

WAC 296-307-10845 Violations of this part—40 C.F.R., Sec. 170.317. (1) RCW 15.58.150 (2)(c) provides that it is unlawful for any person "... to use or cause to be used any pesticide contrary to label directions ..." When 40 C.F.R., Part 170 is referenced on a label, users must comply with all of its requirements, except those that are inconsistent with product-specific instructions on the pesticide product labeling, except as provided for in WAC 296-307-11405, 296-307-11410, and 296-307-11420.

(2) A person who has a duty under this part, as referenced on the pesticide product labeling, and who fails to perform that duty, violates RCW 15.58.330 and 17.21.315, FIFRA Section 12 (a)(2)(G), and is subject to civil penalties under RCW 15.58.335, 15.58.260, and 17.21.315.

(3) FIFRA Section 14 (b)(4) provides that a person is liable for a penalty under FIFRA if another person employed by or acting for that person violates any provision of FIFRA. The term "acting for" includes both employment and contractual relationships including, but not limited to, labor contractors.

(4) The requirements of this part including the decontamination requirements, must not, for the purposes of Title 29 U.S.C. Sec. 653 (b)(1), be deemed to be the exercise of statutory authority to prescribe or enforce standards or regulations affecting the general sanitary hazards addressed by the WISHA Field Sanitation Standard, WAC 296-307-095, OSHA Field Sanitation Standard, 29 C.F.R. Sec. 1928.110, or other agricultural nonpesticide hazards.

[Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.280 and chapter 49.17 RCW. WSR 19-21-169, § 296-307-10845, filed 10/22/19, effective 2/3/20.]