (iv) Lip tattoo.

(8) Intact males over six months of age and equine reproductive products from donors that test positive for EVA may enter Washington state only if accompanied by an entry permit and a statement on the certificate of veterinary inspection verifying that the consignee:

(a) Has been advised of the positive antibody test results and the associated risks of EVA infection;

(b) Agrees to follow the recommendations of the Office International des Epizooties of the World Organization of Animal Health regarding EVA and USDA recommendations found in the *Equine Viral Arteritis Uniform Methods and Rules*, effective April 19, 2004; and

(c) Consents to the shipment.

(9) Intact males that test antibody positive for EVA are required to have an entry permit and may be subject to quarantine.

(10) Equine semen and embryos must originate from donors that have proof of vaccination or a negative antibody test for EVA during the current breeding season.

(11) Equine semen and embryos from antibody positive donors must be used or implanted only in vaccinated or seropositive mares. These mares must be isolated for twenty-one days following insemination or implantation.

(12) Additional testing for EVA may be required during emergency disease conditions declared by the director.

Piroplasmiasis.

(13) Any equine that has ever tested positive for piroplasmiasis may not enter Washington state.

(14) Any equine that has originated from a country or state where piroplasmiasis is endemic must be negative to a C-ELISA test within thirty days before entry into Washington state, and must be quarantined upon arrival and retested within sixty to ninety days. Horses that test positive on the post-arrival C-ELISA test are not permitted to remain in the state and must be removed.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-071, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-071, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapter 16.36 RCW. 94-23-121, § 16-54-071, filed 11/22/94, effective 12/23/94. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-071, filed 10/15/92, effective 11/15/92. Statutory Authority: Chapters 16.36 and 16.44 RCW. 82-24-040 (Order 1778), § 16-54-071, filed 11/24/82. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-10-047 (Order 1730), § 16-54-071, filed 5/1/81; Order 1540, § 16-54-071, filed 10/17/77; Order 1430, § 16-54-071, filed 2/9/76. Formerly WAC 16-54-070.]

WAC 16-54-082 Domestic bovine animals—Importation requirements. Import health requirements.

(1) Domestic bovine entering Washington state must have a certificate of veterinary inspection and an entry permit issued by the office of the state veterinarian prior to entry. Entry permits are required on all feeder cattle entering restricted feedlots and are to be obtained by the brand inspector of the state of origin and recorded on the brand document.

Exemptions to import health requirements.

(2) A certificate of veterinary inspection is not required for domestic bovine that are:

(a) Consigned to federally inspected slaughter plants for immediate slaughter; or

(b) Consigned to state-federal approved livestock markets for sale for immediate slaughter only; or

(c) Consigned to specifically approved livestock markets or restricted holding facilities where import requirements can be met; or

(d) Consigned to a restricted feedlot.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-082, filed 6/28/07, effective 7/29/07; 05-14-019, § 16-54-082, filed 6/24/05, effective 7/25/05. Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-082, filed 4/15/99, effective 5/16/99; 97-01-067 (Order 6009), § 16-54-082, filed 12/16/96, effective 1/16/97. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-082, filed 10/15/92, effective 11/15/92. Statutory Authority: Chapter 16.36 RCW. 89-24-021 (Order 2021), § 16-54-082, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-54-082, filed 2/5/88; 87-08-021 (Order 1918), § 16-54-082, filed 3/25/87; 84-16-022 (Order 1838), § 16-54-082, filed 7/24/84. Statutory Authority: Chapter 16.36 RCW. 83-09-009 (Order 1792), § 16-54-082, filed 4/8/83. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-04-030 (Order 1782), § 16-54-082, filed 1/27/83. Statutory Authority: Chapters 16.36 and 16.40 RCW. 82-03-019 (Order 1752), § 16-54-082, filed 1/14/82; 81-10-047 (Order 1730), § 16-54-082, filed 5/1/81. Statutory Authority: Chapters 16.36 and 16.44 RCW. 78-06-116 (Order 1579), § 16-54-082, filed 6/7/78; Order 1540, § 16-54-082, filed 10/17/77.]

WAC 16-54-083 Domestic and foreign bovine brucellosis requirements.

(1) Female cattle, domestic and foreign, must have an official calfhood brucellosis vaccination and legible vaccination tattoo before entry into Washington state.

(a) Cattle vaccinated with strain 19 vaccine must be permanently identified with a tattoo in the right ear that must bear the USDA registered V shield preceded by a number indicating the quarter of the year in which they were vaccinated, followed by the last digit of the year of vaccination.

(b) Cattle vaccinated with RB-51 strain of vaccine must be permanently identified with a tattoo in the right ear that must bear the USDA registered V shield preceded by the letter R followed by the last digit of the year of vaccination.

(c) Brucellosis vaccinated cattle from foreign countries must present original vaccination certificates. On arrival, the cattle must be tattooed with the USDA V shield and the year indicated on the vaccination certificate.

(2) Mature vaccinated domestic bovine that are identified by a legible vaccination tattoo and USDA vaccination and USDA identification tags will be allowed entry into Washington state if the state of origin allows mature vaccination and is of the same brucellosis class or higher.

(3)(a) Test eligible dairy cattle from all states and all cattle from Class A states must be tested negative for bovine brucellosis within thirty days before entry.

(b) Beef cattle from selected brucellosis free states designated by the director may be required to have a negative test thirty days before entry.

(c) Test eligible bovine are bulls over six months of age, brucellosis vaccinated dairy females over twenty months of age, and brucellosis vaccinated beef breed females over twenty-four months of age.

(4) All animals must be identified by USDA approved official identification.

Exemptions to domestic bovine brucellosis test and vaccination requirements.

(5) Domestic bovine that are exempt from brucellosis testing and vaccination requirements are:

- (a) Those cattle from a class free state consigned to restricted feedlots;
- (b) Those consigned to federally inspected slaughter plants for immediate slaughter;
- (c) Heifer calves less than four months of age;
- (d) Slaughter only dairy breed cattle from Oregon, Idaho, and Montana that are consigned to a state-federal approved livestock market;
- (e) Bull calves less than six months of age;
- (f) Steers and spayed heifers;
- (g) Official brucellosis vaccinated dairy cattle less than twenty months of age;
- (h) Official brucellosis vaccinated beef cattle less than twenty-four months of age;
- (i) Cattle from a certified brucellosis free herd, as defined by Title 9 CFR Part 78.1; and
- (j) Test eligible beef breed cattle and dairy cattle that are consigned to a state or federally approved livestock market to meet entry testing requirements. Heifer calves between four and twelve months of age may be consigned to a state-federal approved sale yard where they will remain until meeting vaccination requirements.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-083, filed 6/28/07, effective 7/29/07.]

WAC 16-54-085 Domestic bovine tuberculosis requirements. (1) All domestic bovine from a modified accredited advanced or lower state must have a negative TB test within sixty days before entry into Washington state. Domestic bovine from a modified accredited or lower state shall be held separate and apart from native cattle for sixty days and retested negative at least sixty days after entry into Washington state.

(2) **Dairy cattle six months of age or older** must:

- (a) Test negative for bovine tuberculosis within sixty days before entering Washington state; and
- (b) Be identified with a USDA silver identification ear tag, or a USDA-approved RFID tag, or an orange brucellosis vaccination tag.

(3) **Dairy heifers and bull calves less than six months of age** must:

- (a) Be issued a hold order or a quarantine order that requires the animals to be taken directly to a designated premises or facility;
- (b) Be held separate and apart from all other domestic bovine until they test negative for bovine tuberculosis after six months of age; and
- (c) Be identified with a USDA silver identification ear tag, or a USDA-approved RFID tag, or an orange brucellosis vaccination tag.

(4) **Mexican cattle** - All cattle imported from Mexico that enter Washington, including those imported for rodeo or recreation purposes, must be sexually neutered and must bear official Mexican identification and brand before entry.

(a) All Mexican cattle must be accompanied by proof of two negative bovine tuberculosis tests conducted in the United States after entry from Mexico. The second negative

test must be a minimum of sixty days after the first test and within thirty days before entry into Washington state.

(b) All Mexican cattle that remain in the state of Washington shall be tested annually for tuberculosis.

(c) If Mexican cattle entering Washington state are not accompanied by proof of two negative bovine tuberculosis tests prior to entry, they will be issued a hold order or a quarantine order that requires the animals to be taken directly to a designated premises or facility and kept separate and apart from Washington cattle until the completion of required tests.

(d) Sexually intact Mexican beef cattle may enter only with a prior entry permit and at the discretion of the director.

Exemptions to domestic bovine tuberculosis test requirements.

(5) **Dairy cattle** are exempt from bovine tuberculosis testing requirements if they:

- (a) Originate from an accredited bovine tuberculosis-free herd, as defined by USDA, APHIS in Title 9 CFR Chapter 1 Part 77 (January 1, 2006), and if an accredited herd number and the date of the last bovine tuberculosis test are shown on the certificate of veterinary inspection;
 - (b) Are consigned to federally inspected slaughter plants for immediate slaughter; or
 - (c) Are consigned to slaughter through state and federally approved sale yards and remain in slaughter channels.
- (6) **Adult dairy cows from Oregon and Idaho** that have not met the department's brucellosis and tuberculosis requirements may enter a WSDA approved brucellosis/tuberculosis holding facility in Washington state until testing requirements have been met.

(7) **Dairy steers and spayed heifers** are exempt from bovine tuberculosis testing requirements before entry into Washington state if they are entering restricted feedlots to be fed for slaughter.

(8) **Mexican cattle** are exempt from the second bovine tuberculosis test and isolation requirements if their official Mexican identification remains intact and they are consigned to a federally inspected slaughter plant for immediate slaughter.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-085, filed 6/28/07, effective 7/29/07.]

WAC 16-54-088 Temporary grazing permits. Cattle moving interstate on grazing permits are exempt from a certificate of veterinary inspection and testing requirements.

(1)(a) Persons desiring to move cattle into Washington state for temporary grazing purposes must complete a temporary grazing application approved by both states. After approval, a permit number will be issued.

(b) Temporary grazing permits are valid for a period not to exceed six months and are valid only for movement to the destination specified on the permit and return to the location of origin.

(c) A copy of the approved application must accompany any vehicle transporting cattle into Washington state for temporary grazing purposes.

(d) Temporary grazing permits will be issued only for cattle entering from states that share common borders with the state of Washington.

(e) If cattle have been commingled with other herds or additional cattle have been added to the original grazing herd,

they must have a certificate of veterinary inspection and entry permit in order to return to Washington.

(2) Permits are granted based on current disease conditions in both states. The director may specify conditions on the permit to prevent or control disease.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-088, filed 6/28/07, effective 7/29/07.]

WAC 16-54-090 Goats—Importation and testing requirements. Import health requirements.

(1) All goats entering Washington state must be accompanied by a certificate of veterinary inspection. The certificate of veterinary inspection must state that the animals are free from clinical signs or known exposure to any infectious or communicable disease.

(2) Female dairy goats six months of age or older must test negative for brucellosis and tuberculosis within thirty days before they enter Washington state.

(3) Sexually intact goats must have official USDA scrapie identification.

Exemption to import health requirements.

(4) Goats traveling into Washington state with their Oregon and Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-090, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-090, filed 10/15/92, effective 11/15/92; Order 1172, § 16-54-090, filed 12/15/70; Order 1024, Regulation 9, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16-54-101 Sheep—Importation and testing requirements. Import health requirements.

(1) A certificate of veterinary inspection must accompany all sheep entering Washington state. The certificate of veterinary inspection must state that the sheep:

(a) Are clinically free from the signs of infectious diseases, including footrot, sore mouth, and caseous lymphadenitis; and

(b) Originated from a flock in which scrapie has not been diagnosed in the past five years or are from a flock enrolled in the USDA Voluntary Scrapie Flock Certification Program described in Title 9 CFR Part 54 (January 1, 2006).

(c) Are officially identified with official USDA scrapie program identification. Sheep required to be officially identified include:

- (i) All breeding sheep;
- (ii) All sexually intact sheep imported for exhibition;
- (iii) All sheep over eighteen months of age.

Import test requirements.

(2) All breeding rams over six months of age require an entry permit.

(3) The certificate of veterinary inspection must state that the rams:

(a) Tested negative on an ELISA test for *Brucella ovis* within thirty days before entering Washington state; and

(b) Are palpated and certified free of any evidence of epididymitis; and

(c) Are individually identified with an official USDA scrapie program identification. Each ram's identification number, test results, and the date of the test must be entered on the certificate of veterinary inspection accompanying the animal.

(4) Any purebred rams of Suffolk, Hampshire, Shropshire, or Montadale descent, or cross thereof; any nonpurebred rams known to have Suffolk, Hampshire, Shropshire, or Montadale ancestors; and any nonpurebred rams of unknown ancestry with a black face, except for hair sheep, may enter Washington state for breeding purposes if they are determined by genetic testing before entry to be QR or RR at the 171 codon. Hair sheep known to have Suffolk, Hampshire, Shropshire, or Montadale ancestors are considered blackface sheep.

Exemptions to import health and test requirements.

(5) Sheep traveling into Washington state with their Oregon and Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

(6) Sheep entering Washington state for immediate slaughter at a USDA inspected slaughter plant are exempt from the certificate of veterinary inspection and testing requirements.

(7) Official USDA approved scrapie identification is not required on slaughter sheep less than eighteen months of age.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-101, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-101, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-101, filed 10/15/92, effective 11/15/92; Order 1430, § 16-54-101, filed 2/9/76. Formerly WAC 16-54-100.]

WAC 16-54-105 Llamas and alpacas. Import health requirements.

(1) All llamas and alpacas imported into Washington state shall be accompanied by a health certificate stating that the animals are free from signs of or exposure to infectious or communicable disease.

Exemptions to import health requirements.

(2) Llamas and alpacas traveling into Washington state with their Oregon and Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-105, filed 6/28/07, effective 7/29/07.]

WAC 16-54-111 Swine—Importation and testing requirements. Import health requirements.

(1) All swine entering Washington state must be accompanied by an entry permit, a certificate of veterinary inspection, and official USDA approved identification. Feral swine are prohibited in Washington state.

Import test requirements.

(2) **Brucellosis.** All intact male and intact female swine more than six months of age must be tested negative for brucellosis within thirty days before entering Washington state or must originate from a USDA validated brucellosis free

herd or state (Swine Brucellosis Control/Eradication State-Federal-Industry Uniform Methods and Rules, April, 1998).

(3) **Pseudorabies.** No test is required from states recognized as Stage IV or Stage V by Pseudorabies Eradication State-Federal-Industry Program Standards, November 1, 2003.

(4) A negative pseudorabies test within thirty days before entry is required for swine from any state or area that loses Stage IV or Stage V status.

Exemptions to import test requirements.

(5) Swine shipped directly to a federally inspected slaughter plant for immediate slaughter are exempt from testing requirements.

Swine semen and embryos.

(6)(a) Swine semen and swine embryos entering Washington state for insemination of swine or implantation into swine shall be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian stating that the donor swine are not known to be infected with or exposed to pseudorabies, were negative to an official pseudorabies serologic test within thirty days prior to the collection of the semen or embryos or were members of a qualified pseudorabies negative herd, and had not been exposed to pseudorabies within thirty days prior to the collection of the semen or embryos.

(b) Brucellosis testing is not required on donor swine from brucellosis validated free states.

(c) Pseudorabies testing is not required on donor swine from pseudorabies Stage IV or Stage V states.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-111, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-111, filed 10/15/92, effective 11/15/92. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-02-001 (Order 1780), § 16-54-111, filed 12/23/82; Order 1540, § 16-54-111, filed 10/17/77; Order 1430, § 16-54-111, filed 2/9/76. Formerly WAC 16-54-110.]

WAC 16-54-145 Poultry, including ratites—Importation and testing requirements. Import health requirements.

(1) All poultry, including ratites, imported into Washington state must be accompanied by a certificate of veterinary inspection.

(a) USDA VS form 17-6 (Certificate for Poultry or Hatching Eggs for Export) will be accepted in lieu of the certificate of veterinary inspection.

(b) For hatching eggs and baby poultry, a USDA NPIP VS form 9-3 (Report of Sales of Hatching Eggs, Chicks, and Poults) may be used in lieu of the certificate of veterinary inspection.

(c) The certificate of veterinary inspection must include either the NPIP number or negative results of the required tests.

(2) Poultry or hatching eggs must originate from flocks or areas not under state or federal restriction.

(3) Each ratite entering Washington state must be permanently identified with USDA approved identification. The type of identification must be listed on the certificate of veterinary inspection.

Import test requirements.

(4) Poultry must:

(a) Originate from an NPIP participant flock that has met classification requirements for pullorum-typhoid, *Salmonella* enteritidis, and avian influenza; or

(b) Test negative within thirty days before entering Washington for pullorum-typhoid, *S. enteritidis*, and avian influenza.

(5) Hatching eggs must originate from an NPIP participant flock that has met classification requirements for the diseases listed in subsection (4)(a) of this section. If the parent breeder flock is not an NPIP participant, the parent birds must be tested for the above diseases within thirty days before entry.

(6) Turkeys, their poults, and eggs must originate from a producer who is participating in the mycoplasmosis control phase of the NPIP or must have been tested serologically negative for *M. gallisepticum* and *M. synoviae* within thirty days of entry.

Exemptions to import health requirements.

(7) Doves, pigeons, and poultry destined for immediate slaughter are exempt from the certificate of veterinary inspection and testing requirements.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-145, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapter 16.36 RCW. 94-23-121, § 16-54-145, filed 11/22/94, effective 12/23/94.]

WAC 16-54-160 Birds other than poultry—Importation and testing requirements. Import health requirements.

(1) Birds entering Washington state require a certificate of veterinary inspection that contains the following statement:

"To my knowledge, the birds listed on this certificate are free from clinical signs of or known exposure to infectious or communicable disease during the past thirty days."

(2) All birds must be individually identified in a manner appropriate to the species.

Exemptions to import health requirements.

(3) Family pet birds are exempt from the certificate of veterinary inspection.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-160, filed 6/28/07, effective 7/29/07.]

WAC 16-54-170 Dogs, cats, and ferrets—Importation and testing requirements. Import health requirements.

(1) Dogs, cats, or ferrets entering Washington state require a certificate of veterinary inspection.

(2) The certificate of veterinary inspection for dogs, cats, or ferrets must identify each animal and certify that each animal at the time of entry is current on rabies vaccination according to the manufacturer's label, and does not originate from an area under quarantine for rabies.

Exemptions to import health requirements.

(3) Dogs, cats, or ferrets less than ninety days of age do not require a rabies vaccination.

(4) Dogs and cats that originate in Washington state and visit Canada for thirty days or less are exempt from a certificate of veterinary inspection.

(5) Dogs, cats, or ferrets that are family pets and have current rabies vaccination certificates and are traveling by

private conveyance with their owners are exempt from a certificate of veterinary inspection.

Import test requirements.

(6) The director may require dogs six months of age or older to be tested negative for heartworm.

Exemptions to import test requirements.

(7) Dogs that are family pets, have been owned more than one month, are not going to be sold or have a change of ownership, and are traveling by private conveyance with their owner or handler are exempt from the heartworm test requirement.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-170, filed 6/28/07, effective 7/29/07.]

WAC 16-54-180 Wild and exotic animals and birds—Importation and testing requirements. Import health requirements.

(1) Wild and exotic animals and birds entering Washington state must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian licensed in the state of origin, or accompanied by an international certificate of health.

(2) All wild and exotic animals must be accompanied by an entry permit.

Import test requirements.

(3) **Brucellosis:** Within thirty days before entering Washington state, negative serologic testing must be conducted on the following categories of captive wild or exotic animals that are more than six months of age:

**Table 1.
Wild and exotic animals
that must be tested for brucellosis**

Tested For	Species Scientific Name	Common Name Examples
<i>Brucella abortus</i>	<i>Camelidae</i>	<ul style="list-style-type: none"> • Vicuna • Guanaco
	<i>Cervidae</i>	<ul style="list-style-type: none"> • Elk • Caribou • Moose • Reindeer • Deer
	<i>Giraffidae</i>	<ul style="list-style-type: none"> • Giraffe • Okapi
	<i>Bovidae</i>	<ul style="list-style-type: none"> • Antelope • Wild cattle (gaur, banteng, kaupre, yak) • Bison (American bison, European bison) • Buffalo (Asian water buffalo, tamaraw, lowland anoa, mountain anoa, African buffalo)

**Table 1.
Wild and exotic animals
that must be tested for brucellosis**

Tested For	Species Scientific Name	Common Name Examples
	<i>Ovidae, Capridae</i>	<ul style="list-style-type: none"> • Wild sheep (big-horn sheep, dalls sheep, mouflon, argoli, uriol, blue sheep, barbary sheep, red sheep) • Wild goats (Rocky Mountain goat, ibex, walia ibex, west caucasian tur, east caucasian tur, Spanish ibex, markhor)
<i>Brucella suis</i>	<i>Suidae</i>	<ul style="list-style-type: none"> • Wild swine (European wild boar, bearded pig, Jovan pig, pygmy hog, wart hog, giant forest pig, East Indian swine or Babirusa, African bush pig, peccaries)
<i>Brucella suis bio-var 4</i>	<i>Cervidae</i>	<ul style="list-style-type: none"> • Caribou • Reindeer
<i>Brucella ovis</i>	<i>Ovidae, Capridae</i>	<ul style="list-style-type: none"> • All wild sheep and goats must be tested and found negative to <i>Brucella ovis</i> within thirty days before entering Washington state

(4) **Tuberculosis** (*Mycobacterium bovis* and *Mycobacterium tuberculosis*):

(a) Animals less than six months of age that are nursing negative tested dams may be excluded from tuberculosis test requirements.

(b) Within thirty days before entering Washington state, the animals listed in the following table must test negative for *M. bovis* and *M. tuberculosis* by a skin test or other approved test that follows federal tuberculosis protocols:

**Table 2.
Wild and exotic animals
that must be tested for tuberculosis**

Species Scientific Name	Common Name Examples
<i>Ceropithecidae</i>	• Old world primates
<i>Hylobotidae</i>	• Gibbons
	• Lessor apes
<i>Pongidae</i>	• Great apes
<i>Bovidae</i>	• Antelope
	• Wild cattle
<i>Ovidae, Capridae</i>	• Wild sheep
	• Wild goats

Table 2.
Wild and exotic animals
that must be tested for tuberculosis

Species Scientific Name	Common Name Examples
<i>Cervidae, Giraffidae</i>	<ul style="list-style-type: none"> • Elk • Caribou • Moose • Reindeer • Deer • Giraffe • Okapi

(c) *Cervidae*, such as elk, deer, caribou, moose, and reindeer and *Giraffidae*, such as giraffe and okapi, must be from herds not known to be infected with, exposed to, or affected by tuberculosis. They must also test negative for *M. bovis* using the testing requirements defined in Title 9 CFR Part 77.33 (January 1, 2006).

(d) For all captive wild or exotic animals not listed in Table 2 in subsection (2)(b) of this section, the following statement signed by the animal's owner or agent must be placed on the official certificate of veterinary inspection:

"To my knowledge, the animals listed on this certificate are not infected with tuberculosis and have not been exposed to animals infected with tuberculosis during the past twelve months."

(5) **Pseudorabies:** All wild swine imported for zoos, exhibitions or to a research facility must test negative for pseudorabies no more than thirty days before entry into Washington state and must be held in quarantine for thirty to sixty days pending a postentry retest.

(6) **Equine infectious anemia:** All wild horses, donkeys, and hybrids of the family *Equidae* must test negative on an approved test for equine infectious anemia no more than six months before entry into Washington state.

(7) **Elaphostrongylinae** (*Parelaphostrongylus tenuis* (meningeal worm) and *Elaphostrongylus cervis* (muscle worm)): Before entering Washington state, all *Cervidae* must be examined for *Elaphostrongylinae* infection in the absence of anthelmintic treatment that could mask detection of the parasite.

(a) **All *Cervidae* residing for at least six months** west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas must have a negative fecal exam for dorsal-spined larvae made by an approved laboratory using the Baermann technique and be certified that they have not been treated with or exposed to anthelmintics for at least thirty days before testing.

(b) **All *Cervidae* residing for less than six months** west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas must be held in a preentry quarantine for thirty to sixty days and have two fecal tests for dorsal-spined larvae made by an approved laboratory using the Baermann technique.

(i) The first test must be conducted at least thirty days and not more than forty days before the second test.

(ii) Fecal samples of at least thirty grams per sample are to be collected by an accredited veterinarian from the animal's rectum and identified by the animal's official identification number.

(ii) During the thirty-day testing period, test animals must be held in quarantine and isolated from all other *Cervidae* not included in the shipment.

(iv) If any animal tests positive to either of the two fecal tests, neither that animal nor any other animal held in quarantine with the infected animal may be imported into Washington state.

(c) All imported *Cervidae* must be held for one hundred eighty days in an onsite quarantine and be available for inspection by the director during this time.

(d) Every thirty, sixty, ninety, one hundred twenty, one hundred fifty, and one hundred eighty days after arrival, fecal samples from the animals must be tested by the Baermann technique in an approved laboratory and be found negative for dorsal-spined larvae. Animals that test positive for dorsal-spined larvae must either be removed from Washington state or destroyed.

(e) To prevent the presence of the gastropod intermediate hosts of *Elaphostrongylinae* larvae, the quarantine site must be prepared and inspected before the imported animals enter. Preparation includes:

(i) Providing a hard surface, such as asphalt or concrete, on which to keep the animals;

(ii) Spraying the quarantine area with an EPA-registered molluscicide; and

(iii) Spraying a four-meter wide tract around the perimeter of the holding compound with an EPA-registered molluscicide. This perimeter tract must be treated once every five days and within twenty-four hours of precipitation (10 mm or more) to ensure that the gastropod population is kept to zero within the compound.

(8) **Rabies:** Any carnivorous mammal taken from the wild is prohibited from entering Washington state if rabies has been diagnosed in the state of origin during the past twelve months.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-180, filed 6/28/07, effective 7/29/07.]

Chapter 16-70 WAC
ANIMAL DISEASES—REPORTING

WAC

16-70-005	Definitions.
16-70-010	Requirements for reporting diseases that are on the OIE notifiable disease list.
16-70-020	Other diseases reportable to WSDA.

WAC 16-70-005 Definitions. For the purpose of this chapter:

"Animal" means any animal species except fish and insects including all those so classified as wild, captive wild, exotic wild, alternative livestock, semidomesticated, domestic or farm.

"OIE notifiable disease list" means the diseases listed by the OIE in the *Terrestrial Animal Health Code* (15th Edition, 2006). The OIE notifiable disease list may be found on the internet at: http://www.oie.int/eng/maladies/en_classification.htm. The list may also be found in the Washington state department of agriculture's *Animal Health Handbook for Veterinarians*.

"OIE" means Office International des Epizooties. The OIE is the World Organization of Animal Health.

"Reportable disease list" means the list of diseases that include the OIE notifiable disease list and other diseases listed in this chapter.

"Veterinary laboratory" means a place equipped for performing diagnostic or investigative procedures on submitted specimens from animals and fish by personnel whose primary duties are to conduct such procedures.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-10-087, § 16-70-005, filed 5/1/07, effective 6/1/07. Statutory Authority: RCW 16.36.010(1), [16.36.]040 and [16.36.]080(4). 00-06-064, § 16-70-005, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-127 (Order 5011), § 16-70-005, filed 9/21/93, effective 10/22/93.]

WAC 16-70-010 Requirements for reporting diseases that are on the OIE notifiable disease list. (1) Any veterinary laboratory or person licensed to practice veterinary medicine in the state of Washington shall immediately report to the office of the state veterinarian the existence or suspected existence among any animals within the state of any reportable or notifiable diseases as published by the OIE (effective January 23, 2006) or in this chapter.

(2) Case definitions shall conform to OIE standards under the *Terrestrial Animal Health Code* (15th Edition, 2006) and the *OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals*, 5th Edition, 2004, with updates published online at: http://www.oie.int/eng/publicat/en_standards.htm.

(a) A case means an individual animal affected by one of the diseases listed on the OIE notifiable disease list or a disease listed in this chapter.

(b) The criterion by which "affected" is defined for each disease (for example: Clinical signs, serological evidence, etc.) is found in the *Terrestrial Animal Health Code* and *Manual of Diagnostic Tests and Vaccines for Terrestrial Animals*.

(c) The OIE *Terrestrial Animal Health Code* can be found on the internet under OIE-Health Standards at: http://www.oie.int/eng/normes/en_mcode.htm. The *Terrestrial Animal Health Code* is available in web format; a hard copy version may be ordered from OIE.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-10-087, § 16-70-010, filed 5/1/07, effective 6/1/07. Statutory Authority: RCW 16.36.010(1), [16.36.]040 and [16.36.]080(4). 00-06-064, § 16-70-010, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-127 (Order 5011), § 16-70-010, filed 9/21/93, effective 10/22/93; Order 1005, Regulations 1-3, filed 7/22/66, effective 8/22/66; Order 655, Regulation 1, effective 5/19/53.]

WAC 16-70-020 Other diseases reportable to WSDA.

(1)(a) In addition to the diseases published on the OIE notifiable disease list, the state veterinarian may request reports on other diseases of concern from a statistical or survey standpoint associated with overall disease control measures.

(b) Any veterinarian or veterinary laboratory may voluntarily report to the office of the state veterinarian other diseases that are not on the OIE notifiable disease list or not listed below.

(2) In addition to the diseases that are on the OIE notifiable disease list, the following diseases must be reported immediately to the office of the state veterinarian:

Beef measles (*Teania saginata*)
 Chronic wasting disease in cervids (Transmissible Spongiform Encephalopathy)
 Contagious ecthyma (Orf)
 Hantavirus
 Infectious Coryza in poultry (*Hemophilus gallinarum*)
 Listeriosis
 Low pathogenic avian influenza H5/H7
 Lyme disease
 Plague (*Yersinia pestis*)
 Potomac horse fever (*Erlchiosis*)
 Salmonellosis (any livestock species)
 Scabies (any livestock species)
 Shigella-toxin producing *E. coli*
 Strangles in equine (*Streptococcus equi*)

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-10-087, § 16-70-020, filed 5/1/07, effective 6/1/07. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-127 (Order 5011), § 16-70-020, filed 9/21/93, effective 10/22/93; Order 1005, Regulation 4, filed 7/22/66, effective 8/22/66.]

Chapter 16-86 WAC

CATTLE AND BISON DISEASES IN WASHINGTON STATE

WAC

16-86-005	Definitions.
16-86-008	Forms used in this chapter.
16-86-013	Quarantine.
16-86-014	Adoption of United States Department of Agriculture Brucellosis Eradication Uniform Methods and Rules.
16-86-015	Change of ownership requirements for cattle and bison in Washington.
16-86-017	Grazing permits.
16-86-025	Official brucellosis vaccination.
16-86-026	Brucellosis testing requirements for raw milk dairies.
16-86-040	Brucellosis quarantine and release.
16-86-092	Indemnity for brucellosis affected or exposed cattle.
16-86-110	Q fever testing requirements for raw milk dairies.
16-86-120	Adoption of United States Department of Agriculture Bovine Tuberculosis Eradication Uniform Methods and Rules.
16-86-130	Cattle used in rodeo or timed events.
16-86-140	Tuberculosis testing requirements for raw milk dairies.
16-86-150	Tuberculosis quarantine and release.
16-86-160	Indemnity for tuberculosis affected or exposed cattle and bison.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-86-020	Quarantine. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-020, filed 4/15/99, effective 5/16/99; Order 1539, § 16-86-020, filed 10/17/77; Order 1171, § 16-86-020, filed 12/15/70; Order 855, Regulation 2, effective 7/19/61.] Decodified and amended by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. Recodified as WAC 16-86-013.
16-86-030	Sale of quarantined animals. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-030, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-030, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 83-07-029 (Order 1791), § 16-86-030, filed 3/14/83; Order 1539, § 16-86-030, filed 10/17/77; Order 1171, § 16-86-030, filed 12/15/70; Order 855, Regulation 3, effective 7/19/61.] Repealed by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-86-050	Disinfecting premises. [Order 1539, § 16-86-050, filed 10/17/77; Order 1171, § 16-86-050, filed 12/15/70; Order 855, Regulation 5, effective 7/19/61.] Repealed

- 16-86-055 by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. Disinfecting vehicles. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-055, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapters 16.36 and 16.40 RCW. 80-04-061 (Order 1681), § 16-86-055, filed 3/25/80.] Repealed by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-86-060 Sale of brucellosis reactors. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-060, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-01-071 (Order 1718), § 16-86-060, filed 12/17/80; Order 1539, § 16-86-060, filed 10/17/77; Order 1171, § 16-86-060, filed 12/15/70; Order 855, Regulation 6, effective 7/19/61.] Repealed by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-86-070 Sale of tuberculosis reactors. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-070, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.38.060. 87-23-043 (Order 1958), § 16-86-070, filed 11/18/87; Order 1539, § 16-86-070, filed 10/17/77; Order 1171, § 16-86-070, filed 12/15/70; Order 855, Regulation 7, effective 7/19/61.] Repealed by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-86-080 Branding and tagging of tuberculosis reactors. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-080, filed 4/15/99, effective 5/16/99; Order 1171, § 16-86-080, filed 12/15/70; Order 855, Regulation 8, effective 7/19/61.] Repealed by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-86-090 Branding and tagging of brucellosis reactors. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-090, filed 4/15/99, effective 5/16/99; Order 1171, § 16-86-090, filed 12/15/70; Order 855, Regulation 9, effective 7/19/61.] Repealed by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-86-095 Official brucellosis vaccination. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-095, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-095, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-095, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-10-049 (Order 1732), § 16-86-095, filed 5/1/81, effective 7/1/81; 79-09-076 (Order 1642), § 16-86-095, filed 8/30/79.] Decodified and amended by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. Recodified as WAC 16-86-025.

WAC 16-86-005 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States Department of Agriculture (USDA) Veterinary Services to participate in state-federal cooperative programs.

"Breed registry tattoo" means individual registry tattoos issued by breed associations.

"Brucellosis vaccine" means only those *Brucella abortus* products that are approved by and produced under license of the USDA for injection into cattle to enhance their resistance to brucellosis.

"Official calfhooed vaccinate" means female cattle between four and twelve months of age that are vaccinated with brucellosis vaccine at a calfhooed dose (2cc subcutaneously).

"Official identification" means identifying an animal or group of animals using devices or methods approved by the director, including, but not limited to, official tags, unique

breed registry tattoos, and registered brands when accompanied by a certificate of inspection from a brand inspection authority who is recognized by the director.

"Official Washington mature vaccinate" means female cattle over the age of twelve months that are native to Washington state, or originate from other class free states or countries to be determined on a case-by-case investigation by the director, and vaccinated with a reduced dose of brucellosis vaccine (0.25cc subcutaneously) under directions issued by the director.

"Premises" means a location or physical address.

"Timed events" means competitive events that take place where time elapsed is the factor that determines the placing of individuals competing in the event.

"USDA" means the United States Department of Agriculture.

"Vaccination tattoo" means a tattoo in the right ear bearing the United States registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which the animal was vaccinated with strain 19 *Brucella* vaccine. For strain RB-51 calfhooed vaccination, an R precedes the shield and V. In the case of strain RB-51 mature vaccination, an M precedes the shield and V. For strain RB-51 vaccinates, the last number of the tattoo corresponds to the last digit of the year in which vaccine was administered.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-005, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-005, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.040. 90-10-045 (Order 2035), § 16-86-005, filed 4/30/90, effective 5/31/90. Statutory Authority: RCW 16.36.040 and 16.36.050. 87-08-020 (Order 1917), § 16-86-005, filed 3/25/87. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-005, filed 3/30/84; Order 1539, § 16-86-005, filed 10/17/77.]

WAC 16-86-008 Forms used in this chapter. Forms used in this chapter may be obtained from the department at:

Animal Services Division
Washington State Department of Agriculture
1111 Washington St. S.E.
Olympia, WA 98504-2560
Phone: 360-902-1878.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-008, filed 12/17/07, effective 1/17/08.]

WAC 16-86-013 Quarantine. Cattle or bison that are infected or suspected of being infected with an infectious or communicable disease after an official test will be quarantined as provided under RCW 16.36.010. If owners refuse to allow the department to test for diseases provided for in this chapter, all cattle or bison will be regarded as a menace to the health of livestock, and the premises on which they are kept will be immediately quarantined and no animals or products of these animals may be removed from the premises.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, amended and recodified as § 16-86-013, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-020, filed 4/15/99, effective 5/16/99; Order 1539, § 16-86-020, filed 10/17/77; Order 1171, § 16-86-020, filed 12/15/70; Order 855, Regulation 2, effective 7/19/61.]

WAC 16-86-014 Adoption of United States Department of Agriculture Brucellosis Eradication Uniform Methods and Rules. In addition to the rules adopted in this chapter, the Washington state department of agriculture adopts the procedures and methods of the *USDA Brucellosis Eradication Uniform Methods and Rules*, effective October 1, 2003. The department maintains a copy of this document for public inspection. You may also find the information on the internet at: www.aphis.usda.gov/animal_health/animal_diseases/brucellosis/downloads/umr_bovine_bruc.pdf.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-014, filed 12/17/07, effective 1/17/08.]

WAC 16-86-015 Change of ownership requirements for cattle and bison in Washington. (1) **Cattle.** All female cattle must be official calfhood or official Washington mature vaccinates and bear legible vaccination tattoos before being sold or introduced into any breeding herd in the state of Washington. This rule does not apply to the following:

- (a) Cattle sold or consigned to a restricted feedlot;
- (b) Cattle sold or consigned to a federally inspected slaughter plant;
- (c) Cattle sold or consigned to a public livestock market for immediate slaughter within three days of sale;
- (d) Spayed heifers;
- (e) Cattle sold to buyers in states or countries without brucellosis vaccination import requirements; and
- (f) Calves under four months of age.

(2) **Bison.** All bison, except calves under eight months of age at the side of their negative-tested mothers, are required to test negative for brucellosis upon change of ownership.

(3)(a) Under RCW 20.01.380, as cattle and bison move throughout the marketing system, livestock dealers are required to retain cattle and bison identification to the herd of origin. Official identification devices provide permanent identification of livestock and ensure the ability to find the source of animal disease outbreaks.

(b) Removing an official animal health tag, or official animal identification tag, permanent mark, or other device is prohibited except at the time of slaughter.

(c) If an official identification device is lost and it is necessary to retag an animal, the new official number shall correlate, whenever possible, with the previous official number of the animal and shall be reported to the office of the state veterinarian.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-015, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-015, filed 4/15/99, effective 5/16/99; 97-01-067 (Order 6009), § 16-86-015, filed 12/16/96, effective 1/16/97. Statutory Authority: RCW 16.36.096 and 16.36.040. 94-05-008 (Order 5032), § 16-86-015, filed 2/3/94, effective 3/6/94; 92-21-023, § 16-86-015, filed 10/13/92, effective 11/13/92. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-015, filed 2/5/88; 87-08-020 (Order 1917), § 16-86-015, filed 3/25/87. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-015, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-06-002 (Order 1785), § 16-86-015, filed 2/17/83. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-14-078 (Order 1742), § 16-86-015, filed 7/1/81; 81-10-048 (Order 1731), § 16-86-015, filed 5/1/81; 79-09-076 (Order 1642), § 16-86-015, filed 8/30/79; 79-07-089 (Order 1634), § 16-86-015, filed 6/29/79; 78-12-053 (Order 1588), § 16-86-015, filed 11/29/78; Order 1539, § 16-86-015, filed 10/17/77.]

WAC 16-86-017 Grazing permits. (1) Washington herd owners desiring to move cattle interstate for grazing purposes and return to Washington shall request a permit for such movement from the animal health program of the department. The state to which the animals are to be moved for grazing must approve the movement. A separate permit must be obtained from the animal health program for the return of such cattle.

(2) Grazing permits will be issued only for movements to states that are class free or A for brucellosis and that share common borders with the state of Washington.

(3) Cattle moving interstate on grazing permits are generally exempt from interstate health certificate and testing requirements unless required by the state veterinarian in either state due to changing disease conditions.

(4) Cattle moving interstate on grazing permits must meet the brand or animal identification requirements of each state before interstate movement.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-017, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-017, filed 4/15/99, effective 5/16/99; Order 1539, § 16-86-017, filed 10/17/77.]

WAC 16-86-025 Official brucellosis vaccination. (1) An official vaccination report of all brucellosis vaccinations must be made to the department within thirty days of vaccination by the accredited veterinarian who performed the vaccination. The vaccination report must be made on an approved report form (USDA form number VS 4-26) issued by the department for the purpose of individually identifying the cattle and recording official brucellosis vaccinations.

(a) All vaccinations must be performed by a licensed accredited veterinarian or federal or state employed veterinarian and are not official until they are reported to the department.

(b) Veterinarians must record all vaccinations in a ledger that records the owner of the animal, tag numbers, and the date of vaccination. These records must be maintained for seven years.

(2) Official calfhood vaccinates must be:

(a) Permanently identified by official vaccination eartag (orange tag); and

(b) Vaccinated with 2cc subcutaneous RB-51 *Brucella* vaccine and permanently identified as vaccinates by a vaccination tattoo in the right ear. For strain RB-51 calfhood vaccination, the tattoo consists of an R, the United States registered V-shield, and the last digit of the year of vaccination.

(3) Official mature vaccinates (over twelve months of age) must have prevaccination blood samples for brucellosis submitted on USDA form number VS4-33 to the office of the state veterinarian. An official mature vaccinate must be:

(a) Vaccinated with 0.25cc subcutaneous RB-51 *Brucella* vaccine;

(b) Permanently identified by an official USDA identification (silver tag) and a USDA brucellosis vaccination tag (orange tag); and

(c) Permanently identified as a vaccinate by a vaccination tattoo in the right ear. For strain RB-51 mature vaccination, the tattoo consists of an M, the United States registered V-shield, and the last digit of the year of vaccination.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, amended and recodified as § 16-86-025, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-095, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-095, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-095, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-10-049 (Order 1732), § 16-86-095, filed 5/1/81, effective 7/1/81; 79-09-076 (Order 1642), § 16-86-095, filed 8/30/79.]

WAC 16-86-026 Brucellosis testing requirements for raw milk dairies. (1) All cattle whose raw milk or raw milk products are offered for sale must be from a herd that has tested negative to a serological test for brucellosis within the previous twelve months.

(2) Any additions to the herd must be serologically tested negative at the owner's expense for brucellosis within thirty days before introduction into the herd.

(3) Herds must be serologically tested negative at the owner's expense annually to maintain the dairy's raw milk license.

(4) The state veterinarian shall direct all testing procedures in accordance with state and federal standards for animal disease eradication.

(5) All raw milk and raw milk products from animals that test positive for brucellosis are prohibited from sale and must be destroyed.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-026, filed 12/17/07, effective 1/17/08.]

WAC 16-86-040 Brucellosis quarantine and release. (1) Any herd of cattle or bison in which brucellosis reactors are found will be quarantined. Positive or reactor classification shall be based on standards listed in *USDA Brucellosis Eradication Uniform Methods and Rules*, effective October 1, 2003.

(2) The quarantine will be released when the entire quarantined herd has passed two consecutive negative blood tests without reactors.

(a) The first test must be not less than thirty days following removal of all reactors from the herd. The second test must not be less than ninety days nor more than one year following the date of the previous test.

(b) Steers, spayed heifers, officially vaccinated dairy cattle under twenty months of age, and officially vaccinated beef animals under twenty-four months of age need not be tested.

(c) Adult vaccination for cattle may be used as a whole herd vaccination under the terms of a herd plan and based on the standards listed in *USDA Brucellosis Eradication Uniform Methods and Rules*, effective October 1, 2003.

(3) Cattle or bison that test positive to the brucellosis test must not be sold or offered for sale except for immediate slaughter.

(4) Quarantined cattle and bison may only be moved when accompanied by an official USDA form number VS1-27.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-040, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-040, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.38.060. 87-23-043 (Order 1958), § 16-86-040, filed 11/18/87; Order 1539, § 16-86-040, filed 10/17/77; Order 1171, § 16-86-040, filed 12/15/70; Order 855, Regulation 4, effective 7/19/61.]

WAC 16-86-092 Indemnity for brucellosis affected or exposed cattle. (1) As provided under RCW 16.36.090, the director may order the slaughter or destruction of any cattle affected with or exposed to brucellosis.

(2) Under RCW 16.36.096, subject to the availability of amounts appropriated for this specific purpose, owners, individuals, partnerships, corporations or other legal entities whose animals have been slaughtered or destroyed by order of the director may be eligible for indemnification in an amount not to exceed seventy-five percent of the appraised or salvage value of the animal ordered slaughtered or destroyed.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-092, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-092, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096. 86-08-055 (Order 1879), § 16-86-092, filed 3/28/86. Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-11-096 (Order 1660), § 16-86-092, filed 10/26/79.]

WAC 16-86-110 Q fever testing requirements for raw milk dairies. (1) All cattle whose raw milk or raw milk products are offered for sale must be from a herd that has tested negative serologically for Q fever within the previous twelve months. Q fever is caused by the coccobacillus *Coxiella burnetii* and is highly infectious to humans.

(2) Any additions to the herd must be tested negative for Q fever at the owner's expense within thirty days before introduction into the herd.

(3) Herds must be tested negative annually at the owner's expense to maintain the dairy's raw milk license.

(4) The state veterinarian shall direct all testing procedures in accordance with state and federal standards for animal disease eradication.

(5) All raw milk and raw milk products from animals that test positive for Q fever are prohibited from sale and must be destroyed or pasteurized according to industry standards.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-110, filed 12/17/07, effective 1/17/08.]

WAC 16-86-120 Adoption of United States Department of Agriculture Bovine Tuberculosis Eradication Uniform Methods and Rules. The Washington state department of agriculture adopts the *Procedures and Methods of the USDA Bovine Tuberculosis Eradication Uniform Methods and Rules*, effective January 1, 2005. The department maintains a copy of the *Bovine Tuberculosis Eradication Uniform Methods and Rules* for public inspection. You may also find the information on the internet at: www.aphis.usda.gov/animal_health/animal_diseases/tuberculosis/downloads/tb-umr.pdf.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-120, filed 12/17/07, effective 1/17/08.]

WAC 16-86-130 Cattle used in rodeo or timed events. All cattle used for rodeo or timed events must be accompanied by proof recorded on a tuberculosis test chart (USDA form number VS6-22) of a negative bovine tuberculosis test within twelve months of the event. Calves under six months old that were born and have continuously resided in the state of Washington and Washington origin timed event cattle that

are not commingled with high-risk are excluded from this requirement.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-130, filed 12/17/07, effective 1/17/08.]

WAC 16-86-140 Tuberculosis testing requirements for raw milk dairies. (1) All cattle whose raw milk or raw milk products are offered for sale must be from a herd that has tested negative for tuberculosis within the previous twelve months.

(2) Any additions to the herd must be tested negative for tuberculosis at the owner's expense within thirty days before introduction into the herd.

(3) Herds must be tested negative annually at the owner's expense to maintain the dairy's raw milk license.

(4) The state veterinarian shall direct all testing procedures in accordance with state and federal standards for animal disease eradication.

(5) All raw milk and raw milk products from animals that test positive for tuberculosis are prohibited from sale and must be destroyed.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-140, filed 12/17/07, effective 1/17/08.]

WAC 16-86-150 Tuberculosis quarantine and release. (1) Any herd of cattle or bison in which tuberculosis reactors are found will be quarantined. The sale or removal of any animal out of a quarantined herd is prohibited except for removal for immediate slaughter.

(2) Herds in which no gross lesions reactors occur and in which no evidence of *Mycobacterium bovis* infection has been disclosed may be released from quarantine after a sixty-day negative caudal fold tuberculosis retest of the entire herd.

