

**(Effective until March 1, 2022.)**

**WAC 246-215-07210 Presence and use—Conditions of use (2009 FDA Food Code 7-202.12).** POISONOUS OR TOXIC MATERIALS must be:

- (1) Used according to:
  - (a) LAW and this chapter;
  - (b) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a FOOD ESTABLISHMENT;
  - (c) The conditions of certification, if certification is required, for use of the pest control materials; and
  - (d) Additional conditions that may be established by the REGULATORY AUTHORITY; and
- (2) Applied so that:
  - (a) A HAZARD to EMPLOYEES or other persons is not constituted; and
  - (b) Contamination including toxic residues due to drip, drain, fog, splash or spray on FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES is prevented, and for a RESTRICTED USE PESTICIDE, this is achieved by:
    - (i) Removing the items;
    - (ii) Covering the items with impermeable covers; or
    - (iii) Taking other appropriate preventative actions; and
    - (iv) Cleaning and SANITIZING EQUIPMENT and UTENSILS after the application.
- (3) A RESTRICTED USE PESTICIDE must be applied only by an applicator certified as defined in 7 U.S.C. 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide and Rodenticide Act, or a PERSON under the direct supervision of a certified applicator.

[Statutory Authority: RCW 43.20.050 and 43.20.145. WSR 13-03-109, § 246-215-07210, filed 1/17/13, effective 5/1/13.]

**(Effective March 1, 2022.)**

**WAC 246-215-07210 Presence and use—Conditions of use (FDA Food Code 7-202.12).** POISONOUS OR TOXIC MATERIALS must be:

- (1) Used according to:
  - (a) LAW and this chapter;
  - (b) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a FOOD ESTABLISHMENT;
  - (c) The conditions of certification, if certification is required, for use of the pest control materials; and
  - (d) Additional conditions that may be established by the REGULATORY AUTHORITY; and
- (2) Applied so that:
  - (a) A HAZARD to EMPLOYEES or other persons is not constituted; and
  - (b) Contamination including toxic residues due to drip, drain, fog, splash or spray on FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES is prevented, and for a RESTRICTED USE PESTICIDE, this is achieved by:
    - (i) Removing the items;
    - (ii) Covering the items with impermeable covers; or
    - (iii) Taking other appropriate preventative actions; and

(iv) Cleaning and SANITIZING EQUIPMENT and UTENSILS after the application.

(3) A RESTRICTED USE PESTICIDE must be applied only by an applicator certified as defined in 7 U.S.C. 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide and Rodenticide Act, or a PERSON under the direct supervision of a certified applicator.

[Statutory Authority: RCW 43.20.050 and 43.20.145. WSR 21-01-122, § 246-215-07210, filed 12/15/20, effective 3/1/22; WSR 13-03-109, § 246-215-07210, filed 1/17/13, effective 5/1/13.]