



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: October 26, 2000

(2) Purpose: Revise rule for purposes of clarity and uniformity with general rule requirements found in WAC 16-228-1231. Also, in certain situations individuals need to purchase one-gallon quantities of phenoxy type materials to control noxious weeds. The changes require that liquid formulations of (phenoxy hormone-type such as 2,4-D, and MCPA) distributed in quantities greater than one gallon in counties located east of the crest of the Cascade Mountains shall be sold and distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. This rule allows for those purchases without requiring the individual to be licensed to purchase restricted use pesticides.

(3) Citation of existing rules affected by this order: WAC 16-600 Rules related to Restricted Use Herbicides Statewide

Repealed:
 Amended: WAC 16-230-615
 Suspended:

(4) Statutory authority for adoption: RCW 17.21 and RCW 15.58
Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
Adopted under notice filed as WSR 00-18-108 on September 6, 2000 (date)
Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY
 Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY
Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:
 Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules or Expedited Repeal	Emergency Rules
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____*	<input type="checkbox"/> Later (specify) _____

*If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required

Name (Type or Print)
James M. Jesernig

Signature

Title: Director Date: 10/19/00

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

OCT 26 2000

TIME 2:02 AM
WSR 0022045 PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of nongovernmental entity:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u> </u>	Amended	<u>1</u>	Repealed	<u> </u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

WAC 16-230-615 Restricted use herbicides--Eastern Washington--Sale and distribution. Liquid formulations of restricted use herbicides distributed in ~~((packages))~~ quantities larger than one gallon in counties located east of the crest of the Cascade Mountains shall be sold and distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives ~~((: Provided, That liquid amine formulations of any concentration of restricted use herbicides in containers up to and including one gallon in size is allowed in all counties located east of the crest of the Cascade Mountains))~~.