Herds containing one or more suspects to the caudal fold tuberculosis test will be quarantined until the suspect animals are:

(a) Retested by the comparative-cervical tuberculosis test within ten days of the caudal fold injection; or

(b) Retested by the gamma interferon tuberculosis test and the tuberculosis status of the suspect has been determined; or

(c) Retested by the comparative-cervical tuberculosis test after sixty days and the tuberculosis status of the suspect has been determined; or

(d) Shipped under permit directly to slaughter in accordance with state or federal laws and regulations and the tuberculosis status of the suspect has been determined.

(3) Herds in which *Mycobacterium bovis* infection has been confirmed and the herd has not been depopulated will remain under quarantine and must pass two tuberculin tests at intervals of at least sixty days and one additional test after six months from the previous negative test. Following the release from quarantine, these herds will also be subject to five annual tests on the entire herd.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-150, filed 12/17/07, effective 1/17/08.]

WAC 16-86-160 Indemnity for tuberculosis affected or exposed cattle and bison. (1) As provided under RCW 16.36.090, the director may order the slaughter or destruction

of any cattle and bison affected with or exposed to tuberculosis.

(2) As provided for under RCW 16.36.096, subject to the availability of amounts appropriated for this specific purpose, owners, individuals, partnerships, corporations or other legal entities whose animals have been slaughtered or destroyed by order of the director may be eligible for indemnification in an amount not to exceed seventy-five percent of the appraised or salvage value of the animal ordered slaughtered or destroyed.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-160, filed 12/17/07, effective 1/17/08.]

Chapter 16-160 WAC

REGISTRATION OF MATERIALS FOR ORGANIC FOOD PRODUCTION

WAC

16-160-030	Do I need to register my brand name material with the organic food program?
16-160-035	Brand name materials list.
16-160-040	How do I apply for registration?
16-160-060	What criteria are used to determine if a brand name material is approved?
16-160-070	Application fees.
16-160-080	Inspections.
16-160-090	Denial or revocation of a registration.
16-160-100	Labeling of registered brand name materials and use of organic logo.
16-160-110	Organic material registration logo.

WAC 16-160-030 Do I need to register my brand name material with the organic food program? Materials used in organic food production, processing or handling may submit an application for registration with the department. Registration is not required, but is necessary for a product to appear on the brand name materials list or to label or advertise itself as approved for use in organic food production, processing or handling.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-030, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-030, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-030, filed 2/7/91, effective 3/10/91.]

WAC 16-160-035 Brand name materials list. The department maintains a list of registered materials that are approved for use in organic food production, processing or handling. The list is provided to all producers, processors and handlers of organic food. Operations certified by any agency other than the department should refer to their certification agency prior to the use of any registered material as other certification agencies may not recognize the department brand name materials list. A registered material that appears on the brand name materials list has been reviewed by the department to verify that all of its ingredients comply with organic standards under WAC 16-160-060.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-035, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 03-03-045, § 16-160-035, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-035, filed 7/30/99, effective 8/30/99.]

WAC 16-160-040 How do I apply for registration? Applications for brand name material registration must be made on a form designated by the department. Applications, must be accompanied by the appropriate fee, and must be

postmarked by October 31 of each year. Applications received after October 31 may appear on the annual brand name materials list if received in time to complete the registration prior to the publication of the list. The application form shall include:

- (1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicants;
- (2) The name of the material;
- (3) A copy of the labeling accompanying the material and a statement of all claims to be made for it, including the directions and precautions for use;
- (4) The complete formula of the material including the active and inert ingredients;
- (5) A description of the manufacturing process including all materials used for the extraction and synthesis of the material, if appropriate;
- (6) The intended uses of the product;
- (7) The source or supplier of all ingredients; and
- (8) Any additional information deemed necessary.

Changes to the information above must be submitted to the department for review.

The director may require a full description of the tests made and the results thereof upon which the claims are based. The director may require production records that demonstrate adequate input materials to reconcile the registrant's production of the final product. Trade secrets are confidential and exempt from public disclosure under the Uniform Trade Secrets Act, chapter 19.108 RCW and RCW 42.56.070(1). Applicants should mark the information in the application they consider to be confidential under the Trade Secrets Act or other law. The department will treat this information in accordance with chapter 42.56 RCW.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-040, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-040, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-040, filed 2/7/91, effective 3/10/91.]

WAC 16-160-060 What criteria are used to determine if a brand name material is approved? (1) United States Department of Agriculture (USDA) National Organic Program.

The director reviews the information provided under WAC 16-160-040. A brand name material that meets the requirements under the National Organic Program final rule, section 205.105 and sections 205.600 through 205.606 will be registered.

- (2) Foreign or additional organic standards.

The director may review materials approved under the USDA National Organic Program for compliance with foreign or additional organic standards. The director reviews the information provided under WAC 16-160-040. A brand name material that complies with a specific foreign or additional organic standard may be registered as approved under that specific organic standard.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-060, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 03-03-045, § 16-160-060, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-060, filed 7/30/99, effective 8/30/99; 91-20-013, § 16-160-060, filed 9/20/91, effective 10/21/91; 91-05-007, § 16-160-060, filed 2/7/91, effective 3/10/91.]

WAC 16-160-070 Application fees. (1) New product registration.

The application fee for initial registration of a pesticide, spray adjuvant, processing aid, livestock production aid or post-harvest material is five hundred dollars per material. The application fee for initial registration of a fertilizer, soil amendment, organic waste derived material, compost, animal manure or crop production aid is four hundred dollars per material.

- (2) Renewal registration.

The application fee for renewing a registration for a pesticide, spray adjuvant, processing aid, livestock production aid or post-harvest material is three hundred dollars per material. The application fee for renewing a registration for a fertilizer, soil amendment, organic waste derived material, compost, animal manure or crop production aid is two hundred dollars per material.

- (3) Late fees:

Renewal applications postmarked after October 31 must include a late fee in addition to the renewal fee.

If your application is post-marked after October 31 but before:	Then the late fee is:
December 1	\$100.00
January 1	\$200.00
February 1	\$300.00

- (4) Inspections.

Inspections, if required, will be billed at forty dollars per hour plus travel costs and mileage which shall be charged at the rate established by the state office of financial management.

- (5) Samples.

Samples, if required for registration, or requested by the applicant, will be charged to the applicant at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged, it shall be at forty dollars per hour plus travel costs and mileage which shall be charged at the rate established by the state office of financial management.

- (6) Expedited evaluation fees.

Requests for expedited reviews may be submitted and, if approved, are billed at a rate of \$40.00 per hour.

- (7) Foreign or additional standards.

Upon request, the department may assess compliance with foreign or additional organic standards beyond the National Organic Program. Requests for additional assessments of materials approved under the USDA National Organic Program are billed at a rate of \$100.00 per product for each standard.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-070, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 03-03-045, § 16-160-070, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-070, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-070, filed 2/7/91, effective 3/10/91.]

WAC 16-160-080 Inspections. Whenever the department receives an application for registration of materials under this chapter, the department may conduct an inspection. This inspection may entail a survey of required records, examination of facilities, testing representative samples for

prohibited materials and any other information deemed necessary to the requirements of this chapter.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-080, filed 8/6/07, effective 9/6/07.]

WAC 16-160-090 Denial or revocation of a registration. Initial registration.

(1) If it does not appear to the director that the brand name material is such as to warrant the proposed claims for it or if the brand name material and its labeling do not comply with the provisions of this chapter, the director shall notify the registrant of the manner in which the brand name material and its labeling fails to comply with the provisions of this chapter so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant does not make corrections, the director shall deny registration of the material in accordance with chapter 34.05 RCW.

Renewal registration.

(2) When the director determines that a material or its labeling does not comply with the provisions of this chapter, or that false or inaccurate information was provided by the registrant, the director shall cancel the registration of a material in accordance with chapter 34.05 RCW.

Revoking registration.

(3) When the director determines that a material or its labeling does not comply with the provisions of this chapter, or if false or inaccurate information was provided by the registrant, the director shall cancel the registration of such material in accordance with chapter 34.05 RCW.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-090, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-090, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-090, filed 2/7/91, effective 3/10/91.]

WAC 16-160-100 Labeling of registered brand name materials and use of organic logo. A person whose material is registered under this chapter may use the words "approved material under Washington state department of agriculture organic food program" and may use the logo specified in WAC 16-160-110 in the labeling of the material. Approved materials may not make claims indicating products are "certified organic" or similar term. Approved generic materials that are not registered under this chapter must not use the statement nor the logo in the labeling of the material. Registration by no means implies the Washington department of agriculture endorses the use of the product.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-100, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-100, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-100, filed 2/7/91, effective 3/10/91.]

WAC 16-160-110 Organic material registration logo.



[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-110, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-110, filed 7/30/99, effective 8/30/99.]

**Chapter 16-228 WAC
GENERAL PESTICIDE RULES**

WAC

16-228-1010	What are the definitions that apply to this chapter?
16-228-1125	When can the department revoke or deny a license?
16-228-1200	What are the restrictions on pesticide distribution, transportation, application, storage and disposal?
16-228-1231	What are state restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only?
16-228-1262	When are pesticides containing the active ingredient thiamethoxam use restricted pesticides?
16-228-1300	What are the recordkeeping requirements for pesticide dealers?
16-228-1320	What are the recordkeeping requirements for pesticide applicators?
16-228-1400	What are the requirements for pesticide labels?
16-228-1410	What pesticides are considered home and garden use only pesticides?
16-228-1520	What are the requirements for the commercial applicator's financial responsibility insurance certificate (FRIC)?

WAC 16-228-1010 What are the definitions that apply to this chapter? The definitions in this section apply throughout this chapter, unless the context requires otherwise:

(1) "Agricultural commodity" means any plant, or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.

(2) "Authorized agent" is any individual who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

(3) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized individuals and nonpest domestic animals from gaining access to the bait. Baits placed in industrial, commercial or other areas that are accessible to the public shall be contained in tamper resistant bait boxes. Fragile materials are unacceptable.

(4) "Bait station" may be any location where baits are placed to allow target pests to gain access to the bait.

(5) "Blossoming plants" means:

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

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

(c) When there are five or more open weed blooms per square yard on average for the area being measured for groundcover in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges. This definition shall not apply to plants that are not attractive to bees (e.g., lentils, hops, peas (*Pisum sp.*), pears (second bloom) and potatoes). For the purposes of this definition, "bloom" means a flower head, raceme or spike with one or more open flowers.

(6) "Bulk fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

(7) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only.

(8) "Chemigation" means the application of any substance or combination of substances intended as a pesticide, plant or crop protectant or a system maintenance compound applied with irrigation water.

(9) "Commercial vineyard" means a parcel of land from which the grape crop is intended to be sold to a processor or for the commercial fresh market.

(10) A "complainant" is defined as a person who has requested an inspection of an area in which a pesticide violation is believed to have occurred.

(11) "Complete wood destroying organism inspection" means inspection for the purpose of determining evidence of infestation, damage, or conducive conditions as part of the transfer, exchange, or refinancing of any structure in Washington state. Complete wood destroying organism inspections must also include any wood destroying organism inspection that is conducted as the result of telephone solicitation by an inspector, pest control, or other business, even if the inspection would fall within the definition of a specific wood destroying organism inspection.

(12) "Controlled disposal site" means any place where solid or liquid waste is disposed of. Provided that the area has been designated as a disposal site for waste materials by

the appropriate jurisdictional agency. The site must be fenced, barricaded or otherwise enclosed or attended by some person in charge to control the access of domestic animals, pets, and unauthorized persons.

(13) "Department" means the Washington state department of agriculture.

(14) "Diluent" means a material, liquid or solid, serving to dilute the pesticide product to the application rate for adequate coverage (such as water).

(15) "Director" means the director of the department or a duly authorized representative.

(16) "Dry pesticide" is any granular, pelleted, dust or wettable powder pesticide.

(17) "EPA" means the United States Environmental Protection Agency.

(18) "EPA restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA.

(19) "Fertilizer" as included in this chapter means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

(20) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended (61 stat. 163, 7 U.S.C. Sec. 136 et seq.).

(21) "Floor level" means the floor upon which people normally walk—not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

(22) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(23) "Fumigant" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

(24) "High volatile esters" are phenoxy hormone-type herbicides with five or less carbon atoms in the ester group, such as, but not limited to, methyl, ethyl, isopropyl, n-butyl, isobutyl and n-pentyl.

(25) "Highly toxic pesticide" for the purpose of this chapter, means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 156.10 for toxicity Category I due to oral, inhalation or dermal toxicity.

(26) "Landscape application" means an application by a certified applicator of any EPA registered pesticide to any exterior landscape plants found around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, or cemeteries or similar areas. This definition shall not apply to: (a) Applications made by certified private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs sponsored by governmental entities; and (c) commercial pesticide applicators making structural applications.

(27) "Low volatile esters" are phenoxy hormone-type herbicides with more than five carbon atoms in the ester group.

(28) "Person" is defined as any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(29) A "person aggrieved" by a violation is defined as a person who has reasonable grounds to believe that he or she has been subjected to harm or an unreasonable risk by such a violation.

(30) "Pollen shedding corn" means that stage of growth when ten percent or more of the corn plants in any one quarter portion of the field are showing spike anthers.

(31) "Positive identification" means a photo identification document issued by a U.S. government agency or affiliated jurisdiction (states, tribes, territories). Acceptable photo identification documents are: A driver's license, a passport, a military ID card or an immigration green card. Exception: Nonphoto identification documents may be allowed for religious groups that prohibit members from having their picture taken. In this case, two forms of identification are required, one of which must be a government issued document with a signature (e.g., Social Security card). Other nonphoto identification must identify the holder by name and address (e.g., utility bill).

(32) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of any pesticide classified by the EPA or the director as a restricted use pesticide for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the private applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(33) "Private-commercial applicator" means a certified applicator who uses or supervises the use of any pesticide classified by the EPA or the director as a restricted use pesticide for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

(34) "Specific wood destroying organism inspection" means an inspection of a structure for purposes of identifying or verifying evidence of an infestation of wood destroying organisms prior to pest management activities.

(35) "State restricted use pesticide" means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW.

(36) "Structural pest inspector" means any individual who performs the service of conducting a complete wood destroying organism inspection or a specific wood destroying organism inspection.

(37) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(38) "Use restricted pesticide" means any pesticide determined by the director to need further state restrictions on use under the authority of chapters 17.21 and 15.58 RCW. This designation does not change federal or state restricted use classifications.

(39) "Waste pesticide" is any pesticide formulation which cannot be used according to label directions in Washington state because of cancellation or suspension of its federal or state registration, or deterioration of the product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1010, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1010, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. 00-22-073, § 16-228-1010, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1010, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1125 When can the department revoke or deny a license? (1) The department retains the sole discretion to determine when an individual license should be revoked rather than suspended. Revocation of a license shall be an option for the department in those circumstances where:

- (a) The penalty schedule allows for revocation; and/or
- (b) One or more aggravating factors are present; and/or
- (c) The duration of the licensure action exceeds six months.

In circumstances where the department determines revocation to be appropriate, the period of revocation shall be determined at the discretion of the department, but in no instance shall the revocation exceed five years.

(2) The department may deny an applicant a license when the applicant has committed a violation(s) of chapters 15.58 and 17.21 RCW and/or the rules adopted under those chapters. The duration of denial shall be determined based upon the penalty provisions of this chapter. In circumstances where the department determines denial to be appropriate, the period of denial shall not exceed five years.

(3) Nothing shall prevent the department from denying an applicant a license when the applicant has an outstanding civil penalty owed to the department from a previous violation(s).

(4) The department may, at its discretion, suspend a license without also seeking a civil penalty. Such circumstances include, but are not limited to, those incidents where a civil penalty is not available as an appropriate penalty pursuant to RCW 43.05.110. The appropriate period of suspension shall be determined from the penalty schedule.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1125, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1125, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. 01-01-058, § 16-228-1125, filed 12/12/00, effective 1/12/01.]

WAC 16-228-1200 What are the restrictions on pesticide distribution, transportation, application, storage and disposal? (1) No person shall handle, transport, store, display, apply, dispose of or distribute pesticides in such a manner as to endanger humans and their environment or to endanger food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. Toxicities of pesticides shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for

consumption by humans or animals. Any vehicle or other equipment shall be inspected by the owner or authorized agent for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated shall not be returned to service until the contamination has been removed.

(3) Pesticide containers shall be secured during transit by use of side or end racks, bracing, chocks, tiedowns, or other means to prevent their sliding, falling, tipping, rolling, or falling off the vehicle with normal vehicle acceleration, deceleration, or change in direction.

(4) Valves shall be tightly closed and manhole covers shall be secured on cargo, portable and permanent tanks used for transporting, storage and application of pesticides, whether tanks are full or empty.

(5) Portable tanks shall be secured to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies shall not be relied upon for securement.

(6) Pesticides shall not be delivered to a pesticide consignee unless the consignee or authorized agent is present to accept delivery of the pesticides and signs a delivery slip or the pesticides are secured in a proper storage. Signed delivery slips shall be maintained as required by WAC 16-228-1300 for records.

(7) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(8) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The same "checkstand" or food packaging area may not be used for the distribution of highly toxic pesticides and food for human consumption.

(9) All pesticide incidents involving undesirable impacts on human health shall be reported to the Washington state department of health by the department.

(10) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause injury to humans and/or animals. Pesticides with obscured, illegible or damaged labels shall not be displayed or offered for sale.

(11) No person shall distribute or sell any pesticide unless it is in the registrant's or the manufacturer's unbroken, immediate container and the registered pesticide label is affixed to the container.

(12) A user of a pesticide may distribute a properly labelled pesticide to another user who is legally entitled to use that pesticide without obtaining a pesticide dealer's license if the exclusive purpose of distributing the pesticide is keeping it from becoming a hazardous waste as defined in chapter 70.105 RCW.

(13) The distribution and use of DDT and DDD shall be prohibited in this state except for uses allowed by the Environmental Protection Agency or the Center for Disease Control of the United States Department of Health and Human Services.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1200, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1200, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. 00-22-073, § 16-228-1200, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1200, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1231 What are state restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only? (1) Pesticides defined by the following categories or active ingredients are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or to their duly authorized agents. The certified applicator must have a valid certification, license or permit to use or purchase the kind and quantity of such pesticide sold or delivered. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.

(a) Any EPA restricted use pesticide.

(b) All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba when distributed in counties located east of the crest of the Cascade Mountains except as listed below:

(i) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(ii) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

(c) Strychnine and its salts.

(d) Aquatic pesticides. All pesticides formulations labeled for application onto or into water to control pests on or in water except as provided in subsection (2) of this section.

(2) Pesticides which are not classified as EPA restricted use pesticides and which are labeled and intended only for the following aquatic uses shall be exempt from the requirements of this section:

(a) Swimming pools

(b) Wholly impounded ornamental pools or fountains

(c) Aquariums

(d) Closed plumbing and sewage systems

(e) Enclosed food processing systems

(f) Air conditioners, humidifiers, and cooling towers

(g) Industrial heat exchange, air washing and similar industrial systems

(h) Disinfectants

(i) Aquatic environments in states other than Washington

(j) Animal pets

(k) Use within wholly enclosed structures (with floors) or fumigation chambers.

Greenhouses are not considered as wholly enclosed structures for the purposes of this section

(1) Home and garden control of mosquito larvae.

(3) Pesticides containing the following active ingredients and their isomers are declared state restricted use pesticides for the protection of ground water except when labeled and intended only for home and garden use.

atrazine
bromacil
dcpa
disulfoton
diuron
hexazinone
metolachlor
metribuzin
picloram
prometon
simazine
tebuthiuron

(4) Distribution of pesticides bearing combined labeling of uses onto or into water plus nonaquatic general uses, may be made by licensed pesticide dealers to noncertified applicators if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it will not be applied into or onto water. If requested by the department, dealers shall furnish records on the sales of pesticides labeled for application onto or into water, whether sold for that use or not. Records shall include the name and address of the purchaser, the complete product name and EPA registration number of the pesticide and the amount purchased. Records shall be kept for seven years from the date of distribution.

(5) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization by the certified applicator to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license number and positive identification of the authorized agent.

(6) Pesticide dealers must positively identify unknown purchasers of restricted use pesticides. Positive identification may be annually at the time of verification of the certified applicator's license number or for each individual purchase if the applicator is unknown to the dealer. Dealers must verify the identification of unknown purchasers of restricted use pesticides for telephone or electronic purchases either by fax (photo identification) or at the time of delivery.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1231, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1231, filed 10/28/03, effective 11/28/03. Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. 03-05-034, § 16-228-1231, filed 2/11/03, effective 3/14/03. Statutory Authority: Chapters 15.58 and 34.05 RCW. 02-04-041, § 16-228-1231, filed 1/29/02, effective 3/1/02. Statutory Authority: Chapters 15.58, 17.21 RCW. 00-22-073, § 16-228-1231, filed 10/30/00, effective 11/30/00.]

WAC 16-228-1262 When are pesticides containing the active ingredient thiamethoxam use restricted pesticides? Pesticides containing the active ingredient thiamethoxam are declared to be use restricted pesticides when labeled for use on pome fruits, including apples and pears.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1262, filed 5/9/07, effective 6/9/07. Statutory Authority: RCW 15.58.040, 17.21.030, and chapter 34.05 RCW. 03-05-033, § 16-228-1262, filed 2/11/03, effective 3/14/03.]

WAC 16-228-1300 What are the recordkeeping requirements for pesticide dealers? Pesticide dealers shall keep and furnish records to the director immediately upon request on the distribution of any pesticide except those determined by the department to be "home and garden use only" products. Records shall be kept for a period of seven years from the date of distribution. General use distribution requests shall be limited to records necessary for investigations of suspected violations, damage complaints, inspections, monitoring distribution and use under provisions of special local needs registrations, emergency exemptions from federal registration and experimental use permits, and monitoring of any pesticide suspected of unreasonable adverse effects on the environment. The records shall contain the following information:

- (1) Full name and address of purchaser;
- (2) Full name and address of certified applicator (if different from subsection (1) of this section for restricted use pesticides);
- (3) Certified applicator's pesticide license number (for restricted use pesticides);
- (4) Full name of authorized agent for restricted use pesticides;
- (5) Brand and specific pesticide name and EPA registration number;
- (6) Number of pounds or gallons of the pesticide distributed;
- (7) Date of distribution;
- (8) Crop and/or site to which pesticide will be applied (for restricted use pesticides).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1300, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1300, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-22-074, § 16-228-1300, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1300, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1320 What are the recordkeeping requirements for pesticide applicators? (1) Certified applicators and all persons applying pesticides to more than one acre of agricultural land in a calendar year including public entities engaged in roadside spraying, and all persons making landscape applications of pesticides to types of property listed in RCW 17.21.410 (1), (b), (c), (d) and (e) shall keep records for each application which shall include the following:

- (a) The full name and full address of the person for whom the pesticide was applied.
- (b) The address or exact location of the land where the pesticide was applied. If the application is made to one acre or more of agricultural land, the field must be located on the map on the adopted form. Location of agricultural land shall be made using section, township and range, geographical positioning system coordinates, or by irrigation block and farm unit numbers.
- (c) The year, month, day and start and stop time the pesticide was applied.

(d) The product name used on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide which was applied.

(e) The direction from which the wind is blowing and estimated velocity of the wind in miles per hour (mph) and the temperature in degrees Fahrenheit at the time the pesticide was applied: Provided that this subsection (e) shall not apply to applications of baits in bait stations, pesticide applications within structures and drip or subsurface irrigation applications. Wind and temperature readings shall be obtained in close proximity to the application site.

(f) The total amount of pesticide applied such as pounds, gallons, ounces, etc.

(g) The amount of pesticide applied per acre or one thousand square feet or other appropriate measure.

(i) For PCO classification or residential ornamental applications, the amount shall be recorded to the nearest ounce of product or to the nearest gallon of liquid spray per site.

(ii) Fumigation records shall include the pounds of gas released per one thousand cubic feet of space, the temperature, and the duration of the exposure period.

(h) The concentration of pesticide that was applied. Liquid applications may be recorded as, but are not limited to, amount of product per one hundred gallons of liquid spray, gallons per acre of output volume, ppm, percent product in tank mix (e.g., 1%). For chemigation applications record "inches of water applied" or other appropriate measure.

(i) The pests to be controlled (for PCO classification only).

(j) Specific crop or site to which pesticide was applied.

(k) Apparatus license plate number.

(l) The licensed applicator's full name, certified pesticide applicator license number, complete address, telephone number, and the full name of the individual or individuals making the application.

(m) The number of acres or other appropriate measure to which the pesticide was applied.

(n) For commercial applications, the full name and complete address of the commercial firm.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept for a period of seven years from the date of the application of the pesticide to

which such records refer. The director shall, upon request in writing, be furnished with a copy of such records immediately by the licensee.

(4) Upon written request, the applicator shall provide the customer with a record of each application of pesticides to his/her land, for the current season, which shall contain the information listed in WAC 16-228-1320(1).

(5) Except as stated in subsection (6) of this section, the information required in subsection (1) of this section shall be provided upon request on the appropriate page of the pesticide record form (figures 1-8): Provided that computerized records may be maintained as long as the records can be produced in the form and format prescribed by the department.

(6) The department may allow by written permit the information required in subsection (1) of this section to be kept in a different form and format than that described in figures 1-8: Provided that the following criteria are met:

(a) The pesticide application recordkeeping system is computerized;

(b) The pesticide application recordkeeping system contains all the information required by subsection (1) of this section, and can be produced in a form and format acceptable to the department.

(7) All apparatus shall be kept in good repair and only that apparatus capable of performing all functions necessary to ensure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to land, humans, desirable plants and animals, from subsequent applications.

(8) On demand of the director, the applicator shall make immediately available for inspection the pesticides being applied and the apparatus used for the application: Provided that this inspection is made at the site of application or where the apparatus is located.

(9) The applicator shall make available necessary safety equipment in proper working order and advise employees on its use to meet the safety requirements of the pesticide label.

(10) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(11) All containers used for pesticide mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate restrictions and precautions.

State of Washington Department of Agriculture Olympia, Washington 98504	PESTICIDE APPLICATION RECORD (Version 1) NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)
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1. Date of Application - Year: Month: Day: Start Time:
Stop Time:
2. Name of person for whom the pesticide was applied:
Firm Name (if applicable):
Street Address: City: State: Zip:
3. Licensed Applicator's Name (if different from #2 above): License No.:
Firm Name (if applicable): Tel No.:
Street Address: City: State: Zip:
4. Name of person(s) who applied the pesticide (if different from #3 above):
License No(s). If applicable:
5. Application Crop or Site:

General Pesticide Rules

16-228-1320

State of Washington
 Department of Agriculture
 Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 1)

NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

- 6. Total Area Treated (acre, sq. ft., etc.):
- 7. Was this application made as a result of a WSDA Permit? No Yes (If yes, give Permit No.) #
- 8. Pesticide Information (please list all information for each pesticide, including adjuvants (buffer, surfactant, etc.), in the tank mix):

a) Full Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied

- 9. Address **or exact location** of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.
- 10. Wind direction and estimated velocity (mph) during the application:
- 11. Temperature during the application:
- 12. Apparatus license plate number (if applicable):
- 13. Air Ground Chemigation
- 14. Miscellaneous Information:

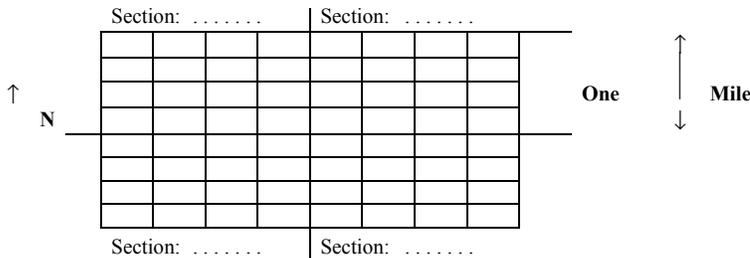
AGR 4226 (Rev. 4/07)

Location of Application: If the application covers more than one township or range, please indicate the township & range for the top left section of the map only:

Township: N
 Range: E OR W (please indicate:)
 Section(s):
 Block: Farm Unit:
 or GPS:
 County:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

INSTRUCTIONS

Pesticide Application Record (Version 1) AGR 4226 (Rev. 4/07)

1. Date may be spelled out or indicated numerically. Time must be indicated as start and stop times.
2. Include first and last name.
3. If the person's name is the same as No. 2, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
4. Include first and last name(s).
5. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
6. May also be stated in terms such as linear feet, cubic feet, etc. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
7. If the application was made under permit, but no permit number was issued, indicate the date the permit was issued.
8. a) Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, etc.).
b) This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray adjuvant (buffer, spreader, sticker, surfactant, etc.) write "adjuvant" in this space and add the state registration number.
- c) Indicate the amount of pesticide formulation (product) applied to the total area listed on line 6.

INSTRUCTIONS

- d) Other measures may include amount/sq. ft., amount/cu. ft., amount/linear ft., etc.
 - e) This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.
 9. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights of way.
 10. Indicate the direction from which the wind is blowing. Measure wind velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Wind readings shall be obtained in close proximity to the application site.
 11. Indicate temperature in degrees Fahrenheit. (It may be indicated as the range encountered during application.) Temperature readings shall be obtained in close proximity to the application site.
 12. This does not apply to private applicators or public agencies.
 13. Check one.
 14. Depth of application/inches of water (chemigation).
 15. This space is available for any additional information you may wish to include.
- Form AGR 4226 (Rev. 4/07) Pg. 2

State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 2)

NOTE: Application information must be completed same day as the application and must be retained for seven years (Ref. chapter 17.21 RCW)

1. Name & Address of Person for Whom Pesticide was Applied	2. Applicator Name and Address (if different from # 1) Tel. No. Lic. No.
3. Full, complete address or exact location of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form)	4. Misc. Info:

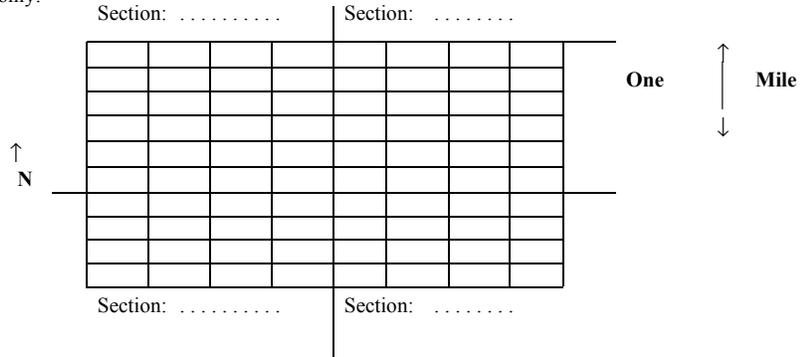
5. Date and Time of Application (Start and Stop)	6. Crop or Site Treated	7. Acres Treated (or other measure)	8. FULL PRODUCT NAME	9. EPA Registration Number	10. Amount of Product Applied		11. Concentration	12. Weather Conditions (wind direction, velocity, temperature). Apparatus License Plate No. and Name and License No. of person(s) who applied pesticide
					Rate per acre (or other measure)	Total Product Applied		
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							

	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation		

AGR 4235 (Rev. 4/07)

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only:

Township: N
 Range: E OR W (please indicate) ..
 Section(s):
 Block: Farm Unit:
 or GPS:
 County:



PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.

AGR 4235 Pg. 2

INSTRUCTIONS

Pesticide Application Record (Version 2) AGR 4235 (Rev. 4/07)

1. Include first and last name.
2. If the person's name is the same as No. 1, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
3. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights of way.
4. This space is available for any additional information you may wish to include.
5. Date may be spelled out or indicated numerically. Application start and stop times must be indicated.
6. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
7. May also be stated in terms such as linear feet, cubic feet, etc. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
8. Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, etc.).
9. This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray adjuvant (buffer, spreader, sticker, surfactant, etc.) write "adjuvant" in this space and add the state registration number.
10. Rate per acre: Other measures may include amount/sq. ft., amount/linear ft., etc. Specify the term to which the number refers. Total product applied is the total product applied between start and stop times.

INSTRUCTIONS

11. This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.
12. Weather conditions must include the direction from which the wind is blowing, measure velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Temperature must also be indicated in degrees Fahrenheit and may be listed as the range encountered during the application. Wind and temperature readings shall be obtained in close proximity to the application site. The apparatus license plate number does not apply to private applicators or public agencies. Include first and last name(s) of person(s) who applied the pesticide. Include license number(s) if applicable.

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PESTICIDE APPLICATION RECORD (Version 3)

NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

1. Date of Application - Year: Month: Day(s):

2. Name of person for whom the pesticide was applied:

Firm Name (if applicable):

Street Address: City: State: Zip:

3. Licensed Applicator's Name (if different from #2 above):

Firm Name (if applicable): Tel. No.:

Street Address: City: State: Zip:

4. Air Ground Chemigation

5. Application Crop or Site:

6. Total Area Treated (acre, sq. ft., etc.)

7. Was this application made as a result of a WSDA Permit? No Yes (If yes, give Permit No.) #

8. Pesticide Information (list all information for each pesticide including adjuvants in the tank mix):

a) Full Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied	f) Depth of Application (Chemigation)
			/		
			/		
			/		
			/		

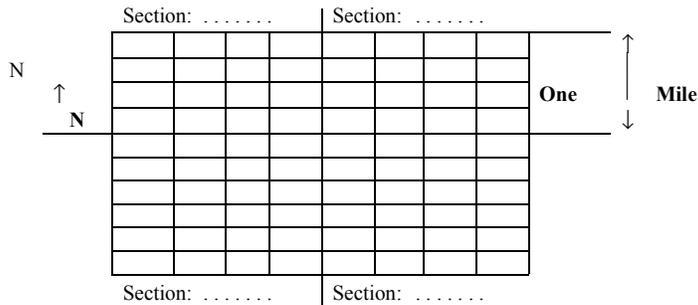
9. Address **or exact location** of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10. Date	11. Name of person(s) making the application	12. License No.	13. Apparatus Lic. Plate No.	14. Time Start	14. Time Stop	15. Acres Completed	16. Wind Dir.	16. Wind Vel. (mph)	17. Temp

AGR 4236 (Rev. 4/07)

10. Date	11. Name of person(s) making the application	12. License No.	13. Apparatus Lic. Plate No.	14. Time Start	14. Time Stop	15. Acres Completed	16. Wind Dir.	16. Wind Vel. (mph)	17. Temp

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only.)
 Township:
 Range: E OR W (please indicate):
 Section(s):
 Block: Farm Unit:
 or GPS:
 County:



PLEASE NOTE:
 The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.

Miscellaneous Information:

INSTRUCTIONS

Pesticide Application Record (Version 3) AGR 4236 (Rev. 4/07)

- 1. Date may be spelled out or indicated numerically.
2. Include first and last name.
3. If the person's name is the same as No. 2, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
4. Check one.
5. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
6. May also be stated in terms such as linear feet or cubic feet. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
7. If the application was made under permit, but no permit number was issued, indicate the date the permit was issued.
8. a) Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, etc.).
b) This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray adjuvant (buffer, spreader, sticker, surfactant, etc.) write "adjuvant" in this space and add the state registration number.
c) Indicate the amount of pesticide formulation (product/adjuvant) applied to the total area listed on line 6.
d) Other measures may include amount/sq. ft., amount/cu. ft., amount/linear ft., etc.

INSTRUCTIONS

- e) This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.
f) Depth of application (chemigation).
9. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights of way.
10. List the date of application.
11. Indicate first and last name(s).
12. List license number(s) if applicable.
13. This does not apply to private applicators or public agencies.
14. Application start and stop times must be indicated. Indicate a.m. or p.m.
15. The total of all entries in this column should equal the total listed on line 6.
16. Indicate the direction from which the wind is blowing. Measure wind velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Wind readings shall be obtained in close proximity to the application site.
17. Indicate temperature in degrees Fahrenheit. (It may be indicated as the range encountered during the application.) Temperature readings shall be obtained in close proximity to the application site.

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PESTICIDE APPLICATION RECORD (Version 4)
NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

A. Date of Application - Year: Month: Day:
B. Firm Name: Telephone No.:
Commercial Applicator's Name: License No.:
Street Address: City: State: Zip:
C. Name of person(s) who applied the pesticide:
License No(s):
D. Pesticide Information (list all information for each pesticide including spray adjuvants (buffer, surfactant, dye, etc.) in the tank mix):

Table with 3 columns: Full Product Name, EPA Reg. No., Concentration. Concentration: Amount: (Lbs., Qts., etc.) of brand per 100 gallons of tank mix. Amount and unit must be specified.

E. Application crop or site: F. Apparatus License Plate No.

G. Record the following information for the specific conditions during each application:

Table with 6 columns: CUSTOMER (a) full name (b) complete address, AMOUNT APPLIED (gals. of mix), AREA TREATED (sq. ft., etc.), START AND STOP TIME, TEMP F°, WIND DIR VEL (mph). Rows 1.a), b), 2.a), b), 3.a), b).

4. a) _____
 b) _____
 5. a) _____
 b) _____
 6. a) _____
 b) _____
 7. a) _____
 b) _____
 8. a) _____
 b) _____
 9. a) _____
 b) _____

AGR 4234 (Rev. 4/07)

INSTRUCTIONS

Pesticide Application Record (Version 4) AGR 4234 (Rev. 4/07)

This form may only be used for commercial residential ornamental and lawn applications. It may not be used to satisfy the application record requirements for agricultural employers.

- A. Date may be spelled out or indicated numerically.
- B. Include first and last name of the commercial applicator.
- C. Include first and last name(s).
- D. Product name: Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, etc.).

INSTRUCTIONS

E. Indicate type of land treated, not location. Examples: Rights of way, lawn, trees and shrubs, driveways, etc.

F. List the number of the license plate affixed to the apparatus.

G. Customer's name and application information should be listed on line A. Street address should be listed on line B, including city. Additional pages may be added for additional customers on the same day, so long as the information in A through F remains the same.

DAILY PESTICIDE APPLICATION RECORD (Version 5)
For Commercial Pest Control Operators Only

NOTE: This form must be completed same day as the application and retained for seven years (Ref. chapter 17.21 RCW)

A. FIRM NAME AND ADDRESS: TELEPHONE NUMBER:
 B. APPLICATOR NAME: LICENSE NO.
 C. PERSON MAKING APPLICATION: LICENSE NO.
 D. DATE: E. APPARATUS LICENSE NO:

CUSTOMER (a) FULL NAME (b) FULL ADDRESS OR LOCATION OF APPLICATION (c) TARGET PEST	(a) EPA REG. NO./FULL PRODUCT NAME(S) (b) CONCENTRATION (c) TOTAL AMOUNT USED	(a) TIME (IN/OUT) (b) TEMP. (c) WIND DIR./ VELOCITY	APPLICATION SITE (C&C, SPOT, VOID, INJECTIONS, ETC.)	PESTICIDE APPLIED/ACRE OR OTHER MEASURE
1. a) _____ b) _____ c) _____	_____	_____	_____	/ _____
2. a) _____ b) _____ c) _____	_____	_____	_____	/ _____
3. a) _____ b) _____ c) _____	_____	_____	_____	/ _____
4. a) _____ b) _____ c) _____	_____	_____	_____	/ _____
5. a) _____ b) _____ c) _____	_____	_____	_____	/ _____
6. a) _____ b) _____ c) _____	_____	_____	_____	/ _____
7. a) _____ b) _____ c) _____	_____	_____	_____	/ _____

AGR 4237 (Rev. 4/07) OPTIONAL: MILEAGE START MILEAGE END

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1320, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1320, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-22-074, § 16-228-1320, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1320, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1400 What are the requirements for pesticide labels? (1) In addition to the requirements set forth in (2) through (5) below, pesticide labeling shall meet the standards or criteria of FIFRA.

(2) Any pesticide exempted from registration under the provisions of section 18 of FIFRA must be labeled as follows:

(a) Pesticides distributed under section 18 of FIFRA must be accompanied by a label approved by the department prior to distribution. All conditions set forth in the document granting the emergency exemption and all other requirements determined to be necessary by the department must be included on the label.

(b) In situations where a label cannot be developed and approved prior to the intended use period, the department may allow the use of the document granting the emergency exemption in lieu of labeling. Conditions set forth as part of the granting document, and any attached or associated documentation from the department shall be considered labeling for purposes of enforcement.

(3) Labels for spray adjuvants must include the following:

(a) The product brand name.

(b) The type or function of principal functioning agents. Terms used to describe adjuvant functions must be consistent with ASTM International Standards E 1519 and/or E 609, unless ASTM International has not defined a term. In the absence of an ASTM International definition, the department will determine the appropriate term(s). Functions claimed must be consistent with the principal functioning agents. If two or more functions are claimed, then the functions must be listed in descending order (starting with the primary function).

(c) An ingredient statement that shall include the following:

(i) "Principal functioning agents." The principal functioning agents must be listed by chemical name in descending order of composition with either individual or total percentage(s). If more than 3 functioning agents are present, only the 3 principal agents need to be listed;

(ii) The percentage of "Constituents ineffective as spray adjuvants," and

(iii) The total percentage of all ingredients which must equal 100%.

(d) Directions for use that must include a description of intended uses and recommended use rates.

(e) Precautionary statements adequate to protect people and the environment that shall include the following:

(i) The statement "Keep Out Of Reach Of Children."

(ii) A signal word (danger, warning or caution) and precautionary statements (including requirements for personal protective equipment, if applicable) consistent with product toxicity data; and

(iii) A statement prohibiting aquatic use, unless the registrant provides data to demonstrate that the proposed use will not cause unreasonable adverse effects to fish and aquatic invertebrates.

(f) An appropriate storage and disposal statement.

(g) The name and address of the registrant or manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, then the name must be quali-

fied by appropriate wording such as "Packaged for" or "Distributed by."

(h) The weight or measure of the contents.

(i) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(j) Optional information: The spray adjuvant label may also include an exemption from tolerance statement (if applicable), an unsulfonated residue (UR) value (if applicable), the Washington registration number and a label identification code (such as the revision date).

(4) Special local need (SLN) labels issued under section 24c of FIFRA must include the following:

(a) A federal or state Restricted Use Pesticide (RUP) designation statement (when applicable).

(b) The statement "FOR DISTRIBUTION AND USE ONLY WITHIN THE STATE OF WASHINGTON."

(c) The product brand name.

(d) The EPA and SLN registration numbers of the product.

(e) The statement: "It is a violation of federal law to use this product in a manner inconsistent with its labeling."

(f) The statement: "This labeling must be in the possession of the user at the time of application."

(g) One of the following statements:

(i) For agricultural use SLN labels the statement: "Follow all applicable directions, restrictions, worker protection standard requirements, and precautions on the EPA registered label"; or

(ii) For nonagricultural use SLN labels the statement: "Follow all applicable directions, restrictions, and precautions on the EPA registered label."

(h) Directions for use that must include the following: crop or site to be treated, pest(s) to be controlled, application rate and concentration, method of application, frequency and timing of application, and pre-harvest interval.

(i) All restriction or precaution statements (e.g. pollinator protection, herbicide drift, aquatic toxicity, chemigation, seed crop requirements) applicable to the use.

(j) An expiration date statement such as: "This label for (Product name) expires and must not be distributed or used in accordance with this SLN registration after December 31, (Fifth year)." Fifth year means the fifth year after issuance of the SLN label.

(k) The name and address of the SLN registrant.

(l) A label identification code (such as the revision date).

(m) Any other applicable information required by the EPA or the department.

(n) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(o) Optional information: The SLN label may also include a waiver of liability statement (if applicable). The waiver of liability statement must be consistent with EPA requirements.

(5) Labels for minimum risk pesticides exempted from federal registration under section 25(b) of FIFRA must include the following:

(a) The product brand name.

(b) The product function. The function(s) claimed must be consistent with product ingredients.

(c) An ingredient statement that shall include the following:

(i) "Active ingredients." These ingredients must be listed by name (in descending order of composition) with individual percentage(s). Only active ingredients listed in 40 CFR 152.25(g) are permitted;

(ii) "Inert ingredients" or "Other ingredients." These ingredients must be listed by name with the cumulative percentage of all inert ingredients stated on the label. Only inert ingredients on EPA Inerts List 4A (40 CFR 180.950) are permitted; and

(iii) The total percentage of all ingredients which must equal 100%.

(d) Directions for use that must include a description of intended uses and use rates. The label must not bear claims either to control or mitigate microorganisms that pose a threat to human health.

(e) Precautionary statements adequate to protect people and the environment that shall include the following:

(i) The statement "Keep Out Of Reach Of Children," and

(ii) A signal word (danger, warning or caution) and precautionary statements (including requirements for personal protective equipment, if applicable) consistent with product toxicity data.

(f) An appropriate storage and disposal statement.

(g) The name and address of the registrant or manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, then the name must be qualified by appropriate wording such as "Packaged for" or "Distributed by."

(h) The weight or measure of the contents.

(i) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(j) Optional information: The minimum risk pesticide label may also include the Washington registration number and a label identification code (such as the revision date).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1400, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1400, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-22-074, § 16-228-1400, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1400, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1410 What pesticides are considered home and garden use only pesticides? For purposes of this section, "home and garden use only" means any pesticide determined by the department to be packaged, labeled and marketed in a manner that clearly indicates the product is intended for personal use by the general public in and around a residence. In making this determination, the department will consider, but not be limited to, the following criteria:

- (a) Packaging;
- (b) Package size;
- (c) Label instructions;
- (d) Application method;
- (e) Equipment to be used;
- (f) Rates of application.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1410, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1410, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54,

15.58 and 17.21 RCW. 99-22-002, § 16-228-1410, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1520 What are the requirements for the commercial applicator's financial responsibility insurance certificate (FRIC)? (1) A commercial pesticide applicator's license shall not be issued until a financial responsibility insurance certificate is filed with the department which shall certify: (Forms to be supplied by the department).

(a) Name of insured (identical to name on application form)

(b) Address of insured

(c) Policy number

(d) Aircraft number(s) covered by the insurance (if applicable)

(e) Effective period

(f) Amount of insurance. Minimum requirements are:

(i) Public liability (personal injury) fifty thousand dollars; and property damage fifty thousand dollars; or

(ii) Alternately providing both public liability (personal injury), and property damage liability coverage within the same limit, providing such policy is issued in an amount of not less than one hundred thousand dollars.

(iii) Amount of deductible (if applicable): Maximum deductible, five thousand for all applicators.

(g) List of any pesticides or group of pesticides not covered by the policy.

(h) Acknowledgement of provisions for ten days' prior written notice of cancellation or reduction of the insurance coverage.

(2) The department may waive the requirements of this section, wholly or in part, if a surety bond in a form prescribed by the director is offered as evidence of financial responsibility, as provided for in RCW 17.21.160 and 17.21.170.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1520, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1520, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1520, filed 10/20/99, effective 11/20/99.]

Chapter 16-230 WAC

USE OF CHEMICALS AND CHEMICALLY TREATED MATERIALS IN CERTAIN COUNTIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-230-620 Low volatile. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-620, filed 2/20/80.] Repealed by 07-11-041A, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW.
- 16-230-862 Application of pesticides in Benton County—Area 1A. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-862, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-862, filed 6/10/92, effective 7/11/92.] Repealed by 07-11-041A, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW.

WAC 16-230-010 What are the restrictions on insecticides used on blossoming alfalfa, clover and mint? For the purposes of WAC 16-230-010 through 16-230-079, the following pesticides have additional statewide use restrictions when applied to blossoming alfalfa, clover and mint.

COMMON CHEMICAL NAME	ALSO KNOWN AS*
acephate	Orthene
azinphos-methyl	Guthion
carbaryl	Sevin
carbofuran	Furadan
chlorpyrifos	Lorsban
diazinon	
dimethoate	Cygon
disulfoton	Di-Syston
endosulfan	Thiodan
fluralinate	Spur
formetanate hydrochloride	Carzol
malathion	Fyfanon
methidathion	Supracide
methomyl	Lannate, Nudrin
methoxychlor	Marlate
methyl parathion	
naled	Dibrom
oxamyl	Vydate
oxydemeton-methyl	Metasystox-R
phorate	Thimet
phosmet	Imidan
trichlorfon	Dylox

* This column is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-010, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-010, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-010, filed 4/10/84; Order 1041, Regulations 2 and 3, filed 2/15/67, effective 3/20/67; Order 980, Regulations 2 and 3, filed 2/30/64; Order 916, Regulation 1, filed 4/22/63; Order 887, Regulation 1, filed 4/17/62.]

WAC 16-230-015 What definitions apply to this section? (1) The term "blossoming alfalfa, mint or clover" as used in WAC 16-230-010 through 16-230-083 shall apply when there are five or more blooms per square yard on the average in a given field: Provided, That following the first cutting the bloom count shall be taken only on the current crop. For the purpose of this rule, a "bloom" on clover or alfalfa is defined as any alfalfa raceme or clover head containing one or more open flowers. A "bloom" on mint is defined as any head or spike with one or more open (florets) flowers.

(2) The time of sunrise and sunset shall be that of the official tables, U.S. Weather Bureau, Yakima, Washington.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-015, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-012 (Order 1818), § 16-230-015, filed 4/10/84; Order 1041, Regulation 1, filed 2/15/67, effective 3/20/67; Order 980, Regulation 1, filed 4/6/65; Order 945, Regulation 1, filed 3/30/64.]

WAC 16-230-030 What are the use restrictions for alfalfa and clover pesticide applications? (1) The use or application of any formulation (except where the formulation is specified) of the following listed pesticides is prohibited on blossoming alfalfa and clover crops within seven days to blossoming: Provided, That methidathion (Supracide) when used in Kittitas County on timothy hay mixed with alfalfa and/or clover shall only be prohibited within three days to blossoming. See WAC 16-230-076 and 16-230-078 for additional restrictions in certain areas of Walla Walla County.

- (a) Azinphos-methyl (Guthion)
- (b) Carbaryl (Sevin)
- (c) Carbofuran (Furadan)
- (d) Dimethoate (Cygon)
- (e) Methidathion (Supracide)

(2) The use or application of liquid formulations of chlorpyrifos (Lorsban), wettable powder formulations of naled (Dibrom), and liquid or wettable powder formulations of malathion (Fyfanon) and phorate (Thimet) applied as sprays on blossoming alfalfa or clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight of the same day.

(3) The use or application of any formulation (except where the formulation is specified) of the following pesticides is prohibited on blossoming alfalfa and clover crops:

- (a) Carbaryl (Sevin) see number (1) above
- (b) Diazinon
- (c) Fenthion (Baytex)
- (d) Malathion (Fyfanon) ULV and dust
- (e) Methyl parathion
- (f) Naled (Dibrom) dust
- (g) Phosmet (Imidan)

(4) The use or application of the following listed pesticides or any formulation thereof (except where the formulation is specified) on blossoming alfalfa and clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning: Provided, That methomyl (Lannate or Nudrin) shall only be applied to blossoming clover crops pursuant to this rule, and its application to blossoming alfalfa is further restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight the same day: Provided further, That the application of the following use restricted pesticides on blossoming alfalfa in Walla Walla County is further restricted to applications only within the period beginning at sunset and ending at two hours after midnight the following morning:

- (a) Formetanate hydrochloride (Carzol)
- (b) Naled (Dibrom) emulsifiable concentrate
- (c) Disulfoton (Di-Syston)
- (d) Endosulfan (Thiodan)
- (e) Oxydemeton-methyl (Metasystox-R)
- (f) Methomyl (Lannate or Nudrin)

- (g) Methoxychlor (Marlate)
- (h) Phorate (Thimet) granular
- (i) Trichlorfon (Dylox)
- (j) Oxamyl (Vydate)
- (k) Fluvalinate (Spur)

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-030, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-030, filed 10/19/88; 88-08-050 (Order 1971), § 16-230-030, filed 4/4/88; 84-09-012 (Order 1818), § 16-230-030, filed 4/10/84; Order 1041, Regulation 5, filed 2/15/67, effective 3/20/67; Order 980, Regulation 5, filed 4/6/65; Order 945, Regulation 5, filed 3/30/64; Order 916, Regulation 3, filed 4/22/63; Order 887, Regulation 3, filed 4/17/62.]

WAC 16-230-075 What are the restrictions for blossoming mint pesticide applications? The use or application of malathion dust on blossoming mint is prohibited. The use or application of malathion (Fyfanon) liquid, oxydemeton-methyl (Metasystox-R), and methomyl (Lannate or Nudrin) liquid on blossoming mint is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning. The use or application of any formulation of acephate (Orthene) on blossoming mint is restricted to applications only within the period beginning at two and one-half hours prior to sunset and ending at midnight of the same day.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-075, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-075, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-075, filed 4/10/84; Order 1041, Regulation 9, filed 2/15/67, effective 3/20/67; Order 980, Regulation 9, filed 4/6/65; Order 945, Regulation 9, filed 3/30/64.]

WAC 16-230-076 What are the boundaries and restrictions for Area 1? (1) Area 1 description. South central Walla Walla County - all lands lying within a line starting at the junction of the Washington-Oregon border and the Rainville Road; thence north along the Rainville Road to the Frog Hollow Road; thence west along the Frog Hollow Road to the McDonald Road; thence north along the McDonald and Bridge Road to State Highway 12; thence west along Highway 12 to the Woodward Canyon Road; thence north and west along the Woodward Canyon Road to the northeast corner of Section 24, T7N, R33E; thence west along the section lines to the northwest corner of Section 23, T7N, R32E; thence south along the section lines to the Walla Walla River; thence southerly along the Walla Walla River to its intersection with the west section line of Section 7, T6N, R33E; thence south along the section lines to the Washington-Oregon border; thence east along the border to the point of beginning.

(2) Area 1 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of azinphos-methyl (Guthion), carbofuran (Furadan), phosmet (Imidan), chlorpyrifos (Lorsban), and methidathion (Supracide) on alfalfa and clover crops, is prohibited after May 23 of each year, and the use or application of dimethoate (Cygon) on alfalfa and clover crops is prohibited after May 30 of each year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-076, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-076, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-076, filed 4/10/84.]

WAC 16-230-078 What are the boundaries and restrictions for Area 2? (1) Area 2 description. South central Walla Walla County - all lands lying within a line starting at the junction of the Rainville Road and the Washington-Oregon border; thence north to the Frog Hollow Road; thence east along the Frog Hollow Road to the Valley Chapel Road; thence south along the Valley Chapel Road to the Washington-Oregon border; thence west along the border to the point of beginning.

(2) Area 2 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of azinphos-methyl (Guthion), carbofuran (Furadan), phosmet (Imidan), chlorpyrifos (Lorsban), and methidathion (Supracide) on alfalfa and clover crops, is prohibited after May 30 of each year, and the use or application of dimethoate (Cygon) on alfalfa and clover crops is prohibited after June 6 of each year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-078, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-078, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-078, filed 4/10/84.]

WAC 16-230-079 Can the department issue special permits? The department may issue a permit upon receipt of a written request to apply use restricted pesticides listed in WAC 16-230-010 in variation of any restrictions listed in WAC 16-230-015, 16-230-030, and 16-230-075 through 16-230-078. The department will consider the hazard to pollinating insects before a permit is issued.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-079, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-08-050 (Order 1971), § 16-230-079, filed 4/4/88.]

WAC 16-230-082 What are the use restrictions on pesticides used on pollen shedding corn? (1) The term "pollen shedding corn" as used in WAC 16-230-082 through 16-230-088 shall be that stage of growth when ten percent or more of the corn plants in any one quarter portion of a field are showing spike anthers.

(2) The insecticides* carbaryl (Sevin), diazinon, endosulfan (Thiodan), fenvalerate (Pydrin), malathion (Fyfanon), methomyl (Lannate or Nudrin), methyl parathion, parathion, and permethrin (Ambush or Pounce) are by this order declared to be use restricted insecticides. Such insecticides are restricted in their use in Areas 1, 2 and 3 in eastern Washington.

(3) Area under order. Area 1 - Yakima County; Area 2 - Franklin, Adams and Grant counties; Area 3 - Area within Area 2 in Grant County.

* Listed trade names are to be used as a guide and may not include all the trade or brand names under which the chemicals are distributed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-082, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-013 (Order 1819), § 16-230-082, filed 4/10/84.]

WAC 16-230-084 What are the restrictions in Areas 1 and 2? (1) Area 1 description - Yakima County. This area includes all of the irrigable lands encompassed by a line beginning at the southwest corner of Section 18, T8N, R21E; thence north nine miles more or less to the southeast corner of Section 36, T10N, R20E; thence fifteen miles west more or less to the southwest corner of Section 34, T10N, R18E;

thence north fifteen miles more or less to the northwest corner of Section 22, T12N, R18E; thence east four miles more or less to the Northern Pacific Railroad tracks; thence following the tracks southeast to the Oldenway Road; thence north along the Oldenway Road and section lines to the Yakima River; thence southeast along the Yakima River to Highway 22 north of Toppenish; thence north along Highway 22 to Highway 12 at Buena; thence southeasterly along Highway 12 to the southern section line of Section 31, T11N, R21E; thence south one-quarter mile more or less to the Yakima River; thence southeast along the Yakima River to the Sunnyside-Mabton Road; thence south one mile to the Boundary Road; thence southwest along the Boundary Road and the Yakima Indian reservation boundary to the northern section line of Section 22, T8N, R22E; thence west nine miles more or less to the point of beginning.

(2) Area 2 description - Franklin, Adams and Grant counties. This area includes all of the irrigable lands encompassed by a line beginning at Highway 12 and the Columbia River; thence north and west following the river the length of Franklin County and into Grant County to the junction of Grant-Douglas County line; thence north on Grant-Douglas County line to the fifth standard parallel north; thence east twenty-five miles more or less to Highway 17; thence southeast seventeen miles more or less on Highway 17 to Highway 90; thence east twelve miles more or less to Grant-Adams County line; thence south on county line twelve miles more or less to the southeast corner of Section 36, T17N, R30E (southeast corner of Grant County); thence south twelve miles more or less (in Adams County) along east boundary of Section 1, 12, 13, 24, 25, 36, T16N, R30E; thence south along east boundary of Sections 1, 12, 13, 24, 25, 36, T15N, R30E continuing south into Franklin County along east boundary of Section 1 and 12, T14N, R30E to southeast corner of said Section 12; thence west one mile to Highway 17 (Franklin County); thence south on Highway 17 seventeen miles more or less to junction with Highway 395; thence south on Highway 395 fifteen miles more or less to Highway 12; thence west and south four miles more or less to Columbia River to the point of beginning.

(3) Area 1 and 2 restrictions.

(a) On and after August 1 to October 1 of any given year, application of carbaryl (Sevin) (except Sevin XLR), methyl parathion and malathion dust in any combination on pollen shedding corn is prohibited.

(b) On and after August 1 to August 15 of any given year, application of diazinon, fenvalerate (Pydrin), endosulfan (Thiodan), Sevin XLR, methomyl (Lannate or Nudrin), malathion liquid, and permethrin (Ambush or Pounce) on pollen shedding corn is prohibited between the hours of 7:00 a.m. and 2:00 p.m.

(c) On and after August 15 to September 1 of any given year, application of diazinon, fenvalerate (Pydrin), endosulfan (Thiodan), Sevin XLR, methomyl (Lannate or Nudrin), malathion (Fyfanon) liquid, and permethrin (Ambush or Pounce) on pollen shedding corn is prohibited between the hours of 8:30 a.m. and 3:30 p.m.

(d) On and after September 1 to October 1 of any given year, application of diazinon, fenvalerate (Pydrin), endosulfan (Thiodan), Sevin XLR, methomyl (Lannate or Nudrin), malathion (Fyfanon) liquid, and permethrin (Ambush or

Pounce) on pollen shedding corn is prohibited between the hours of 10:00 a.m. and 4:00 p.m.

(e) The application of microencapsulated methyl parathion shall be prohibited on all pollen shedding corn when properly marked honey bee apiaries occur within a six-mile radius of the pollen shedding corn to be treated.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-084, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-013 (Order 1819), § 16-230-084, filed 4/10/84.]

WAC 16-230-086 What are the restrictions in Area 3? (1) Area 3 description - area within Area 2 in Grant County. This area includes all of the irrigable lands encompassed by a line beginning at the junction of West 645 wasteway and White Trail Road and proceeding east four miles more or less on White Trail Road to Winchester wasteway; thence southeast four miles more or less along Winchester wasteway to I-90; thence east on I-90 nine miles more or less to Potholes Reservoir; thence following the west shoreline southeast to the Frenchmen Hills wasteway; thence west along Frenchmen Hills wasteway fourteen miles more or less to its junction with West 645 wasteway; thence northwest and north fourteen miles more or less along West 645 wasteway to junction with White Trail Road, the point of beginning.

(2) Area 3 restriction. This area is unrestricted as to the use of carbaryl (Sevin), diazinon, endosulfan (Thiodan), fenvalerate (Pydrin), malathion (Fyfanon), methomyl (Lannate or Nudrin), methyl parathion, and permethrin (Ambush or Pounce) on pollen shedding corn: Provided, That the application of microencapsulated methyl parathion shall be prohibited on all pollen shedding corn when properly marked honey bee apiaries occur within a six-mile radius of the pollen shedding corn to be treated.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-086, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-013 (Order 1819), § 16-230-086, filed 4/10/84.]

WAC 16-230-088 May a permit be issued for a variance from restrictions? Upon receipt of a written request and justification for a variance, the director of the Washington state department of agriculture may issue a permit granting a variance from restrictions pertaining to pollen shedding corn.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-088, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-013 (Order 1819), § 16-230-088, filed 4/10/84.]

WAC 16-230-150 What areas are under order for use restricted desiccants and defoliants? (1) Area under order: All counties located east of the crest of the Cascade Mountains.

(2) Use restricted desiccants and defoliants: The following desiccants and defoliants are declared to be use restricted desiccants and defoliants in the area under order: Diquat; Paraquat; and Endothall.

(3) Additional restrictions apply for certain areas of Walla Walla County (see WAC 16-230-190).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-150, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-150, filed 4/2/91, effective 5/3/91; 79-05-043 (Order 1598), § 16-230-150, filed 4/26/79; 79-02-046 (Order 1591), § 16-230-150, filed 1/29/79; Order 1545, § 16-230-150, filed 11/30/77.]

WAC 16-230-160 Desiccants and defoliants—Ground equipment—Nozzle and pressure requirements for the entire area under order. The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Nozzle requirements - a minimum orifice diameter of .052 inches shall be used for application of all use restricted desiccants and defoliants: Provided, That a RD-2 Raindrop nozzle shall be allowed.

(2) Pressure requirements - maximum pressure at the nozzles for all applications of use restricted desiccants and defoliants shall be 30 psi.

(3) The Washington state department of agriculture may issue a permit upon receipt of a written request to apply use restricted desiccants and defoliants within the area as described in WAC 16-230-150 with nozzles, nozzle type, drift control additives, and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued.

(4) Diesel and other fuel oils are prohibited in all tank mixes with desiccants and defoliants.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-160, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-160, filed 4/2/91, effective 5/3/91; 87-15-001 (Order 1938), § 16-230-160, filed 7/2/87; 80-05-005 (Order 1682), § 16-230-160, filed 4/4/80; 79-02-046 (Order 1591), § 16-230-160, filed 1/29/79; Order 1545, § 16-230-160, filed 11/30/77.]

WAC 16-230-170 Desiccants and defoliants—Aerial equipment—Boom length, pressure, nozzle requirement, nozzle height of discharge and smoke device requirements for the entire area under order. The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Boom length restrictions:

(a) Fixed wing: The working boom length shall not exceed 3/4 of the distance from the center of aircraft to wing tip on each side of aircraft.

(b) Helicopters: The working boom length shall not exceed 6/7 of the distance from the center of rotor to rotor tip on each side of the aircraft for rotors 40 feet or under or 3/4 of the distance from the center of rotor to rotor tip on each side of the aircraft where the rotor exceeds 40 feet while applying use restricted desiccants and defoliants.

(2) Pressure restrictions: Maximum pressure at the nozzles for all aerial applications of use restricted desiccants and defoliants shall be 25 psi.

(3) Nozzle requirements for applications of use restricted desiccants and defoliants:

(a) Fixed wing:

(i) Aircraft shall not be equipped with core plates or any device or mechanism which would cause a sheet, cone, fan or other dispersion of the discharged material. Nozzle orifices shall not be less than 0.094 inches: Provided, That the RD8-

46 Raindrop® nozzles may be used with a minimum orifice diameter of 0.156 inches;

(ii) Nozzles shall be directed downward and backward 135 degrees from the direction of flight.

(b) Helicopter:

(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;

(ii) Straight stream jet nozzles with a minimum orifice diameter of 0.125 inches with No. 46 core plates or larger;

(iii) RD8-46 Raindrop® nozzles may be used with a minimum orifice diameter of .075 inches;

(iv) Nozzles shall be directed downward and backward 135 degrees from the direction of flight for applications over 50 miles per hour and 90 degrees downward and backward for applications under 50 miles per hour.

(4) Height of discharge requirements by aircraft of use restricted desiccants and defoliants: The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet.

(5) Smoke device requirements: All aircraft applying use restricted desiccants and defoliants shall utilize a smoke device to determine wind directions and temperature inversion situations.

(6) The Washington state department of agriculture may issue a permit upon receipt of a written request to apply use restricted desiccants and defoliants within the area under order as described in WAC 16-230-150 with nozzles, nozzle type, drift control additives and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued.

(7) Diesel and other fuel oils are prohibited in all tank mixes with desiccants and defoliants.

(8) Aerial applications of desiccants and defoliants are prohibited within a distance of one mile of the city limits of any incorporated city or town and the same distance from the center of any unincorporated city or town comprised of ten or more inhabited, closely grouped residences.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-170, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-170, filed 4/2/91, effective 5/3/91. Statutory Authority: RCW 17.21.030. 82-14-081 (Order 1767), § 16-230-170, filed 7/6/82. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-05-005 (Order 1682), § 16-230-170, filed 4/4/80; 79-02-046 (Order 1591), § 16-230-170, filed 1/29/79; 78-02-053 (Order 1548), § 16-230-170, filed 1/19/78; Order 1545, § 16-230-170, filed 11/30/77.]

WAC 16-230-180 What are the weather and evening cutoff requirements for desiccants and defoliants? The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Weather conditions: Use restricted desiccants and defoliants shall not be applied when there is a temperature inversion, or if wind or weather conditions are such that damage could result to susceptible crops or ornamentals: Provided, That aircraft applications of Paraquat shall be prohibited until the temperature inversion ceiling at the site of application is 1,000 feet or greater. Aircraft must be equipped with thermometers to detect the height of the inversion.

(2) Evening cutoff: All applications of use restricted desiccants and defoliants are prohibited from three hours prior to sunset to one hour after sunrise the following morning: Provided, That ground applications in Area 2 of Walla Walla County may begin at sunrise: Provided further, That ground applications may be allowed at other times by obtaining a written permit from the department.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-180, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-180, filed 4/2/91, effective 5/3/91; 80-05-005 (Order 1682), § 16-230-180, filed 4/4/80; 79-02-046 (Order 1591), § 16-230-180, filed 1/29/79; Order 1545, § 16-230-180, filed 11/30/77.]

WAC 16-230-190 What are the restrictions on the use of desiccants and defoliants in Walla Walla County? The following restrictions shall apply in Walla Walla County:

(1) Area 1 description - town of Walla Walla and vicinity: This area includes all lands lying within the town of Walla Walla and vicinity beginning at the Washington-Oregon border and the west section line of Section 15, T6N, R34E; thence north along section lines and McDonald Road approximately seven miles to the southwest corner of Section 3, T7N, R36E; thence east along section lines approximately twenty miles to the southeast corner of Section 1, T7N, R37E; thence south approximately seven miles to the Washington-Oregon border; thence west approximately fifteen miles to point of beginning.

(2) Area 1 restrictions:

During the period of February 15 through November 1 of any year, any aerial application of use restricted desiccants and defoliants must have prior approval by obtaining a written permit from the Washington state department of agriculture.

(3) Area 2 description - southern portion of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the west section line of Section 18, T6N, R33E; thence north along section lines approximately eight miles to the northwest corner of Section 7, T7N, R33E; thence west along section lines approximately nine miles to the southeast corner of Section 4, T7N, R34E; thence south along section lines approximately eight miles to the Washington-Oregon border; thence west along the border approximately nine miles to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

During the period of February 15 through November 1 of any year, any aerial application of Paraquat or any mixture containing Paraquat must have prior approval by obtaining a written permit from the Washington state department of agriculture.

(b) Diquat restrictions:

During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is restricted to ground apparatus only.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-190, filed 5/9/07, effective 6/9/07. Statutory Authority: RCW 17.21.030 (b)(c) and 15.58.040(h). 95-14-093 (Order 5071), § 16-230-190, filed 6/30/95, effective 7/31/95. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-190, filed 4/2/91, effective

5/3/91; 87-15-001 (Order 1938), § 16-230-190, filed 7/2/87; 85-17-066 (Order 1871), § 16-230-190, filed 8/21/85; 85-12-012 (Order 1858), § 16-230-190, filed 5/24/85; 80-05-005 (Order 1682), § 16-230-190, filed 4/4/80; 79-05-043 (Order 1598), § 16-230-190, filed 4/26/79; 79-02-046 (Order 1591), § 16-230-190, filed 1/29/79; Order 1545, § 16-230-190, filed 11/30/77.]

WAC 16-230-400 What is the area under order for use restricted herbicides in Spokane County? (1) The area under order includes all lands lying within the borders of Spokane County. WAC 16-230-410 through 16-230-470 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-400, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-400, filed 2/26/91, effective 3/29/91; 79-01-038 (Order 1585), § 16-230-400, filed 12/20/78.]

WAC 16-230-410 What are use herbicides in Spokane County? All formulations of phenoxy hormone-type herbicides, (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba are declared as use restricted herbicides except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-410, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-410, filed 2/26/91, effective 3/29/91; 79-01-038 (Order 1585), § 16-230-410, filed 12/20/78.]

WAC 16-230-420 What are the boundaries and restrictions for Area 2? (1) This area includes all lands lying within a boundary line starting at the intersection of state Highway 2 and Christianson Road; thence north two miles more or less to the northwest corner of Section 17, T25N, R41E; thence east five miles more or less to Hayford Road; thence north eight miles more or less to the northwest corner of Section 6, T26N, R41E; thence east ten miles more or less to the northeast corner of Section 3, T26N, R43E; thence south five miles more or less to the northeast corner of Section 34, T26N, R43E; thence east fourteen miles more or less to the Idaho-Washington border; thence south seven miles more or less to the common boundary line between T24N and 25N; thence west six miles more or less to Chapman Road; thence south one mile more or less along Chapman Road to the common boundary line between Sections 1 and 12, T24N, R44E; thence east thirteen miles more or less to the Cheney-Spokane Road; thence southwesterly along the Cheney-Spokane Road two miles more or less to the common boundary line between Sections 14 and 15, T24N, R42E; thence south one and one-half miles more or less to the southeast corner of Section 22, T24N, R42E; thence west one and one-half miles more or less to the Cheney-Spokane Highway; thence south-

erly one mile more or less along the Cheney-Spokane Highway to the common boundary line between Section 28 and 33, T24N, R42E; thence east six miles more or less to Interstate 90; thence southerly three miles more or less to the intersection of Interstate 90 and Salnave Road; thence northwesterly along the Salnave Road three miles more or less to its intersection with the Medical Lake-Tyler Road; thence north four miles more or less to the intersection of Hallet and Richey Road; thence east one mile more or less along Hallet Road to the intersection of Hallet Road and Brooks Road; thence north three miles more or less on Brooks Road to the intersection of Brooks Road and Highway 2; thence east one mile more or less along Highway 2 to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 1 through October 15, ground applications of use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.036 inches.

(b) For roadside and right of way application drift reduction type systems such as directo-spray, raindrop or invert systems must be used.

(c) The use or application of low volatile ester formulations of use restricted herbicides is prohibited from May 1 through October 15: Provided, That the department, upon written request, may issue a permit for the use of low volatile formulations for special weed control.

(d) The application of use restricted herbicides is prohibited from three hours prior to sunset to sunrise the next day: Provided, That lawn and turf residential weed control, using nonvolatile formulations are exempt from the evening cutoff.

(e) The aerial application of use restricted herbicides is prohibited within Area 2: Provided, That the department may issue a special permit, upon written request, for special weed control.

(f) Use restricted herbicides shall not be applied on or after May 1 through October 15 when the temperature is 85° or above at the point of application.

(g) Ground applications of use restricted herbicides are allowed when using No. 2RD or 2RA Raindrop nozzles: Provided, That the mean sustained wind velocity is fifteen miles per hour or less.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-420, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-039 (Order 1678), § 16-230-420, filed 2/20/80; 79-01-038 (Order 1585), § 16-230-420, filed 12/20/78.]

WAC 16-230-430 What are the boundaries and restrictions for Area 3? (1) An area within a distance of two-thirds of a mile of the city limits of incorporated cities and towns and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Area 4 exclusive of Area 2.

(2) Area 3 restrictions.

(a) The aerial application of use restricted herbicides is prohibited within Area 3: Provided, That the department, upon written request, may issue a permit to allow aerial applications of nonvolatile formulations of use restricted herbicides up to one-half mile of the city limits of incorporated towns and cities and up to one-half mile of the center of any unincorporated towns comprised of ten or more inhabited closely grouped residences.

(b) On and after May 1 through October 15, aerial applications shall be made using the danger area restrictions (see WAC 16-230-675).

(c) Ground applications of use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(d) Ground applications of use restricted herbicides shall be allowed when using No. 2RD or 2RA Raindrop nozzles: Provided, That the mean sustained wind velocity is fifteen miles per hour or less.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-430, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-039 (Order 1678), § 16-230-430, filed 2/20/80; 79-01-038 (Order 1585), § 16-230-430, filed 12/20/78.]

WAC 16-230-440 What are the boundaries and restrictions for Area 4? (1) Area 4 description. All remaining lands in Spokane County not included in WAC 16-230-420 and 16-230-430.

(2) Area 4 restrictions.

(a) On and after May 1 through October 15, ground applications of use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 15, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(c) Ground applications of use restricted herbicides shall be allowed when using No. 2RD or 2RA Raindrop nozzles: Provided, That the mean sustained wind velocity is fifteen miles per hour or less.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-440, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-440, filed 2/26/91, effective 3/29/91; 80-03-039 (Order 1678), § 16-230-440, filed 2/20/80; 79-01-038 (Order 1585), § 16-230-440, filed 12/20/78.]

WAC 16-230-450 What information does an aerial applicator need from the landowner? The landowner or person in charge of the farming operation shall notify the aerial applicator he/she hires of any susceptible crops planted or to be planted bordering the field to which use restricted herbicides are to be applied in the area under order (see WAC 16-230-400).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-450, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-450, filed 2/26/91, effective 3/29/91; 79-01-038 (Order 1585), § 16-230-450, filed 12/20/78.]

WAC 16-230-460 Does a commercial greenhouse need to be notified? The owners of commercial greenhouses located in the area under order shall be notified in person or by certified mail by aerial applicators and public operators at least forty-eight hours prior to the application of allowable use restricted herbicides to be applied within one-half mile of the above greenhouses.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-460, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-460, filed 2/26/91, effective 3/29/91; 79-01-038 (Order 1585), § 16-230-460, filed 12/20/78.]

WAC 16-230-470 When is the application of use restricted herbicides prohibited due to wind conditions?

The use or application of use restricted herbicides shall be prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That applications of use restricted herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-470, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-470, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-230-470, filed 4/6/87; 79-01-038 (Order 1585), § 16-230-470, filed 12/20/78.]

WAC 16-230-600 Can high volatile ester and dust formulations be used in Washington and what are the areas under order for use restricted herbicides? (1) The distribution, use and application of all high volatile ester and dust formulations of restricted use herbicides are prohibited throughout the state.

(2) WAC 16-230-605 through 16-230-675 apply to all counties located east of the crest of the Cascade Mountains.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-600, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-600, filed 2/20/80.]

WAC 16-230-605 Can additional county rules be applied to herbicides? The rules in WAC 16-230-600 through 16-230-675 shall not preclude any additional restrictions on the application of use restricted herbicides provided for in the rules for specific counties located east of the Cascade Mountains.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-605, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-605, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-605, filed 2/20/80.]

WAC 16-230-610 What are use restricted herbicides in Eastern Washington? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below are use restricted herbicides.

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-610, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-610, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-610, filed 2/20/80.]

WAC 16-230-615 What are the restrictions on sale and distribution of use restricted phenoxy-hormone type herbicides and dicamba in Eastern Washington? Phenoxy-hormone type herbicides and dicamba shall be sold and

distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives except those listed in WAC 16-230-610 (1) and (2).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-615, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-22-045, § 16-230-615, filed 10/26/00, effective 11/26/00; 91-06-019 (Order 2073), § 16-230-615, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-230-615, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-615, filed 2/20/80.]

WAC 16-230-625 What are the restrictions on mixing and loading use restricted herbicides? The mixing of use restricted herbicides, the loading and decontamination of equipment used to apply use restricted herbicides, and aircraft entering on to and exiting from landing sites shall be done in a manner as not to cause possible damage to susceptible crops.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-625, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-625, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-625, filed 2/20/80.]

WAC 16-230-630 What are the restrictions for storage of use restricted herbicides? Use restricted herbicides shall not be stored in areas where their use is prohibited unless they are in a sealed container (tight screw-type bungs, tightly closed lids or packages), and the outside of the containers not contaminated with the use restricted herbicide.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-630, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-630, filed 2/20/80.]

WAC 16-230-635 What are the restrictions on petroleum and vegetable oil carriers and spray adjuvants? Petroleum and vegetable oil carriers and spray adjuvants may be used when not in excess of one pint per acre: Provided, That oil-type carriers in excess of one pint per acre may be used with invert systems: Provided further, That invert systems may be used on aircraft by written permit only.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-635, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-635, filed 2/20/80.]

WAC 16-230-640 Use restricted herbicides—Eastern Washington—Weather and temperature conditions. Use restricted herbicides shall not be applied on and after April 1 through October 31 of each year when there is a temperature inversion; or throughout the year if weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization, or the temperature is 85°F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the 85°F. temperature cutoff requirement: Provided further, That when using the invert system, applications may continue up to 95°F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-640, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-230-640, filed 2/12/88; 87-09-015 (Order 1923), § 16-230-640, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-640, filed 2/20/80.]

WAC 16-230-645 What is the evening cutoff for use restricted herbicides? On and after May 1 through October 31 of each year, the application of use restricted herbicides is prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That if there is a mean sustained legal wind velocity of not less than five miles per hour the application of use restricted herbicides is allowed in Areas 3 and 4 up to one hour prior to sunset in all counties as restricted by rule except Benton, Franklin, Yakima, and Walla Walla counties.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-645, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-230-645, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-645, filed 2/20/80.]

WAC 16-230-650 Can a permit be issued for the application of certain use restricted herbicides? The Washington state department of agriculture may issue a permit, upon receipt of a written request, to mix, load and apply certain use restricted herbicides for purposes of critical weed control when such activities are restricted by rule. The director may consider recommendations of the 2,4-D committee for the county in question: Provided, That the 2,4-D committee is kept current for each county.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-650, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-230-650, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-650, filed 2/20/80.]

WAC 16-230-655 Use restricted herbicides—Eastern Washington—Ground equipment pressure requirements. Pressure shall not exceed twenty-five pounds per square inch at the nozzles: Provided, That pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns, up to ninety pounds per square inch at the nozzle manifold for an invert system: Provided further, That when using a LP 8002 nozzle instead of a regular 8004 or equivalent, the maximum pressure shall be fifteen pounds per square inch at the nozzle.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-655, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-230-655, filed 2/12/88; 87-09-015 (Order 1923), § 16-230-655, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-655, filed 2/20/80.]

WAC 16-230-660 Can an aircraft turn or fly low over cities and towns? Aircraft carrying use restricted herbicides are prohibited from turning and/or low flying during spraying operations over cities and towns unless authorized by the city or town in question pursuant to an agreement for pesticide applications; or residences, windbreaks, orchards or susceptible crops belonging to any person other than the owner of the property being treated, except by permission of the person whose residence, windbreak, orchard or susceptible crop is involved.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-660, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters

15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-660, filed 2/20/80.]

WAC 16-230-665 What are the restrictions on aerial applications near vineyards? Aerial application of use restricted herbicides is prohibited within one mile of any commercial vineyard: Provided, That the Washington state department of agriculture may approve written requests and issue permit for aerial application of use restricted herbicides that may be applied to lands located one-half to one mile from commercial vineyards: Provided further, That no distance restrictions shall apply to aerial applications of use restricted herbicides near vineyards during the grape dormant season if written permission of the vineyard owner/manager is obtained. EXCEPTIONS are found in Franklin and Grant County restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-665, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-230-665, filed 9/1/87; 80-03-041 (Order 1680), § 16-230-665, filed 2/20/80.]

WAC 16-230-670 Use restricted herbicides—Eastern Washington—Aircraft boom length and pressure requirements. In all Areas 1 and 2, of all counties restricted by rule the working boom length on fixed wing aircraft shall not exceed 3/4 of the wing span and the working boom length on helicopters shall not exceed 6/7 of the total rotor length or 3/4 of the total rotor length where the rotor length exceeds forty feet.

Pressure for aerial equipment shall not exceed 25 psi at the nozzles: Provided, That helicopters shall be allowed to use up to 35 psi in Areas 3 and 4 of all counties restricted by rule: Provided further, That pressure up to 50 psi at the nozzle may be used with invert systems which are allowed by written permit only.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-670, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-670, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-670, filed 2/20/80.]

WAC 16-230-673 Use restricted herbicides—Eastern Washington—Application through irrigation systems. Use restricted herbicides applied through irrigation systems are subject to the same requirements as ground applications of use restricted herbicides except for nozzle size and pressure requirements.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-673, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-230-673, filed 9/1/87.]

WAC 16-230-675 Use restricted herbicides—Eastern Washington—Minimum nozzle orifice and core plate sizes for aircraft application. Minimum nozzle orifice and core plate sizes shall be as listed in the dormant season, caution, warning, and danger area restrictions.

(1) DORMANT SEASON AREA. (Dormant season only - refer to specific county regulations.)

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.063 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.075 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(b) Helicopter -

Minimum nozzle orifice of 0.047 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 90 degrees or more from the direction of flight. Pressure over 35 psi is prohibited.

(2) CAUTION AREA.

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.075 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(b) Helicopter -

(i) Area 2 of all counties restricted by rule -

Minimum nozzle orifice of 0.063 inches (may use No. 46 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Areas 3 and 4 of all counties restricted by rule -

Minimum nozzle orifice of 0.063 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(3) WARNING AREA

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.075 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight: Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from direction of flight.

(iii) No flat fan nozzles shall be allowed.

(b) Helicopter -

(i) Minimum nozzle orifice of 0.047 inches for applications made under sixty miles per hour (no core plate) and minimum orifice of 0.063 for applications made over sixty miles per hour (no core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight: Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used.

(iii) No flat fan nozzles shall be allowed.

(4) DANGER AREA

(a) Fixed wing - minimum nozzle or

(i) Minimum nozzle orifice of 0.075 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be

directed downward and backward 170 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter -

(i) Minimum nozzle orifice of 0.063 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-675, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-675, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-675, filed 2/20/80.]

WAC 16-230-800 What is the area under order for Benton County? The area under order includes: All lands lying within the boundaries of Benton County.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-800, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-800, filed 11/22/00, effective 12/23/00; 89-16-073 (Order 2014), § 16-230-800, filed 7/31/89, effective 8/31/89.]

WAC 16-230-810 What are the restrictions on the application of certain pesticides in Benton County? For the purposes of WAC 16-230-800 through 16-230-870, the following pesticides are declared to be use restricted pesticides:

(1) Use restricted herbicides:*

(a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort)

(b) Desiccants and defoliants (such as Paraquat, Diquat, Endothall)

(c) Glyphosate (such as Roundup, Landmaster)

(d) Phenoxy hormone-type herbicides (such as 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop))

(e) Dicamba (such as Banvel)

(f) Bromoxynil except that the cutoff date of April 5 does not apply.

(2) Use restricted insecticides:

(a) Aerial applications of category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations;

(b) Aerial applications of category I insecticides, except granular and pellet formulations in Area 1 and Area 1A.

*Listed trade names are to be used as a guide and may not include all the trade or brand names under which the chemicals are distributed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-810, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-810, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-810, filed 6/10/92, effective 7/11/92; 89-16-073 (Order 2014), § 16-230-810, filed 7/31/89, effective 8/31/89.]

WAC 16-230-813 When are oil-type carriers prohibited in Benton County? On and after April 5 through October 31, oil-type carriers are prohibited for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

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[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-813, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-813, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-813, filed 6/10/92, effective 7/11/92.]

WAC 16-230-815 Can Paraquat and Diquat be applied by air in Benton County? Aerial application of Paraquat or Diquat is prohibited in the entire area under order listed in WAC 16-230-800.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-815, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-815, filed 11/22/00, effective 12/23/00; 89-16-073 (Order 2014), § 16-230-815, filed 7/31/89, effective 8/31/89.]

WAC 16-230-820 Can sulfonylurea herbicides be applied by air in Benton County? Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-820, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-820, filed 11/22/00, effective 12/23/00; 89-16-073 (Order 2014), § 16-230-820, filed 7/31/89, effective 8/31/89.]

WAC 16-230-825 What are the conditions applying to permits in Benton County? The following conditions will apply to all permits issued under the authority of WAC 16-230-800 through 16-230-870.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 21 N. First Avenue Suite 236, Yakima, Washington 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. 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 of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-825, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-825, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-825, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-825, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-825, filed 7/31/89, effective 8/31/89.]

WAC 16-230-830 Can use restricted pesticides be applied in an emergency? In the event of an emergency, as declared by the director, the department may issue permits for the use of use restricted pesticides in variation of any restrictions contained in the area under order as defined in WAC 16-230-800. An emergency under this section may be declared if the director determines that the risk and amount of

economic harm to any agriculture crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-830, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-830, filed 11/22/00, effective 12/23/00; 89-16-073 (Order 2014), § 16-230-830, filed 7/31/89, effective 8/31/89.]

WAC 16-230-835 What are the boundaries and restrictions for Area 1? (1) Area 1 description (North Horse Heaven Hills). An area including all lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E; thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N, R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of Section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River in Section 29, T7N, R31E; thence south approximately two miles along the Columbia River to the south section line of Section 5, T6N, R31E; thence west approximately eight miles along section lines to the southwest corner of Section 1, T6N, R29E; thence north two miles along section lines to the southwest corner of Section 25, T7N, R29E; thence west thirteen miles along section lines to the southeast corner of Section 27, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 27, T7N, R27E; thence west one mile along the section line to the northwest corner of Section 27, T7N, R27E; thence north two miles along section lines to the northeast corner of Section 16, T7N, R27E; thence west one mile along the section line to the southeast corner of Section 8, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 8, T7N, R27E; thence west approximately twenty miles along section lines to the Benton-Yakima County line at the southwest corner of Section 6, T7N, R24E; thence north two miles along the county line to the point of beginning.

(2) Area 1 restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-230-810 is prohibited: Provided, That the department may issue written permits for application of insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of use restricted herbicides are prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-835, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-835, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-835, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-835, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-835, filed 7/31/89, effective 8/31/89.]

WAC 16-230-836 What are the boundaries and restrictions in Area 1A? (1) Area 1A description. All lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E; thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N, R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of Section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River in Section 29, T7N, R31E; thence north approximately three miles to the Kennewick Irrigation Dis-

tract (K.I.D.) Division Four Canal in Section 8, T7N, R31E; thence westerly along the K.I.D. Division Four Canal to the intersection with the K.I.D. Main Irrigation Canal at the Amon Pumping Station located in Section 7, T8N, R29E; thence westerly along the K.I.D. Main Irrigation Canal to its intersection with the east section line of Section 14, T9N, R26E; thence south approximately one mile along the section line to the northwest corner of Section 25, T9N, R26E; thence northwest approximately one and four tenths miles diagonally across Section 23 to the northwest corner of Section 23, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 21, T9N, R26E; thence southwest approximately one and four tenths miles diagonally across Section 20 to the northwest corner of Section 29, T9N, R26E; thence west one mile along section lines to the northwest corner of Section 30, T9N, R26E; thence south one mile along section lines to the northwest corner of Section 31, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 35, T9N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 34 to the northwest corner of Section 3, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 4, T8N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 5 to the northwest corner of Section 8, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 7, T8N, R25E; thence south one mile along section lines to the northwest corner of Section 18, T8N, R25E; thence west two miles along section lines to the northwest corner of Section 14, T8N, R24E; thence south one mile along section lines to the northwest corner of Section 23, T8N, R24E; thence west four miles to the northwest corner of Section 19, T8N, R24E; thence south two miles along the county line to the point of beginning.

(2) Area 1A restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-230-810 is prohibited: Provided, That the department may issue written permits for application of insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited on and after April 5 through October 31 of each year: Provided, That phenoxy hormone-type sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-836, filed 5/9/07, effective 6/9/07.]

WAC 16-230-840 What are the boundaries and restrictions for Area 2? (1) Area 2 description. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence south approximately five miles along section lines to the intersection with the Kennewick Irrigation District (K.I.D.) main canal; thence easterly along the K.I.D. main canal to the Amon pumping station located in Section 7, T8N, R29E; thence southeasterly along the K.I.D. Division Four Canal to the Columbia River in Section 8, T7N, R31E; thence northwesterly along the Columbia River until its intersection with the United States Department of Energy Hanford Site south boundary line; thence west approximately one mile and south approximately two and one-half miles along the south boundary line to the southeast corner of Section 27, T10N, R28E; thence west seven miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(2) Area 2 restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-840, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-840, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-840, filed 6/10/92, effective 7/11/92; 89-16-073 (Order 2014), § 16-230-840, filed 7/31/89, effective 8/31/89.]

WAC 16-230-845 What are the boundaries and restrictions for Area 3? (1) Area 3 description.

(a) Eastern Yakima Valley. An area including all lands lying within a boundary line beginning at the northwest corner of Section 19, T8N, R24E; thence east four miles along section lines to the southwest corner of Section 14, T8N, R24E; thence north one mile along the section line to the northwest corner of Section 14, T8N, R24E; thence east two miles along section lines to the southwest corner of Section 7, T8N, R25E; thence north one mile along the section line to the northwest corner of Section 7, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 5, T8N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 5 to the northeast corner of Section 5, T8N, R25E; thence east one

mile along the section line to the southwest corner of Section 34, T9N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 34 to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southwest corner of Section 30, T9N, R26E; thence north one mile along the section line to the northwest corner of Section 30, T9N, R26E; thence east one mile along the section line to the southwest corner of Section 20, T9N, R26E; thence northeast approximately one and four-tenths of a mile diagonally across Section 20 to the northeast corner of Section 20, T9N, R26E; thence east two miles along section lines to the northwest corner of Section 23, T9N, R26E; thence southeast approximately one and four-tenths of a mile diagonally across Section 23 to the southeast corner of Section 23, T9N, R26E; thence north six miles along section lines to the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence south approximately eleven miles along the Benton-Yakima county line to the point of beginning.

(b) Cold Creek Area. An area including all lands lying within a boundary line beginning at the intersection of the Benton-Yakima County line and the Columbia River in Section 7, T13N, R24E; thence south approximately six and one-half miles along the Benton-Yakima County line to the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence west approximately five miles along the Columbia River to the point of beginning.

(c) Horse Heaven Hills southwest buffer zone. An area near Patterson starting at the southeast corner of Section 7, T5N, R26E following section lines north five miles to the northeast corner of Section 19, T6N, R26E; thence west two miles to the northwest corner of Section 24, T6N, R25E; thence south one-half mile along section line; thence west two miles to the common boundary of Sections 21 and 22, T6N, R25E; thence north one-half mile to the northeast corner of Section 21, T6N, R25E; thence west three miles to the northwest corner of Section 19, T6N, R25E; thence south three miles to the southwest corner of Section 31, T6N, R25E; thence east three miles to the southeast corner of Section 33, T6N, R25E; thence south three miles to the southeast corner of Section 16, T5N, R25E; thence west one mile to the northwest corner of Section 21, T5N, R25E; thence south one mile to the southwest corner of Section 21, T5N, R25E; thence east two miles to the southeast corner of Section 22, T5N, R25E; thence north one mile to the northeast corner of Section 22, T5N, R25E; thence east two miles to the southeast corner of Section 13, T5N, R25E; thence north one mile to the northeast corner of Section 13, T5N, R25E; thence east one mile to the point of origin.

(2) Area 3 restrictions.

(a) Application by air of use restricted herbicides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of the use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-845, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-845, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-845, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-845, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-845, filed 7/31/89, effective 8/31/89.]

WAC 16-230-850 What are the boundaries and restrictions for Area 4? (1) Area 4 description.

(a) Tri-cities northwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence north two miles along section lines to the northwest corner of Section 13, T10N, R26E; thence east one mile along the section line to the northeast corner of Section 13, T10N, R26E; thence north approximately one-half mile along the section line to the United States Department of Energy Hanford Site south boundary line; thence easterly approximately ten miles and south approximately two and one-half miles along the south boundary line to the south section line of Section 27, T10N, R28E; thence west approximately six and three-fourths miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(b) Tri-cities northeast buffer zone. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly approximately seven miles along the power line to its intersection with SR 124 in Section 32, T9N, R31E; thence easterly approximately two and one-half miles

along SR 124 to the east section line of Section 34, T9N, R31E near the intersection of SR 124 and the Union Pacific Railroad; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad to its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along I-182 to the west shoreline of the Columbia River; thence northerly approximately six and one-half miles along the Columbia River to the U.S. Department of Energy Hanford Site south boundary line in Section 14, T10N, R28E; thence east approximately one-half mile across the Columbia River to its east shoreline; thence northerly approximately one-half mile to the point of beginning.

(2) Area 4 restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year all applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of the use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-850, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-850, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-850, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-850, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-850, filed 7/31/89, effective 8/31/89.]

WAC 16-230-855 What are the boundaries and restrictions for Area 5? (1) Area 5 description.

(a) Cold Creek buffer zone. An area including all lands lying within a boundary line beginning at the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence easterly approximately two miles along the Columbia River to the east section line of Section 6, T13N, R25E, near the Vernita Bridge; thence south approximately eight and one-half miles along section lines to the southeast corner of Section 18, T12N, R25E; thence west seven miles along section lines to the Benton-Yakima County line at the southwest corner of Section 18,

T12N, R24E; thence north one mile along the county line to the point of beginning.

(b) Roza buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence north two miles along the county line to the northwest corner of Section 18, T10N, R24E; thence east four miles along section lines to the northeast corner of Section 15, T10N, R24E; thence south one mile along the section line to the southeast corner of Section 15, T10, R24E; thence east seven miles along section lines to the southwest corner of Section 13, T10N, R25E; thence north one mile along the section line to the northwest corner of Section 13, T10N, R25E; thence east six miles along section lines to the northwest corner of Section 13, T10N, R26E; thence south two miles along section lines to the point of beginning.

(c) Horse Heaven Hill southwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 13, T6N, R24E; thence south five miles along section lines to the southwest corner of Section 1, T5N, R24E; thence east three miles along the section lines to the northeast corner of Section 8, T5N, R25E; thence south one mile along the section line to the southeast corner of Section 8, T5N, R25E; thence west one mile along the section line to the southwest corner of Section 8, T5N, R25E; thence south approximately five miles to the Washington Oregon border; thence northeasterly along the Washington Oregon border until its intersection with the eastern section line of Section 8, T5N, R26E; thence north approximately six miles along section lines to the northeast corner of Section 17, T6N, R26E; thence west nine miles to the point of beginning.

(2) Area 5 restrictions.

(a) Application by air of use restricted herbicides as defined by WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year all applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of the

use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-855, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-855, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-855, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-855, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-855, filed 7/31/89, effective 8/31/89.]

WAC 16-230-860 What are the boundaries and restrictions for Area 6? (1) Area 6 description. All remaining lands in the area under order.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of use restricted herbicides is prohibited on and after April 5 through October 31 of each year: Provided, That phenoxy hormone-type sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year all applications of use restricted herbicides are prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-860, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-860, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-860, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-860, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-860, filed 7/31/89, effective 8/31/89.]

WAC 16-230-861 What are the restrictions on applications due to wind conditions? The use or application of all herbicides and class 1 and 2 insecticides are prohibited in the area under order listed in WAC 16-230-800 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications shall be allowed in higher velocity winds when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: Provided further, That applications of granular and pellet formulations of use restricted pesticides defined in WAC 16-230-810 as well as applications made to structures are exempt from the wind restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-861, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-861, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-861, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-861, filed 6/29/90, effective 7/30/90.]

WAC 16-230-863 Application of pesticides in Benton County—Use restricted herbicides ground apparatus nozzle requirements. Ground applications of use restricted herbicides in the area under order listed in WAC 16-230-800 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: Provided, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: Provided further, That when Glyphosate is the only use restricted herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: Provided further, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: Provided further, That pressurized handsized household devices used to apply use restricted herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-863, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-863, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-863, filed 6/10/92, effective 7/11/92.]

WAC 16-230-864 Application of pesticides in Benton County—Use restricted herbicides, aircraft boom length, pressure, and nozzle requirements. The aerial application of use restricted herbicides in the area under order listed in WAC 16-230-800 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate) provided, that RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate) provided, that RD8 nozzles with orifice size of .125 inches

and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-864, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-864, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-864, filed 6/10/92, effective 7/11/92.]

WAC 16-230-866 Application of pesticides in Benton County—Use restricted herbicides—Temperature conditions. All phenoxy compounds and dicamba shall not be applied when the temperature is above eighty-five degrees F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the eighty-five degrees F. temperature requirement: Provided further, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-866, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-866, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-866, filed 6/10/92, effective 7/11/92.]

WAC 16-230-868 What are the restrictions due to weather? Use restricted herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: Provided, That applications of use restricted herbicides are exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-868, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-868, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-868, filed 6/10/92, effective 7/11/92.]

Chapter 16-231 WAC

RESTRICTED USE HERBICIDES

WAC

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WAC 16-231-100 What are the restrictions for pesticide use in Franklin County? (1) The area under order includes all lands lying within the boundaries of Franklin County. WAC 16-231-110 through 16-231-183 applies to the area under order.

(2) The distribution, use, and application of use restricted pesticides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-680.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-100, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-100, filed 11/22/00, effective 12/23/00; 91-06-019 (Order 2073), § 16-231-100, filed 2/26/91, effective 3/29/91; 80-03-037 (Order 1676), § 16-231-100, filed 2/20/80.]

WAC 16-231-105 What are use restricted herbicides in Franklin County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-105, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-105, filed 11/22/00, effective 12/23/00; 80-03-037 (Order 1676), § 16-231-105, filed 2/20/80.]

WAC 16-231-107 What are use restricted pesticides in certain areas of Franklin County? The following pesti-

cides are declared to be use restricted pesticides in Areas 2A, 4A, and 6:

(1) Use restricted herbicides*:

(a) Sulfonyleurea herbicides (such as Glean, Telar, Finesse, Escort);

(b) Desiccants and defoliants (such as Paraquat, Diquat, Endothall);

(c) Glyphosate (such as Roundup, Landmaster);

(d) Phenoxy hormone-type herbicides (such as 2,4-D, MCPA);

(e) Dicamba (such as Banvel);

(f) Bromoxynil except that the cutoff dates of April 5, April 15 and May 16 do not apply.

* This is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) All aerial applications of Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-107, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 34.05 RCW. 03-11-097, § 16-231-107, filed 5/21/03, effective 6/21/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-107, filed 11/22/00, effective 12/23/00.]

WAC 16-231-110 When are oil-type carriers prohibited? On and after April 5 through October 31, oil-type carriers are prohibited for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-110, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-110, filed 2/20/80.]

WAC 16-231-115 What are the boundaries and restrictions for use restricted herbicides—Franklin County—Area 1? (1) Area 1 description.

(a) This area includes all lands lying within a boundary line starting at the northwest corner of Section 6, T14N, R28E; thence east along the Adams-Franklin County line thirteen miles more or less to the intersection with State Route 17; thence southeasterly along State Route 17, including the right of way, to the intersection with Highway 395 at the town of Mesa; thence southerly along Highway 395, including the right of way, seven miles more or less to the intersection with the common boundary between Sections 2 and 11, T11N, R30E at the town of Eltopia; thence east along the section line, one mile more or less to the northeast corner of Section 12, T11N, R30E; thence south along the section lines twelve miles more or less to the southeast corner of Section 1, T10N, R30E; thence west two miles along section lines to the southeast corner of Section 3, T9N, R30E; thence north one mile along section lines to the northeast corner of Section 3, T9N, R30E; thence west along section lines three miles to the southeast corner of Section 31, T10N, R30E; thence north two miles along Highway 395 to the intersection with the Selph Landing Road near the northeast corner of Section 30, T10N, R30E; thence seven miles west along Selph Landing Road to the northwest corner of Section 30, T10N, R29E; thence north along section lines and portions of Fraser Drive until the intersection with Road 68, thence northwesterly along Road 68 until its intersection with the

Esquatzel Channel; thence west along the Esquatzel Channel until its intersection with the Columbia River; thence northwesterly along the Columbia River to the Grant-Franklin County line at the north section line of Section 29, T14N, R27E; thence east along the Grant-Franklin County line four miles more or less to the northwest corner of Section 30, T14N, R28E; thence north along the Grant-Franklin County line four miles to the point of beginning.

(b) Also including Levey (Ice Harbor Dam area): This area includes all lands lying within a two-mile radius of Levey within Franklin County.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 5 through October 31 of each year: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of use restricted herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April 5 through October 31, aircraft applications of use restricted herbicides are prohibited except by written permit issued by the department: Provided, That on and after November 1 through April 4 of the following year, aircraft applications of use restricted herbicides are allowed using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 5 through October 31, aircraft applications of use restricted herbicides are prohibited within one mile of any commercial vineyard: Provided, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: Provided further, That on and after April 5 through April 30 written requests to apply 2,4 DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-115, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-115, filed 11/22/00, effective 12/23/00; 88-05-033 (Order 1965), § 16-231-115, filed 2/12/88; 87-18-060 (Order 1950), § 16-231-115, filed 9/1/87; 87-09-015 (Order 1923), § 16-231-115, filed 4/6/87; 81-07-044 (Order 1726), § 16-231-115, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-115, filed 2/20/80.]

WAC 16-231-119 What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 1A? (1) Area 1A description. This area includes all lands lying within a boundary line starting at the intersection of State Route 17 and the Adams-Franklin County line at the north section line of Section 5, T14N, R30E; thence east along the Adams-Franklin County line five miles more or less to the Burlington Northern Railroad; thence southeasterly along the railroad, including the right of way, four miles more or less to the intersection with Moon Road; thence southerly along Moon Road, including the right of way, two miles more or less to the intersection with State Route 260 at the southeast corner of Section 27, T14N, R31E;

thence west along State Route 260, including the right of way, five miles more or less to the intersection with State Route 17; thence northwesterly along State Route 17, excluding the right of way, to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of use restricted herbicides on asparagus shall be made using nozzles having minimum orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-119, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-119, filed 2/12/88.]

WAC 16-231-125 What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 2? (1) Area 2 description. This area includes all of the lands lying inside a boundary line starting at the intersection of State Routes 17 and 260 located at the northwest corner of Section 36, T14N, R30E; thence east along State Route 260, excluding the right of way, five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south along the section lines fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road, including the right of way, to the Brass Road; thence easterly along the Brass Road, including the right of way, to the Bannenburg Road; thence southeasterly along the Bannenburg Road, including the right of way, to the northwest corner of Section 6, T10N, R33E; thence south along the section line one mile more or less to the Snake River; thence southwesterly along the Snake River to the east section line of Section 23, T9N, R31E; thence northerly along section lines approximately two miles until the intersection with the Pasco Kahlotus Road at the northeast corner of Section 11, T9N, R31E; thence west approximately five miles along section lines and a portion of the Pasco Kahlotus Road to the intersection of the southeast corner of Section 1, T9N, R30E; thence north along the section lines twelve miles more or less to the southeast corner of Section 1, T11N, R30E; thence west along the section line one mile more or less to Highway 395; thence northerly along Highway 395, excluding the right of way, seven miles more or less to its intersection with State Route 17 at the town of Mesa; thence northerly along State Route 17, excluding the right of way, seven miles more or less to the point of beginning, excluding lands in Franklin County within a two-mile radius of the town of Levey.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 5 through October 31 of each year.

(b) On and after April 5 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 5 through October 31, aircraft applications of use restricted herbicides are prohibited except by written permit issued by the Washington state department of agriculture.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-125, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-125, filed 11/22/00, effective 12/23/00; 88-05-033 (Order 1965), § 16-231-125, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-125, filed 4/6/87; 81-07-044 (Order 1726), § 16-231-125, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-125, filed 2/20/80.]

WAC 16-231-130 What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 3? (1) Area 3 description. (Dry land area south and east of Connell.) An area beginning at the northeast corner of Section 3, T14N, R33E and the Reeder Road;

thence south along the Reeder Road to and along the Black Road to the Swanson Road; thence east and south along the Swanson Road to state Highway 260; thence southerly along state Highway 260 to the Munt Road; thence south along the Munt Road to the Largent Road; thence east along the Largent Road to the Pasco-Kahlotus Highway to the Walker Road; thence southerly along the Walker Road to the Snake River; thence southerly along the Snake River to the east boundary line of Area 2; thence northerly along the east boundary line of Area 2 and Area 1A to the Franklin-Adams County line; thence east fifteen miles more or less along the county line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after May 16 through October 31 of each year.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-130, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-231-130, filed 4/12/88; 80-03-037 (Order 1676), § 16-231-130, filed 2/20/80.]

WAC 16-231-135 What are the boundaries and restrictions on use restricted herbicides in Area 4? (1) Area 4 description. (Dry land area.) All of the remaining lands in Franklin County lying east of Area 3.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-135, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-135, filed 2/20/80.]

WAC 16-231-140 What are the restrictions on mixing or loading aircraft? The loading and/or mixing of use restricted herbicides in Areas 1, 1A, 2, 3, and 4 is restricted to those formulations which may be applied in the area in which the airstrip is located.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-140, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-140, filed 11/22/00, effective 12/23/00; 80-03-037 (Order 1676), § 16-231-140, filed 2/20/80.]

WAC 16-231-145 What are the wind restrictions for use restricted herbicides—Franklin County? The use or application of use restricted herbicides shall be prohibited in Areas 1, 1A, 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications shall be prohibited in Area 1 on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: Provided further, That applications of use restricted herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used and allowed by the label. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-145, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-231-145, filed 4/12/88; 87-18-060 (Order 1950), § 16-231-145, filed 9/1/87; 87-09-015 (Order 1923), § 16-231-145, filed 4/6/87; 80-03-037 (Order 1676), § 16-231-145, filed 2/20/80.]

WAC 16-231-149 What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 2A? (1) Area 2A description. An area including all lands lying in a boundary line beginning at the Columbia River and Interstate 182 near the east section line of Section 13, T9N, R28E; thence along Interstate 182 until its intersection with U.S. Highway 12; thence southeasterly along Highway 12 until its intersection with the Snake River in Section 35, T9N, R30E; thence southwesterly along the Snake River until its intersection with the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 2A restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-231-107 is prohibited.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use

restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-149, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-149, filed 11/22/00, effective 12/23/00.]

WAC 16-231-153 What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 4A? (1) Area 4A description. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly along the power line until its intersection with the Snake River near the east line of Section 25, T9N, R30E; thence southwesterly along the Snake River until its intersection with U.S. Highway 12 in Section 35, T9N, R30E; thence northwesterly along Highway 12 until its intersection with Interstate 182; thence westerly along Interstate 182 until its intersection with the Columbia River along the east section line of Section 13, T9N, R28E; thence northerly along the Columbia River to the point of beginning.

(2) Area 4A restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-231-107 may be made by written permit only.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of the use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-153, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-153, filed 11/22/00, effective 12/23/00.]

WAC 16-231-156 What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 6? (1) Area 6 description. An area including all lands lying within a boundary line beginning at the northwest corner of Section 30, T10N, R29E; thence east seven miles along Selph Landing Road until its intersection with Highway 395 near the northeast corner of Section 30, T10N, R30E; thence south two miles along Highway 395 to the southeast corner of Section 31, T10N, R30E; thence east three miles along section lines to the northeast corner of Section 3, T9N, R30E; thence south one mile along section lines to the southeast corner of Section 3, T9N, R30E; thence east seven miles along section lines and a portion of the Pasco-Kahlotus Road until its intersection with the Ice Harbor Dam Road at the northeast corner of Section 11, T9N, R31E; thence southerly approximately two miles along section lines until the intersection with the Snake River; thence southwest-erly along the Snake River until its intersection with the Bonneville Power Administration power line in Section 25, T9N, R30E; thence northwesterly along the power line until its intersection with Foster Wells Road in Section 4, T9N, R30E; thence west approximately eight and one-half miles along section lines and portions of the Foster Wells Road to the southwest corner of Section 6, T9N, R29E; thence north along section lines approximately three miles to the point of beginning.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of use restricted herbicides are prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year, all applications of use restricted herbicides are prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-156, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-156, filed 11/22/00, effective 12/23/00.]

WAC 16-231-159 Can Paraquat or Diquat be applied by air in Franklin County? Aerial application of Paraquat and Diquat is prohibited in Areas 2A, 4A, and 6.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-159, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-159, filed 11/22/00, effective 12/23/00.]

WAC 16-231-162 Can sulfonylurea herbicides be applied in Franklin County? Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited in Areas 2A, 4A, and 6.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-162, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-162, filed 11/22/00, effective 12/23/00.]

WAC 16-231-165 What are conditions applying to permits in Franklin County? The following conditions will apply to all permits issued in Areas 2A, 4A, and 6.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 21 N. 1st Avenue Suite 236, Yakima, Washington 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. 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 of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-165, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-165, filed 11/22/00, effective 12/23/00.]

WAC 16-231-168 Can use restricted pesticides be applied in an emergency clause? In the event of an emergency, as declared by the director, the department may issue permits for the use of use restricted pesticides in variation of any restrictions contained in Areas 2A, 4A, and 6. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-168, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-168, filed 11/22/00, effective 12/23/00.]

WAC 16-231-171 What are the restrictions on applications in Franklin County due to wind? The use or application of all herbicides and class 1 and 2 insecticides are prohibited in Areas 2A, 4A, and 6 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications shall be allowed in higher velocity

winds when an approved ground apparatus is used. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: Provided further, That applications of granular and pellet formulations of use restricted pesticides defined in WAC 16-231-107 as well as applications made to structures are exempt from the wind restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-171, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-171, filed 11/22/00, effective 12/23/00.]

WAC 16-231-174 Application of pesticides in Franklin County—Areas 2A, 4A, and 6—Use restricted herbicides ground apparatus nozzle requirements. Ground applications of use restricted herbicides in Areas 2A, 4A, and 6 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: Provided, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: Provided further, That when Glyphosate is the only use restricted herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: Provided further, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: Provided further, That pressurized handsized household devices used to apply use restricted herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-174, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-174, filed 11/22/00, effective 12/23/00.]

WAC 16-231-177 Application of pesticides in Franklin County—Areas 2A, 4A, and 6—Use restricted herbicides, aircraft boom length, pressure, and nozzle requirements. The aerial application of use restricted herbicides in Areas 2A, 4A, and 6 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate): Provided, That RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-177, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-177, filed 11/22/00, effective 12/23/00.]

WAC 16-231-180 What are the restrictions on applications of pesticides in Franklin County—Areas 2A, 4A, and 6—Use restricted herbicides due to temperature conditions? All phenoxy compounds and dicamba must not be applied when the temperature is above eighty-five degrees F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches is exempt from the eighty-five degrees F. temperature requirement: Provided further, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-180, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-180, filed 11/22/00, effective 12/23/00.]

WAC 16-231-183 What are the restrictions on application of pesticides in Franklin County due to weather conditions? Use restricted herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: Provided, That applications of use restricted herbicides are exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-183, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-183, filed 11/22/00, effective 12/23/00.]

WAC 16-231-200 What are the restrictions for herbicide use in Yakima County? (1) The area under order includes all lands lying within the boundaries of Yakima County. WAC 16-231-205 through 16-231-235 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-200, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-200, filed 2/26/91, effective 3/29/91; 80-03-036 (Order 1675), § 16-231-200, filed 2/20/80.]

WAC 16-231-205 What are use restricted herbicides in Yakima County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-205, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-205, filed 2/26/91, effective 3/29/91; 80-03-036 (Order 1675), § 16-231-205, filed 2/20/80.]

WAC 16-231-210 When are oil-type carriers prohibited in Yakima County? On and after April 5 through October 31, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-210, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-210, filed 2/26/91, effective 3/29/91; 80-03-036 (Order 1675), § 16-231-210, filed 2/20/80.]

WAC 16-231-215 What are the boundaries and restrictions for Area 1 in Yakima County? (1) Area 1 description. (An area south of the Yakima firing center including the upper and lower Yakima Valley.) An area starting at the Yakima-Benton County line and the northeast corner of Section 1, T11N, R23E; thence west along section lines seventeen miles more or less to the southeast corner of Section 31, T12N, R21E; thence north eight miles along section lines to the northeast corner of Section 30, T13N, R21E; thence west along section lines eleven miles to the Yakima River; thence northwesterly along the Yakima River four miles more or less to the junction of the Yakima and Naches Rivers; thence northwesterly along the Naches River for seven miles more or less to the northwest corner of Section 31, T14N, R18E; thence south one mile along the section line to the southwest corner of Section 31, T14N, R18E; thence west along section lines six miles to the northwest corner of Section 6, T13N, R17E; thence south twenty-four miles along section lines to the southwest corner of Section 31, T10N, R17E; thence east twenty-four miles along section lines to the southeast corner of Section 36, T10N, R20E; thence south six miles along section lines to the southwest corner of Section 31, T9N, R21E; thence east six miles along

section lines to the northwest corner of Section 6, T8N, R22E; thence south six miles along section lines to the southwest corner of Section 31, T8N, R22E; thence east twelve miles along section lines to the Benton County line; thence north twenty-four miles to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 5 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops at any time.

(b) On and after April 5 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of use restricted herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of use restricted herbicides are allowed only on nonirrigated lands on and after November 1 through April 4 of the following year and shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications of use restricted herbicides are prohibited on and after April 5 through October 31: Provided, That hormone sprays may be applied to orchards to prevent fruit drop: Provided further, That aircraft applications are allowed by written permit issued by the Washington state department of agriculture in those dry land wheat growing areas east of Moxee and on the Rattlesnake Ridge and the area south of Horse Heaven Hills Ridge contained in Sections 25, 26, 27, 28, 32, 33, 34, 35 and 36, T8N, R23E up to within one mile of commercial grape plantings and to within one-quarter mile of other susceptible crops.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-215, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-231-215, filed 4/6/87; 80-03-036 (Order 1675), § 16-231-215, filed 2/20/80.]

WAC 16-231-220 What are the boundaries and restrictions for Area 1A in Yakima County? (1) Area 1A description. (Tieton-Naches Area.) That portion of T14N, R17E and those portions of Sections 31, 32 and 33, T15N, R17E, lying southwest of the Naches-Selah Canal; and that portion of T14N, R16E, and those portions of Sections 35 and 36 lying southeast of the Tieton and Naches rivers.

(2) Area 1A restrictions. On and after April 15 through October 31, the use and application of low volatile formulations of use restricted herbicides is prohibited. On and after April 15 through October 31, aircraft applications of use restricted herbicides are allowed using the warning area restrictions (see WAC 16-230-675) on dry land wheat up to within one-quarter mile of susceptible crops.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-220, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-220, filed 2/20/80.]

WAC 16-231-225 What are the boundaries and restrictions for Area 2 in Yakima County? (1) Area 2 descriptions. All remaining lands in Yakima County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 5 through October 31, aircraft applications of use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-225, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-225, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-225, filed 4/6/87; 80-03-036 (Order 1675), § 16-231-225, filed 2/20/80.]

WAC 16-231-230 What are the restrictions on mixing or loading for aircraft? The mixing and/or loading of use restricted herbicides is limited to those formulations which may be applied in that area. The loading of aircraft is prohibited in any area where aerial application of use restricted herbicides is prohibited.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-230, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-230, filed 2/20/80.]

WAC 16-231-235 What are the restrictions due to wind conditions? The use or application of use restricted herbicides are prohibited in Areas 1, 1A and 2 when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications are prohibited in Areas 1 and 1A on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-235, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-235, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-235, filed 4/6/87; 80-03-036 (Order 1675), § 16-231-235, filed 2/20/80.]

WAC 16-231-300 What are the restrictions for herbicide use in Adams County? (1) The area under order includes all lands lying within the boundaries of Adams County. WAC 16-231-305 through 16-231-340 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order must comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-300, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-300, filed 2/26/91, effective 3/29/91; 80-03-035 (Order 1674), § 16-231-300, filed 2/20/80.]

WAC 16-231-305 What are use restricted herbicides in Adams County? All formulations of phenoxy hormone-

type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-305, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-305, filed 2/26/91, effective 3/29/91; 80-03-035 (Order 1674), § 16-231-305, filed 2/20/80.]

WAC 16-231-310 When are oil-type carriers prohibited in Adams County? On and after May 16 through October 31, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-310, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-310, filed 2/26/91, effective 3/29/91; 80-03-035 (Order 1674), § 16-231-310, filed 2/20/80.]

WAC 16-231-315 What are the boundaries and restrictions for Area 1? (1) Area 1 description. (Lands generally lying within the Columbia Basin irrigation project east of Warden and in the Othello area.) An area starting at the intersection of the East Low Canal and Grant-Adams County line in Section 18, T18N, R31E; thence southerly along the East Low Canal to the intersection of the East Low Canal and the Grant-Adams County line near the southwestern corner of Section 17, T17N, R31E; thence north six miles more or less to the point of beginning; and also all lands within a line starting at the intersection of the East Low Canal and the Grant-Adams County line near the corner of Section 6, T16N, R30E; thence southeasterly along the East Low Canal to the Adams-Franklin County line and the southwest corner of Section 31, T15N, R28E; thence north along the Grant-Adams County line beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of use restricted herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-315, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-315, filed 2/20/80.]

WAC 16-231-320 What are the boundaries and restrictions for Area 2? (1) Area 2 description. (Buffer area east of Area 1.) Beginning at the Grant-Adams County line Section 6, T18N, R31E; thence east six miles more or less along the Burlington Northern Railroad tracks to Kulm Road; thence south three miles more or less along Kulm Road to Franz Road; thence east one mile along Franz Road to Roxboro Road; thence south fourteen miles along the Roxboro Road to Cunningham Road; thence southeasterly one mile more or less along Cunningham Road to Lind-Hatton Road; thence southerly three miles more or less along Lind-Hatton Road to Roxboro Road; thence southerly three miles more or less to the Adams-Franklin County line; thence west seven miles more or less along Adams-Franklin County line to the East Low Canal; thence northwesterly along the East Low Canal to the Grant-Adams County line; thence east five miles more or less and three miles north more or less along the Grant-Adams County line to the East Low Canal; thence northeasterly along East Low Canal to the Grant-Adams County line; thence north two miles more or less along Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, the use or application of low volatile formulations of use restricted herbicides is prohibited.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-320, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-320, filed 2/20/80.]

WAC 16-231-325 What are the boundaries and restrictions for Area 3? (1) Area 3 description. An area starting at the northwest corner of Section 6, T20N, R31E, on the Lincoln-Adams County line; thence east twenty-three miles more or less on the Davis Road to Paha-Packard Road; thence south seventeen miles more or less along the Paha-Packard Road to the intersection of Paha-Packard Road and SR 395; thence southwesterly twenty-six miles more or less along SR 395 to the Adams-Franklin County line; thence west one mile more or less along Muse Road to the Roxboro Road; thence northerly and westerly thirty-one miles more or less along the east and north boundary of Area 2 to the Grant-Adams County line; thence north twelve miles more or less along the Grant-Adams County line to the point of beginning.

(2) Area 3 restrictions.

(a) On and after May 16 through October 31, the use and application of low volatile formulations of use restricted herbicides is prohibited.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-325, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-325, filed 2/20/80.]

WAC 16-231-330 What are the boundaries and restrictions for Area 4? (1) Area 4 description. Outlying area east of Area 3.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications or use restricted herbicides shall be made using caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-330, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-330, filed 2/26/91, effective 3/29/91; 80-03-035 (Order 1674), § 16-231-330, filed 2/20/80.]

WAC 16-231-335 What are the restrictions on applications near vineyards? Aerial applications of use restricted herbicides are prohibited within one mile of any commercial vineyard in the area under order: Provided, That aerial application of use restricted herbicides to lands located within one-half mile to one mile from commercial vineyards shall be considered through written request to the Washington state department of agriculture.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-335, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-335, filed 2/20/80.]

WAC 16-231-340 What are the restrictions on applications due to wind conditions? (1) Area 1 and 2.

(a) The use or application of use restricted herbicides shall be prohibited on and after April 16 through October 31 when the mean sustained wind velocity is over ten miles per hour.

(b) The use or application of use restricted herbicides is prohibited on and after November 1 through April 15 of the following year when the mean sustained wind velocity is over twelve miles per hour: Provided, That application of allowable use restricted herbicides is exempt from these wind restrictions when applying fifty gallons or more per acre.

(2) Area 3 and 4. The use or application of use restricted herbicides is prohibited when the mean sustained wind velocity is over twelve miles per hour: Provided, That ground applications of use restricted herbicides are allowed when using No. 2RD or 2RA Raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less: Provided further, That application of allowable use restricted herbicides is exempt from these wind restrictions when applying fifty gallons or more per acre: And provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-340, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters

15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-340, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-340, filed 4/6/87; 80-03-035 (Order 1674), § 16-231-340, filed 2/20/80.]

WAC 16-231-400 Use restricted herbicides—Columbia County—Area under order. (1) The area under order includes all lands lying within the boundaries of Columbia County. WAC 16-231-405 through 16-231-425 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-400, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-400, filed 2/26/91, effective 3/29/91; 80-03-034 (Order 1673), § 16-231-400, filed 2/20/80.]

WAC 16-231-405 What are use restricted herbicides in Columbia County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-405, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-405, filed 2/26/91, effective 3/29/91; 80-03-034 (Order 1673), § 16-231-405, filed 2/20/80.]

WAC 16-231-410 When are oil-type carriers prohibited in Columbia County? On and after May 1 through October 31, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-410, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-410, filed 2/26/91, effective 3/29/91; 80-03-034 (Order 1673), § 16-231-410, filed 2/20/80.]

WAC 16-231-413 What are the boundaries and restrictions for Area 1 in Columbia County? (1) Area 1 description. That area within a distance of one-half mile of the city limits of Dayton.

(2) Area 1 restrictions. Aircraft applications of use restricted herbicides are prohibited on and after April 5 through October 31: Provided, That upon written request to the Washington state department of agriculture, aircraft applications by permit shall be considered for purposes of critical weed control.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-413, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 85-07-029 (Order 1849), § 16-231-413, filed 3/15/85.]

WAC 16-231-415 What are the boundaries and restrictions for Area 2 in Columbia County? (1) Area 2 description. (Huntsville, Dayton, Baileysburg, and vicinity.) Sections 1 through 12, T9N, R38E; Sections 24, 25, 26 and 30 through 36, T10N, R38E; Sections 19, 20 and 28 through 33, T10N, R39E; Sections 2 through 11, 15 through 17, 21 and 22 and that portion of Section 20 lying east of the Payne Hollow Road in T9N, R39E in Columbia County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches. On and after November 1 through April 30, ground application shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675). On and after November 1 through April 30, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-415, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-034 (Order 1673), § 16-231-415, filed 2/20/80.]

WAC 16-231-420 What are the boundaries and restrictions for Area 4 for Columbia County? (1) Area 4 description. This area includes all remaining lands in Columbia County not included in WAC 16-231-413 and 16-231-415.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-420, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-420, filed 2/26/91, effective 3/29/91; 80-03-034 (Order 1673), § 16-231-420, filed 2/20/80.]

WAC 16-231-425 What are the use restrictions due to wind conditions for Columbia County? The use or application of use restricted herbicides is prohibited in Area 2 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such application is prohibited in Area 2 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-425, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters

15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-425, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-425, filed 4/6/87; 80-03-034 (Order 1673), § 16-231-425, filed 2/20/80.]

WAC 16-231-500 What are restrictions for herbicide use in Whitman County? (1) The area under order includes all lands lying within the boundaries of Whitman County. WAC 16-231-505 through 16-231-530 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-500, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-500, filed 2/26/91, effective 3/29/91; 80-03-033 (Order 1672), § 16-231-500, filed 2/20/80.]

WAC 16-231-505 What are use restricted herbicides in Whitman County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-505, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-505, filed 2/26/91, effective 3/29/91; 80-03-033 (Order 1672), § 16-231-505, filed 2/20/80.]

WAC 16-231-510 What are the boundaries and restrictions for Whitman County—Area 1? (1) Area 1 description. (Cities and/or towns and Pullman vicinity.) The areas within a distance of one mile of the city limits of any incorporated city or town and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Whitman County: Provided, That the area under this section shall also include all of the lands in Section 28 through 33, T15N, R45E; Sections 25, 26, 27, 34, 35, and 36, T15N, R44E; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, T14N, R45E; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T14N, R44E.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of use restricted herbicides is prohibited throughout the year: Provided, That the low volatile formulation of MCPA is allowed on and after November 1 through April 15 of each year.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-510, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-510, filed 2/26/91, effective 3/29/91; 80-03-033 (Order 1672), § 16-231-510, filed 2/20/80.]

WAC 16-231-515 What are the boundaries and restrictions for Whitman County Area 3? (1) Area 3 description. (Eastern portion of Whitman County.) An area east of a north-south line starting at the Whitman-Spokane County line and State Highway 195; thence southerly along Highway 195 to Colfax; thence southerly along County Roads No. 478 and No. 141 to the junction of County Roads No. 141 and No. 451; thence southerly on County Road No. 451 to County Road No. 143; thence southerly along County Road No. 143 to Almota and the Snake River.

(2) Area 3 restrictions.

(a) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-515, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-515, filed 2/20/80.]

WAC 16-231-520 What are the boundaries and restrictions for Whitman County Area 4? (1) Area 4 description. (Outlying area west of Area 3.) All remaining lands in Whitman County west of Area 3.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-520, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-520, filed 2/20/80.]

WAC 16-231-525 What are the notification requirements of farm operators for use restricted herbicides in Whitman County? The landowner or person in charge of farming operations shall notify the aerial applicator he/she hires of any susceptible crops planted or to be planted bordering the field to which use restricted herbicides are to be applied in the area under order.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-525, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-525, filed 2/26/91, effective 3/29/91; 80-03-033 (Order 1672), § 16-231-525, filed 2/20/80.]

WAC 16-231-530 What are restrictions due to wind conditions? (1) Areas 1 and 3.

(a) On and after April 15 through October 31, the use or application of use restricted herbicides is prohibited when the mean sustained wind velocity is over seven miles per hour.

(b) On and after November 1 through April 14 the following year, the use or application of use restricted herbicides is prohibited when the mean sustained wind velocity is over twelve miles per hour.

(2) Area 4. The use or application of use restricted herbicides is prohibited when the mean sustained wind velocity is over twelve miles per hour: Provided, That ground applications of use restricted herbicides are allowed when using No. 2RD or No. 2RA Raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less and allowed by the label.

(3) All areas. Applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-530, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-530, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-530, filed 4/6/87; 80-03-033 (Order 1672), § 16-231-530, filed 2/20/80.]

WAC 16-231-600 What are restrictions for herbicide use in Klickitat County? (1) The area under order includes all lands lying within the boundaries of Klickitat County. WAC 16-231-605 through 16-231-620 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-600, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-600, filed 2/26/91, effective 3/29/91; 80-03-029 (Order 1668), § 16-231-600, filed 2/20/80.]

WAC 16-231-605 What are use restricted herbicides in Klickitat County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-605, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-605, filed 2/26/91, effective 3/29/91; 80-03-029 (Order 1668), § 16-231-605, filed 2/20/80.]

WAC 16-231-610 When are oil-type carriers prohibited in Klickitat County? On and after May 1 through September 30, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-610, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-610, filed 2/26/91, effective 3/29/91; 80-03-029 (Order 1668), § 16-231-610, filed 2/20/80.]

WAC 16-231-613 What are the boundaries and restrictions for Area 2? (1) Area 2 description. (Southeast corner of Klickitat County.) Sections 13, 14, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, Township 5 north, Range 23 east; Sections 21, 22, south half of Section 23, Sections 26, 27, 28, 33, 34, west half of Section 35, Township 5 north, Range 22 east; Sections 1, 2, 11, 12, Township 4 north, Range 23 east.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That upon written request to the Washington state department of agriculture, a permit may be issued for purposes of critical weed control.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using danger area restrictions (see WAC 16-230-675): Provided, That aircraft applications shall be prohibited within one mile of commercial vineyards and within one-half mile of other susceptible crops: Provided further, That upon written request to the Washington state department of agriculture, aircraft applications from one-half mile to one mile of commercial vineyards and within one-half mile of other susceptible crops by permit shall be considered for purposes of critical weed control. On and after November 1 through April 14 of the following year, aircraft applications shall be made using caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-613, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 85-07-029 (Order 1849), § 16-231-613, filed 3/15/85.]

WAC 16-231-615 What are the boundaries and restrictions for Area 3 in Klickitat County? (1) Area 3 description. All remaining lands within the boundaries of Klickitat County not included in WAC 16-231-613.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after May 1 through September 30 of each year: Provided, That on and after May 1 through May 14 of each year, low volatile formulations shall be considered through written request to the department of agriculture.

(b) On and after May 1 through September 30, ground applications of use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through September 30, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-615, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-615, filed 2/26/91, effective 3/29/91; 85-07-029 (Order 1849), § 16-231-615, filed 3/15/85; 80-03-029 (Order 1668), § 16-231-615, filed 2/20/80.]

WAC 16-231-620 What are restrictions due to wind conditions? The use or application of use restricted herbicides is prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-620, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-620, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-620, filed 4/6/87; 80-03-029 (Order 1668), § 16-231-620, filed 2/20/80.]

WAC 16-231-700 What are restrictions for herbicide use in Okanogan County? (1) The area under order includes all lands lying within the boundaries of Okanogan County. WAC 16-231-705 through 16-231-725 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-700, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-700, filed 2/26/91, effective 3/29/91; 80-03-027 (Order 1666), § 16-231-700, filed 2/20/80.]

WAC 16-231-705 What are use restricted herbicides in Okanogan County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-705, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-705, filed 2/26/91, effective 3/29/91; 80-03-027 (Order 1666), § 16-231-705, filed 2/20/80.]

WAC 16-231-710 What are the boundaries and restrictions for Okanogan County Area 1? (1) Area 1 description. (Okanogan County) An area starting at the intersection of the east boundary line of Section 24, T29N, R25E, and the Columbia River; thence north 19 miles more or less to the southwest corner of Section 7, T32N, R26E; thence east three miles to the southeast corner of Section 9; thence north two miles to the northeast corner of Section 4; thence east three miles more or less to the southeast corner of Section 36, T33N, R26E; thence north four miles to the southwest corner of Section 7, T33N, R27E; thence east two miles to the southeast corner of Section 8; thence north six miles to the northeast corner of Section 17, T34N, R27E; thence west

eight miles to the northwest corner of Section 18, T34N, R26N; thence south four miles to the southwest corner of Section 31; thence west three miles to the northwest corner of Section 3, T33N, R25E; thence south four miles to the southwest corner of Section 22, T33N, R25E; thence west three miles to the northwest corner of Section 30; thence south two miles to the southwest corner of Section 31; thence west two miles to the northwest corner of Section 2, T32N, R24E; thence south ten miles to the southwest corner of Section 23, T31N, R24E; thence west four miles to the northwest corner of Section 30; thence south seven miles more or less to the north bank of the Columbia River; thence easterly along the north bank of the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31 of each year.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aerial applications of use restricted herbicides shall be made using caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-710, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-710, filed 2/20/80.]

WAC 16-231-715 What are the boundaries and restrictions for Okanogan County Area 4? (1) Area 4 description. This area includes all remaining lands in Okanogan County not included in WAC 16-231-710.

(2) Area 4 restrictions. On and after May 1 through October 31, aerial applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-715, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-715, filed 2/26/91, effective 3/29/91; 80-03-027 (Order 1666), § 16-231-715, filed 2/20/80.]

WAC 16-231-720 What are the restrictions due to wind conditions? The use or application of use restricted herbicides is prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-720, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-720, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-720, filed 4/6/87; 80-03-027 (Order 1666), § 16-231-720, filed 2/20/80.]

WAC 16-231-725 What are the restrictions on mixing or loading aircraft? The loading and/or mixing of use restricted herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-725, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-725, filed 2/20/80.]

WAC 16-231-800 What are restrictions for herbicide use in Douglas and Chelan counties? (1) The area under order includes all lands lying within the boundaries of Douglas and Chelan counties. WAC 16-231-805 through 16-231-840 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-800, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-800, filed 2/26/91, effective 3/29/91; 80-03-028 (Order 1667), § 16-231-800, filed 2/20/80.]

WAC 16-231-805 What are use restricted herbicides in Douglas and Chelan counties? All formulations of phenoxy hormone-type herbicides, (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-805, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-805, filed 2/26/91, effective 3/29/91; 80-03-028 (Order 1667), § 16-231-805, filed 2/20/80.]

WAC 16-231-810 What are the boundaries and restrictions for Area 1? (1) Area 1 description - Chelan County. An area starting at the southeast corner of Section 32, T21N, R22E; thence west one mile to the southwest corner of Section 32; thence north five miles more or less to the right of way of the Malaga Road; thence along and including the Malaga Road right of way to the city limits of Wenatchee; thence east to the Columbia River, and along the west bank of the Columbia River to the point of beginning.

(2) Area 1 description - Douglas County. An area on the east bank of the Columbia River, beginning at the southwest corner of Section 33, T21N, R22E; thence east one mile to the southeast corner of Section 33; thence north one mile to the southwest corner of Section 27; thence east one mile to the southeast corner of Section 27; thence north one mile to the southwest corner of Section 23, thence east one mile to the southeast corner of Section 23; thence north one mile to the northeast corner of Section 23; thence west one mile to the northwest corner of Section 23; thence north one mile to the northeast corner of Section 15; thence west one mile to the northwest corner of Section 15; thence north two miles to the northeast corner of Section 4; thence west one mile more or less to and including the right of way of State Road 28; thence northwest along the highway right of way to the east

section line of Section 25, T22N, R21E; thence north five miles more or less to the northeast corner of Section 1, T22N, R21E; thence west eight miles more or less to the east bank of the Columbia River; thence southeasterly along the east bank of the Columbia River to the point of beginning.

(3) Area 1 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aerial applications of use restricted herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-810, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-810, filed 2/20/80.]

WAC 16-231-815 What are the boundaries and restrictions for Area 2? (1) Area 2 description. (Buffer area — a protective area around Azwell, Manson, and the mouth of the Moses-Coulee.)

(a) Chelan County - those areas lying within a one mile radius from the center of the towns of Azwell and Manson. Sections 13, 14, 15 and 16, T28N, R21E.

(b) Douglas County - (Moses-Coulee and Bridgeport area.) Section 1, 2, 3, 10, 11, 12, 13, 14, 24, 25, 26, 34, 35, and 36, N21N, R22E, and Sections 1, 2, 3, 4, 9, 10, 11, 12 and those portions of Sections 13, 14, 15 and 16, T20N, R22E.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-815, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-815, filed 2/20/80.]

WAC 16-231-820 What are the boundaries and restrictions for Area 3? (1) Area 3 description. (Buffer area between Rock Island and Palisades.) An area starting at the northwest corner of Section 6, T22N, R22E; thence east along the township line twelve miles to the Douglas-Grant county line; thence southwesterly along the county line to the east boundary line of Area 2; thence north and west along the Area 2 boundary line to the Area 1 boundary line; thence northerly along the Area 1 boundary line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-820, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-820, filed 2/20/80.]

WAC 16-231-825 What are the boundaries and restrictions for Area 4? (1) Area 4 description. All remaining lands in Douglas County not included in WAC 16-231-810, 16-231-815 and 16-231-820.

(2) Area 4 restrictions. On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-825, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-825, filed 2/26/91, effective 3/29/91; 80-03-028 (Order 1667), § 16-231-825, filed 2/20/80.]

WAC 16-231-830 What are the restrictions on mixing and loading aircraft? The loading and/or mixing of use restricted herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-830, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-830, filed 2/20/80.]

WAC 16-231-835 What are restrictions for aerial applications near vineyards? Aerial application of use restricted herbicides is prohibited within one mile of any commercial vineyard in the area under order: Provided, That aerial application of use restricted herbicides to lands located within one-half mile to one mile from commercial vineyards will be considered through written request to the Washington state department of agriculture.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-835, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-835, filed 2/20/80.]

WAC 16-231-840 What are restrictions due to wind conditions? The use or application of use restricted herbicides is prohibited in Areas 2, 3 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through April 15 of the following year, and over seven miles per hour from April 16 through October 31: Provided, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-840, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters

15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-840, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-840, filed 4/6/87; 80-03-028 (Order 1667), § 16-231-840, filed 2/20/80.]

WAC 16-231-900 What are restrictions for herbicide use in Grant County? (1) The area under order includes all lands lying within the boundaries of Grant County. WAC 16-231-905 through 16-231-935 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-900, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-900, filed 2/26/91, effective 3/29/91; 80-03-031 (Order 1670), § 16-231-900, filed 2/20/80.]

WAC 16-231-905 What are use restricted herbicides in Grant County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-905, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-905, filed 2/26/91, effective 3/29/91; 80-03-031 (Order 1670), § 16-231-905, filed 2/20/80.]

WAC 16-231-910 What are the boundaries and restrictions for Grant County Area 1? (1) Area 1 description. (Lands generally within the Columbia Basin irrigation project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along the county line four miles more or less to the southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County lines six miles more or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly, and westerly, encompassing Block 70, Soap Lake and Block 701, to the West Main Canal; thence southwesterly along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly along the Columbia River to the south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24;

thence south and west along Highway 24 to Vernita Bridge; thence easterly along the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of use restricted herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

(e) On and after April 15 through October 31, aircraft applications of use restricted herbicides are prohibited within one mile of any commercial vineyard: Provided, That on and after April 15 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: Provided further, That on and after April 15 through April 30 written request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-910, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-910, filed 9/1/87; 87-09-015 (Order 1923), § 16-231-910, filed 4/6/87; 80-03-031 (Order 1670), § 16-231-910, filed 2/20/80.]

WAC 16-231-912 What are the boundaries and restrictions for Grant County Area 1A? (1) Area 1A description. Lands generally in the Mattawa area in the southwestern part of the county starting at the west end of the crest of Saddle Mountain at the Columbia River, south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence following Highway 24 to the Vernita Bridge at the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 5 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches:

Provided, That applications of use restricted herbicides on asparagus shall be made using nozzles having a minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 4 of the following year, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675.)

(d) On and after April 5 through October 31, aircraft applications of use restricted herbicides are prohibited except by written permit issued by the Washington state department of agriculture.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-912, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-912, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-912, filed 4/6/87.]

WAC 16-231-915 What are the boundaries and restrictions for Grant County Area 2? (1) Area 2 description. (Buffer area.) An area lying north and east of Area 1 starting at the junction of the Grant-Douglas County line and the Columbia River near Trinidad; thence north and easterly along the county line to the southwest corner of Section 35, T23N, R26E; thence east along section lines twelve miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks; thence east fourteen miles more or less to the Grant-Lincoln County line; thence south twenty-five miles more or less along the Grant-Lincoln and Grant-Adams County line to the northern boundary line of Area 1 (East Low Canal); thence northerly and westerly along the northern boundary line of Area 1 to the point of beginning; and also an area near Warden starting at the East Low Canal near the southeast corner of Section 13, T17N, R30E; thence westerly and southerly along the East Low Canal to the Grant-Adams County line near the corner of Section 32, T17N, R30E; thence east five miles and north three miles along the Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, the use or application of low volatile formulations of use restricted herbicides is prohibited.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-915, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-915, filed 2/20/80.]

WAC 16-231-920 What are the boundaries and restrictions for Grant County Area 3? (1) Area 3 description. (Outlying area.) An area starting at the intersection of the Burlington Northern Railroad tracks near the northeast corner of Section 13, T22N, R30E; thence north nineteen miles more or less along the Grant County line to Highway 2; thence westerly along Highway 2 to the Douglas County line; thence southwesterly along the Douglas County line to the southwest corner of Section 35, T23N, R26E; thence east

along section lines twelve miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks near Stratford; thence easterly along the Burlington Northern Railroad tracks fourteen miles more or less to the point of beginning.

(2) Area 3 restrictions.

(a) On and after May 16 through October 31, the use and application of low volatile formulations of use restricted herbicides is prohibited.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-920, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-920, filed 2/20/80.]

WAC 16-231-925 What are the boundaries and restrictions for Grant County Area 4? (1) Area 4 description. All remaining lands in Grant County lying north of Highway 2.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-925, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-925, filed 2/20/80.]

WAC 16-231-930 What are the restrictions on mixing and loading aircraft? The loading and/or mixing of use restricted herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-930, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-930, filed 2/20/80.]

WAC 16-231-935 What are restrictions due to wind conditions? The use or application of use restricted herbicides is prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 and 1A when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through March 31 of the following year, and over ten miles per hour from April 1 through October 31: Provided, That applications of allowable use restricted herbicides are exempt from these wind restrictions when applying fifty gallons or more per acre: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-935, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-935, filed

2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-935, filed 4/6/87; 80-03-031 (Order 1670), § 16-231-935, filed 2/20/80.]

Chapter 16-232 WAC

RESTRICTED USE HERBICIDES IN CERTAIN COUNTIES

WAC

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WAC 16-232-001 What are restrictions for pesticide use in Walla Walla County? (1) The area under order includes all lands lying within the boundaries of Walla Walla County. WAC 16-232-005 through 16-232-077 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to the use of use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-001, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-001, filed 11/22/00, effective 12/23/00; 91-06-019 (Order 2073), § 16-232-001, filed 2/26/91, effective 3/29/91; 80-03-026 (Order 1665), § 16-232-001, filed 2/20/80.]

WAC 16-232-005 What are use restricted herbicides in Walla Walla County? All formulations of phenoxy hormone-type herbicides, (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-005, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-005, filed 11/22/00, effective 12/23/00; 80-03-026 (Order 1665), § 16-232-005, filed 2/20/80.]

WAC 16-232-007 What are restricted use pesticides in certain areas of Walla Walla County? The following pesticides are declared to be use restricted pesticides in areas 2B, 4, and 6:

- (1) Use restricted herbicides*:
 - (a) Sulfonyleurea herbicides (such as Glean, Telar, Finesse, Escort);
 - (b) Desiccants and defoliants (such as Paraquat, Diquat, Endothal);
 - (c) Glyphosate (such as Roundup, Landmaster);
 - (d) Phenoxy hormone-type herbicides (such as 2,4-D, MCPA);
 - (e) Dicamba (such as Banvel);
 - (f) Bromoxynil except that the cutoff dates of April 5, April 15 and May 15 do not apply.

*This is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) All aerial applications of Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-007, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-007, filed 11/22/00, effective 12/23/00.]

WAC 16-232-010 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 1? (1) Area 1 description. (Columbia River Buffer area.) An area starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines ten miles more or less to the southeast corner of Section 22, T8N, R32E; thence east along the section lines two miles to the southeast corner of Section 24, T8N, R32E; thence north along the section lines five miles more or less to the intersection with the Northern Pacific Railroad; thence northeasterly seven miles more or less along the railroad, including the right of way, to the intersection with State Route 124 and C.M. Rice Road at the northeast corner of Section 2, T9N, R33E; thence northerly along C.M. Rice Road, including the right of way, to the Snake River; thence southwesterly along the Snake River to a point near the east section line of Section 23 T9N, R31E; thence south approximately twelve miles to the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence southwesterly along the Columbia River approximately three and one-half miles to the intersection of the Washington-Oregon state line; thence east along the Washington-Oregon state line to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of use restricted herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of .052 inches or a LP8002 or equivalent nozzle.

(c) On and after April 5 through October 31, aerial applications of use restricted herbicides are prohibited except by written permit issued by the department.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-010, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-010, filed 11/22/00, effective 12/23/00; 88-05-033 (Order 1965), § 16-232-010, filed 2/12/88; 87-09-015 (Order 1923), § 16-232-010, filed 4/6/87; 81-07-041 (Order 1724), § 16-232-010, filed 3/13/81; 80-03-026 (Order 1665), § 16-232-010, filed 2/20/80.]

WAC 16-232-015 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 2? (1) Area 2 description. (Walla Walla and vicinity, Dixie, Waitsburg, and Prescott areas.) Those areas lying within a one mile radius from the center of the town of Dixie and within one mile of the city limits of the towns of Waitsburg and Prescott and an area starting at the intersection of the common boundary line between Sections 15 and 16, T6N, R36E and the Washington-Oregon state line; thence north along the section line one mile more or less to the southwest corner of Section 3, T6N, R36E; thence east along the section lines two miles to the southeast corner of Section 2, T6N, R36E; thence north along the section lines three miles to the southwest corner of Section 24, T7N, R36E;

thence east along the section line one mile to the southeast corner of Section 24, T7N, R36E; thence north along the section line one mile to the southwest corner of Section 18, T7N, R37E; thence east along the section line one mile to the southeast corner of Section 18, T7N, R37E; thence north along the section line one mile to the northeast corner of Section 18, T7N, R37E; thence west along the section lines nine miles to the northwest corner of Section 14, T7N, R35E; thence south along the section line one mile to the northeast corner of Section 22, T7N, R35E; thence west along the section line one mile to the northwest corner of Section 22, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, including the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, including the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, including the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, including the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, including the right of way, one mile more or less to the Washington-Oregon state line; thence east along the state line eight miles more or less to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications shall be prohibited on and after April 15 through October 31: Provided, That:

(i) The aerial application of MCPA shall be allowed using warning area restrictions (see WAC 16-230-675).

(ii) Aerial applications of nonvolatile formulations of use restricted herbicides from one-half to one mile of the center of the town of Dixie and from the city limits of Waitsburg, Prescott and Walla Walla shall be considered through written request to the Washington state department of agriculture.

(iii) Those portions of the city of Walla Walla which fall within Sections 13, 14, 22, 23 and 24, T7N, R35E of Walla Walla County are not considered as part of the city limits of Walla Walla for purposes of issuing permits by the department for aerial application of nonvolatile formulations of restricted use pesticides.

(d) Restrictions on the use of airstrips. The loading and/or mixing of use restricted herbicides is prohibited on any airstrip, airfield or any location within Area 2: Provided, That the municipal airport located northeast of Walla Walla shall not be subject to this provision.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-015, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-232-015, filed 10/19/88; 88-05-033 (Order 1965), § 16-232-015, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-015, filed 2/20/80.]

WAC 16-232-020 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 2A? (1) Area 2A description. (Buffer area surrounding Dixie and Walla Walla.) An area, excluding a one mile radius from the center of the town of Dixie, starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines six miles more or less to the northwest corner of Section 14, T7N, R32E; thence east along the section lines ten miles to the southwest corner of Section 9, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 9, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 2, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 2, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 31, T8N, R35E; thence north along the section lines six miles to the northwest corner of Section 6, T8N, R35E; thence east along the section lines and the Columbia-Walla Walla County line twenty-four miles to the northeast corner of Section 1, T8N, R38E; thence south along the Columbia-Walla Walla County line fourteen miles more or less to the Washington-Oregon state line; thence west along the state line fifteen miles to the common boundary line between Sections 15 and 16, T6N, R36E; thence north along the section line one mile more or less to the northwest corner of Section 10, T6N, R38E; thence east along the section lines two miles to the southwest corner of Section 1, T6N, R36E; thence north along the section lines three miles to the northwest corner of Section 25, T7N, R36E; thence east along the section line one mile to the southwest corner of Section 19, T7N, R37E; thence north along the section line one mile to the northwest corner of Section 19, T7N, R37E; thence east along the section line one mile to the northeast corner of Section 19, T7N, R37E; thence north along the section line one mile to the southwest corner of Section 8, T7N, R37E; thence west along the section lines nine miles to the northeast corner of Section 15, T7N, R35E; thence south along the section line one mile to the southeast corner of Section 15, T7N, R35E; thence west along the section line one mile to the southwest corner of Section 15, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, excluding the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, excluding the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, excluding the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, excluding the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, excluding the right of way, one mile more or less to the Washington-Oregon state line; thence west along the state line fifteen miles more or less to the point of beginning.

(2) Area 2A restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That 2,4-DB is allowed on alfalfa seed crops at any time.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-020, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-020, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-020, filed 2/20/80.]

WAC 16-232-025 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 3? (1) Area 3 description. All of the remaining lands within the border of Walla Walla County.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of use restricted herbicides is prohibited on and after May 15 through October 31.

(b) On and after May 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 15 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-025, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-025, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-025, filed 2/20/80.]

WAC 16-232-027 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 3A? (1) Area 3A description. An area beginning at the southwest corner of Section 11, T7N, R32E; thence east along the section lines six miles more or less to the intersection with the Touchet North Road at the southeast corner of Section 10, T7N, R33E; thence northerly along the Touchet North Road, including the right of way, to the intersection with State Route 124; thence west one-half mile more or less along State Route 124, excluding the right of way, to the intersection with the Northern Pacific Railroad at the northwest corner of Section 1, T9N, R33E; thence southwesterly seven miles more or less along the railroad, excluding the right of way, to the intersection with the common boundary line between Section 25, T9N, R32E and Section 30, T9N, R33E; thence south along the section lines five miles more or less to the northeast corner of Section 25, T8N, R32E; thence west along the section lines two miles to the northwest corner of Section 26, T8N, R32E; thence south along the section lines four miles to the point of beginning.

(2) Area 3A restrictions.

(a) The use and application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-027, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-027, filed 2/12/88.]

WAC 16-232-030 What are the restrictions on aerial applications near vineyards? Aerial applications of use restricted herbicides are prohibited within one mile of any commercial vineyard: Provided, That aerial application of use restricted herbicides to lands located within one-half to one mile from commercial vineyards will be considered through written request of the Washington state department of agriculture.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-030, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-030, filed 2/20/80.]

WAC 16-232-035 What are the restrictions on use restricted herbicides in Walla Walla County due to wind conditions? The use or application of use restricted herbicides is prohibited in Areas 1, 2, 2A, 3, and 3A when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications are prohibited in Areas 1 and 2 on and after April 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when allowed by the label and when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department will consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-035, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-232-035, filed 4/12/88; 87-09-015 (Order 1923), § 16-232-035, filed 4/6/87; 80-03-026 (Order 1665), § 16-232-035, filed 2/20/80.]

WAC 16-232-041 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 2B? (1) Area 2B description. An area including all lands lying within a boundary line beginning at the intersection of the Union Pacific Railroad and U.S. Highway 12 in Section 10, T7N, R31E; thence southerly along Highway 12 approximately three miles until its intersection with the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence northwesterly along the Columbia River approximately ten miles until its intersection with the Snake River; thence northeasterly along the Snake River until its intersection with Highway 12 in Section 35, T9N, R30E; thence southeasterly along Highway 12 to the point of beginning.

(2) Area 2B restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-232-007 is prohibited.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided,

That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-041, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-041, filed 11/22/00, effective 12/23/00.]

WAC 16-232-044 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 4? (1) Area 4 description. An area including all lands lying within a boundary line beginning at the intersection of the Snake River and the Bonneville Power Administration power line near the east section line of Section 25, T9N, R30E; thence southeasterly along the Bonneville Power Administration power line until its intersection with SR 124 in Section 32, T9N, R31E; thence approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad until its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to the point of its intersection with the Snake River in Section 35, T9N, R30E; thence northeasterly along the Snake River to the point of beginning.

(2) Area 4 restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-232-007 may be made by written permit only.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of use restricted herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of the use restricted herbicides on small experimental plots for

research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-044, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-044, filed 11/22/00, effective 12/23/00.]

WAC 16-232-047 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 6? (1) Area 6 description. An area including all lands lying within a boundary line beginning at the Snake River and the east section line of Section 23, T9N, R31E; thence south approximately twelve miles along section lines to the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence northwesterly along the Columbia River approximately two miles to the southern section line of Section 8, T7N, R31E; thence east approximately two miles along the section line until its intersection with U.S. Highway 12 in Section 10, T7N, R31E; thence northwesterly along U.S. Highway 12, approximately three-quarters of a mile until its intersection with the Union Pacific Railroad; thence northerly approximately four miles along the railroad until its intersection with the southern section line in Section 15, T8N, R31E; thence east approximately one-quarter mile along the section line to the southeast corner of Section 15, T8N, R31E; thence north approximately three miles until its intersection with SR 124; thence west along SR 124 approximately two and one-half miles until its intersection with the Bonneville Power Administration power line in Section 32, T9N, R31E; thence northwesterly along the power line until its intersection with the Snake River in Section 25, T9N, R30E; thence northeasterly along the Snake River to the point of beginning.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of use restricted herbicides shall be prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year, all applications of use restricted herbicides are prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-047, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-047, filed 11/22/00, effective 12/23/00.]

WAC 16-232-050 When are oil-type carriers prohibited in Walla Walla County? On and after April 5 through October 31, oil-type carriers are prohibited for brush control in areas 2B, 4, and 6: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-050, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-050, filed 11/22/00, effective 12/23/00.]

WAC 16-232-053 Can Paraquat or Diquat be applied by air in Walla Walla County? Aerial application of Paraquat and Diquat is prohibited in areas 2B, 4, and 6.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-053, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-053, filed 11/22/00, effective 12/23/00.]

WAC 16-232-056 Can sulfonyleurea herbicides be applied in Walla Walla County? Application of sulfonyleurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited in areas 2B, 4, and 6.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-056, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-056, filed 11/22/00, effective 12/23/00.]

WAC 16-232-059 What are the conditions applying to permits in Walla Walla County? The following conditions will apply to all permits issued in areas 2B, 4, and 6.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 21 N. 1st Avenue Suite 236 Yakima, Washington 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. 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 of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit will be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-059, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-059, filed 11/22/00, effective 12/23/00.]

WAC 16-232-062 Can use restricted pesticides be applied in an emergency? In the event of an emergency, as declared by the director, the department may issue permits for the use of use restricted pesticides in variation of any restrictions contained in areas 2B, 4, and 6. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture

crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-062, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-062, filed 11/22/00, effective 12/23/00.]

WAC 16-232-065 What are the restrictions on applications in Walla Walla County due to wind? The use or application of all herbicides and class 1 and 2 insecticides are prohibited in areas 2B, 4, and 6 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications are allowed in higher velocity winds when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: Provided further, That applications of granular and pellet formulations of use restricted pesticides defined in WAC 16-232-007 as well as applications made to structures are exempt from the wind restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-065, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-065, filed 11/22/00, effective 12/23/00.]

WAC 16-232-068 Application of pesticides in Walla Walla County—Areas 2B, 4, and 6—Use restricted herbicides ground apparatus nozzle requirements. Ground applications of restricted use herbicides in areas 2B, 4, and 6 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: Provided, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: Provided further, That when Glyphosate is the only restricted use herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: Provided further, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: Provided further, That pressurized handsized household devices used to apply restricted use herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-068, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-068, filed 11/22/00, effective 12/23/00.]

WAC 16-232-071 Application of pesticides in Walla Walla County—Areas 2B, 4, and 6—Use restricted herbicides, aircraft boom length, pressure, and nozzle requirements. The aerial application of restricted use herbicides in areas 2B, 4, and 6 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate): Provided, That RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles are allowed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-071, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-071, filed 11/22/00, effective 12/23/00.]

WAC 16-232-074 What are the restrictions on applications in Walla Walla County due to temperature? All phenoxy compounds and dicamba shall not be applied when the temperature is above eighty-five degrees F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches is exempt from the eighty-five degrees F. temperature requirement: Provided further, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-074, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-074, filed 11/22/00, effective 12/23/00.]

WAC 16-232-077 What are the restrictions on applications of pesticides in Walla Walla County due to weather conditions? Use restricted herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: Provided, That applications of use restricted herbicides shall be exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-077, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-077, filed 11/22/00, effective 12/23/00.]

WAC 16-232-100 What are restrictions for herbicide use in Lincoln County? (1) The area under order includes all lands lying within the boundaries of Lincoln County. WAC 16-232-105 through 16-232-120 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-100, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-100, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-100, filed 2/20/80.]

WAC 16-232-105 What are use restricted herbicides in Lincoln County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-105, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-105, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-105, filed 2/20/80.]

WAC 16-232-110 When are oil-type carriers prohibited in Lincoln County? On and after May 15 through October 31, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-110, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-110, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-110, filed 2/20/80.]

WAC 16-232-115 What are the boundaries and restrictions for Area 3? (1) Area 3 description. (Southwestern Lincoln County.) Beginning at the Grant-Lincoln County line and state Highway 2; thence northeasterly two and one-half miles more or less along state Highway 2 to the Almira South Road; thence south seven miles more or less along the Almira South Road to the Monson Road; thence east six miles more or less along the Monson Road to state Highway 21; thence south twenty-seven miles more or less along state Highway 21 to the Lincoln-Adams County line; thence west thirteen and one-half miles more or less along the common boundary line between Lincoln and Adams counties to the Grant County line; thence north twenty-nine and one-half

miles more or less along the common boundary line between Grant County and Lincoln County to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides shall be prohibited on and after May 16 through October 31 of each year.

(b) On and after May 16 through October 31 of each year, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 16 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-115, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-115, filed 2/20/80.]

WAC 16-232-120 What are the boundaries and restrictions for Area 4? (1) Area 4 description. All remaining lands in Lincoln County not included in WAC 16-232-115.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-120, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-120, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-120, filed 2/20/80.]

WAC 16-232-200 What are the restrictions for use restricted herbicides—Garfield County? (1) The area under order includes all lands lying within the boundaries of Garfield County. WAC 16-232-205 through 16-232-225 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-200, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-200, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-200, filed 2/20/80.]

WAC 16-232-205 What are use restricted herbicides in Garfield County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-205, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-205, filed

2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-205, filed 2/20/80.]

WAC 16-232-210 What are the boundaries and restrictions for Area 2? (1) Area 2 description. The city of Pomeroy and those sections and partial sections lying within one mile east, one mile south and one mile west of the city limits of Pomeroy.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, ground applications shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) Aerial applications of use restricted herbicides are prohibited.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-210, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-210, filed 2/20/80.]

WAC 16-232-215 What are the boundaries and restrictions for Area 3? (1) Area 3 description. An area starting at the intersection of the Snake River and the west boundary of Section 18, T14N, R43E; thence south to and along the Lambie Grade Road to and along the Casey Creek Road to the southeast corner of Section 8, T13N, R43E; thence east along section lines one and one-half miles more or less to the Snake River; thence northwesterly along the Snake River to the point of beginning.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of use restricted herbicides is prohibited on and after April 16 through August 31.

(b) On and after April 16 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 16 through October 31, aerial applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-215, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-215, filed 2/20/80.]

WAC 16-232-220 What are the boundaries and restrictions for use restricted herbicides—Garfield County—Area 4? (1) Area 4 description. This area includes all remaining lands in Garfield County not included in WAC 16-232-210 and 16-232-215.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-220, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-220, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-220, filed 2/20/80.]

WAC 16-232-225 What are the restrictions on applications of use restricted herbicides in Garfield County due to wind conditions? The use or application of use restricted herbicides are prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications are prohibited in Areas 2 and 3 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-225, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-225, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-232-225, filed 4/6/87; 80-03-032 (Order 1671), § 16-232-225, filed 2/20/80.]

WAC 16-232-300 What are the restrictions for use restricted herbicides in Kittitas County? (1) The area under order includes all lands lying within the boundaries of Kittitas County. WAC 16-232-305 through 16-232-315 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-300, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-300, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-300, filed 3/31/82.]

WAC 16-232-305 What are use restricted herbicides in Kittitas County? All formulations phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop)), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-305, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-305, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-305, filed 3/31/82.]

WAC 16-232-310 What are the boundaries and restrictions for Area 1? (1) Area 1 description. An area starting at the intersection of Canyon Road and Thrall Road on the south line of Section 30, T17 N, R19E, thence east along Thrall Road three and one-half miles more or less to Billeter Road; thence south approximately one-half mile; thence east approximately one and one-half miles to Wilson Road; thence south on Wilson Road for one-half mile to intersection of Fourth Parallel Road; thence east on Fourth

Parallel Road for approximately three-fourths mile to Anderson Road; thence south on Anderson Road for one-half mile more or less to E. Kern Road; thence east on E. Kern Road for approximately one-half mile; thence south approximately one and one-half miles to the north boundary of Section 18, T16, R20; thence west for two and one-half miles to intersection of I82; thence northwest for approximately three miles to the northeast corner of Section 5, T16, R19; thence west for two miles more or less to the Canyon Road; thence north for one mile more or less on the Canyon Road to the point of beginning.

(2) Area 1 restrictions.

(a) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using danger area restrictions (see WAC 16-230-675). On and after April 15 through October 31, aircraft applications are prohibited within 500 feet of all orchards: Provided, That aircraft applications may be allowed when written permission is received from the owner of the orchard.

(b) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31 of each year on all lands within 500 feet of all orchards: Provided, That low volatile ester formulations may be used when written permission is received from the owner of the orchard.

(c) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches on all lands within 500 feet of all orchards.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-310, filed 5/9/07, effective 6/9/07. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-310, filed 3/31/82.]

WAC 16-232-315 What are the restrictions on applications of use restricted herbicides in Kittitas County due to wind conditions? The use or application of use restricted herbicides is prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15 through October 31: Provided, That applications of allowable use restricted herbicides are exempt from these wind restrictions when applying fifty gallons or more per acre: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-315, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-315, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-232-315, filed 4/6/87. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-315, filed 3/31/82.]

Chapter 16-301 WAC

GENERAL SEED REGULATIONS

(Formerly chapters 16-300, 16-304, 16-313, 16-316, 16-317, 16-318, 16-493, 16-494 and 16-495 WAC)

WAC

16-301-220 Apply for a phyto-sanitary field inspection.

- 16-301-525 What are the exemptions to the crucifer seed quarantine that apply within the regulated area?
- 16-301-530 What requirements apply to planting crucifer seed in the regulated area?

WAC 16-301-220 Apply for a phyto-sanitary field inspection. (1) On an application provided by the department seed program, a person requesting a phyto-sanitary field inspection must provide a list of the disease or diseases for which inspection is requested. Only one kind of crop is permitted on each application. Applications must be submitted to the department seed program before the due date. Refer to chapter 16-303 WAC for the appropriate fees.

(2) Due dates for phyto-sanitary applications for field inspections are as follows:

- (a) **Western Washington**
 - (i) Fall plantings April 15
 - (ii) Spring plantings June 1
- (b) **Eastern Washington**
 - Fall plantings April 15
 - (i) Spring planted annual crops except corn (21 days after planting)
 - (ii) Corn and all perennial crops June 1

(3) Phyto sanitary applications for crops requiring a fall inspection are due 30 days prior to inspection time and not later than September 15.

(4) To be eligible for *Pseudomonas pisi*, phyto-sanitary field inspection for peas or other diseases based on area surveillance, the applicant must file a report with the department seed program listing acreage and general location (such as block and unit if possible) prior to May 1.

(5) Applications received after the due date are assessed a late fee. Acceptance of a late application is at the discretion of the certifying agency.

(6) Each applicant must submit applications and/or required reports stating diseases for which inspection is to be made and the number of inspections required and/or requested.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-09-005, § 16-301-220, filed 4/4/07, effective 5/5/07. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-220, filed 12/4/00, effective 1/4/01.]

WAC 16-301-525 What are the exemptions to the crucifer seed quarantine that apply within the regulated area? This crucifer quarantine does not apply to:

- (1) Experiments or trial grounds of the United States Department of Agriculture;
- (2) Experiments or trial grounds of a university such as but not limited to the University of Idaho or Washington State University research stations; or
- (3) Trial grounds of any person, firm or corporation that are approved by the director and established in accordance with WAC 16-301-550.
- (4) Shipments, movements, or transportation of:
 - (a) Prepackaged crucifer seed in packages of 1/2 ounce or less if the seeds are free of regulated diseases as required in WAC 16-301-530; or

(b) Vegetable seedlings offered for sale for home garden use in the regulated area if the seedlings are free of regulated diseases as required in WAC 16-301-530.

(5) Research, variety development, variety maintenance or other crucifer production where the entire crop cycle is confined within a building or greenhouse.

(6) Seed lots with a maximum weight of five pounds that were in inventory prior to January 1, 2007.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 07-19-122, § 16-301-525, filed 9/19/07, effective 10/20/07; 06-01-111, § 16-301-525, filed 12/21/05, effective 1/21/06.]

WAC 16-301-530 What requirements apply to planting crucifer seed in the regulated area? (1)(a) It is a violation of this chapter to plant or establish crucifer seed that is infected with any regulated disease in the regulated area.

(b) Any seed of a *Brassica* or *Sinapis* species planted or established in the regulated area whose primary use is for any nonvegetable use must be tested for the presence of dormant seed as required by WAC 16-301-510.

(2) Any person who plans to ship, move, or transport any crucifer seed intended for planting purposes into or within the regulated area must file a Notice of Intent/Quarantine Compliance form with the seed program before planting or offering the seed for sale.

(3) The Notice of Intent/Quarantine Compliance form filed with the seed program must be accompanied by a copy of the:

(a) Laboratory analysis or some other proof (such as a phytosanitary certificate based upon laboratory testing issued from the state or country of production) demonstrating that the lot is free of regulated diseases; and

(b) Seed analysis certificate(s) showing that the lot is free from dormant seed, if required under WAC 16-301-510.

(4) It is a violation of this chapter for any crucifer seed intended for seed production, oil production, commercial vegetable production or cover crop use to be offered for sale within or into the regulated area unless accompanied by documentation verifying quarantine compliance.

(a) For small packages such as heat sealed envelopes and tins, quarantine compliance may be placed on a sales invoice or other documentation that is provided to the purchaser of seed. Language must be approved by the seed program.

(b) Larger containers must bear a label issued by the seed program indicating that the seed is in compliance with this chapter.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 07-19-122, § 16-301-530, filed 9/19/07, effective 10/20/07; 06-01-111, § 16-301-530, filed 12/21/05, effective 1/21/06.]

Chapter 16-303 WAC

SEED ASSESSMENT, FEES FOR SEED SERVICES AND SEED CERTIFICATION

(Formerly chapters 16-300, 16-304, 16-313, 16-316, 16-317, 16-318, 16-493, 16-494 and 16-495 WAC)

WAC

16-303-200	Seed program testing fees.
16-303-210	Fees for special seed tests.
16-303-230	Official seed sampling or similar service.
16-303-240	Fees for blending seed.
16-303-250	Miscellaneous charges for seed services.
16-303-300	Phytosanitary certification of seed—Fees.
16-303-310	Organization for economic cooperation and development scheme for varietal certification (O.E.C.D.) fees.
16-303-315	Service fee for sod quality seed tags and tagging.
16-303-317	Annual and rough bluegrass quarantine fees.
16-303-320	Certification fees for seed certified by the department.
16-303-340	Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.

WAC 16-303-200 Seed program testing fees. Seed testing fees are as follows:

(1)

Category	Crop kind	PURITY	GERM/1	TZ	Additional Crops in each Category/2
1	Agricultural Grasses	37.00	22.60	41.83	Alkaligrass, Bermudagrass, Canarygrass, Foxtail, Switchgrass, Timothy, Zoysia
2	Alfalfa & Clover	28.78	24.66	41.83	Alfalfa, Black Medic, Clover, Lupine, Milkvetch, Sainfoin, Trefoil
3	Beans	26.72	24.66	41.83	Beans
4	Beets	39.06	43.16	41.83	Beets, Swiss chard, Spinach
5	Bentgrass, redtop	65.78	34.94	41.83	Bentgrass, Redtop
6	Bluegrass	45.22	30.82	41.83	Bluegrass, all types
7	Brassica Species	69.88	34.94	41.83	Brassica Species
8	Brome	47.28	24.66	41.83	Brome: Mountain, Smooth, Meadow
9	Fescue	37.00	24.66	41.83	Fescue: Tall and Meadow
10	Fescue, all others	45.22	24.66	41.83	Fescue: Arizona, Blue, Blue Hard, Chewings, Creeping, Hard, Idaho, Red, Sheep
11	Flax	28.78	24.66	41.83	Lewis flax
12	Orchardgrass	51.38	26.72	41.83	Orchardgrass
13	Peas and other large seeded legumes	28.78	24.66	41.83	Peas, Chickpeas, Lentil, Vetch
14	Primrose	28.78	24.66	41.83	Primrose
15	Ryegrass	45.22	22.60	41.83	Ryegrass, (Perennial or Annual)

Category	Crop kind	PURITY	GERM/1	TZ	Additional Crops in each Category/2
16	Small burnet	28.78	24.66	41.83	Small burnet
17	Sudangrass	28.78	24.66	41.83	Sudangrass
18	Vegetables	28.78	24.66	45.00	Vegetables: Arugula, Asparagus, Cantaloupe, Carrot, Celery, Corn, Coriander, Cucumber, Dill, Eggplant, Endive, Leek, Lettuce, Okra, Onion, Parsley, Parsnip, Pepper, Pumpkin, Radish, Squash, Tomato, Watermelon
19	Grains	28.78	24.66	41.83	Wheat, Triticale, Sunflower, Sorghum, Safflower, Rye, Rice, Millet, Buckwheat, Barley, Oats, Emmer, Spelt
20	Wheatgrass, Wildrye, other native species Group A	78.12	30.82	41.83	Bluestem, Buffalograss, Lovegrass, Penstemon, Sand dropseed, Sideoats, Squirreltail; Intermediate, Pubescent, Tall, Thickspike, Slender, and Western wheatgrasses; Small-seeded wildrye
	Wheatgrass, Wildrye, other native species and flowers Group B	69.00	30.82	41.83	Bitterbrush, Echinacea, Indian ricegrass, Junegrass, Kochia, Oatgrass, Indian ricegrass, Blue and other large-seeded wildrye, Crested and Siberian wheatgrasses
	Wheatgrass, Wildrye, other native species and flowers Group C	69.00	114.48*	41.83	Green needlegrass, Needle & Thread, Penstemon *(Germination requires 400 seed TZ according to AOSA Rules)

/1 Standard 400 seed germination test.

(2) Crops not listed in the above table will be charged by the category that they fit into.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-200, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 05-12-053, § 16-303-200, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-200, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-200, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-200, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-200, filed 12/6/00, effective 1/6/01.]

WAC 16-303-210 Fees for special seed tests.

Test	Fee	Additional Information
(1) All states noxious weed examination	\$ 33.38	
(2) Dormant Seed Test	\$ 41.83	
(a) For crops requiring a 400 seed TZ as required in the AOSA rules	\$ 83.66	
(b) This fee also applies to paired tests when required by AOSA rules		
(3) Cold (vigor) test for wheat	\$ 65.00	
(4) Crop or weed exam		
(a) Turf-type and other small seeded grasses	\$ 38.00	Standard noxious amount from AOSA rules Kentucky bluegrass, timothy, alkaligrass, fine-leaved fescues
(b) Small seeded legumes and medium seeded crops	\$ 44.00	Brassicas, ryegrass, tall fescue
(c) Wheatgrass and native species	\$ 50.00	
(d) Grains and large seeded legumes	\$ 22.00	
(5) Fescue seed ammonia test	\$ 30.82	Required on all certified Blue, Hard, and Sheep fescues
(6) Fluorescence test (400 seed test)	\$ 26.72	Required on all Perennial and Annual ryegrass samples
(7) Miscellaneous services, samples requiring extra time, field run samples, etc.	\$ 35.00/hour	
(8) Pest and disease (phyto exam) and/or soil exam	\$ 34.94	

Test	Fee	Additional Information
(9) Quarantine tests on seed		
Bluegrass and Bentgrass	\$ 18.04/5 grams	
Other grasses	\$ 18.04/10 grams	
(10) Rules test—Canadian	PURITY	GERMINATION
Alfalfa, clover, peas, lentils	\$ 32.37	\$ 24.66
Kentucky bluegrass	\$ 49.34	\$ 30.82
Bentgrass	\$ 72.47	\$ 34.94
(11) Rules test—I.S.T.A.	PURITY	GERMINATION
Alfalfa, clover, peas, lentils	\$ 32.37	\$ 30.82
Kentucky bluegrass	\$ 49.34	\$ 30.82
(12) Moisture test	\$ 30.00	
(13) Seed Count		
(a) Large seed	\$ 9.25	
(b) Small seed	\$ 12.30	
(14) Out-sourcing charge	\$ 15.00	
(15) Sod seed analysis		
	Bluegrass \$ 75.00	
	Fescue \$ 52.00	
	Ryegrass \$ 42.00	
(16) Sodium Hydroxide test for presence of red and/or white wheat	\$ 20.54	
(17) Undesirable grass species test (includes an all states noxious test) examination (UGS test)	\$ 70.37	
(18) Germination test in soil	\$ 50.00	
(19) Wheat bioassay test	\$ 50.00	
(20) Germination on mixtures	\$ 35.00 per hour for separation of kinds or preparation time	This is in addition to the established germination fee

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-210, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 05-12-053, § 16-303-210, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-210, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-210, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-210, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-210, filed 12/6/00, effective 1/6/01.]

WAC 16-303-230 Official seed sampling or similar service. Fees for official sampling are in addition to travel time and mileage.

Crop	Fee	Minimum charge
Peas, beans, small grains or seeds of similar size	Standard sampling \$ 0.07 Per cwt.	\$ 35.00
	I.S.T.A. sampling \$ 0.09 Per cwt. plus \$ 7.50 Per lot	\$ 35.00 plus \$ 7.50 Per lot
For all other kinds	Standard sampling \$ 0.18 Per cwt.	\$ 35.00
	I.S.T.A. sampling \$ 0.22 Per cwt. plus \$ 7.50 Per lot	\$ 35.00 plus \$ 7.50 Per lot

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060 and 07-24-082, § 16-303-230, filed 10/12/07 and 12/5/07, effective 1/5/08. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-230, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-230, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-230, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-230, filed 12/6/00, effective 1/6/01.]

WAC 16-303-240 Fees for blending seed. Blending fee is not applicable to salvage blends.

Grass option B*	Washington origin seed	\$ 1.02 per cwt.
Grass option B*	Out-of-state origin	\$ 0.61 per cwt.
Grass option A and all other blends of other crops		\$ 0.07 per cwt.

*See WAC 16-303-320, footnote 6 for information on option A and option B.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-240, filed 10/12/07, effective 12/1/07. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-240, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-240, filed 12/6/00, effective 1/6/01.]

WAC 16-303-250 Miscellaneous charges for seed services. Fees for miscellaneous department seed services are as follows:

Service	Fee
Rush samples (including phone or FAX report if requested at time sample is submitted)	\$ 15.00

Service	Fee
High priority sample - purity result completed before the end of the next business day. (Special circumstances only. Call ahead for availability.)	\$ 150.00
Phone reports on test result, per call	\$ 7.18
Preliminary report on germination	\$ 5.00
Additional mailing of report	\$ 5.12
Additional copies of reports	each destination \$ 2.50 minimum fee
Revised reports	\$ 10.26 minimum (hourly fee when applicable)
Fee for special shipping and handling service, for example Federal Express, Air Parcel or air freight	\$ 3.70 plus exact shipping cost
Fee for facsimile transmission of documents	\$ 1.00 per document
Mileage - additional or special requested trips	As established by the Washington State Office of Financial Management
Stand-by time - or travel time	\$ 35.00/hour Travel time to be charged when special trip is requested.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-250, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 05-12-053, § 16-303-250, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-250, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-250, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-250, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-250, filed 12/6/00, effective 1/6/01.]

WAC 16-303-300 Phytosanitary certification of seed—Fees.

Service	Fee	Additional Information
Federal Phytosanitary certificate	\$ 35.00	
State Phytosanitary certificate	\$ 40.00	
Field inspection—All seed except wheat seed (for each required inspection)	\$ 5.30 per acre, per required inspection	\$ 50.00 minimum fee, per inspection
Field inspection—Wheat seed only	\$ 2.12 per acre or fraction thereof	\$ 50.00 minimum fee, per inspection
Area inspection	\$ 0.53/acre	
Late fee - per application	\$ 41.00	

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-300, filed 10/12/07, effective 12/1/07. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-300, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-300, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-300, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-300, filed 12/6/00, effective 1/6/01.]

WAC 16-303-310 Organization for economic cooperation and development scheme for varietal certification (O.E.C.D.) fees. In addition to fees required by applicable Washington certification rules, the following fees shall apply to all seed tagged O.E.C.D. and is payable by the person requesting O.E.C.D. certificate. The certifying agency may require fees paid in advance:

Service	Fee	Additional Information
O.E.C.D. certificate	\$ 15.41 each	
O.E.C.D. grow out test	\$ 65.72 each entry	No charge for control entry
O.E.C.D. assessment	cost to program	This is a pass through fee to USDA
O.E.C.D. tagging fee	\$ 0.84/cwt.	All grasses except tall fescue
	\$ 0.51/cwt.	Tall fescue
	\$ 0.53/cwt.	All other crops

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-310, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 05-12-053, § 16-303-310, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-310, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-310, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-310, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-310, filed 12/6/00, effective 1/6/01.]

WAC 16-303-315 Service fee for sod quality seed tags and tagging. Service fee for sod quality seed tags and tagging shall be \$ 0.22 per cwt.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-315, filed 10/12/07, effective 12/1/07. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-315, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-315, filed 12/6/00, effective 1/6/01.]

WAC 16-303-317 Annual and rough bluegrass quarantine fees. Fees for sampling and analysis for the presence of annual or rough bluegrass are those fees established in this chapter and:

(1) Annual bluegrass and rough bluegrass - inspection fee for nursery plantings for the presence of annual bluegrass is \$ 59.10 per acre or portion thereof. The tagging fee is \$ 0.53 cwt. with a minimum fee of \$ 23.12.

(2) Quarantine inspection of grass seed fields found to be in violation of the quarantine requirements will be charged at the rate of \$ 200.00 per field inspection.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-317, filed 10/12/07, effective 12/1/07. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-317, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-317, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-317, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-317, filed 12/6/00, effective 1/6/01.]

WAC 16-303-320 Certification fees for seed certified by the department. (1) Fees apply to both new and renewal applications.

The seed processor is responsible for seed certification fees including sampling, testing, production and final certifi-

cation fees, and may accept responsibility for any other additional fees associated with certification. Fees for services

such as O.E.C.D. and sod quality, etc., are in addition to the fees listed in this section.

Seed	Application Fee 1/	Seedling field inspection fee	Seedling producing or field inspection Fee 2/	Late Application Penalty Fee	Reinspection Fee (other than isolation)	Production Fee (includes tagging) 7/	Seed shipped Out-of-State (uncleaned)
Alfalfa, Red clover, White clover and Trefoil	\$ 30.00 per variety per grower	\$ 50.00/field	\$ 1.85/acre	\$ 41.00	\$ 53.44 ea. field	\$ 0.53/cwt. 5/	\$ 0.20/cwt.
Bean	\$ 30.00 per variety per grower	N/A	\$ 1.85/acre 3/ (one inspection) \$ 3.70/acre 4/ (two inspections)	\$ 41.00	\$ 53.44 ea. field	\$ 0.53/cwt.	\$ 0.20/cwt.
Turnip, Rutabaga, Kale	\$ 30.00 per field	N/A	\$ 3.70/acre (two inspections)	\$ 41.00	\$ 53.44 each field	\$ 0.53/cwt.	\$ 0.20
Perennial Grasses 6/	\$ 30.00 per field	\$ 50.00/field	\$ 50.00 per field	\$ 41.00	\$ 53.44 each field	Option A \$ 0.84/cwt. for all grass except tall fescue \$ 0.51/cwt. tall fescue Option B \$ 1.17/cwt. (min. \$ 11.66)	\$ 0.31
Corn	\$ 30.00 Per field	N/A	\$ 50.00 first acre \$ 10.99 ea. additional acre except hybrid corn \$ 4.85 ea. additional acre	\$ 41.00	---	\$ 0.11 per tag issued or minimum fee of \$10.00 per lot	\$ 3.00 per document
Annual grasses	\$ 30.00 per field	N/A	\$ 1.85/acre	\$ 41.00 per field	\$ 53.44 each field	\$ 0.42/cwt.	\$ 0.20
Rapeseed, Canola, and Mustard	\$ 30.00 per variety per grower	N/A	\$ 1.85/acre (one inspection)	\$ 41.00 per grower	\$ 53.44 ea. field	\$ 0.53/cwt.	\$ 0.20

- 1/ Seed certification application due dates can be found in WAC 16-302-050.
- 2/ Seedling producing or field inspection fees are refundable if the acreage is withdrawn before the inspection is completed. In the case of bean seed, fees are required of seedling fields to be harvested for certification the year of planting.
- 3/ One inspection is required for Great Northern Red Mexican, pinto, pink, and small white bean.
- 4/ Includes windrow inspection which is required for certification of snap beans, kidney beans, and eligibility for shipment into the state of Idaho.
- 5/ Production fees are billed at completion of laboratory analysis tests. If no seed is tagged, \$ 0.10 of the \$ 0.53 per cwt. production fee is refundable.
- 6/ Option A: Inspection and final certification fees are based on pounds sampled and billed upon completion of required laboratory tests.
Option B: Inspection and final certification fees are based on pounds tagged after required laboratory tests are completed. Those dealers requesting sampling and tagging privileges and/or participation in Option B must sign a memorandum of agreement that shall expire on June 30 of each year. The memorandum may be terminated by the director if the conditioner violates certification standards or requirements of memorandum.
- 7/ Does not include shipping and handling charge for tags.
- 8/ Service inspection of seed fields
Service inspection will be charged the established hourly rate inclusive of travel time and inspection

- time. This excludes the seedling inspection which is charged according to the above chart.
Service inspections will be charged a mileage fee based upon the OFM mileage rate.
- 9/ Hybrid inspections (pollen counts)
All crops except corn:
(a) \$ 45.00 per inspection if done at the time of the certification inspection.
(b) \$ 125 per inspection if not conducted at the time of the certification inspection.
- (2) Other fees associated with grass seed certification:
Out-of-state origin seed tagged with interagency certification tags.

Grass Option A: \$ 0.31 per cwt.
Grass Option B: \$ 0.68 per cwt.
Reissuance of cert. tags: \$ 0.11 per tag or minimum fee of \$ 11.66

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-320, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 05-12-053, § 16-303-320, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-320, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-320, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-320, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-320, filed 12/6/00, effective 1/6/01.]

WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains. (1) Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains are as follows:

Table with 2 columns: Fee description and Amount. Includes items like Application fee per variety per grower (\$22.97), Field inspection fee per acre except millet and hybrid sorghum (\$3.11), and Final certification fee (\$0.25).

(2) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee is refunded upon request until June 30 of the year following harvest.

(3) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-340, filed 10/12/07, effective 12/1/07. Statutory Authority: RCW 15.49.310, 15.49.370(3), and chapter 34.05 RCW. 06-11-066, § 16-303-340, filed 5/12/06, effective 6/12/06; 05-05-052, § 16-303-340, filed 2/14/05, effective 3/17/05; 04-06-029, § 16-303-340, filed 2/24/04, effective 3/26/04; 03-06-005, § 16-303-340, filed 2/20/03, effective 3/23/03; 02-05-082, § 16-303-340, filed 2/20/02, effective 3/23/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-340, filed 12/6/00, effective 1/6/01.]

Chapter 16-324 WAC

RULES FOR THE CERTIFICATION OF SEED POTATOES

WAC

Table with 2 columns: WAC number and Description. Includes 16-324-361 Definitions, 16-324-385 Production requirements, 16-324-391 Eligibility requirements, and 16-324-392 Isolation requirements.

Table with 2 columns: WAC number and Description. Includes 16-324-396 Sanitation requirements, 16-324-401 Latent virus testing requirements, and 16-324-409 Post-harvest test requirements.

WAC 16-324-361 Definitions. "Certification" means that the lot of seed potatoes was inspected and meets the requirements of this chapter.

"Cull" means any lot of potatoes rejected for certification for any reason.

"Department" means the department of agriculture of the state of Washington.

"Director" means the director of the department of agriculture or his/her duly appointed representative.

"Disease tested" means tested for and found free of all of the following diseases: Potato virus A (PVA), potato virus M (PVM), potato virus S (PVS), potato virus X (PVX), potato virus Y (PVY), potato leafroll virus (PLRV), potato mop top virus (PMTV), potato spindle tuber viroid (spindle tuber), Erwinia carotovora ssp. carotovora (soft rot), Erwinia carotovora ssp. atroseptica (black leg) and Clavibacter michiganense ssp. sependonicum (ring rot).

"Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.

"Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.

"Minitubers" means tubers produced under controlled greenhouse conditions.

"Nematode" means plant parasitic nematodes capable of infesting potatoes, including but not limited to the genus Meloidogyne.

"Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from prenuclear stock, and grown in the field for the first time.

"Plot" means a seed potato planting that is 0.25 acre or less in size.

"Powdery scab" means the disease caused by the fungus Spongospora subterranea.

"Prenuclear" means micropropagated plants or tubers and plants or minitubers produced in a greenhouse.

"Quarantine pest" means a pest of potential economic importance and not yet present in the state, or present but not widely distributed and being officially controlled.

"Recertification" means the process of certifying a seed lot that was certified the previous year.

"Rogue" means removing diseased or undesirable plants, including all associated plant parts from a seed potato field.

"Seed lot" means a field, in whole or in part, or a group of fields producing seed potatoes, or the potato tubers harvested from a seed potato field.

"Seed potatoes" means vegetatively propagated tubers used for potato production.

"Seed source" means seed potatoes produced by an individual grower within a particular seed production area.

"Trace" means a barely perceivable indication of plant disease that amounts to less than 0.001 percent of sample.

"Tolerance" means the maximum acceptable percentage of potato plants or tubers that is diseased, infected by plant pests, defective or off-type based on visual inspection or laboratory testing by the director or other authorized person.

"Unit method" means a method of planting in which cut seed pieces from one tuber are dropped consecutively in a row, or in which all tubers from one plant are dropped consecutively in a row.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 07-11-010, § 16-324-361, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 02-12-010, § 16-324-361, filed 5/23/02, effective 6/23/02; 00-20-070, § 16-324-361, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-361, filed 5/14/97, effective 6/14/97.]

WAC 16-324-385 Production requirements. (1) A grower is not eligible to produce nuclear, generation 1, or generation 2 seed potatoes, if ring rot has been detected on his or her farm during the previous two years.

(2) Prenuclear class.

(a) Prenuclear seed lots must be derived from disease tested micropropagated plants. All testing methods and laboratories must be approved by the department.

(b) A minimum of one percent (and not less than twenty samples) of prenuclear seed produced in a greenhouse must be tested and found free of potato virus X (PVX), potato virus Y (PVY), potato virus S (PVS), potato leafroll virus (PLRV), *Erwinia carotovora* ssp. *carotovora* (soft rot), *Erwinia carotovora* ssp. *atroseptica* (black leg), and *Clavibacter michiganense* ssp. *sependonicum* (ring rot).

(c) The department will inspect all facilities used in the production of prenuclear class seed potatoes on a periodic basis. Department approval is necessary in order to utilize these facilities.

(3) Nuclear class.

(a) Nuclear class seed potatoes must be propagated entirely from prenuclear plants.

(b) Each nuclear class seed lot must be distinctly separated in storage and in the field.

(c) If a ground rig is used for spraying, wide enough spacing between rows must be left, so that tires will not touch plants during the growing season.

(d) Growers must plant cut seed and single drop seed separately, with single drop seed identified.

(4) Generations 1, 2, 3, 4 and 5.

(a) Growers must leave a distinct separation of at least six feet unplanted or planted to some other crop between lots of seed potatoes from different classes. A similar separation must be left between different varieties, unless the varieties are readily distinguishable by visual observation.

(b) When more than one lot of seed potatoes is planted in the same field, growers must stake or mark the identity of each lot.

(c) All generation 1 lots must be sampled and tested under the department's supervision for PVY at a rate of four hundred plants for every ten lots. For farms with fewer than ten generation 1 lots, a minimum of four hundred plants must be sampled and tested.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 07-11-010, § 16-324-385, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-385, filed 10/3/00, effective 11/3/00.]

WAC 16-324-391 Eligibility requirements. (1) Only seed potatoes derived from plants that have been disease tested and certified by an official certification agency are eligible for certification.

(2) Only seed lots that meet or exceed the minimum requirements as established in this chapter are eligible for certification. A seed lot that has more than a trace amount of virus disease noted during any field inspection is not eligible for recertification, unless it has been post-harvest tested and meets the minimum standards established in WAC 16-324-420.

(3) A post-harvest test is required for seed lots that will be recertified, except when planted back on the same farm.

(4) In order to be eligible for certification in Washington state, seed lots from other states or countries must be eligible for recertification in the state or country of origin and must meet the requirements of this chapter.

(5) A seed lot blended from two or more different sources of seed is not eligible for recertification.

(6) A seed lot infected with powdery scab is not eligible for recertification.

(7) Generation 5 (G5) seed lots are not eligible for recertification.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 07-11-010, § 16-324-391, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-391, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-391, filed 5/14/97, effective 6/14/97.]

WAC 16-324-392 Isolation requirements. (1) The department must approve all nuclear and generation 1 field locations.

(2) Generation 2 through generation 5 must be isolated by at least three hundred fifty feet from all noncertified potatoes.

(3) When ring rot is found in a field planted with more than one lot of seed potatoes, the department will reject the entire field unless at least six feet between lots has been left unplanted or planted to some other crop.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 07-11-010, § 16-324-392, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-392, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-392, filed 5/14/97, effective 6/14/97.]

WAC 16-324-396 Sanitation requirements. (1) Chemicals used in the sanitation of equipment should be those recommended by the *Pacific Northwest Plant Disease Control Handbook*. Vector control must be maintained throughout the growing season as recommended by the *Pacific Northwest Plant Disease Control Handbook*.

(2) Seed stocks entered for certification must be planted and harvested prior to handling any other seed stock. The earliest generation must be handled prior to later generations within the program.

(3) Only department-approved containers shall be used during the digging, storage, and packing process.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 07-11-010, § 16-324-396, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-396, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-396, filed 5/14/97, effective 6/14/97.]

WAC 16-324-401 Latent virus testing requirements. (1) PVX testing is required for nuclear and generation 1 class seed potatoes. PVX testing is optional for all other classes.

(2) Growers must submit petiole samples for latent virus testing to a laboratory approved by the department. The applicant is responsible for laboratory testing fees.

(3) The minimum number of plants per seed lot to be sampled for PVX testing is one hundred. For nuclear class, a minimum of one percent of the total number of plants per lot must be sampled. For generation 1, a minimum of two hundred plants per acre must be sampled. For generation 2, a minimum of fifty plants per acre must be sampled. Generation 3, 4 and 5 seed lots should be sampled at a rate of twenty plants per acre. The department may require additional testing.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 07-11-010, § 16-324-401, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 02-12-010, § 16-324-401, filed 5/23/02, effective 6/23/02; 00-20-070, § 16-324-401, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-401, filed 5/14/97, effective 6/14/97.]

WAC 16-324-409 Post-harvest test requirements. (1) Post-harvest testing of all seed classes is optional, except as required in WAC 16-324-391 and 16-324-399. Seed lots which fail the minimum requirements of the field inspection standards are not eligible for post-harvest testing.

(2) A minimum of four hundred tubers must be submitted for each seed lot entered for post-harvest testing. Seed lots less than one acre in size must submit a minimum of four tubers per total hundred weight with a minimum of fifty tubers.

(3) The applicant is responsible for the cost of post-harvest testing.

(4) Seed lots in the post-harvest test which fail to comply with the disease tolerance requirements set forth in WAC 16-324-420 are not eligible for recertification.

(a) The applicant must notify in writing all receivers of any seed lot that failed to comply with post-harvest tolerances set forth in WAC 16-324-420.

(b) Acceptance of a seed lot that fails to comply with the tolerances set forth in WAC 16-324-420 must be based on a written buyer/seller agreement. The grower must provide the department with a copy of the written agreement within thirty days of receiving the post-harvest results.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 07-11-010, § 16-324-409, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-409, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-409, filed 5/14/97, effective 6/14/97.]

Chapter 16-390 WAC

WSDA FRUIT AND VEGETABLE INSPECTION DISTRICTS, INSPECTION FEES AND OTHER CHARGES

WAC

16-390-240 What is the fresh produce audit verification program?
 16-390-242 What charges does the department assess for fruit and vegetable audit verification certificates issued under the fresh produce audit verification program?

WAC 16-390-240 What is the fresh produce audit verification program? The fresh produce audit verification program is a federal-state inspection service program that reviews and verifies a participating company's facility and agronomic practices, along with its documented procedures,

to help determine if "good agricultural practices" and "good handling practices" are maintained.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-16-084, § 16-390-240, filed 7/30/07, effective 8/30/07. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-240, filed 5/18/04, effective 6/18/04.]

WAC 16-390-242 What charges does the department assess for fruit and vegetable audit verification certificates issued under the fresh produce audit verification program? Charges assessed by the department for good agricultural practices (GAP) and good handling practices (GHP) audit verification certificates issued under the fresh produce audit verification program are as follows:

(1) The hourly rate for audit time, administration time and applicable travel time is seventy-five dollars per audit hour.

(2) Mileage related to GAP and GHP audit services is charged at the rate established by the office of financial management (OFM) at the time the service was performed.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-16-084, § 16-390-242, filed 7/30/07, effective 8/30/07. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-242, filed 5/18/04, effective 6/18/04.]

**Chapter 16-401 WAC
 NURSERY INSPECTION FEES**

WAC

16-401-027 Schedule of fees and charges—Applicable rates and charges.
 16-401-041 Nursery dealer license fees.

WAC 16-401-027 Schedule of fees and charges—Applicable rates and charges. The following rates apply for requested inspection services:

(1) Fee or Charge:	
Hourly rate—business hours	\$34.80
Hourly rate—nonbusiness hours	\$44.45
Certificate issued at time of inspection	No charge
Certificate issued more than twenty-four hours after the inspection	\$16.55
Additional certificates	\$5.20
Fumigation lot or container fee	\$13.80
Certificate of plant health for noncommercial movement	\$6.80
Compliance agreement	\$34.80
Inspection tags or stickers (lots of 250)	\$6.80 per lot
Inspection tags or stickers (minimum 10)	\$0.29 each

(2) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be prorated among applicants if more than one applicant is provided service during a workday or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between

the department and an industry entity, university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.

(4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treatment (steam cleaning, hydro-washing, etc.) is charged at the applicable hourly rate.

(5) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee.

(6) The department may issue a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection.

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate applies. One certificate for one service is issued at no charge.

[Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 07-11-011, § 16-401-027, filed 5/3/07, effective 7/1/07; 06-15-043, § 16-401-027, filed 7/11/06, effective 8/11/06; 05-12-110, § 16-401-027, filed 5/31/05, effective 7/1/05; 04-17-037, § 16-401-027, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 15.14, 17.24, and 34.05 RCW. 03-21-166, § 16-401-027, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 03-10-083, § 16-401-027, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-027, filed 5/8/01, effective 6/8/01.]

WAC 16-401-041 Nursery dealer license fees. Annual license fees as established below, must accompany the application for nursery dealer license:

- (1) Retail nursery dealer license fee:
 - (a) Gross business sales of horticultural plants and turf less than two thousand five hundred dollars \$38.73
 - (b) Gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee is \$82.99
 - (c) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$166.00
- (2) Wholesale nursery dealer license fee:
 - (a) Gross business sales of horticultural plants and turf less than fifteen thousand dollars \$82.99

- (b) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$166.00
- (3) As provided in RCW 15.13.285, a surcharge of twenty percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section, is established.
- (4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270 \$6.70

[Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 07-11-011, § 16-401-041, filed 5/3/07, effective 7/1/07; 06-15-043, § 16-401-041, filed 7/11/06, effective 8/11/06; 05-12-110, § 16-401-041, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapters 15.13, 15.14, 17.24 and 34.05 RCW. 03-21-166, § 16-401-041, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 03-10-083, § 16-401-041, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-041, filed 5/8/01, effective 6/8/01; 99-12-034, § 16-401-041, filed 5/26/99, effective 6/26/99.]

**Chapter 16-409 WAC
WASHINGTON STANDARDS FOR ASPARAGUS**

WAC	
16-409-020	Standards that apply to all asparagus marketed within Washington state.
16-409-022	Asparagus grades.
16-409-024	Size requirements for Washington asparagus grades.
16-409-026	Adoption of U.S. standards for fresh asparagus as Washington state standards.
16-409-030	Tolerances.
16-409-035	Application of asparagus tolerances during an inspection.
16-409-065	Container requirements.
16-409-070	Container marking requirements.

WAC 16-409-020 Standards that apply to all asparagus marketed within Washington state. Any lot of fresh asparagus, including "culls," marketed within Washington state must have no more than ten percent of the stalks that have white in excess of two inches.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-020, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-020, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. 97-05-054 (Order 6015), § 16-409-020, filed 2/19/97, effective 3/22/97; 97-01-081 (Order 6008), § 16-409-020, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-020, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-020, filed 3/1/83; Order 795, Regulation 2(1), (2), effective 2/16/60.]

WAC 16-409-022 Asparagus grades. (1) The following table identifies and describes the asparagus grades used in Washington state:

Washington Asparagus Grades:					
Stalk Characteristics:	"Extra Fancy Grade Asparagus"	"Extra Fancy Grade Asparagus Tips"	"Fancy Grade Asparagus"	"Consumer Pack Asparagus"	"Culls"
Stalks must be:					
(a) Clean;	Yes	Yes	Yes	Yes	No
(b) Fresh;	Yes	Yes	Yes	Yes	No
(c) Fairly uniform in length;	Yes	Yes	Yes	Yes	No
(d) Well trimmed;	Yes	Yes	No	No	No
(e) Fairly well trimmed;	No	No	Yes	Yes	No
(f) Fairly straight;	Yes	Yes	No	Yes	No
(g) Not wilted;	Yes	Yes	Yes	Yes	No
(h) Not badly misshapen;	No	No	Yes	No	No

Washington Asparagus Grades:					
Stalk Characteristics:	"Extra Fancy Grade Asparagus"	"Extra Fancy Grade Asparagus Tips"	"Fancy Grade Asparagus"	"Consumer Pack Asparagus"	"Culls"
Stalks must be:					
(i) Free from decay;	Yes	Yes	Yes	Yes	No
(j) Free from damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means;	Yes	Yes	Yes	Yes	No
(k) At least eighty-five percent green in color;	Yes	No	Yes	Yes	No
(l) All green.	No	Yes	No	No	No

(2) "Culls" describes asparagus that:

(a) Is not graded in conformity with Washington extra fancy, Washington extra fancy tips, Washington fancy, Washington consumer pack, or U.S. No. 1, or U.S. No. 2; and

(b) Must not be marketed if more than ten percent by count of the stalks show white in excess of two inches.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-022, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-022, filed 5/4/05, effective 6/4/05.]

WAC 16-409-024 Size requirements for Washington asparagus grades. The following size designations apply to all grades of asparagus in Washington state.

- (1) Jumbo: Stalks at least 13/16 inch in diameter.
- (2) Extra large: Stalks at least 10/16 inch in diameter.
- (3) Large: Stalks at least 7/16 inch in diameter.
- (4) Standard: Stalks at least 5/16 inch in diameter.
- (5) Small: Stalks less than 5/16 inch in diameter.
- (6) All size designations, as defined in WAC 16-409-

024, may be packed in all grades and in all containers.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-024, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-024, filed 5/4/05, effective 6/4/05.]

WAC 16-409-026 Adoption of U.S. standards for fresh asparagus as Washington state standards.

(1) In addition to the Washington state fresh asparagus standards contained in this chapter, the Washington state department of agriculture has adopted, as Washington state standards, modified United States fresh asparagus standards for U.S. grades No. 1 and No. 2.

(2) The department's modifications to the U.S. standards are as follows:

(a) U.S. No. 1 must meet or exceed Washington extra fancy grade requirements.

(b) U.S. No. 2 must meet or exceed Washington fancy grade requirements.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-026, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-026, filed 5/4/05, effective 6/4/05.]

WAC 16-409-030 Tolerances. The following table identifies and explains the tolerances adopted for Washington asparagus:

Washington Asparagus Grades to Which Tolerances Apply	Defect, color and trim tolerances adopted for Washington asparagus	Diameter and length tolerances adopted for Washington asparagus
Washington extra fancy Washington extra fancy tips Washington fancy Washington consumer pack	To allow for variations incident to proper grading and handling, the following tolerances are adopted:	To allow for variations in diameter and length incident to proper sizing, the following tolerances are adopted:
	(1) Ten percent, by count, for stalks failing to meet grade requirements other than for trim and color, including no more than one percent for decayed stalks.	(1) Ten percent, by count, for stalks failing to meet the required minimum and maximum diameter defined in WAC 16-409-015 ("fairly uniform in length").
	(2) An additional ten percent, by count, for stalks having less than the required amount of green color.	(2) Ten percent, by count, for stalks failing to meet the required length as established in WAC 16-409-022.
	(3) An additional ten percent, by count, for stalks not meeting trim requirements.	

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-030, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-030, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-030, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-030, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-030, filed 3/1/83; Order 795, Regulation 2(3), (4), effective 2/16/60.]

WAC 16-409-035 Application of asparagus tolerances during an inspection. (1) If the averages for an entire lot are within the tolerances specified in WAC 16-409-030, the limitations in this section, based upon sample inspections, apply to the contents of individual containers in the lot.

(2) Individual containers:

(a) May contain one decayed or otherwise defective stalk, one poorly trimmed stalk, one poorly colored, and one off-size stalk.

(b) Must have no more than one and one-half times the tolerance specified when a tolerance is ten percent or more.

(c) Must have no more than double the tolerance specified when a tolerance is less than ten percent.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-035, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-035, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-035, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-035, filed 3/1/83.]

WAC 16-409-065 Container requirements. (1) All fresh asparagus must be marketed in containers that are clean and free from dirt, trash, and visible contaminants.

(2) All fresh asparagus must not be marketed in field containers.

(3) For testing or trial marketing purposes, the director may allow the use of any experimental container.

(4) Culls must be marketed in wooden pyramid containers with moisture pads.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-065, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-065, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-065, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-065, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-065, filed 3/1/83.]

WAC 16-409-070 Container marking requirements.

(1) All required markings must be placed on one end of the container, but may be duplicated on the opposite end.

(2) Containers must be conspicuously and legibly marked with the:

(a) Name and address of the grower, packer, or distributor;

(b) Grade;

(c) Net weight; and

(d) Size designation or diameter size as defined in WAC 16-409-024.

(3) The grade and size designation required in subsection (2) of this section must be marked in letters at least 3/8 inch in height.

(4) The following abbreviations of grade and size designation are acceptable:

(a) Washington as Wash. or WA.

(b) Extra fancy as ex fcy or extra fcy.

(c) Fancy as fcy.

(d) Jumbo as jbo.

(e) Extra large as ex lge.

(f) Large as lge.

(g) Standard as std.

(h) Small as sm.

(5) The use of U.S. No. 1 or U.S. No. 2 grade markings is permissible subject to the requirements in WAC 16-409-026.

(6) If culls are marketed:

The word "culls" must be:

(a) Conspicuously and legibly marked in letters at least one inch in height; and

(b) Predominant in size over any other markings on the container.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-070, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-070, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-070, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-070, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-070, filed 3/1/83; Order 795, Regulation 3, effective 2/16/60.]

Chapter 16-414 WAC

WASHINGTON STANDARDS FOR CHERRIES

WAC

16-414-005	Definitions.
16-414-010	Washington No. 1 grade and Northwest No. 1 grade sweet cherry requirements.
16-414-011	Size requirements—Sweet cherries.
16-414-012	Tolerances for Washington No. 1 and Northwest No. 1 grade sweet cherries.
16-414-014	Tolerances for "off-size" sweet cherries.
16-414-016	Washington state adopts the U.S. standards for grades of sweet cherries.
16-414-020	Washington No. 1 and Northwest No. 1 grade sweet cherries—Individual sample tolerances.
16-414-045	Damage to fresh, sweet cherries—Specific defects.
16-414-065	Serious damage to fresh, sweet cherries—Specific defects.
16-414-090	Sweet cherry container marking requirements.
16-414-105	Definitions—Sulphured cherries.
16-414-107	Washington state grades for sulphured cherries.
16-414-108	Tolerances for Washington sulphured cherries.
16-414-110	Size requirements for all grades of Washington sulphured whole cherries.
16-414-120	Tolerance requirements for the certification of lots of Washington No. 1 and Washington No. 2 grade sulphured cherries.
16-414-125	Tolerances for sulphured pitted cherries.
16-414-145	Damage to sulphured cherries—Specific defects.
16-414-155	Serious damage to sulphured cherries—Specific defects.

WAC 16-414-005 Definitions. "Clean" means cherries are practically free from dirt, dust, spray residue, or other foreign material. For example, clean means the product is practically free from leaves, fruit spurs, bark, twigs, dirt or foreign material.

"Condition defects" means defects that may develop or change during shipment or storage. Condition defects include, but are not limited to, decayed or soft cherries and such other factors as pitting, shriveling, sunken areas, brown discoloration and bruising that, because of its location appears to have occurred after packing.

"Damage" means any injury or specific defect described in WAC 16-414-045 or any equally objectionable variation of those defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible quality or marketing quality of the fruit.

"Department" means the Washington state department of agriculture (WSDA).

"Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Face packed" means the cherries in the top layer of any container are placed so the stem ends are pointing downward toward the bottom of the container.

"Fairly well colored" means that at least ninety-five percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

"Firm" means the cherries:

- (1) Possess a firm, fleshy texture;
- (2) Retain their approximate original shape;
- (3) Are not shriveled; and
- (4) Do not show more than slight collapsed areas of flesh.

"Mature" means cherries have reached the stage of growth that will insure the proper completion of the ripening process. Rainier cherries or other varieties of "light colored sweet cherries" shall meet a minimum of seventeen percent soluble solids as determined from a composite sample by refractometer prior to packing, at time of packing, or at time of shipment; provided that individual lots shall not be combined with other lots to meet soluble solids requirements.

"Permanent defects" means defects that are not subject to change during shipping or storage. Permanent defects include, but are not limited to, factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury that, because of its location, appears to have occurred before shipment.

"Off-size" means a cherry whose diameter fails to meet a designated size when measured at right angles to a line from its stem to its blossom end.

"Serious damage" means any specific defect described in WAC 16-414-065 or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects that seriously detracts from the appearance, edible quality or marketing quality of cherries.

"Shipping point" means:

- (1) The point of origin of the shipment in the producing area or at the port of loading; or
- (2) The port of entry into the United States in the case of shipments from outside the continental United States.

"Similar varietal characteristics" means the cherries in any container are similar in color and shape.

"Well formed" means a cherry has the normal shape characteristic of the variety. Mature well-developed doubles are considered well formed if the halves are approximately evenly formed with a variation of no more than 2/64 of an inch.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-005, filed 6/5/07, effective 7/6/07; 06-12-116, § 16-414-005, filed 6/7/06, effective 7/8/06; 05-12-037, § 16-414-005, filed 5/25/05, effective 6/25/05.]

WAC 16-414-010 Washington No. 1 grade and Northwest No. 1 grade sweet cherry requirements. (1) Washington No. 1 grade and Northwest No. 1 grade sweet cherries are cherries with similar varietal characteristics that are:

- (a) Mature;
- (b) Not soft, overripe or shriveled;
- (c) Fairly well colored;
- (d) Well formed;
- (e) Clean;

(f) Free from underdeveloped doubles, decay, or sunscald;

(g) Free from insect larvae or insect holes; and

(h) Free from damage by any other cause.

(2) Northwest No. 1 grade sweet cherries must meet the size requirements listed in WAC 16-414-011.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-010, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-010, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-010, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-010, filed 3/31/78.]

WAC 16-414-011 Size requirements—Sweet cherries. (1) The minimum diameter of each cherry must be at least 54/64 inch.

(2) The maximum diameter of the cherries in any lot may be specified according to the facts.

(3) For the Rainier variety and similar varieties commonly referred to as "light colored sweet cherries," at least ninety percent, by count, of the cherries in any lot shall measure not less than 61/64 inch in diameter and not more than five percent, by count, may be less than 57/64 inch in diameter.

(4) When containers of cherries are marked with a row count/row size designation, the row count/row size marked must comply with the corresponding minimum diameter size as shown in the following table:

Row count/Row size	Minimum diameter in inches
8	84/64
8 1/2	79/64
9	75/64
9 1/2	71/64
10	67/64
10 1/2	64/64
11	61/64
11 1/2	57/64
12	54/64

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-011, filed 6/5/07, effective 7/6/07; 06-12-116, § 16-414-011, filed 6/7/06, effective 7/8/06; 05-12-037, § 16-414-011, filed 5/25/05, effective 6/25/05.]

WAC 16-414-012 Tolerances for Washington No. 1 and Northwest No. 1 grade sweet cherries. (1) **Washington No. 1:**

(a) To allow for variations incident to proper grading and handling at the shipping point, the following tolerances, by count, are established:

(i) Eight percent of cherries that fail to meet the requirements of the grade are allowed.

(ii) Of the total tolerance of eight percent, no more than four percent is allowed for defects causing serious damage.

(iii) Of the four percent tolerance for serious damage defects, no more than one-half of one percent is allowed for cherries affected by decay.

(b) To allow for variations incident to proper grading and handling en route or at destination, the following tolerances, by count, are established:

(i) Twenty-four percent of cherries in any lot may fail to meet the requirements of the grade.

(ii) Of the total tolerance of twenty-four percent, no more than eight percent is allowed for cherries that fail to meet the grade requirements because of permanent defects.

(iii) Of the total tolerance of twenty-four percent, no more than six percent is allowed for cherries that are seriously damaged, including no more than four percent of cherries seriously damaged by permanent defects and two percent for cherries affected by decay.

(2) Northwest No. 1:

(a) To allow for variations incident to proper grading and handling at the shipping point, the following tolerances are established:

(i) Ten percent of cherries in any inspection lot that fail to meet the requirements of the grade are allowed.

(ii) Of the total tolerance of ten percent, no more than five percent is allowed for defects causing serious damage.

(iii) Of the five percent tolerance for serious damage defects, no more than one percent is allowed for cherries affected by decay.

(iv) The contents of individual samples or containers in any lot must not be limited to the percentage of grade defects discussed in WAC 16-414-020.

(b) To allow for variations incident to proper grading and handling en route or at destination, the following tolerances, by count, are established:

(i) Twenty-four percent of cherries in any lot may fail to meet the requirements of the grade.

(ii) Of the total tolerance of twenty-four percent, no more than ten percent, by count, is allowed for cherries that fail to meet the grade requirements because of permanent defects.

(iii) Of the total tolerance of twenty-four percent, no more than seven percent, by count, is allowed for cherries that are seriously damaged, including no more than five percent for cherries seriously damaged by permanent defects and two percent for cherries affected by decay.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-012, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-012, filed 5/25/05, effective 6/25/05.]

WAC 16-414-014 Tolerances for "off-size" sweet cherries. To allow for variations in size incident to proper grading and handling, the following tolerances, by count, are established for off-size grade sweet cherries:

(1) No more than ten percent of the cherries in any inspection lot must measure less than 54/64 inches in diameter.

(2) Ten percent for cherries that fail to meet any specified maximum diameter when that maximum diameter is marked on the container or specified in terms of fractions of inches.

(3) When containers are marked with row count/row size or a lot is specified by row count/row size, no more than ten percent of the cherries in any inspection lot may fail to meet the corresponding diameter size listed in the table in WAC 16-414-011(3).

(4) When containers are marked with a "minimum diameter," no more than five percent of the cherries in the container may fail to meet the corresponding diameter.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-014, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-014, filed 5/25/05, effective 6/25/05.]

WAC 16-414-016 Washington state adopts the U.S. standards for grades of sweet cherries. In addition to the standards for sweet cherries contained in this chapter, the Washington state department of agriculture adopts the United States standards for grades of sweet cherries (effective May 7, 1971) as they apply to U.S. No. 1 grade cherries, except the minimum size of cherries and tolerances for undersize cherries must meet the requirements for Washington No. 1 grade.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-016, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-016, filed 5/25/05, effective 6/25/05.]

WAC 16-414-020 Washington No. 1 and Northwest No. 1 grade sweet cherries—Individual sample tolerances. Tolerances are applied to Washington No. 1 and Northwest No. 1 sweet cherries as follows:

(1) Individual samples must have no more than double the tolerances specified. However, if the averages for the entire lot are within the tolerances specified for the grade, at least two defective and two off-size specimens may be allowed in any sample.

(2) When containers are marked with row count/row size or when a lot is specified by row count/row size, the individual samples or containers must not be limited by the percentage of cherries that are smaller than the diameter corresponding to the particular row count/row size. However, no more than twenty percent, by count, of the cherries in any sample or container must measure less than 54/64 inches in diameter.

(3) When marked with minimum size, individual samples may have no more than double the tolerances specified.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-020, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-020, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-020, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-020, filed 3/31/78.]

WAC 16-414-045 Damage to fresh, sweet cherries—Specific defects. The following defects are considered damage to fresh, sweet cherries:

(1) Cracks within the stem cavity when they are deep or not well healed, or when the cherry's appearance is affected to a greater extent than a cherry that has a superficial well healed crack 1/16 inch in width and extending one-half the greatest circumference of the stem cavity.

(2) Cracks outside the stem cavity when they are deep or not well healed, or when they materially affect the cherry's appearance, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling.

(3) Hail marks when they are deep or not well healed, or when the aggregate area exceeds 3/16 inch in diameter.

(4) Evidence of insects when scale is present, or when any insect materially affects the cherry's appearance.

(5) Limb rubs when they affect the cherry's appearance more than the amount of scarring that is allowed.

(6) Pulled stems when the skin or flesh is slightly torn.

(7) Russetting when it affects the cherry's appearance more than the amount of scarring that is allowed.

(8) Blemishes including bird pecks, sunburn, other blemishes or combinations of blemishes that materially affect the appearance of the cherry, or any materially discolored flesh.

(9) Scars when excessively deep or rough or dark colored and when the aggregate area exceeds 3/16 inch in diameter, or when smooth or fairly smooth, light colored, superficial, and the aggregate area exceeds 1/4 inch in diameter.

(10) Skin breaks when they are not well healed, or when the cherry's appearance is materially affected.

(11) Sutures when they are excessively deep or cause the cherry's shape to be less than well formed.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-045, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-045, filed 5/25/05, effective 6/25/05.]

WAC 16-414-065 Serious damage to fresh, sweet cherries—Specific defects. The following defects are considered serious damage to fresh, sweet cherries:

- (1) Cracks when they are not well healed;
- (2) Insect larvae or insect holes;
- (3) Pulled stems if they cause more than a slight tear in the cherry skin or flesh, or when they cause the cherry to leak;
- (4) Skin breaks when they are not well healed; and
- (5) Decay.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-065, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-065, filed 5/25/05, effective 6/25/05.]

WAC 16-414-090 Sweet cherry container marking requirements. (1) Containers must be conspicuously and legibly stamped with the:

- (a) Name and the address of the grower, packer or shipper;
 - (b) Net weight; and
 - (c) True variety name or "sweet cherries."
- (2) The containers may be marked with the grade name Washington No. 1, U.S. No. 1, or Northwest No. 1.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-090, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-090, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-090, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-090, filed 3/31/78.]

WAC 16-414-105 Definitions—Sulphured cherries. "**Damage**" means any injury or specific defect described in WAC 16-414-145 or any equally objectionable variation of those defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible quality or marketing quality of the fruit.

"**Fairly well bleached**" means the cherries possess a reasonably uniform color typical of reasonably well bleached sulphured cherries for that variety.

"**Pit**" means an entire pit or portion of a pit that is attached to a sulphured cherry or located within the pit cavity.

"**Properly matured**" means that stage of ripeness when a cherry is ready for brining.

"**Serious damage**" means any injury that seriously affects the appearance or market quality of the product.

"**Sulphured cherries**" means properly matured whole cherries of similar varietal characteristics packed in a solution of sulphur dioxide of sufficient strength to preserve the cherries without adding hardening agents.

"**Sulphured cherries with pits**" means whole cherries, with or without stems, from which the pits have not been removed. If:

(1) Without stems, not more than twenty percent, by weight, of all the cherries may have the stems removed.

(2) With stems, not more than one-half of one percent, by weight, of all the cherries may have the stems attached.

"**Sulphured cherries without pits**" means whole cherries with or without stems from which the pits have been removed. If:

(1) Without stems (cocktail), not more than seven percent, by weight, of all the cherries may have the stems removed.

(2) With stems, not more than one-half of one percent, by weight, of all the cherries may have the stems attached.

"**Unclassified cherries**" means sulphured cherries that do not conform to the descriptions of "sulphured cherries with pits" or sulphured cherries without pits.

"**Well bleached**" means the cherries possess a practically uniform color that is typical of well bleached sulphured cherries for that variety.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-105, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-105, filed 5/25/05, effective 6/25/05.]

WAC 16-414-107 Washington state grades for sulphured cherries. (1) Washington No. 1 grade sulphured whole cherries are cherries of similar varietal characteristics that are:

- (a) Properly matured;
- (b) Clean;
- (c) Firm;
- (d) Well formed;
- (e) Well bleached; and
- (f) Free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes, or other means.

(2) Washington No. 1 grade sulphured halved cherries are portions of sliced cherries of similar varietal characteristics where no particle is smaller than an estimated one-third or larger than an estimated two-thirds of a whole cherry and are:

- (a) Properly matured;
- (b) Clean;
- (c) Firm;
- (d) Well formed;
- (e) Well bleached; and
- (f) Free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes, or other means.

(3) Washington No. 2 grade sulphured whole cherries are cherries of similar varietal characteristics that are:

- (a) Properly matured;
- (b) Clean;
- (c) Fairly firm;
- (d) Well formed;
- (e) Fairly well bleached; and
- (f) Free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes, or other means.

(4) Washington No. 2 grade sulphured halved cherries are portions of sliced cherries of similar varietal characteristics that are:

- (a) Properly matured;
- (b) Fairly firm;
- (c) Well formed;
- (d) Fairly well bleached; and
- (e) Free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes, or other means.

(5) Washington combination grade sulphured cherries are a combination of Washington No. 1 and Washington No. 2 cherries of any style that are, unless otherwise specified, packed in a lot that averages at least fifty percent Washington No. 1 quality cherries.

(6) Washington No. 3 grade sulphured cherries are cherries that fail to meet the requirements of the above grades and are practically free of stems, leaves, fruit spurs, bark, dirt, or foreign material.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-107, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-107, filed 5/25/05, effective 6/25/05.]

WAC 16-414-108 Tolerances for Washington sulphured cherries. (1) Washington No. 1 grade sulphured whole cherries:

(a) At least ninety-five percent of the cherries in any lot must meet the requirements of "firm."

(b) Not more than ten percent of the cherries in any lot may be below the remaining requirements of this grade, of which not more than one-half or five percent must be allowed for defects classified as serious damage.

(2) Washington No. 1 grade sulphured halved cherries:

(a) At least ninety-five percent of the cherries of any lot must meet the requirements of "firm."

(b) Not more than ten percent of the cherries in any lot may be below the remaining requirements of this grade, of which not more than one-half or five percent must be allowed for defects classified as serious damage.

(3) Washington No. 2 grade sulphured whole cherries:

(a) At least ninety-five percent of the cherries of any lot must meet the requirements of "fairly firm."

(b) Not more than ten percent of the cherries in any lot may be below the remaining requirements of this grade.

(4) Washington No. 2 grade sulphured halved cherries:

(a) At least ninety percent of the cherries in any lot must meet the requirements of "fairly firm."

(b) Not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade.

(5) Washington combination grade sulphured cherries:

(a) A tolerance of not more than ten percent is allowed for cherries that are below the requirements of Washington No. 2 grade.

(b) The tolerances for combination grade sulphured cherries are on a container basis. However, individual containers in any lot may vary from the specified tolerances if the averages for the entire lot, based on sample inspections, are within the specified tolerances.

(c) For the entire lot, no part of any tolerance must reduce the requirement that fifty percent of cherries in the combination must be of the higher grade. However, individual containers may have at least thirty-five percent of the higher grade or be more than twenty percent below the requirements of Washington No. 2 grade.

(d) When other combinations are specified, individual containers may not have more than fifteen percent less than the percentage specified of the higher grade or be more than twenty percent below the requirements of Washington No. 2 grade.

(6) Washington No. 3 grade sulphured cherries: There are no applicable tolerances for Washington No. 3 grade sulphured cherries.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-108, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-108, filed 5/25/05, effective 6/25/05.]

WAC 16-414-110 Size requirements for all grades of Washington sulphured whole cherries. (1) The following table lists the standard sizes for all grades of Washington whole sulphured cherries.

SIZE DESIGNATION	SIZE RANGE
Extra small	14 mm to and including 16 mm
Small	16 mm to and including 18 mm
Medium	18 mm to and including 20 mm
Large	20 mm to and including 22 mm
Extra large	22 mm and over

(2) The following tolerances are allowed:

(a) Five percent for cherries that fail to meet the specified minimum diameter; and

(b) Ten percent for cherries that fail to meet the specified maximum diameter.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-110, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-110, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 80-08-010 (Order 1708), § 16-414-110, filed 6/20/80.]

WAC 16-414-120 Tolerance requirements for the certification of lots of Washington No. 1 and Washington No. 2 grade sulphured cherries. (1) Tolerances for the certification of lots of Washington No. 1 or Washington No. 2 grades of sulphured cherries must be on a container basis.

(2) At least one-sixth of the individual containers in any lot may vary from the specified tolerances if the averages for the entire lot, based on sample inspection, are within the specified tolerances.

(3) For a tolerance of ten percent or more, individual containers in any lot may contain no more than one and one-half times the specified tolerance.

(4) For a tolerance of less than ten percent, individual containers in any lot may contain no more than double the specified tolerances.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-120, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-120, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 80-08-010 (Order 1708), § 16-414-120, filed 6/20/80.]

(4) For a tolerance of less than ten percent, individual containers in any lot may contain no more than double the specified tolerances.

WAC 16-414-125 Tolerances for sulphured pitted cherries. The following tolerances apply to sulphured pitted cherries:

(1) For extra small and small sized cherries, the tolerance is no more than two pits per each forty ounces of cherries.

(2) For medium, large, or mixed size cherries, the tolerance is no more than one pit per each forty ounces of cherries.

(3) For extra large size cherries, the tolerance is no more than one pit per each sixty ounces of cherries.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-125, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-125, filed 5/25/05, effective 6/25/05.]

WAC 16-414-145 Damage to sulphured cherries—Specific defects. The following defects are considered damage for sulphured cherries:

(1) Mechanical injury. Any of the following mechanical injuries are considered damage:

- (a) Open pitter hole;
- (b) Pitter hole where there is a material loss of flesh;
- (c) One or more pitter tears; or
- (d) Other mechanical injuries that materially affect the appearance of the cherry.

(2) Surface discoloration of Washington No. 1 whole cherries when:

(a) Light surface discoloration exceeds, in the aggregate, one-eighth of the cherry's surface; or

(b) Dark surface discoloration exceeds, in the aggregate, an area 3/16 inch in diameter, but does not exceed one-eighth of the cherry's surface.

(3) Surface discoloration of Washington No. 1 halved cherries when:

(a) Light surface discoloration exceeds, in the aggregate, one-eighth of the cherry's surface; or

(b) Dark surface discoloration exceeds, in the aggregate, an area 1/16 inch in diameter.

(4) Rain cracks on Washington No. 1 whole cherries if they are in the stem basin and more than 1/4 inch in length, or if they are outside the stem basin and are more than 3/16 inch in length, measured on the circumference.

(5) Rain cracks on Washington No. 1 halved cherries if they are in the stem basin and more than 1/8 inch in length. No rain cracks are allowed outside the stem basin.

(6) Blemishes including insect injury, bird pecks, limb rub, hail marks, sunburn, solution cracks, other blemishes or combinations of blemishes that materially affect the appearance of the cherry, or any materially discolored flesh.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-145, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-145, filed 5/25/05, effective 6/25/05.]

WAC 16-414-155 Serious damage to sulphured cherries—Specific defects. The following defects are considered serious damage for sulphured cherries:

(1) Any deformed or double sulphured cherry.

(2) Mechanical injury to Washington No. 2 whole and No. 2 halved cherries if it causes:

- (a) Open pitter holes;
- (b) Pitter hole with a serious loss of flesh;
- (c) Pitter tears; or
- (d) Other mechanical injury that seriously affects the cherry's appearance.

(3) Surface discoloration when:

(a) Light surface discoloration exceeds, in the aggregate, one-half of the cherry's surface; or

(b) Dark surface discoloration exceeds, in the aggregate, one-eighth of the cherry's surface.

(4) Rain cracks on Washington No. 2 whole cherries if they are in the stem basin and more than 1/2 inch in length, or are outside the stem basin and more than 3/8 inch in length, measured on the circumference.

(5) Rain cracks on Washington No. 2 halved cherries if they are in the stem basin and more than 1/4 inch in length, or are outside the stem basin and more than 3/16 inch in length, measured on the circumference.

(6) Blemishes when they affect the appearance of the cherry or discolor the cherry's flesh.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-155, filed 6/5/07, effective 7/6/07; 05-20-075, § 16-414-155, filed 10/4/05, effective 11/4/05; 05-12-037, § 16-414-155, filed 5/25/05, effective 6/25/05.]

Chapter 16-436 WAC

WASHINGTON STANDARDS FOR PEACHES

WAC

16-436-060	Definitions.
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16-436-165	Tolerances for Washington fancy peaches.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-436-002	Promulgation. [Order 1203, § 16-436-002, filed 5/14/71, effective 6/14/71.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-436-003	Promulgation. [Order 1212, § 16-436-003, filed 9/17/71, effective 10/18/71.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-436-150	Cull peach requirements. [Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-150, filed 5/20/92, effective 6/20/92; Order 1203, § 16-436-150, filed 5/14/71, effective 6/14/71.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see WAC 16-436-140.
16-436-166	Tolerances—Size. [Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-166, filed 5/20/92, effective 6/20/92.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see WAC 16-436-160.
16-436-200	Definitions. [Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-200, filed 5/20/92, effective 6/20/92; Order 1203, § 16-436-200, filed 5/14/71, effective 6/14/71.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see WAC 16-436-060.
16-436-225	Adoption of United States standards as state standards. [Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-225, filed 5/20/92, effective 6/20/92.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see WAC 16-436-080.
16-436-230	Effective date. [Order 1212, § 16-436-230, filed 9/17/71, effective 10/18/71; Order 1203, § 16-436-230, filed 5/14/71, effective 6/14/71.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW.

WAC 16-436-060 Definitions. The following definitions are important to this chapter, and where appropriate, apply to all Washington state commercial grades of peaches:

"At destination" means the final point of delivery by a commercial carrier or the wholesale or retail facility where the peaches are held.

"Damage" means any injury or defect that materially affects a peach's appearance, edible quality, or shipping quality.

"Department" means the Washington state department of agriculture.

"Diameter" means the greatest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

"Director" means the director of the department or the director's designee.

"En route" means the peaches have left their original shipping point and are in transit or are being held in an intermediate storage facility before arriving at their final destination.

"Fairly well formed" means that the shape of the peach must be consistent with the characteristic shape of the variety and must not be so misshapen that the appearance is more than moderately affected.

"Loose or jumble pack" means the peaches are not placed in the container in cups, compartments, or trays.

"Mature" means a peach has reached a stage of growth that will ensure a proper completion of the ripening process.

"Not badly misshapen" means a peach may be more irregularly shaped than "fairly well formed" but must not be deformed as to seriously affect its utility or general appearance.

"Serious damage" means any injury or defect that seriously affects the appearance, edible quality, or shipping quality of the peach.

"Soft or overripe" means a peach has very little resistance to pressure. Such peaches are also called "dead ripe."

"Standard peach box" means a container with minimum inside dimensions of 4-1/4 to 6 inches by 11-1/2 to 16 inches.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-060, filed 6/5/07, effective 7/6/07.]

WAC 16-436-080 Standards and grades of Washington grown peaches. (1) The following grades apply to peaches grown in Washington state:

- (a) Washington extra fancy;
- (b) Washington fancy;
- (c) Washington combination extra fancy and fancy; and
- (d) Cull peaches.

(2) In addition to the standards contained in this chapter for Washington grown peaches, the department adopts the United States Standards for Grades of Peaches, effective May 21, 2004, for use by producers or shippers. Peaches must meet the Washington state standards contained in this chapter.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-080, filed 6/5/07, effective 7/6/07.]

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WAC 16-436-100 Washington extra fancy peaches.

(1) Washington extra fancy peaches consist of one variety that are:

- (a) Mature, but not soft or overripe;
- (b) Fairly well formed;
- (c) Free from decay, broken skin, worms, or worm holes;
- (d) Free from damage caused by bruises, dirt or other foreign material, bacterial spot, scab, scale, growth cracks, hail injury, leaf or limb rubs, russetting, split pits, stem pull, rough suture, and other diseases, insects or mechanical or other means.

(2) Washington extra fancy peaches must be at least 2-1/4 inches in diameter and must also meet the minimum size requirements of WAC 16-436-187.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-100, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-100, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-100, filed 5/16/88; Order 1203, § 16-436-100, filed 5/14/71, effective 6/14/71.]

WAC 16-436-110 Washington fancy peaches. (1)

Washington fancy peaches consist of one variety that meet all Washington extra fancy requirements, except:

- (a) Split pits no more than 3/8 inch in length are allowed; and
- (b) Damage, but not serious damage, for rough suture is allowed.

(2) Washington fancy peaches must be at least 2-1/4 inches in diameter and must also meet the minimum size requirements of WAC 16-436-187.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-110, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-110, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-110, filed 5/16/88; Order 1212, § 16-436-110, filed 9/17/71, effective 10/18/71; Order 1203, § 16-436-110, filed 5/14/71, effective 6/14/71.]

WAC 16-436-120 Washington combination extra fancy and fancy peaches. (1) Washington combination peaches consists of extra fancy and fancy peaches packed together in the same container.

(2) Containers must be marked "Washington combination extra fancy and fancy" and must contain at least seventy-five percent Washington extra fancy peaches.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-120, filed 6/5/07, effective 7/6/07; Order 1203, § 16-436-120, filed 5/14/71, effective 6/14/71.]

WAC 16-436-140 Cull peaches. Cull peaches are peaches not graded in conformity with the foregoing grades described in this chapter.

(1) The words "cull peaches" must be marked clearly and legibly in at least 2-1/2 inch letters on the top and side of the container and on any container label.

(2) The container lid or labels must be marked in at least 1/2 inch letters with the:

- (a) Name and address of the grower, shipper, or packer;
- (b) Variety;
- (c) Minimum diameter; and
- (d) Net weight.

(3) Peaches identified as culls must be packed in one-bushel baskets with lids and ring faced with the peaches in

the ring representative of the size and quality of those in the container.

(4) Every bill of lading, invoice, memorandum, or other document referring to the peaches must identify the peaches as culls.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-140, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-140, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-140, filed 5/16/88; Order 1203, § 16-436-140, filed 5/14/71, effective 6/14/71.]

WAC 16-436-160 Tolerances for Washington extra fancy and combination extra fancy and fancy peaches. In order to allow for variations incident to proper grading, handling, and sizing the following tolerances, by count, apply to Washington extra fancy and Washington combination extra fancy and fancy peaches.

(1) Not more than ten percent of the peaches in any lot may fail to meet grade requirements.

(a) Not more than five percent is allowed for defects causing serious damage.

(b) Not more than one percent is allowed for decay at the shipping point.

(2) At the time of packing, an additional tolerance of not more than ten percent is allowed in any lot for damage, but not serious damage, by bruising.

(3) Not more than ten percent of the peaches in any lot may be below the specified minimum size.

(4) Not more than fifteen percent of the peaches in any lot may be above any specified maximum size.

(5) When applying these tolerances to combination grades, no part of any tolerance is allowed to reduce, for the lot as a whole, the seventy-five percent of peaches of the higher grade required in the combination. Individual containers must have at least sixty-five percent of the higher grade.

(6) En route or at destination, an additional tolerance of two percent is allowed for soft, overripe, or decayed peaches.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-160, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-160, filed 5/16/88; Order 1203, § 16-436-160, filed 5/14/71, effective 6/14/71.]

WAC 16-436-165 Tolerances for Washington fancy peaches. In order to allow for variations incident to proper grading, handling, and sizing, the following tolerances, by count, apply to Washington fancy peaches.

(1) Not more than twenty percent of the peaches in any lot may fail to meet the grade requirements.

(a) Not more than five percent is allowed for defects causing serious damage.

(b) Not more than one percent is allowed for decay.

(2) Not more than ten percent of the peaches in any lot may be below the specified minimum size.

(3) Not more than fifteen percent of the peaches in any lot may be above any specified maximum size.

(4) En route or at destination, an additional tolerance of two percent is allowed for soft, overripe, or decayed peaches.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-165, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-165, filed 5/16/88.]

WAC 16-436-180 Application of tolerances to individual packages. The contents of individual packages of peaches in a lot are subject to the following limitations as long as the average for the entire lot of peaches of a specific grade is within the tolerances specified for that grade.

(1) Packages containing more than ten pounds with a tolerance of ten percent or more must have no more than 1-1/2 times the tolerance specified.

(2) Packages containing more than ten pounds with a tolerance of less than ten percent must have no more than double the tolerance specified.

(3) Packages containing ten pounds or less are not restricted as to the percentage of defects and sizes. However, only one peach that is seriously damaged by insects or affected by decay may be in any package.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-180, filed 6/5/07, effective 7/6/07; Order 1203, § 16-436-180, filed 5/14/71, effective 6/14/71.]

WAC 16-436-185 Requirements for Washington standard packs. To allow for variations incident to proper packing, no more than ten percent of the packages in any lot may be out of compliance with the following requirements. These requirements apply to all grades except culls.

(1) Each package must be packed so that the peaches in the shown face are reasonably representative in size, color, and quality of the contents in the package.

(2) Peaches packed in U.S. Standard bushel baskets or half-bushel baskets with lids must be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the packages.

(3) Peaches packed in standard western boxes must comply with the following:

(a) The peaches must be reasonably uniform in size and arranged in packages, such as tray packed, place packed, or jumble filled, according to the approved and recognized methods.

(b) When wrapped, each peach must be fairly well enclosed by its individual wrapper.

(c) All packages must be well filled and tightly packed but the contents must not show excessive or unnecessary bruising because of being over-filled.

(d) The number of peaches must not vary by more than four from the number indicated on the container.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-185, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-185, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-185, filed 5/16/88; Order 1203, § 16-436-185, filed 5/14/71, effective 6/14/71.]

WAC 16-436-187 Minimum size requirements. (1) Fresh peaches, except for Elberta varieties, must be at least 2-3/8 inches in diameter when packed and marketed in any container except a standard peach box.

(2) Fresh peaches of any variety must be at least 2-1/4 inches in diameter when packed and marketed in a standard peach box.

(3) Fresh Elberta varieties of peaches must be at least 2-1/4 inches in diameter when marketed in any container.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-187, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-187, filed 5/20/92, effective 6/20/92.]

WAC 16-436-190 Marking requirements. The following marking requirements apply to all grades except culls.

(1) All containers must be conspicuously and legibly stamped with the:

- (a) Name and address of the grower, shipper or packer;
- (b) Fruit variety;
- (c) Grade; and
- (d) Numerical count or minimum diameter.

(2) When the numerical count is not shown on the container, the minimum diameter and net weight must be plainly stamped or otherwise marked on the container.

(3) Minimum size must be stated on the container in terms of:

- (a) Whole inches, such as 3 inches minimum; or
- (b) Whole and half inches, such as 2-1/2 inches minimum; or
- (c) Whole and quarter inches, such as 2-1/4 inches minimum; or
- (d) Whole and eighth inches, such as 2-3/8 inches minimum.

(4) Both minimum and maximum diameters may be stated on the container.

(5) The grade must be stamped on the container in letters that are at least 1/4 inch high. The following abbreviations may be used:

- (a) Washington: Wash or WA;
- (b) Extra fancy: Ex fcy or extra fcy;
- (c) Fancy: Fcy; and
- (d) Combination: Comb.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-190, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-190, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-190, filed 5/16/88; Order 1203, § 16-436-190, filed 5/14/71, effective 6/14/71.]

WAC 16-436-210 Damage—Specific defects. Any of the following defects or combination of them are considered damage when the seriousness of the combination exceeds the maximum allowed for any specific defect.

(1) Bruises on peaches 2-1/4 inches or smaller in diameter are considered damage if they:

- (a) Discolor the flesh to a depth greater than 3/16 of an inch; or
- (b) Discolor the skin in an area greater than 1/2 inch in diameter; or
- (c) Are an aggregate of smaller bruises totaling more than 1/2 inch in diameter.

(2) Bruises on peaches larger than 2-1/4 inches in diameter are considered damage when any discoloring of the flesh or skin affects correspondingly greater areas or depths than identified in subsection (1) of this section. The following lists the depths and diameters of flesh discoloration allowed before the discoloring is considered damage on peaches that are:

- (a) 2-1/2 inches in diameter: Discoloration 5/24 inch deep and 5/9 inch in diameter;
- (b) 2-3/4 inches in diameter: Discoloration 11/48 inch deep and 11/18 inch in diameter;
- (c) 3 inches in diameter: Discoloration 1/4 inch deep and 2/3 inch in diameter;

(d) 3-1/4 inches in diameter: Discoloration 13/48 inch deep and 13/18 inch in diameter;

(e) 3-1/2 inches in diameter: Discoloration 7/24 inch deep and 7/9 inch in diameter;

(f) 3-3/4 inches in diameter: Discoloration 5/16 inch deep and 15/18 inch in diameter;

(g) 4 inches in diameter: Discoloration 1/3 inch deep and 8/9 inches in diameter.

(3) Bacterial spot when cracked or aggregating more than 3/8 inch in diameter.

(4) Scab spot when cracked or aggregating more than 3/8 inch in diameter.

(5) Scale when concentrated or scattered and aggregating more than 1/4 inch in diameter.

(6) Growth cracks when unhealed or more than 1/2 inch in length.

(7) Hail injury when unhealed or deep, or when aggregating more than 1/4 inch in diameter or more than 1/8 inch in depth.

(8) Leaf or limb rubs or russetting when exceeding 1-1/4 inches in diameter when smooth and light colored, or when exceeding 1/2 inch in diameter when rough or dark colored.

(9) Split pit when causing any unhealed crack or when causing any crack that is readily apparent, or when affecting the peach's shape to the extent that the fruit is not fairly well formed.

(10) Stem pulls larger than 1/2 inch in diameter, including stem area.

(11) Rough suture when the length is more than half way down side of peach and exceeds 1/4 inch wide and 1/32 inch high.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-210, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-210, filed 5/20/92, effective 6/20/92; Order 1203, § 16-436-210, filed 5/14/71, effective 6/14/71.]

WAC 16-436-220 Serious damage—Specific defects. Any of the following defects or any combination of them, when the seriousness of the combination exceeds the maximum allowed for any specific defect, is considered serious damage.

(1) Bruises when aggregated and causing a waste in excess of ten percent by area on any peach or when any one bruise causes a waste in excess of five percent by area or exceeding 3/8 inch in depth.

(2) Bacterial spot when any cracks are not well healed, or when the aggregate area is more than 1/2 inch in diameter.

(3) Scab spots when cracked or when healed and aggregating more than one inch in diameter.

(4) Scale when the aggregate area is more than 1/2 inch in diameter.

(5) Growth cracks when unhealed or more than 5/8 inch in length.

(6) Hail injury when:

- (a) Unhealed; or
- (b) Shallow and the aggregate area is more than 3/4 inch in diameter; or
- (c) Deep and seriously deforming the peach; or
- (d) Aggregating more than 1/2 inch in diameter; or
- (e) Aggregating more than 1/8 inch in depth.

(7) Leaf or limb rubs or russetting when the aggregate area is more than 1-1/2 inches in diameter when smooth and light, or when the aggregate area is more than 1/2 inch in diameter when dark and bark-like.

(8) Split pit when causing any unhealed crack, or when it is healed and the aggregate area is more than 1/2 inch in length including any part of the crack that might be covered by the stem.

(9) Stem pulls when they are larger than 5/8 inch in diameter, including stem area.

(10) Punctures when they are not on the shoulder area, or when they are on the shoulder area and are larger than 3/16 of an inch in diameter.

(11) Rough suture when the entire length of the suture exceeds 1/4 inch wide and 1/16 inch high.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-220, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-220, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-220, filed 5/16/88; Order 1203, § 16-436-220, filed 5/14/71, effective 6/14/71.]

Chapter 16-461 WAC
INSPECTION REQUIREMENTS FOR
FRUITS AND VEGETABLES

WAC
 16-461-010 Inspection certificate and/or permit required.

WAC 16-461-010 Inspection certificate and/or permit required. (1) No person shall ship, transport, accept for shipment, or accept delivery of, any commercial lot of the following agricultural products without an inspection and the issuance of a certificate and/or a permit by the commodity inspection division of the department of agriculture allowing such shipment, movement or delivery:

(a) Apricots in closed or open containers for fresh market.

(b) Italian prunes in closed or open containers for fresh market.

(c) Peaches in closed or open containers for fresh market.

(d) Cherries in closed or open containers for fresh market. No permit will be issued on cherries infested with live cherry fruit fly larvae.

(e) Apples in closed or open containers for fresh market.

(i) Apples may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of apples having the approval of the director to issue the certificates of compliance.

(ii) Apples of the Red Delicious and Delicious varieties must be certified as to quality and condition and must meet all the requirements of chapter 16-403 WAC, Standards for apples marketed within the state of Washington. Apples of the Red Delicious and Delicious varieties not allowed to enter channels of commerce within twenty-one days following the original date of inspection as indicated by a state lot stamp, will require recertification for meeting the minimum firmness requirement as stated in WAC 16-403-142.

(f) Pears in closed or open containers for fresh market. Pears may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of pears

having the approval of the director to issue the certificates of compliance.

(g) Asparagus in closed or open containers for fresh market. Asparagus may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of the asparagus having the approval of the director to issue the certificates of compliance.

(h) Apples in containers or bulk, for processing.

(i) Apples for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of apples having the approval of the director to issue the certificates of compliance.

(ii) Apples for processing entering in-state commerce do not require a permit.

(i) Pears in containers or bulk, for processing.

(i) Pears for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of pears having the approval of the director to issue the certificates of compliance.

(ii) Pears for processing entering in-state commerce do not require a permit.

(2) Fruits and vegetables listed in WAC 16-461-010 are exempted from requirements for inspection and issuance of a certificate or permit:

(a) When the product is being transported from the premises where grown or produced to a horticultural facility other than wholesale or retail for the purpose of storing, grading, packing, packaging, labeling, or processing prior to entering commercial channels for resale.

(b) When sold or transported to a fruit/produce stand within the zone of production, not to exceed daily quantities of two thousand pounds net weight of a single commodity nor six thousand pounds net weight of any combination of commodities other than cherries, listed in subsection (1) of this section, when on a single conveyance. Exempt sales by the producer within a farmer's market shall not be restricted to the zone of production.

(c) When daily quantities do not exceed one hundred pounds net weight of dark or light sweet varieties of sweet cherries sold for home use and not for resale, and the containers are marked "not for resale" in letters at least one-half inch in height.

(3)(a) Any shipper or packer of apples, apricots, cherries, pears, peaches, prunes, or asparagus may petition the director for authority to issue certificates of compliance for each season. The director may issue certificate of compliance agreements, granting authority, on terms and conditions that the director deems appropriate. The authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, prunes, and asparagus under the applicant's direct control or being handled at the shipper's or packer's facilities.

(b) The certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so.

(i) Apples, pears, cherries, and asparagus about to be shipped or transported must be in full compliance with the requirements of chapter 15.17 RCW, Standards of grades and packs, rules adopted under chapter 15.17 RCW, and administrative directives of the director.

(ii) Apricots, cherries, peaches, prunes, or pears about to be shipped or transported must be in full compliance with an

existing federal marketing order requiring quality and condition certification and Washington state lot identification or federal-state lot identification.

(iii) Cherries of the dark sweet varieties must be certified as to quality, condition, and size and shall meet all of the requirements of chapter 16-414 WAC, Washington standards for cherries. Cherries of the Rainier variety or other varieties of "light colored sweet cherries" must meet only the requirements of WAC 16-414-005 "mature" and WAC 16-414-011(3) size requirement.

(c) The director's approval to issue certificates of compliance may be suspended, revoked, or denied for cause, subject to RCW 34.05.422(3). Cause shall be the shipper's or packer's failure to comply with the requirements of subsection (3)(b) of this section, or for the shipper's or packer's actions which impede the department's abilities to ascertain full compliance with requirements of chapter 15.17 RCW, Standards of grades and packs, or rules adopted under chapter 15.17 RCW, or for violation of the terms of the certificate of compliance agreement. The period of any suspension will be determined by the director and will be commensurate with the seriousness of the violation.

(d) Any shipper or packer whose authority to issue certificates of compliance has been suspended, revoked, or denied by the director will be subject to those provisions of chapter 15.17 RCW and the regulations requiring the issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, prunes, and asparagus may be shipped or transported.

(e) Certificates of compliance must be on forms approved and issued by the director of agriculture.

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture the regular base fee equivalent to that charged by the director

Identity Determination nematode	1 sample 36.15 ea	5 samples 33.30 ea
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Note: To receive volume rates, samples must be submitted as a unit and identification requests must be for one specific nematode, unless more than one nematode can be detected in a single test without additional inputs.

(4) The department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate for projects with at least one of the following characteristics:

- (a) Projects greater than one hundred samples;
- (b) Projects requiring materials not readily available; or
- (c) Projects requiring special handling or prolonged incubation periods.

The rate charged shall not be less than the cost to the department of performing the tests.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-012, § 16-470-912, filed 5/3/07, effective 7/1/07; 06-15-044, § 16-470-912, filed 7/11/06, effective 8/11/06; 05-12-111, § 16-470-912, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapters 17.24, 15.14, and 34.05 RCW. 05-01-180, § 16-470-912, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapters 17.24 and 34.05 RCW. 04-17-036, § 16-470-912, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 15.14, 17.24, and 34.05 RCW. 03-21-166, § 16-470-912, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 17.24 and 34.05 RCW. 03-10-082, § 16-470-912, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 17.24 and 15.14 RCW. 01-11-033, § 16-470-912, filed 5/8/01, effective 6/8/01.]

for a shipping permit for each certificate of compliance issued by the authorized shipper or packer. The base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-23-088, § 16-461-010, filed 11/20/07, effective 12/21/07; 06-12-116, § 16-461-010, filed 6/7/06, effective 7/8/06. Statutory Authority: Chapter 15.17 RCW. 99-14-036, § 16-461-010, filed 6/29/99, effective 7/30/99; 95-13-038, § 16-461-010, filed 6/14/95, effective 7/15/95; 92-18-103, § 16-461-010, filed 9/2/92, effective 10/3/92; 92-06-085, § 16-461-010, filed 3/4/92, effective 4/4/92; 83-06-050 (Order 1788), § 16-461-010, filed 3/1/83; Order 1523, § 16-461-010, filed 4/20/77; Order 1324, § 16-461-010, filed 8/3/73; Order 1122, § 16-461-010, filed 5/5/72, effective 6/5/72; Order 1122, § 16-461-010, filed 8/23/71; Order 1122, § 16-461-010, filed 5/29/70, effective 7/1/70; Order 1122, § 16-461-010, filed 8/14/69, effective 9/14/69; Order 1098, § 16-461-010, filed 8/30/68, effective 9/30/68; Order 968, filed 3/26/65.]

Chapter 16-470 WAC

QUARANTINE—AGRICULTURAL PESTS

WAC

- 16-470-912 Schedule of fees and charges—Applicable fees and charges.
- 16-470-917 Schedule of fees and charges—Fees for post entry inspection services.

WAC 16-470-912 Schedule of fees and charges—Applicable fees and charges. (1) Hourly rate.

Hourly rate - business hours	\$34.80
Hourly rate - nonbusiness hours	\$44.45

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Nematology laboratory diagnostic fees are as follows:

10 samples 30.55 ea	50 samples 29.80 ea	100+ samples 27.75 ea
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WAC 16-470-917 Schedule of fees and charges—Fees for post entry inspection services. (1) Post entry site inspection and/or permit review and approval \$69.85

(2) Subsequent inspections of post entry plant materials are provided at the applicable hourly rate.

(3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-012, § 16-470-917, filed 5/3/07, effective 7/1/07; 06-15-044, § 16-470-917, filed 7/11/06, effective 8/11/06; 05-12-111, § 16-470-917, filed 5/31/05, effective 7/1/05; 04-17-036, § 16-470-917, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 15.14, 17.24, and 34.05 RCW. 03-21-166, § 16-470-917, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 17.24 and 34.05 RCW. 03-10-082, § 16-470-917, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 17.24 and 15.14 RCW. 01-11-033, § 16-470-917, filed 5/8/01, effective 6/8/01.]

Chapter 16-482 WAC

SEED POTATO QUARANTINE

WAC

- 16-482-003 Definitions.
- 16-482-005 Regulated articles.
- 16-482-010 Regulations—Certified seed requirement.
- 16-482-015 Regulations—Certified seed—Exceptions.
- 16-482-017 Recordkeeping requirement.

16-482-020 Disposition of material shipped in violation of this quarantine.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-482-007 Regulated area. [Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-007, filed 3/13/91, effective 4/13/91.] Repealed by 07-11-013, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.

WAC 16-482-003 Definitions. "Department" means the Washington state department of agriculture.

"State National Harmonization Program for seed potatoes" means the United States Department of Agriculture program regarding phytosanitary certification standards for seed potatoes and pest management.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-013, § 16-482-003, filed 5/3/07, effective 6/3/07.]

WAC 16-482-005 Regulated articles. All seed potatoes used throughout the state for commercial plantings in excess of one acre or for any acreage of seed potato production are regulated articles.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-013, § 16-482-005, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-005, filed 3/13/91, effective 4/13/91.]

WAC 16-482-010 Regulations—Certified seed requirement. (1) Except as provided in WAC 16-482-015, all seed potatoes planted within the state for commercial or for seed production shall be certified seed, produced as a part of a certified seed potato program in the state or country of origin that meets the requirements of Article 4 of the State National Harmonization Program for seed potatoes.

(2) The department may sample and test any lot of seed potatoes or conduct field inspections for the purpose of testing and verification of compliance with this chapter.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-013, § 16-482-010, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-010, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-010, filed 10/9/69, effective 11/10/69.]

WAC 16-482-015 Regulations—Certified seed—Exceptions. The certified seed requirement shall not be applicable to:

- (1) Potatoes planted for personal use or other noncommercial purposes;
- (2) Commercial production, other than for production of seed potatoes, of not more than one acre; or
- (3) Experimental or seed trial plots as provided in WAC 16-482-016.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-013, § 16-482-015, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-015, filed 3/13/91, effective 4/13/91.]

WAC 16-482-017 Recordkeeping requirement. All commercial potato growers are required to obtain certification documents or tags to verify that all seed potatoes planted in this state comply with the terms of this chapter. Growers must retain certification documents for at least three years

and provide them to the department within thirty days of a written request. Such documents shall include the total weight of certified seed potatoes and shall be issued by an official certifying agency in the state or country of origin. Falsification of seed potato documents shall subject the grower to penalties provided in law.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-013, § 16-482-017, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-017, filed 3/13/91, effective 4/13/91.]

WAC 16-482-020 Disposition of material shipped in violation of this quarantine. (1) Seed potatoes shipped in violation of this quarantine may be returned to the point of origin, diverted to nonseed use, or destroyed at the option and expense of the owner or owners or their responsible agents.

(2) Seed potatoes planted and growing in violation of the terms of this quarantine may be destroyed or placed under quarantine, with terms and conditions for that quarantine specified by the director, at the option and expense of the grower or owners or their responsible agents. Potatoes, placed under quarantine for violation of the terms of this chapter and found to be infested or infected with a viral, fungal, bacterial or nematode disease by subsequent inspection or testing shall be destroyed at the expense of the grower, without compensation.

(3) In addition to the actions specified in subsections (1) and (2) of this section, any grower violating the terms of this quarantine shall be subject to civil and/or criminal penalties provided in law.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-013, § 16-482-020, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-020, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-020, filed 10/9/69, effective 11/10/69.]

Chapter 16-505 WAC

WASHINGTON BEER COMMISSION

WAC

16-505-010 Collection of assessment.
16-505-015 Failure to pay assessment.

WAC 16-505-010 Collection of assessment. (1) The Washington beer commission is authorized under RCW 15.89.040 and 15.89.110(1) to collect an assessment upon beer produced by an affected producer. The annual assessment is ten cents per barrel of beer produced, up to ten thousand barrels per location, as verified by federal excise tax reports.

(2) The commission shall directly bill affected producers by providing written notice in the form of an assessment invoice. Affected producers shall calculate their assessment on the assessment invoice using the annual production figure as based upon their federal excise tax report. Affected producers must submit the completed assessment invoice, the assessment payment due and a copy of the affected producer's federal excise tax report for verification to the commission at the address specified on the assessment invoice.

(3) The first assessment will be due and payable to the commission no sooner than July 2007 and will be based upon beer production during the fourth quarter of 2006.

(4) The second assessment will be due and payable to the commission no sooner than January 2008 and will be based upon beer production during the calendar year of 2007.

(5) Assessments thereafter will be due and payable to the commission annually no sooner than January and will be based upon the previous year's production.

(6) At this time, assessments due and payable to the commission shall not be reduced based on in-kind contributions.

(7) Failure to receive an invoice for the previous year's product does not relieve an affected producer of its obligation to pay any assessment when due.

[Statutory Authority: RCW 15.89.110(2) and chapter 34.05 RCW. 07-13-005, § 16-505-010, filed 6/7/07, effective 7/8/07.]

WAC 16-505-015 Failure to pay assessment. (1) In the event any affected producer fails to pay the commission the full amount of such assessment or such other sum on or before the date due, the commission may add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collection of the amount due.

(2) In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the commission may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.89.110(2) and chapter 34.05 RCW. 07-13-005, § 16-505-015, filed 6/7/07, effective 7/8/07.]

**Chapter 16-575 WAC
WINE COMMISSION**

WAC

16-575-015 Rate of assessment—Method of adjustment—Notice.

WAC 16-575-015 Rate of assessment—Method of adjustment—Notice. (1) Beginning on July 1, 2007, the assessment rate for vinifera grapes grown in this state shall not be less than three dollars per ton nor more than twelve dollars per ton. The assessment rate for wine producers shall not be less than \$0.02 per gallon nor more than \$0.08 per gallon. The Washington wine commission may adjust the assessment amount levied on wine producers and grape growers as needed to fund necessary commission activities. Provided, that any adjustment in the assessment rate by the commission be levied in an equal and proportional manner upon both the wine producers and grape growers. In determining whether to adjust the assessment amount the commission shall consider the following factors:

(a) The commission's budgetary needs, including but not limited to a qualitative and quantitative review of programs carried out in the preceding year by the commission. This review should consider whether the program met its goals, benchmarks and objectives and whether the program constitutes the best use of the wine commission's finite resources;

(b) Projected grape production;

(c) Changes in administrative costs;

(d) Changes in the industry outside the control of the wine commission.

(2) The commission shall provide grape growers and wine producers notice of changes in assessment rates in a timely and reasonable manner and in no instance shall the notice be less than thirty days from the date the assessment is due.

[Statutory Authority: RCW 15.88.110, 66.24.215 and chapter 34.05 RCW. 07-08-079, § 16-575-015, filed 4/2/07, effective 5/3/07. Statutory Authority: Chapter 15.88 RCW and 1997 c 303. 99-12-104, § 16-575-015, filed 6/2/99, effective 7/3/99.]

**Chapter 16-610 WAC
LIVESTOCK BRAND INSPECTION
(Formerly chapter 16-607 WAC)**

WAC

- 16-610-005 Definitions.
- 16-610-010 Livestock identification advisory board.
- 16-610-012 Livestock identification advisory board—Length of term.
- 16-610-013 Livestock identification advisory board—Vacancies.
- 16-610-015 Certificate of permit.
- 16-610-016 Self-inspection certificate.
- 16-610-018 Proof of ownership documents.
- 16-610-020 Cattle inspections for brands or other proof of ownership.
- 16-610-025 Horse inspections for brands or other proof of ownership.
- 16-610-035 Inspections for cattle and horses moving out of Washington state.
- 16-610-045 Cattle inspections at certified feedlots and slaughter plants.
- 16-610-050 Cattle inspections for private transactions.
- 16-610-055 Ownership disputes.
- 16-610-060 Veterinarian certification.
- 16-610-062 Veterinarian certification—Suspension and revocation.
- 16-610-065 Livestock identification fees.
- 16-610-070 Renewal of recorded brands.
- 16-610-075 Livestock heritage brands.
- 16-610-080 Freeze branding.
- 16-610-085 Production brands.
- 16-610-095 Penalty schedule for notices of infraction.
- 16-610-100 Identification of custom slaughtered animals.
- 16-610-115 Certified feedlots—Application inspection.
- 16-610-120 Public livestock markets—Identification requirements.
- 16-610-122 Release of cattle and horses from public livestock markets.
- 16-610-125 Public livestock market livestock inspection facilities.
- 16-610-130 Public livestock market scales.
- 16-610-135 Failure to conduct a sale on an allocated sale day.
- 16-610-140 Approval of special sales and open consignment horse sales.
- 16-610-145 Requirements for farmers cooperative associations and associations of livestock breeders holding special sales.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 16-610-011 Who can serve on the livestock identification advisory board? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-011, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW.
- 16-610-090 Can production brands be used to identify beef cattle? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-090, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW.
- 16-610-092 What style of numbers must be used for production brands? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-092, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057,

16-610-094	filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. Are production brands recorded with the director? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-094, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW.
16-610-105	Are certificates of permit required for custom slaughtered cattle? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-105, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW.
16-610-110	Can a custom meat facility accept carcasses of cattle slaughtered by the cattle owner? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-110, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW.
16-610-124	What if cattle and horses consigned to a public livestock market are not sold? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-124, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW.

WAC 16-610-005 Definitions. In addition to the definitions found in RCW 16.57.010, 16.58.020, and 16.65.010, the following definitions apply to this chapter:

"Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders.

"Beef commission assessment point" means a person or business, as designated by the Washington state beef commission, required to collect and submit the mandatory per-head beef promotional fees directly to the commission when the sale of cattle occurs.

"Beef promotion fee" means the mandatory state and/or federal beef commission assessment fee under RCW 16.67.120 and 16.67.122 that is collected on each head of cattle at the time of sale.

"Farmers cooperative association" means any cooperative association of livestock producers. Farmers cooperative association does not include livestock youth organizations such as 4-H, FFA, or other junior livestock groups.

"Livestock heritage brand" means a designation given to a brand that has been deactivated by the recorded owner. A heritage brand may not be applied to livestock.

"Market" means a public livestock market as defined in RCW 16.65.010(1).

"Special sale" means a public sale conducted by an individual, youth organization, livestock breeders association, or farmers cooperative association on a seasonal or occasional basis.

"USDA" means the United States Department of Agriculture.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-005, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-005, filed 12/23/03, effective 1/23/04.]

WAC 16-610-010 Livestock identification advisory board. (1) The livestock identification advisory board is established in RCW 16.57.015 for the purpose of advising the director regarding:

- (a) Livestock identification programs administered under chapter 16.57 RCW and these rules;
- (b) Inspection fees; and
- (c) Related licensing fees.

(2) The board is appointed by the director and is composed of six members representing beef producers, public livestock market operators, horse owners, dairy farmers, cattle feeders, and meat processors. The director is an ex officio member of the advisory board.

(3) The board must elect a member to serve as board chair. The board chair, or the chair's designee, is responsible for organizing and conducting board meetings.

(4) The board must meet with the director at least once a year to offer its advice. Additional meetings may be held at the request of the director or a majority of the board's membership.

(5) Livestock identification advisory board members must be residents of the state of Washington and actively engaged in the industry they represent.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-010, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-010, filed 12/23/03, effective 1/23/04.]

WAC 16-610-012 Livestock identification advisory board—Length of term. (1) Advisory board members serve staggered three-year terms. Terms begin on July 1 and end on June 30.

(2) Positions are numbered one through six as follows:

- (a) Position one - beef producers;
- (b) Position two - public livestock market operators;
- (c) Position three - horse owners;
- (d) Position four - dairy farmers;
- (e) Position five - cattle feeders; and
- (f) Position six - meat processors.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-012, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-012, filed 12/23/03, effective 1/23/04.]

WAC 16-610-013 Livestock identification advisory board—Vacancies. (1) To fill a vacancy resulting from an expired term, the director must solicit nominations from affected statewide industry groups. Nominations from industry groups must be submitted to the director before May 1 of the year in which the term expires. If a nomination is not received for a vacant position, the director may appoint a qualified person to fill that position.

(2) The director may fill, for the unexpired portion of a term, vacancies that occur before a term expires. When such vacancies occur, advisory board members and the presidents of affected statewide industry groups may submit names to the director for consideration.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-013, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-013, filed 12/23/03, effective 1/23/04.]

WAC 16-610-015 Certificate of permit. (1) A certificate of permit (WSDA form #7020), commonly known as a "transportation permit" or a "haul slip," must accompany livestock:

- (a) In transit (cattle);

- (b) Consigned to a public livestock market, special sale, or livestock processing facility; or
- (c) Upon entry into a certified feedlot (cattle).
- (2) The certificate of permit may not be used as a bill of sale for cattle.
- (3) A certificate of permit may be purchased by contacting the department at 360-902-1855. The price is \$1.00 for a book of twenty-five.
- (4) The certificate of permit must include:
 - (a) Owner's name and address;
 - (b) Livestock breed;
 - (c) Sex of the animal;
 - (d) Brand or other methods of livestock identification; and
 - (e) Any other information that the director considers necessary.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-015, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-015, filed 12/23/03, effective 1/23/04.]

WAC 16-610-016 Self-inspection certificate. (1) A self-inspection certificate is used for cattle inspections at the point of private sale, trade, gifting, barter, or any other action not in connection with a public livestock market that constitutes a change of ownership.

(2) You may purchase these forms by contacting the department at 360-902-1855.

The purchase price of a self-inspection certificate is equal to the sum of the number of head involved in the transaction multiplied by the current inspection fee of \$1.60 and the number of head involved in the transaction multiplied by the beef promotion fee.

(3)(a) Self-inspection certificates must be completed and signed by the buyer and seller. The original completed copy of the certificate must be given to the buyer and must accompany the cattle. The seller must also retain a copy of the completed certificate.

(b) Self-inspection is limited to transactions involving twenty-five head or less of cattle.

(c) The buyer must be given proof of ownership for all cattle bearing brands not recorded to the seller.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-016, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-016, filed 12/23/03, effective 1/23/04.]

WAC 16-610-018 Proof of ownership documents. (1) Proof of ownership for cattle and horses may be established by presenting one of the following documents:

(a) An official livestock inspection certificate issued by the director.

(b) A duplicate certificate or certified copy of an original inspection document issued by the director.

(c) For cattle only, a self-inspection certificate signed by both the seller and the buyer. Additional proof of ownership for all livestock bearing brands not recorded to the seller must be provided to the buyer.

(d) An official inspection certificate issued by another state or province that maintains a livestock inspection program.

(e) Registration papers on purebred horses.

(f) Registration papers on purebred cattle if the brand is not recorded in this state.

(g) For horses only, a bill of sale. Department form #7092 Equine Bill of Sale may be used and may be purchased by contacting the department at 360-902-1855. The purchase price of an Equine Bill of Sale is \$1.00 for a book of twenty-five.

(h) A certificate of veterinary inspection issued by a state that does not maintain a livestock inspection program. Vaccination/test tags and the animal description must be verifiable and match the document.

(2) Only original inspection certificates, official duplicate certificates, or certified copies of inspection certificates are acceptable. Carbon copies, faxed copies or photocopies will not be accepted. The name of the livestock owner must appear on the document that is submitted.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-018, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-018, filed 12/23/03, effective 1/23/04.]

WAC 16-610-020 Cattle inspections for brands or other proof of ownership. (1) All cattle must be inspected for brands or other proof of ownership:

(a) Before being moved out of Washington state, unless the provisions of WAC 16-610-035(2) apply.

(b) When offered for sale at any public livestock market or special sale approved by the director.

(c) Upon delivery to any cattle processing plant where the United States Department of Agriculture maintains a meat inspection program, unless the cattle:

(i) Originate from a certified feedlot; or

(ii) Are accompanied by an inspection certificate issued by the director, or a veterinarian certified by the director, or an agency in another state or Canadian province authorized by law to issue such a certificate.

(2) All cattle entering or reentering any certified feedlot licensed under chapter 16.58 RCW must be inspected for brands or other proof of ownership before commingling with other cattle unless the cattle are accompanied by an inspection certificate issued by the director, or a veterinarian certified by the director, or an agency in another state or Canadian province authorized by law to issue such a certificate.

(3) All cattle must be inspected for brands or other proof of ownership at any point of private sale, trade, gifting, barter, or any other action that constitutes a change of ownership, except for individual private sales of unbranded female dairy breed cattle involving fifteen head or less.

(4) Exemptions from mandatory inspections do not exempt cattle sellers from paying beef promotion fees owed to the Washington state beef commission under chapter 16.67 RCW.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-020, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-020, filed 12/23/03, effective 1/23/04.]

WAC 16-610-025 Horse inspections for brands or other proof of ownership. All horses must be inspected for brands or other proof of ownership:

(1) Before being moved out of Washington state, unless the provisions of WAC 16-610-035 apply.

(2) When offered for sale at any public livestock market or special sale approved by the director.

(3) When offered for sale at any special open consignment horse sale as defined in RCW 16.65.010.

(4) At any special sale where horses of more than one owner are offered for sale.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-025, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-025, filed 12/23/03, effective 1/23/04.]

WAC 16-610-035 Inspections for cattle and horses moving out of Washington state. (1) Except as provided in subsection (2) of this section, all cattle and horses must be inspected by the director or a certified veterinarian for brands or other proof of ownership before being moved out of Washington state.

(2) Exceptions:

(a) Cattle and horses may be moved out of Washington state without inspection when they are destined for a public livestock market in another state where brand inspection is performed by Washington state department of agriculture inspectors or an agent according to an agreement with the other state.

(b) Cattle and horses moving out of Washington state to public livestock markets must be accompanied by a certificate of permit showing that the livestock are destined for and are being transported directly to the designated out-of-state inspection point. The certificate of permit is not valid for transportation to any point other than the designated inspection point.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-035, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-035, filed 12/23/03, effective 1/23/04.]

WAC 16-610-045 Cattle inspections at certified feedlots and slaughter plants. Inspections of cattle required under WAC 16-610-020 (1)(c) or 16-610-020(2) and at any other beef commission assessment collection point must be conducted by the director.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-045, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-045, filed 12/23/03, effective 1/23/04.]

WAC 16-610-050 Cattle inspections for private transactions. Inspections of cattle required under WAC 16-610-020(3) may be conducted by:

- (1) The director; or
- (2) Veterinarians certified by the director; or
- (3) The buyer and seller using a self-inspection certificate.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-050, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-050, filed 12/23/03, effective 1/23/04.]

WAC 16-610-055 Ownership disputes. The director may review or investigate any verified complaint involving disputed ownership that is filed with the director.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-055, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-055, filed 12/23/03, effective 1/23/04.]

WAC 16-610-060 Veterinarian certification. (1) The director may certify veterinarians, who are licensed and accredited in Washington state and who comply with the requirements of this section, to issue livestock inspection certificates.

(2) Veterinarians licensed and accredited in Washington state who wish to issue inspection certificates for livestock must apply for certification on the department's application form (WSDA form #7028). The application must include the following:

(a) The full name and principal business address of the individual applying for certification;

(b) The applicant's Washington state veterinary license number;

(c) The geographic area in which the applicant will issue inspection certificates for livestock;

(d) A statement describing the applicant's experience with large animals, especially cattle and horses;

(e) A brief statement indicating that the applicant is requesting certification to issue inspection certificates for cattle, horses or both;

(f) The signature of the applicant; and

(g) Any other additional information as requested by the director.

(3) All applications must be accompanied by a check or money order for the amount of the certification fee of thirty-five dollars per applicant.

(4) Certifications expire on the third December 31st following the date of issuance. For example, if a certificate was issued on October 14, 2003, it would expire on December 31, 2005.

(5) All veterinarians applying for certification must complete department-provided training. The department will provide to each person applying for certification a copy of the most current brand book and any supplements issued to date. Training will include, but will not be limited to, the:

(a) Reading of printed brands;

(b) Reading of brands or other marks on live animals;

(c) Completion of official documents; and

(d) Review of satisfactory ownership documents.

(6) The director will maintain a list of veterinarians certified to perform livestock inspections. Interested parties may request a copy of the list from the department by calling 360-902-1855.

(7) Inspections by certified veterinarians are conducted upon request and provided at the discretion of the veterinarian.

(8) Certified veterinarians must submit all required inspection fees to the director and copies of each inspection certificate within thirty days of the date of issue.

(9) The director may deny certification to issue inspection certificates if the veterinarian fails to meet the requirements of this section or knowingly makes false or inaccurate statements regarding his or her qualifications on the certification application.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-060, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-060, filed 12/23/03, effective 1/23/04.]

WAC 16-610-062 Veterinarian certification—Suspension and revocation. (1) The director may suspend or

revoke a veterinarian's certification to issue inspection certificates if the veterinarian knowingly:

- (a) Makes or acquiesces in false or inaccurate statements on livestock inspection certificates regarding:
 - (i) The date or location of the inspection;
 - (ii) The marks or brands on the livestock inspected;
 - (iii) The owner's name; or
 - (iv) Any other statement about the livestock inspected.
- (b) Fails to properly verify the ownership status of the animal before issuing an inspection certificate.
- (c) Issues an inspection certificate without actually conducting an inspection of the livestock.
- (d) Fails to submit inspection fees and certificates issued to the director within thirty days from the date of issue.

(2) Actions under this section will be taken in accordance with chapter 34.05 RCW.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-062, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-062, filed 12/23/03, effective 1/23/04.]

WAC 16-610-065 Livestock identification fees. All livestock identification inspection fees charged by the director are specified in statute under RCW 16.57.220 but are reproduced in this section for ease of reference.

For purposes of this section, the time and mileage fee means seventeen dollars per hour and the current mileage rate set by the office of financial management.

Certificate	Fees:
Inspection Certificate - Cattle	(1) The livestock inspection fee for cattle is \$1.60 per head or the time and mileage fee, whichever is greater, except: The fee for livestock inspection for cattle is \$1.10 per head or the time and mileage fee, whichever is greater, when cattle are identified with a valid brand recorded to the owner of the cattle in Washington or another state or province. (a) This fee does not apply for inspection of cattle when documenting a change of ownership with a self-inspection certificate. (b) Proof of the recording status of out-of-state brands must be presented to the director at the time of inspection. (2) The livestock inspection fee for cattle is \$4.00 per head for cattle delivered to a USDA inspected slaughter facility with a daily capacity of no more than five hundred head of cattle. (3) No inspection fee is charged for a calf that is inspected prior to moving out-of-state under an official temporary grazing permit if the calf is part of a cow-calf unit and the calf is identified with the owner's Washington state-recorded brand. (4) No inspection fee is charged for a dairy calf less than thirty days old that is delivered to a USDA inspected slaughter facility.
Inspection Certificate - Horse	(5) The livestock inspection fee for horses is \$3.50 per head or the time and mileage rate, whichever is greater, except:
Inspection Certificate - Groups of thirty or more horses	(6) The livestock inspection fee for groups of thirty or more horses is \$2.00 per head or the time and mileage fee, whichever is greater, if: (a) The horses are owned by one individual; and (b) The inspection is performed on one date and at one location; and (c) Only one certificate is issued.
Inspection Certificate - Minimum fee	(7) The minimum fee for a livestock inspection is \$5.00 . The minimum fee does not apply to livestock consigned to and inspected at a public livestock market, special sale, or a cattle processing plant.
Annual individual identification certificate for individual animals	(8)(a) The livestock inspection fee for an annual individual identification certificate for cattle and horses is \$20.00 per head or the time and mileage fee, whichever is greater. (b) The livestock inspection fee for an annual individual identification certificate for groups of thirty or more horses or cattle is \$5.00 per head or the time and mileage fee, whichever is greater, if: (i) The horses or cattle are owned by one individual; (ii) The inspection is performed on one date and at one location; and (iii) Only one certificate is issued.
Lifetime individual identification certificate	(9) A livestock inspection fee for a lifetime individual identification certificate for horses and cattle is \$60.00 per head or the time and mileage fee, whichever is greater.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-065, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-065, filed 12/23/03, effective 1/23/04.]

WAC 16-610-070 Renewal of recorded brands. Brand recordings are renewed for a period of four years, and the director may establish a staggered renewal schedule. Owners of recorded brands, upon notification by the director, must file for renewal by December 31st of the year in which a recording expires.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-070, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-070, filed 12/23/03, effective 1/23/04.]

WAC 16-610-075 Livestock heritage brands. (1) A brand may be recorded as a livestock heritage brand upon initial application.

(2) The owner of a recorded brand may record the brand as a livestock heritage brand during any designated renewal period.

(a) The fee to record a livestock heritage brand is six hundred dollars.

(b) A livestock heritage brand is recorded for a period of twenty years.

(c) Livestock heritage brands are listed in a separate section of the WSDA brand book.

(d) A livestock heritage brand is considered inactive and may not be applied to livestock.

(3) The owner of a livestock heritage brand may reactivate the brand at any time upon written notification to the director.

(a) The owner of a reactivated livestock heritage brand shall not be required to submit renewal fees during the remainder of the original twenty-year period as long as the recorded ownership of the brand does not change.

(b) If the owner of the reactivated brand changes the ownership status (adds, deletes, or transfers ownership to another), the brand will automatically be due for renewal at the end of the current four-year recording period.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-075, filed 6/28/07, effective 7/29/07.]

WAC 16-610-080 Freeze branding. Freeze branding techniques to identify livestock may be used to comply with the requirements of chapters 16.57 RCW and the other requirements of this section as long as the brand is recorded with the director.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-080, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-080, filed 12/23/03, effective 1/23/04.]

WAC 16-610-085 Production brands. (1) Before a production brand may be used in Washington state, it must be recorded with the director according to the provisions of chapter 16.57 RCW and in the same manner as an ownership brand.

(2) Forms to record a brand may be obtained from the director.

(3) The director will not charge a fee to record a production brand if the person recording the brand has already paid to record an ownership brand.

(4) Production brands are not recognized for ownership purposes, recorded for ownership purposes, or accepted for livestock inspection purposes.

(5) Dairy cattle: Owners may use any digit or combination of digits as a production brand to identify their dairy cattle as long as the brand is located on the neck or between the hock and the stifle of a hind leg.

(6) Beef cattle: Owners may use a production brand to identify beef cattle but only when the cattle also bear a brand that is currently recorded to the owner of the animal.

(a) On beef cattle, production brands may be located on either side of the animal on the shoulder or hip.

(b) Any numeral digit or combination of digits may be used for a beef cattle production brand as long as they do not conflict with currently recorded ownership brands.

(7) Only Arabic numerals can be used for production brands.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-085, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-085, filed 12/23/03, effective 1/23/04.]

WAC 16-610-095 Penalty schedule for notices of infraction. (1) If any person fails to comply with the requirements of chapters 16-610 WAC and 16.57 RCW (Identification of livestock), the director may issue that person a notice of infraction and may assess a penalty.

(2) The following infractions have the base penalty listed, not including statutory assessments.

Livestock Identification Program
Civil Infraction Schedule for Violations of Chapter 16.57 RCW

Violation	Base Penalty
RCW 16.57.260	Removal of cattle and horses from Washington state without an inspection certificate.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.267	Failing to present an animal for mandatory inspection.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.270	Refusing to assist in establishing ownership and identity.
First offense	\$100.00
2nd offense within three years	\$150.00

Violation	Base Penalty
3rd offense within three years	\$250.00
RCW 16.57.350	Interfering with the director in the performance of livestock identification duties.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.050	Using an unrecorded brand.
Each offense	\$37.00
RCW 16.57.243	Moving cattle without proof of ownership.
Each offense	\$37.00
RCW 16.57.275	Transporting a carcass without proof of ownership.
Each offense	\$37.00
RCW 16.57.277	Failing to attach custom slaughter tags.
Each offense	\$37.00
RCW 16.57.410	Acting as a registering agency without a permit.
Each offense	\$37.00

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-095, filed 6/28/07, effective 7/29/07.]

WAC 16-610-100 Identification of custom slaughtered animals. (1) Any person presenting cattle for slaughter to a licensed custom slaughterer must give the custom slaughterer a completed certificate of permit. The certificate of permit documents the ownership of the animal at the time of slaughter.

(2) Any person licensed as a custom slaughterer must complete and attach a custom slaughter beef tag to each of the four quarters of all slaughtered cattle that are handled. In order to identify the owner of the carcass, these tags must remain attached to the quarters until the carcass is processed and the quarters are cut and wrapped.

(3) Only the department may provide custom slaughter beef tags to custom slaughterers. The fee for each set of four custom slaughter beef tags is one dollar and fifty cents.

(4)(a) Custom meat facilities may accept carcasses of cattle slaughtered by the cattle owner only if a certificate of permit, signed by the owner, accompanies the carcass.

(b) Without a certificate of permit signed by the owner, custom meat facilities can only accept carcasses from mobile or fixed location custom farm slaughterers or officially inspected slaughter plants.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-100, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-100, filed 12/23/03, effective 1/23/04.]

WAC 16-610-115 Certified feedlots—Application inspection. (1)(a) Before issuing an initial certified feedlot license, the director will conduct an inspection of all cattle in the feedlot inventory and their corresponding ownership documents.

(b) The applicable fee for this inspection of cattle is found in WAC 16-610-065.

(2) If a certified feedlot license is not renewed, all cattle in the feedlot inventory are subject to the inspection requirements for feedlots without a certification.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-115, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-115, filed 12/23/03, effective 1/23/04.]

WAC 16-610-120 Public livestock markets—Identification requirements. (1) Any person licensed to operate a public livestock market is responsible for identifying all cattle and horses consigned to the public livestock market.

(2) Identification must be done under the supervision of the director and may occur either before or at the time the animals are inspected.

(3) Acceptable methods of identification are a USDA-approved numbered back tag placed on each animal or some other method of identification that is approved by USDA. Tags must be placed in numerical order.

(4) The licensee is responsible for moving, confining, and/or restraining livestock as needed to allow for a complete inspection.

(5) The director may exempt certain groups of one-brand or no-brand cattle under the same ownership from the individual identification requirements of this section if the integrity of the inspection process can be maintained.

(6) It is the responsibility of the licensee or consignor to present livestock to the director so an inspection can be performed.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-120, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-120, filed 12/23/03, effective 1/23/04.]

WAC 16-610-122 Release of cattle and horses from public livestock markets. (1) Before allowing the removal of any cattle or horses from any public livestock market, a licensee or the licensee's agent or employee must:

(a) Obtain a livestock inspection clearance from the director for the cattle or horses being removed; and

(b) Issue a release to the person wishing to remove the cattle or horses.

(2) Cattle and horses that have been offered for sale at a public livestock market but did not sell, will not be assessed an additional inspection fee upon reconsignment if:

(a) The reconsignment occurs within eight days of the original sale;

(b) The animals are reconsigned to the original sale facility;

(c) The animals have not been removed from the original sale facility before reconsignment;

(d) The animals have not been commingled with other animals; and

(e) No animals have been added or removed from the group.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-122, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-122, filed 12/23/03, effective 1/23/04.]

WAC 16-610-125 Public livestock market livestock inspection facilities. The director must approve all livestock inspection facilities at public livestock markets. For the director's approval, inspection facilities must:

(1) Include a chute that is constructed according to the following specifications:

(a) Constructed with a solid base on each side of sufficient strength to contain cattle and horses. The base must be at least twenty-four but not more than thirty-six inches in height.

(b) Above the base on each side, the chute must have wire cables extended along its entire length. The cables must be separated by six-inch intervals and must extend vertically to a height of at least six feet.

(c) The cables must be attached every sixteen feet to a vertical post that is alternated with a pipe or stay every eight feet to provide support and to keep the cables tight.

(d) The chute must be well lit by shop, spot, or floodlights. These lights must be located on both sides of the chute at a height of five feet above the highest cable. Beginning at the head of the chute, this lighting must extend along three-fourths of the length of the chute.

(2) Electrical outlets must be available at all chutes so clippers can be conveniently used.

(3) Inspection areas must be well covered by adequate roofing and kept free of any water leaks or water build-up of any kind.

(4) Inspection areas must incorporate a work area for livestock inspectors on each side of the chute. The work area must:

(a) Provide an inspector with at least thirty inches of workspace along the entire length of the chute; and

(b) Be enclosed by fencing or some other permanent structure that protects inspectors while cattle and horses are unloaded and moved along the chute.

(5) Inspection areas must include an office. The office must:

(a) Be constructed according to dimensions of at least eight feet by ten feet;

(b) Contain adequate heating; and

(c) Be equipped with a counter built at a standing work level height and with a width of approximately eighteen inches.

(6) The licensee shall provide sufficient indoor office space as needed in order for the director to process and distribute inspection documents to the buyer.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-125, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-125, filed 12/23/03, effective 1/23/04.]

WAC 16-610-130 Public livestock market scales. (1) To ensure that scales can be tested with relative ease and convenience:

(a) All scales that are inaccessible to a test truck must be accessible by a convenient, unobstructed, hard-surfaced approach ramp or walkway that connects with the scale deck at the scale deck level; and

(b) All doors and passageways leading to the scale must have a minimum width of six feet.

(2) Preferably, scale decks should be constructed using reinforced concrete with "Z" bar coping. If cleats are used that are more than three-fourths inch in thickness, they must be:

(a) Hinged; or

(b) Readily removable; or

(c) Accompanied by a satisfactory covering to allow for proper testing.

(3) All stock racks must be securely fastened to the scale deck. There must be a minimum clearance of three inches between the rack and the surrounding stationary construction.

(4) Adequate space and visibility must be provided around scales so that interested parties may observe the weighing operation.

(5) All dial scales used by the licensee must be:

(a) Readily visible to all interested parties; and

(b) Equipped with a mechanical weight recorder.

(6) All beam scales used by the licensee must be equipped with a balance indicator, a weigh beam, and a mechanical weight recorder. The balance indicator, weigh beam, and mechanical weight recorder must be readily visible to all interested parties.

(7)(a) The pit and foundation beneath the scale deck must be constructed in a singular, uniform and massively solid way.

(b) Coping iron is required on all corners adjacent to the deck.

(c) The pit must be six feet in depth, dry and readily accessible for inspection. When conditions are sufficiently adverse, the director may allow exceptions to this six-foot depth requirement. However, a minimum of two feet clearance between the lowest scale lever and the pit floor must always be provided.

(d) To insure safe and accurate inspections, sufficient electrical lighting must be provided in the inspection facility, especially around the chute and scales and in the pit beneath the scale deck.

(8) The recording element must be adequately housed for protection against wind and weather.

(9) Scales are not required at markets only licensed to handle horses and mules unless these animals are sold by weight. When these animals are sold by weight, the scale requirements of this section apply.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-130, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-130, filed 12/23/03, effective 1/23/04.]

WAC 16-610-135 Failure to conduct a sale on an allocated sale day. (1) If a licensed operator of a public live-stock market fails more than six times in a twelve-month period to conduct a sale on a sale day that has been allocated to the licensee by the director, the allocation of that sale day is subject to change or revocation by the director.

(2) Any change or revocation of an allocated sale day must be considered in an administrative hearing conducted according to the provisions of chapter 34.05 RCW.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-135, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-135, filed 12/23/03, effective 1/23/04.]

WAC 16-610-140 Approval of special sales and open consignment horse sales. (1) An individual, farmers cooperative association, association of livestock breeders, or youth livestock organization such as 4-H, FFA, or other junior live-stock group may submit an application to the director for a special sale or open consignment horse sale. Approval of applications for a special sale or open consignment horse sale is at the discretion of the director.

(2) A livestock market may submit an application to the director for a special sale or open consignment horse sale on a day not specifically assigned to it. Approval of special sales and open consignment horse sales on unassigned days is at the discretion of the director.

(3) Special sales and open consignment horse sales are limited to three sales per month per applicant in any location, as long as all requirements are met and the proper permits and license have been obtained.

(4) "Special sale" does not mean a public sale by a group of individuals conducting private treaty sales of horses brought to a central location if:

(a) Funds are not handled by a third party; and

(b) The buyer meets the inspection requirements contained in RCW 16.57.260.

(5) Application for approval of a special sale or open consignment horse sale must be made at least fifteen days in advance of the proposed sale.

(6) The application for a special sale or open consignment horse sale must be made on forms provided by the director and must contain the following:

(a) Name, address, and contact number of the applicant;

(b) Type of applicant: Producer, livestock market, or association;

(c) Name of sale and/or event;

(d) Type and number of livestock expected to be sold;

(e) Date, time, and location of the sale;

(f) Name and contact number of the veterinarian who will be providing animal health services; and

(g) The signature of the applicant.

(7) In addition to the requirements in subsections (5) and (6) of this section, the application for an open consignment horse sale must also provide the director with the following:

(a) A detailed statement showing all of the assets and liabilities of the applicant;

(b) A schedule of rates and charges that the applicant will impose on the seller or consignor, including the entry fee, commission, pass out (no sale) fees, stabling, etc.;

(c) Verification of custodial account, as per RCW 16.65.140;

(d) Written evidence of valid bond, as per RCW 16.65.232; and

(e) The projected approximate value of the horses to be handled.

(8) The director charges a special sale application fee of fifty dollars, which is specified in RCW 16.65.420, and an open consignment horse sale license fee of one hundred dollars, as specified in RCW 16.65.042. Applications will not be processed until the application fee is paid. There is no application fee for youth livestock organizations.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-140, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-140, filed 12/23/03, effective 1/23/04.]

WAC 16-610-145 Requirements for farmers cooperative associations and associations of livestock breeders holding special sales. To assure that any special sale proposed by a farmers cooperative association or association of livestock breeders is limited to the sale of their own livestock, the association may be required to provide verification to the director that any person offering livestock for sale at the special sale was a member of the association at the time of the filing of any consignment application, contract or commitment.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-145, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-145, filed 12/23/03, effective 1/23/04.]

Chapter 16-623 WAC

COMMISSION MERCHANT ACT—LICENSING FEES, PROOF OF PAYMENT, CARGO MANIFESTS AND REGISTRATION OF ACREAGE COMMITMENTS

WAC

16-623-010

What requirements apply to licenses for commission merchants, dealers, brokers, cash buyers and agents?

WAC 16-623-010 What requirements apply to licenses for commission merchants, dealers, brokers, cash buyers and agents? (1) The following table summarizes the license fee requirements for commission merchants, dealers, brokers, cash buyers, or agents:

License Class	License Fee	Annual Expiration Date	Annual Renewal Date	Penalty Amount for Not Renewing Before January 1
Commission merchant	\$474.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Dealer	\$474.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees

License Class	License Fee	Annual Expiration Date	Annual Renewal Date	Penalty Amount for Not Renewing Before January 1
Limited dealer	\$263.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Broker	\$316.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Cash buyer	\$105.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Agent	\$52.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Additional license per class	\$25.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees

(2) A licensee can be licensed in more than one class for an additional fee of twenty-five dollars per class. The principal license must be in the class requiring the greatest fee and all requirements must be met for each class in which a license is being requested.

(3) All fees and penalties must be paid before the department issues a license.

(4) Applications for licenses are considered incomplete unless an effective bond or other acceptable form of security is also filed with the director.

(5) Licenses may be obtained by contacting the department's commission merchants program at 360-902-1854 or e-mail at: commerch@agr.wa.gov. Application forms, bond forms, and forms for securities in lieu of a surety bond are available on the department's web site at: <http://www.agr.wa.gov/Inspection/CommissionMerchants/default.asp>.

[Statutory Authority: Chapters 20.01 and 34.05 RCW. 07-13-097, § 16-623-010, filed 6/20/07, effective 7/21/07. Statutory Authority: Chapters 20.01 and 34.05 RCW, 2003 1st sp.s. c 25. 05-09-094, § 16-623-010, filed 4/20/05, effective 5/21/05. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510. 00-22-071, § 16-623-010, filed 10/30/00, effective 11/30/00.]

(e) Uniform examination procedure for price verification addressed in *NIST Handbook 130*; and

(f) Engine fuels, petroleum products, and automotive lubricants regulation addressed in *NIST Handbook 130*.

(3)(a) *NIST Handbook 44*, *NIST Handbook 130* and *NIST Handbook 133*, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. They are also available on the National Institute of Standards and Technology web site at <http://ts.nist.gov/ts/htdocs/230/235/owmhome.htm>.

(b) For information regarding the contents and application of these publications, contact the weights and measures program at the Washington State Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560, telephone number 360-902-1857, or e-mail wts&measures@agr.wa.gov.

[Statutory Authority: Chapters 19.112 and 34.05 RCW. 07-05-083, § 16-662-100, filed 2/21/07, effective 3/24/07. Statutory Authority: Chapters 19.94 and 34.05 RCW. 05-10-088, § 16-662-100, filed 5/4/05, effective 6/4/05; 03-08-017, § 16-662-100, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-100, filed 6/4/97, effective 7/5/97.]

Chapter 16-662 WAC

WEIGHTS AND MEASURES—NATIONAL HANDBOOKS

WAC

- 16-662-100 What is the purpose of this chapter?
- 16-662-105 What national weights and measures standards are adopted by the Washington state department of agriculture (WSDA)?
- 16-662-115 Does the WSDA modify NIST Handbook 130?

WAC 16-662-100 What is the purpose of this chapter? (1) This chapter establishes requirements for the state of Washington that are reasonably consistent with the uniform rules adopted by the National Conference on Weights and Measures and that are in effect in other states.

(2) This chapter applies specifically to the:

(a) Uniform specifications, tolerances and other technical requirements for weighing and measuring devices addressed in the *National Institute of Standards and Technology (NIST) NIST Handbook 44*;

(b) Uniform procedures for checking the net contents of packaged goods addressed in *NIST Handbook 133*;

(c) Uniform packaging and labeling regulation addressed in *NIST Handbook 130*;

(d) Uniform regulation for the method of sale of commodities addressed in *NIST Handbook 130*;

WAC 16-662-105 What national weights and measures standards are adopted by the Washington state department of agriculture (WSDA)? The WSDA adopts the following national standards:

National standard for:	Contained in the:
(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment	2007 Edition of <i>NIST Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices</i>
(2) The procedures for checking the accuracy of the net contents of packaged goods	Fourth Edition (January 2005) of <i>NIST Handbook 133 - Checking the Net Contents of Packaged Goods</i>
(3) The requirements for packaging and labeling, method of sale of commodities, examination procedures for price verification, and engine fuels, petroleum products and automotive lubricants	2006 Edition of <i>NIST Handbook 130 - Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality</i> , specifically:

National standard for:	Contained in the:
(a) Weights and measures requirements for all food and nonfood commodities in package form	<i>Uniform Packaging and Labeling Regulation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130, 2006 Edition</i>
(b) Weights and measures requirements for the method of sale of food and nonfood commodities	<i>Uniform Regulation for the Method of Sale of Commodities</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130, 2006 Edition</i>
(c) Weights and measures requirements for price verification	<i>Examination Procedure for Price Verification</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130, 2006 Edition</i>
(d) Definitions and requirements for standard fuel specifications; classification and method of sale of petroleum products; retail storage tanks; condemned products; product registration; and test methods and reproducibility limits	<i>Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Regulation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130, 2006 Edition</i>

[Statutory Authority: Chapters 19.112 and 34.05 RCW. 07-05-083, § 16-662-105, filed 2/21/07, effective 3/24/07. Statutory Authority: Chapters 19.94 and 34.05 RCW. 07-01-115A, § 16-662-105, filed 12/20/06, effective 1/20/07; 06-08-102, § 16-662-105, filed 4/5/06, effective 5/6/06; 05-10-088, § 16-662-105, filed 5/4/05, effective 6/4/05; 04-12-025, § 16-662-105, filed 5/26/04, effective 6/26/04; 03-08-017, § 16-662-105, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapter 19.94 RCW. 02-12-029, § 16-662-105, filed 5/29/02, effective 6/29/02. Statutory Authority: RCW 19.94.195.01-16-005, § 16-662-105, filed 7/19/01, effective 8/19/01; 00-14-005, § 16-662-105, filed 6/23/00, effective 7/24/00; 99-07-056, § 16-662-105, filed 3/16/99, effective 4/16/99; 98-13-072, § 16-662-105, filed 6/15/98, effective 7/16/98. Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-105, filed 6/4/97, effective 7/5/97.]

WAC 16-662-115 Does the WSDA modify NIST Handbook 130? The WSDA adopts the following modifications to the *Uniform Regulation for the Method of Sale of Commodities* requirements published in *NIST Handbook 130*, identified in WAC 16-662-105 (3)(b):

Modified Section:	Modification:
(1) Section 2.20. Gasoline-Oxygenate Blends	Modify section 2.20.1. Method of Retail Sale - Type of Oxygenate must be Disclosed, to read: All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as "with" or "containing" (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read "contains ethanol." The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase "or other ethers." In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This information shall be posted on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position in a type at least 12.7 mm (1/2 in.) in height, 1.5 mm (1/16 in.) stroke (width of type). Methanol at one percent or greater, by volume, in gasoline for use as motor vehicle fuel must be labeled with the maximum percentage of methanol contained in the motor vehicle fuel. Ethanol at no less than one percent and no more than ten percent, by volume, must be labeled "Contains up to 10% Ethanol." Ethanol at greater than ten percent by volume must be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word "ethanol." (Example: E85 Ethanol.)

Modified Section:	Modification:
	Modify section 2.20.2. Documentation for Dispenser Labeling Purposes, to read: At the time of delivery of the fuel, the retailer shall be provided, on an invoice, bill of lading, shipping paper, or other documentation a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen). In addition, any gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending. When ethanol and/or methanol is blended at one percent or greater, by volume, in gasoline for use as motor vehicle fuel, documentation must include the volumetric percentage of ethanol and/or methanol.
(2) Section 2.23. Animal Bedding	Add a new subsection, which reads: 2.23.1 Sawdust, Barkdust, Decorative Wood Particles, and Similar Products. As used in this subsection, "unit" means a standard volume equal to 200 cubic feet. When advertised, offered for sale, or sold within Washington state, quantity representations for sawdust, barkdust, decorative wood particles, and similar loose bulk materials must be in cubic measures or units and fractions thereof.

The WSDA adopts the following modifications to the *Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Regulation* requirements published in *NIST Handbook 130*, identified in WAC 16-662-105 (3)(d):

Modified Section:	Modification:
(1) Section 2.12. Motor Oil	Delete section 2.12.
(2) Section 2.13. Products for Use in Lubricating Manual Transmissions, Gears, or Axles	Delete section 2.13.
(3) Section 2.14. Products for Use in Lubricating Automatic Transmissions	Delete section 2.14.
(4) Section 3.2.6. Method of Retail Sale. Type of Oxygenate must be Disclosed	Modify section 3.2.6 to read: All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as "with" or "containing" (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read "contains ethanol." The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase "or other ethers." In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This information shall be posted on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position in a type at least 12.7 mm (1/2 in.) in height, 1.5 mm (1/16 in.) stroke (width of type). Methanol at one percent or greater, by volume, in gasoline for use as motor vehicle fuel must be labeled with the maximum percentage of methanol contained in the motor vehicle fuel. Ethanol at no less than one percent and no more than ten percent, by volume, must be labeled "Contains up to 10% Ethanol." Ethanol at greater than ten percent by volume must be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word "ethanol" (example: E85 Ethanol).
(5) Section 3.2.7. Documentation for Dispenser Labeling Purposes	Modify section 3.2.7 to read: The retailer shall be provided, at the time of delivery of the fuel, on an invoice, bill of lading, shipping paper, or other documentation, a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen). In addition, any gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending. When ethanol and/or methanol is blended at one percent or greater, by volume, in gasoline for use as motor vehicle fuel, documentation must include the volumetric percentage of ethanol and/or methanol.

Modified Section:	Modification:
(6) Section 3.8.2. Retail Dispenser Labeling	Modify section 3.8.2 to read: Each retail dispenser of not less than one percent and not more than ten percent, by volume, fuel ethanol must be labeled "Contains up to 10% Ethanol." Each retail dispenser of greater than ten percent fuel ethanol by volume must be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word "ethanol" (example: E85 Ethanol).
(7) Section 3.9.2. Retail Dispenser Labeling	Modify section 3.9.2 to read: Each retail dispenser of fuel methanol shall be labeled by the capital letter M followed by the numerical value maximum volume percent and ending with the word "methanol." (Example: M85 Methanol.)
(8) Section 3.13. Oil	Delete section 3.13.
(9) Section 3.14. Automatic Transmission Fluid	Delete section 3.14.
(10) Section 3.15.2. Labeling of Retail Dispensers Containing between 5% and 20% Biodiesel	Modify section 3.15.2 to read: 3.15.2. Labeling of Retail Dispensers Containing not More Than 5% Biodiesel. Each retail dispenser of biodiesel blend containing not less than two percent and not more than five percent biodiesel must be labeled "Contains up to 5% Biodiesel." 3.15.2.1. Retail dispensers containing less than two percent biodiesel may not be labeled as dispensing biodiesel or biodiesel blends. Delete section 3.15.2.2.
(11) Section 3.15.3. Labeling of Retail Dispensers Containing more than 20% Biodiesel	Modify section 3.15.3 to read: 3.15.3. Labeling of Retail Dispensers Containing More Than 5% Biodiesel. Each retail dispenser of biodiesel or biodiesel blend containing more than five percent biodiesel must be labeled with the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either "biodiesel" or "biodiesel blend" (examples: B100 Biodiesel; B60 Biodiesel blend).
(12) Section 3.15.5. Exemption	Delete section 3.15.5.
(13) Section 7. Test Methods and Reproducibility Limits	Add a new subsection that reads: 7.3 Biodiesel Blends - The test method for determining the percent biodiesel in a blend of biodiesel and diesel fuel shall be EN 14078 "Liquid petroleum products - Determination of fatty methyl esters (FAME) in middle distillates - Infrared spectroscopy method." When ASTM develops a comparable standard test method, the ASTM method will become the standard method for purposes of this rule.

[Statutory Authority: Chapters 19.112 and 34.05 RCW. 07-05-083, § 16-662-115, filed 2/21/07, effective 3/24/07. Statutory Authority: Chapters 19.94 and 34.05 RCW. 05-10-088, § 16-662-115, filed 5/4/05, effective 6/4/05; 03-08-017, § 16-662-115, filed 3/25/03, effective 4/25/03. Statutory Authority: RCW 19.94.195. 98-13-072, § 16-662-115, filed 6/15/98, effective 7/16/98. Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-115, filed 6/4/97, effective 7/5/97.]

Chapter 16-675 WAC

CALIBRATION SERVICES, SPECIAL INSPECTION AND TESTING FEES

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 07-13-051, § 16-675-045, filed 6/14/07, effective 7/15/07; 04-23-043, § 16-675-045, filed 11/10/04, effective 12/11/04.]

WAC

- 16-675-045 What fees does the laboratory charge for the services it performs?
- 16-675-055 What fees are charged when the inspecting and testing of a weighing or measuring device is specifically requested by the device's owner?

WAC 16-675-055 What fees are charged when the inspecting and testing of a weighing or measuring device is specifically requested by the device's owner? The fees in the following table apply to inspecting and testing weighing or measuring devices when the inspection or test is:

WAC 16-675-045 What fees does the laboratory charge for the services it performs? The metrology laboratory charges the following fees for services performed:

- (1) Specifically requested by the device's owner or his/her representative; or
- (2) Performed on devices used by an agency or institution that receives money from the legislature or the federal government.

Service Performed	Fee
Inspection, tolerance testing and calibration services performed at the metrology laboratory	\$105.50 per hour
Inspection, tolerance testing and calibration services performed at other than the metrology laboratory	\$105.50 per hour plus mileage and per diem at the rates established by the office of financial management (OFM) when the service is performed
Any service provided by the laboratory	Minimum one-half hour charge

Weighing and Measuring Device	Inspection and/or Testing Fee
Small scales "zero to four hundred pounds capacity"	\$16.80 per scale
Intermediate scales "four hundred pounds to five thousand pounds capacity"	\$56.10 per scale
Large scales "over five thousand pounds capacity"	\$140.30 per scale
Large scales with supplemental devices	\$168.40 per scale

Weighing and Measuring Device	Inspection and/or Testing Fee
Railroad track scales	\$1,123.00 per scale
Liquid fuel meters with flows of less than twenty gallons per minute	\$16.80 per meter
Liquid fuel meters with flows of at least twenty but not more than one hundred fifty gallons per minute	\$56.10 per meter
Fuel meters with flows over one hundred fifty gallons per minute	\$168.40 per meter
Liquid petroleum gas meters with one-inch diameter or smaller dispensers	\$56.10 per meter
Liquid petroleum gas meters with greater than one-inch diameter dispensers	\$168.40 per meter
Inspection services not covered by the above special inspection fees	\$37.80 per hour for labor and travel time (minimum one hour charge)

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 07-13-051, § 16-675-055, filed 6/14/07, effective 7/15/07; 04-23-043, § 16-675-055, filed 11/10/04, effective 12/11/04.]

Chapter 16-750 WAC

STATE NOXIOUS WEED LIST AND SCHEDULE OF MONETARY PENALTIES

WAC

- 16-750-005 State noxious weed list—Class A noxious weeds.
- 16-750-011 State noxious weed list—Class B noxious weeds.
- 16-750-015 State noxious weed list—Class C noxious weeds.

WAC 16-750-005 State noxious weed list—Class A noxious weeds.

Common Name	Scientific Name
bean-caper, Syrian	<i>Zygophyllum fabago</i>
blueweed, Texas	<i>Helianthus ciliaris</i>
broom, Spanish	<i>Spartium junceum</i>
buffalobur	<i>Solanum rostratum</i>
bulrush, ricefield	<i>Schoenoplectus mucronatus</i>

Common Name	Scientific Name
clary, meadow	<i>Salvia pratensis</i>
cordgrass, common	<i>Spartina anglica</i>
cordgrass, dense flower	<i>Spartina densiflora</i>
cordgrass, salt meadow	<i>Spartina patens</i>
crupina, common	<i>Crupina vulgaris</i>
flax, spurge	<i>Thymelaea passerina</i>
four o'clock, wild	<i>Mirabilis nyctaginea</i>
goatsrue	<i>Galega officinalis</i>
hawkweed, European	<i>Hieracium sabaudum</i>
hawkweed, yellow devil	<i>Hieracium floribundum</i>
hogweed, giant	<i>Heracleum mantegazzianum</i>
hydrilla	<i>Hydrilla verticillata</i>
johnsongrass	<i>Sorghum halepense</i>
knawweed, bighead	<i>Centaurea macrocephala</i>
knawweed, Vochin	<i>Centaurea nigrescens</i>
kudzu	<i>Pueraria montana var. lobata</i>
milfoil, variable-leaf	<i>Myriophyllum heterophyllum</i>
mustard, garlic	<i>Alliaria petiolata</i>
nightshade, silverleaf	<i>Solanum elaeagnifolium</i>
primrose-willow, floating	<i>Ludwigia peploides</i>
sage, clary	<i>Salvia sclarea</i>
sage, Mediterranean	<i>Salvia aethiopis</i>
spurge, eggleaf	<i>Euphorbia oblongata</i>
starthistle, purple	<i>Centaurea calcitrapa</i>
sweetgrass, reed	<i>Glyceria maxima</i>
thistle, Italian	<i>Carduus pycnocephalus</i>
thistle, milk	<i>Silybum marianum</i>
thistle, slenderflower	<i>Carduus tenuiflorus</i>
velvetleaf	<i>Abutilon theophrasti</i>
woad, dyers	<i>Isatis tinctoria</i>

[Statutory Authority: Chapters 17.10 and 34.05 RCW. 07-24-023, § 16-750-005, filed 11/28/07, effective 1/1/08; 05-24-026, § 16-750-005, filed 11/30/05, effective 12/31/05; 03-04-001, § 16-750-005, filed 1/22/03, effective 2/22/03. Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-005, filed 11/23/99, effective 1/3/00; 98-24-026, § 16-750-005, filed 11/23/98, effective 1/2/99; 97-24-051, § 16-750-005, filed 11/26/97, effective 1/2/98. Statutory Authority: RCW 17.10.080.96-06-030, § 16-750-005, filed 2/29/96, effective 3/31/96. Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-005, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-005, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-005, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-005, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-005, filed 11/29/88. Statutory Authority: RCW 17.10.080.88-07-016 (Order 22, Resolution No. 22), § 16-750-005, filed 3/7/88.]

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

Name	Will be a "Class B designate" in all lands lying within:
(1) alyssum, hoary <i>Berteroa incana</i>	(a) regions 1, 2, 5, 6, 8, 9, 10 (b) region 3, except Okanogan County (c) Okanogan County, of region 3, except Ranges 29 through 31 East of Townships 37 through 40 North (d) Adams and Whitman counties of region 7.
(2) arrowhead, grass-leaved <i>Sagittaria graminea</i>	(a) regions 1, 3, 4, 6, 7, 8, 9, 10 (b) region 2 except Lake Roesiger, Lake Serene, Lake Loma and Echo Lake in Snohomish County (c) region 5 except Mason Lake in Mason County.
(3) blackgrass <i>Alopecurus myosuroides</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) Ferry, Stevens, Pend Oreille counties of region 4 (c) Adams County of region 7.

Name		Will be a "Class B designate" in all lands lying within:	
(4)	blueweed <i>Echium vulgare</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9, 10
		(b)	region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning.
(5)	broom, Scotch <i>Cytisus scoparius</i>	(a)	regions 3, 4, 6, 7, 9, 10.
(6)	bryony, white <i>Bryonia alba</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9
		(b)	region 7 except Whitman County
		(c)	Franklin County of region 10.
(7)	bugloss, common <i>Anchusa officinalis</i>	(a)	regions 1, 2, 3, 5, 6, 8, 9, 10
		(b)	region 4 except Stevens and Spokane counties
		(c)	Lincoln, Adams, and Whitman counties of region 7.
(8)	bugloss, annual <i>Anchusa arvensis</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9
		(b)	Lincoln and Adams counties
		(c)	Whitman County except ranges 43 through 46 East of Townships 16 through 20 North.
(9)	butterfly bush <i>Buddleja davidii</i>	(a)	Pend Oreille County of region 4
		(b)	Grays Harbor County, and that portion of Thurston County lying below the ordinary high-water mark of the Nisqually River in region 5
		(c)	Kittitas County of region 6
		(d)	Lincoln County of region 7.
(10)	camelthorn <i>Alhagi maurorum</i>	(a)	regions 1, 2, 3, 4, 5, 7, 8, 9
		(b)	region 6 except those portions of Sections 23, 24, 25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County and except the area west of Highway 17 and north of Highway 26 in Adams County
		(c)	Franklin, Columbia, Garfield, and Asotin counties of region 10
		(d)	an area beginning at the Washington—Oregon border at the southwest portion of section 5, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning.
(11)	carrot, wild <i>Daucus carota</i>	(a)	regions 3, 7 (except where intentionally cultivated)
		(b)	Spokane and Ferry counties of region 4 (except where intentionally cultivated)
		(c)	region 6, except Yakima County (except where intentionally cultivated)
		(d)	region 9, except Yakima County (except where intentionally cultivated)
		(e)	region 10, except Walla Walla County (except where intentionally cultivated).

		Will be a "Class B designate" in all lands lying within:	
(12)	Name		
	catsear, common <i>Hypochaeris radicata</i>	(a)	regions 3, 4, 6, 7, 10
		(b)	region 9 except Klickitat County.
(13)	chervil, wild <i>Anthriscus sylvestris</i>	(a)	regions 1, 3, 4, 5, 6, 7, 9, 10
		(b)	region 2 except Guemes Island in Skagit County
		(c)	region 8 except Clark County.
(14)	cinquefoil, sulfur <i>Potentilla recta</i>	(a)	regions 1, 3, 8, 10
		(b)	region 2 except Skagit County
		(c)	region 4 except Stevens, Ferry, and Pend Oreille counties
		(d)	region 5 except Thurston County
		(e)	region 6 except Yakima County
		(f)	region 7 except Spokane County
		(g)	region 8 except Lewis County
		(h)	region 9 except Klickitat County.
(15)	cordgrass, smooth <i>Spartina alterniflora</i>	(a)	regions 1, 3, 4, 5, 6, 7, 9, 10
		(b)	region 2 except Padilla Bay of Skagit County
		(c)	region 8 except bays and estuaries of Pacific County.
(16)	daisy, oxeye <i>Leucanthemum vulgare</i>	(a)	regions 7, 10
		(b)	region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East
		(c)	region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E.
(17)	elodea, Brazilian <i>Egeria densa</i>	(a)	regions 3, 4, 6, 7, 9, 10
		(b)	Lewis County of region 8
		(c)	Clallam County of region 1
		(d)	King County of region 5, except lakes Washington, Sammamish, Union and Fenwick.
(18)	fanwort <i>Cabomba caroliniana</i>	(a)	regions 1, 2, 3, 4, 5, 6, 7, 9, 10
		(b)	region 8 except T8N, R3W of Cowlitz County.
(19)	fennel, common <i>Foeniculum vulgare</i> (except var. <i>azoricum</i>)	(a)	regions 3, 4, 6, 7, 8, 9, 10
		(b)	region 1 except the incorporated areas of Port Townsend
		(c)	region 2 except the incorporated areas of Anacortes and Mount Vernon
		(d)	region 5 except King and Kitsap counties.
(20)	fieldcress, Austrian <i>Rorippa austriaca</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9
		(b)	regions 7 and 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.
(21)	floating heart, yellow <i>Nymphoides peltata</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10
		(b)	region 4 except the Spokane River between Long Lake Dam and Nine Mile Dam.
(22)	gorse <i>Ulex europaeus</i>	(a)	regions 1, 3, 4, 6, 7, 9, 10
		(b)	Skagit, Island, and Whatcom counties of region 2
		(c)	Thurston, Kitsap, Pierce, and King counties of region 5
		(d)	Wahkiakum, Clark, Skamania, Cowlitz, and Lewis counties of region 8.
(23)	hawkweed, mouseear <i>Hieracium pilosella</i>	(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10
		(b)	region 5 except Thurston County
		(c)	Thurston County lying within T17N, R1W, S31; T16N, R2W, S30 W1/2; T16N, R3W, S25, SE1/4; T16N, R3W, S36, N1/2; T16N, R2W, S31, NW1/4.
(24)	hawkweed, orange <i>Hieracium aurantiacum</i>	(a)	regions 1, 3, 6, 9, 10
		(b)	Skagit County of region 2
		(c)	Ferry County of region 4
		(d)	Pierce, Thurston and King counties of region 5
		(e)	Lincoln and Adams counties of region 7
		(f)	Lewis County of region 8.
(25)	hawkweed, polar <i>Hieracium atratum</i>	(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10
		(b)	region 5 outside the boundaries of Mt. Rainier National Park.
(26)	hawkweed, queen-devil <i>Hieracium glomeratum</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10
		(b)	Ferry County of region 4.

		Will be a "Class B designate" in all lands lying within:	
(27)	hawkweed, smooth <i>Hieracium laevigatum</i>	(a)	regions 1, 3, 4, 5, 6, 7, 8, 9, 10
		(b)	San Juan, Island, and Skagit counties of region 2.
(28)	hawkweed, yellow <i>Hieracium caespitosum</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 10
		(b)	region 4 except Stevens and Pend Oreille counties
		(c)	region 9 except sections 32, 33 and 34 of T6N, R12E, and sections 4, 5, 6, and 7 of T5N, R12E, and section 12 of T5N, R11E, of Klickitat County.
(29)	helmet, policeman's <i>Impatiens glandulifera</i>	(a)	regions 1, 3, 4, 6, 7, 8, 9, 10
		(b)	region 2 except Whatcom County
		(c)	region 5 except Thurston County.
(30)	herb-Robert <i>Geranium robertianum</i>	(a)	regions 3, 4, 6, 7, 9, 10
(31)	houndstongue <i>Cynoglossum officinale</i>	(a)	Kittitas County of region 6
(32)	indigobush <i>Amorpha fruticosa</i>	(b)	Douglas and Chelan counties of regions 3 and 6.
		(a)	regions 1, 2, 3, 4, 5, 6
		(b)	regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream
		(c)	regions 8, 9, and 10 except within 200 feet of the Columbia River.
(33)	knapweed, black <i>Centaurea nigra</i>	(a)	regions 1, 2, 3, 4, 7, 9, 10
		(b)	region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
		(c)	region 6 except Kittitas County
		(d)	region 8 except Clark County.
(34)	knapweed, brown <i>Centaurea jacea</i>	(a)	regions 1, 2, 3, 4, 7, 9, 10
		(b)	region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
		(c)	region 6 except Kittitas County
		(d)	region 8 except Clark County.
(35)	knapweed, diffuse <i>Centaurea diffusa</i>	(a)	regions 1, 2, 5, 8
		(b)	Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5, 6, 7, 8, 17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30E. lying in Grant County; all W.M.
		(c)	Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22, 26, 27, 28, 31, 32, 33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2, 10, 11, 14, 15, 19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6 Franklin County of regions 9 and 10.
(36)	knapweed, meadow <i>Centaurea jacea x nigra</i>	(a)	regions 1, 2, 3, 4, 7, 9, 10
		(b)	region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
		(c)	region 6 except Kittitas County
		(d)	region 8 except Clark County.

		Will be a "Class B designate" in all lands lying within:	
(37)	Name		
	knapweed, Russian <i>Acroptilon repens</i>	(a)	regions 1, 2, 5, 7, 8
		(b)	region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County
		(c)	Adams County of region 6 except for the area west of Highway 17 and North of Highway 26
		(d)	Intercounty Weed District No. 52
		(e)	region 10 except Franklin County.
(38)	knapweed, spotted <i>Centaurea stoebe</i>	(a)	regions 1, 2, 3, 5, 6, 9
		(b)	Ferry County of region 4
		(c)	Adams and Whitman counties of region 7
		(d)	region 8, except that portion of Lewis County below the ordinary high watermark of the Tilton River from Hwy. 508 to Lake Mayfield
		(e)	region 10 except Garfield County.
(39)	knotweed, Bohemian <i>Polygonum bohemicum</i>	(a)	Kittitas County of region 6
		(b)	Chelan and Douglas counties of regions 3 and 6
		(c)	Pend Oreille County of region 4.
(40)	knotweed, giant <i>Polygonum sachalinense</i>	(a)	Kittitas County of region 6
		(b)	Pend Oreille County of region 4.
(41)	knotweed, Himalayan <i>Polygonum polystachyum</i>	(a)	Kittitas County of region 6
		(b)	Pend Oreille County of region 4
		(c)	Lewis County of region 8.
(42)	knotweed, Japanese <i>Polygonum cuspidatum</i>	(a)	Kittitas County of region 6
		(b)	Chelan and Douglas counties of regions 3 and 6
		(c)	Pend Oreille County of region 4.
(43)	kochia <i>Kochia scoparia</i>	(a)	Regions 1, 2, 5, 8
		(b)	Pend Oreille County of region 4
		(c)	Kittitas County of region 6.
(44)	laurel, spurge <i>Daphne laureola</i>	(a)	regions 3, 4, 6, 7, 8, 9, 10
		(b)	San Juan, Snohomish and Skagit counties of region 2
		(c)	Grays Harbor and Mason counties of region 5.
(45)	lawnweed <i>Soliva sessilis</i>	(a)	regions 1, 3, 4, 6, 7, 8, 9, 10
		(b)	region 2 except Snohomish County
		(c)	region 5 except King and Thurston counties.
(46)	lepyrodielis <i>Lepyrodielis holosteoides</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9, 10
		(b)	region 7 except an area within Whitman County east of the Pullman—Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.
(47)	loosestrife, garden <i>Lysimachia vulgaris</i>	(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10
		(b)	region 5 except King County
		(c)	Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line.
(48)	loosestrife, purple <i>Lythrum salicaria</i>	(a)	regions 1, 4, 7, 8
		(b)	region 2 except Snohomish County
		(c)	region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
		(d)	Grays Harbor, Mason, Kitsap, and Thurston counties of region 5
		(e)	Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line
		(f)	Pierce County, except those areas lying within T2D, 21, 22N, R1W and R1E, all sections

Name	Will be a "Class B designate" in all lands lying within:
(49)	loosestrife, wand <i>Lythrum virgatum</i>
	<ul style="list-style-type: none"> (g) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed (h) region 9 except Benton County (i) region 10 except Walla Walla County (j) Intercounty Weed Districts No. 51 and No. 52. (a) regions 1, 4, 7, 8 (b) region 2 except Snohomish County (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside (d) region 5 except King County (e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line (f) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
(50)	nutsedge, yellow <i>Cyperus esculentus</i>
	<ul style="list-style-type: none"> (g) region 9 except Benton County (h) region 10 except Walla Walla County (i) Intercounty Weed Districts No. 51 and No. 52. (a) regions 1, 2, 3, 4, 5, 7, 8 (b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M. (c) region 9 except: <ul style="list-style-type: none"> (i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River. Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road. (ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County
(51)	oxtongue, hawkweed <i>Picris hieracioides</i>
	<ul style="list-style-type: none"> (d) region 10 except Walla Walla County. (a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10 (b) region 8 except Skamania County.

		Will be a "Class B designate" in all lands lying within:	
(52)	Name		
	parrotfeather <i>Myriophyllum aquaticum</i>	(a)	regions 1, 2, 3, 4, 5, 6, 7, 9, 10
		(b)	region 8 except Clark, Cowlitz, and Wahkiakum counties.
(53)	pepperweed, perennial <i>Lepidium latifolium</i>	(a)	regions 1, 2, 3, 4, 5, 7, 8, 10
		(b)	Intercounty Weed Districts No. 51 and 52
		(c)	Kittitas County of region 6
		(d)	Adams County of region 6 except for the area west of Highway 17 and north of Highway 26.
(54)	poison-hemlock <i>Conium maculatum</i>	(a)	Clallam County and that area lying within Port Townsend city limits in Jefferson County of region 1
		(b)	Snohomish and San Juan counties of region 2
		(c)	Pend Oreille County of region 4
		(d)	Kitsap and Thurston counties of region 5
		(e)	Kittitas County of region 6
		(f)	Lincoln County of region 7
		(g)	Clark County of region 8.
(55)	primrose, water <i>Ludwigia hexapetala</i>	(a)	regions 1, 2, 3, 4, 5, 6, 7, 9, 10
		(b)	region 8 except T8N, R3W, S14 of Cowlitz County.
(56)	puncturevine <i>Tribulus terrestris</i>	(a)	Skagit County of region 2
		(b)	Kittitas County of region 6
		(c)	Adams County
		(d)	Clallam County of region 1.
(57)	ragwort, tansy <i>Senecio jacobaea</i>	(a)	regions 3, 4, 6, 7, 9, 10
		(b)	region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.
(58)	reed, common, nonnative genotypes <i>Phragmites australis</i>	(a)	region 1
		(b)	Island, San Juan and Snohomish counties of region 2
		(c)	Okanogan County of region 3
		(d)	Pend Oreille and Stevens counties of region 4
		(e)	region 5 except Grays Harbor and Pierce counties
		(f)	Kittitas County of region 6
		(g)	Yakima County of regions 6 and 9
		(h)	Lincoln County of region 7
		(i)	Clark and Lewis counties of region 8
		(j)	Klickitat County of region 9
		(k)	Asotin County of region 10.
(59)	Saltcedar <i>Tamarix ramosissima</i>	(a)	regions 1, 2, 3, 4, 5, 7, 8, unless intentionally established prior to 2004
		(b)	region 6 except Grant County, unless intentionally established prior to 2004
		(c)	region 9 except Benton and Franklin counties, unless intentionally established prior to 2004
		(d)	region 10 except Franklin County, unless intentionally established prior to 2004.
(60)	sandbur, longspine <i>Cenchrus longispinus</i>	(a)	regions 1, 2, 3, 4, 5, 7, 8
		(b)	Adams County of region 6 except for that area lying within Intercounty Weed District No. 52
		(c)	Intercounty Weed District No. 51
		(d)	Kittitas County of region 6.
(61)	skeletonweed, rush <i>Chondrilla juncea</i>	(a)	regions 1, 2, 3, 5, 8
		(b)	Franklin County except T13N, R36E; and T14N, R36E

Name	Will be a "Class B designate" in all lands lying within:
	<p>(c) Adams County except those areas lying east of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line.</p> <p>(d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road I Northwest</p> <p>(e) Stevens County north of Township 33 North of region 4</p> <p>(f) Ferry and Pend Oreille counties of region 4</p> <p>(g) region 9 except the Dallesport area in Klickitat County lying within Township 2N, Ranges 13 and 14</p> <p>(h) Asotin County of region 10</p> <p>(i) Garfield County south of Highway 12</p> <p>(j) Columbia County from the Walla Walla County line on Highway 12, all areas south of Turner Road; at Turner Road to the Garfield county line, all areas south and east of Turner Road</p> <p>(k) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East.</p>
(62) sowthistle, perennial <i>Sonchus arvensis</i> ssp. <i>arvensis</i>	<p>(a) regions 1, 2, 3, 4, 7, 8, 9, 10</p> <p>(b) Adams County of region 6</p> <p>(c) region 5 except for sections 28, 29, 30, 31, 32, and 33 in T19N, R1E of Thurston and Pierce counties.</p>
(63) spurge, leafy <i>Euphorbia esula</i>	<p>(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10</p> <p>(b) region 7 except as follows:</p> <p>(i) T27N, R37E, Sections 34, 35, 36; T27N, R38E, Sections 31, 32, 33; T26N, R37E, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 26; T26N, R38E, Sections 5, 6, 7, 8 of Lincoln County</p> <p>(ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.</p>
(64) spurge, myrtle <i>Euphorbia myrsinites</i> L	(a) Pend Oreille County of region 4.
(65) starthistle, yellow <i>Centaurea solstitialis</i>	<p>(a) regions 1, 2, 3, 5, 6, 8</p> <p>(b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25</p> <p>(c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border</p> <p>(d) Franklin County</p> <p>(e) region 9 except Klickitat County</p>

Name	Will be a "Class B designate" in all lands lying within:
(66) Swainsonpea <i>Sphaerophysa sal-sula</i>	<p>(f) in all lands lying within Asotin County, Region 10, except as follows: T11N, R44E, Sections 25, 26, 27, 28, 29, 31, 32, 33, 34, and 35; T11N, R45E, Sections 21, 22, 23, and 25; T11N, R36E, Sections 19, 20, 21, 28, 29, 30, 31, 32, and 33; T10N, R44E, Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 15, and 16; T10N, R45E, Sections 23 and 24; T10N, R46E, Sections 7, 8, 17, 18, 19, 20, 21, 22, 27, 34, and 35; T9N, R46E, Sections 1, 2, 12, 13, 14, 23, 24, 25, 26, 35, and 36; T9N, R47E, Sections 18, 19, 30, and 31; T8N, R46E, Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 23, and 24; T8N, R47E, Sections 8, 17, 18, 19, 20, 29, 30, 31, and 32.</p> <p>(a) regions 1, 2, 3, 4, 5, 7, 8</p> <p>(b) Columbia, Garfield, Asotin, and Franklin counties</p> <p>(c) an area beginning at the Washington—Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest corner of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to the southeast portion of Section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning</p> <p>(d) Weed District No. 3 of Grant County</p>
(67) thistle, musk <i>Carduus nutans</i>	<p>(e) Adams County of region 6.</p> <p>(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10</p> <p>(b) Spokane and Pend Oreille counties.</p>
(68) thistle, plumeless <i>Carduus acanthoides</i>	<p>(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10</p> <p>(b) region 4 except those areas within Stevens County lying north of State Highway 20.</p>
(69) thistle, Scotch <i>Onopordum acanthium</i>	<p>(a) regions 1, 2, 3, 4, 5, 6, 8, 9</p> <p>(b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border</p>
(70) toadflax, Dalmatian <i>Linaria dalmatica ssp. dalmatica</i>	<p>(c) Franklin County.</p> <p>(a) regions 1, 2, 5, 8, 10</p> <p>(b) Douglas County of region 3 lying south of T25N and west of R25E</p> <p>(c) Okanogan County lying within T 33, 34, 35N, R19, 20, 21, 22E, except the southwest, southeast, and northeast quarters of the northeast quarter of section 27, T35N, R21E; and the northeast quarter of the southeast quarter of section 27, T35N, R21E</p> <p>(d) Kittitas, Chelan, Douglas, and Adams counties of region 6</p> <p>(e) Intercounty Weed District No. 51</p> <p>(f) Weed District No. 3 of Grant County</p> <p>(g) Lincoln and Adams counties</p> <p>(h) The western two miles of Spokane County of region 7</p> <p>(i) region 9 except as follows:</p> <p>(i) those areas lying within Yakima County</p> <p>(ii) those areas lying west of the Klickitat River and within Klickitat County.</p>
(71) watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	<p>(a) regions 1, 9, 10</p> <p>(b) region 7 except Spokane County</p> <p>(c) region 8 except within 200 feet of the Columbia River</p> <p>(d) Adams County of region 6</p> <p>(e) in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4.</p>

[Statutory Authority: Chapters 17.10 and 34.05 RCW. 07-24-023, § 16-750-011, filed 11/28/07, effective 1/1/08; 06-24-056, § 16-750-011, filed 12/4/06, effective 1/4/07; 05-24-026, § 16-750-011, filed 11/30/05, effective 12/31/05; 05-01-012, § 16-750-011, filed 12/2/04, effective 1/2/05. Statutory Authority: Chapter

17.10 RCW. 04-13-014, § 16-750-011, filed 6/4/04, effective 7/5/04. Statutory Authority: Chapters 17.10 and 34.05 RCW. 03-24-012, § 16-750-011, filed 11/20/03, effective 12/21/03; 03-04-001, § 16-750-011, filed 1/22/03, effective 2/22/03. Statutory Authority: Chapter 17.10 RCW. 01-24-035, § 16-750-011, filed 11/28/01, effective 12/29/01; 00-24-017, § 16-750-011, filed 11/28/00, effective 1/2/01; 99-24-029, § 16-750-011, filed 11/23/99, effective 1/3/00; 98-24-026, § 16-750-011, filed 11/23/98, effective 1/2/99; 97-24-051, § 16-750-011, filed 11/26/97, effective 1/2/98; 97-06-108, § 16-750-011, filed 3/5/97, effective 4/5/97. Statutory Authority: RCW 17.10.080. 96-06-030, § 16-750-011, filed 2/29/96, effective 3/31/96. Statutory Authority: Chapter 17.10 RCW. 95-06-002, § 16-750-011, filed 2/16/95, effective 3/19/95; 94-01-076, § 16-750-011, filed 12/10/93, effective 1/10/94; 93-01-004, § 16-750-011, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-011, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-011, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-011, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-011, filed 11/29/88; 88-18-001 (Order 24, Resolution No. 24), § 16-750-011, filed 8/25/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-011, filed 3/7/88.]

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

Common Name	Scientific Name
archangel, yellow	<i>Lamium galeobdolon</i>
babysbreath	<i>Gypsophila paniculata</i>
beard, old man's	<i>Clematis vitalba</i>
bindweed, field	<i>Convolvulus arvensis</i>
canarygrass, reed	<i>Phalaris arundinacea</i>
cockle, white	<i>Silene latifolia ssp. alba</i>
cocklebur, spiny	<i>Xanthium spinosum</i>
cress, hoary	<i>Cardaria draba</i>
odder, smoothseed alfalfa	<i>Cuscuta approximata</i>
goatgrass, jointed	<i>Aegilops cylindrica</i>
groundsel, common	<i>Senecio vulgaris</i>
hawkweed, common	<i>Hieracium lachenalii</i>
hawkweed, other nonnative species	<i>Hieracium sp.</i> , except species designated in the note in the left-hand column
Note:	
This listing includes all species of <i>Hieracium</i> , except the following:	
• Species designated as Class A noxious weeds in WAC 16-750-005;	
• Species designated as Class B noxious weeds in WAC 16-750-011;	
• Native species designated below:	
– Canada hawkweed (<i>H. canadense</i>)	
– houndstongue hawkweed (<i>H. cynoglossoides</i>)	
– long-beaked hawkweed (<i>H. longiberbe</i>)	
– narrow-leaved hawkweed (<i>H. umbellatum</i>)	
– slender hawkweed (<i>H. gracile</i>)	
– western hawkweed (<i>H. albertinum</i>)	
– white-flowered hawkweed (<i>H. albiflorum</i>)	
– woolley-weed (<i>H. scouleri</i>)	
henbane, black	<i>Hyoscyamus niger</i>
iris, yellow flag	<i>Iris pseudacorus</i>
ivy, English, 4 cultivars only:	<i>Hedera hibernica</i> 'Hibernica'
	<i>Hedera helix</i> 'Baltica'
	<i>Hedera helix</i> 'Pittsburgh'
	<i>Hedera helix</i> 'Star'
mayweed, scentless	<i>Matricaria perforata</i>
pondweed, curly-leaf	<i>Potamogeton crispus</i>
rye, cereal	<i>Secale cereale</i>
spikeweed	<i>Hemizonia pungens</i>
St. Johnswort, common	<i>Hypericum perforatum</i>
tansy, common	<i>Tanacetum vulgare</i>
thistle, bull	<i>Cirsium vulgare</i>
thistle, Canada	<i>Cirsium arvense</i>
toadflax, yellow	<i>Linaria vulgaris</i>
water lily, fragrant	<i>Nymphaea odorata</i>
whiteweed, hairy	<i>Cardaria pubescens</i>
willow-herb, hairy	<i>Epilobium hirsutum</i>
wormwood, absinth	<i>Artemisia absinthium</i>

1/2/05. Statutory Authority: Chapter 17.10 RCW. 04-13-014, § 16-750-015, filed 6/4/04, effective 7/5/04. Statutory Authority: Chapters 17.10 and 34.05 RCW. 03-24-012, § 16-750-015, filed 11/20/03, effective 12/21/03; 03-04-001, § 16-750-015, filed 1/22/03, effective 2/22/03. Statutory Authority: Chapter 17.10 RCW. 01-24-035, § 16-750-015, filed 11/28/01, effective 12/29/01; 00-24-017, § 16-750-015, filed 11/28/00, effective 1/2/01; 99-24-029, § 16-750-015, filed 11/23/99, effective 1/3/00; 98-24-026, § 16-750-015, filed 11/23/98, effective 1/2/99; 97-06-108, § 16-750-015, filed 3/5/97, effective 4/5/97. Statutory Authority: RCW 17.10.080. 96-06-030, § 16-750-015, filed 2/29/96, effective 3/31/96. Statutory Authority: Chapter 17.10 RCW. 95-06-002, § 16-750-015, filed 2/16/95, effective 3/19/95; 94-01-076, § 16-750-015, filed 12/10/93, effective 1/10/94; 93-01-004, § 16-750-015, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-015, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-015, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-015, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-015, filed 11/29/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-015, filed 3/7/88.]

[Statutory Authority: Chapters 17.10 and 34.05 RCW. 07-24-023, § 16-750-015, filed 11/28/07, effective 1/1/08; 06-24-056, § 16-750-015, filed 12/4/06, effective 1/4/07; 05-01-012, § 16-750-015, filed 12/2/04, effective