



# RULE-MAKING ORDER

CR-103 (12/31/00)

(RCW 34.05.360)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: May 28, 2002

(2) Purpose: To restrict some uses of pesticides containing the active ingredient clopyralid. The restrictions are intended to prevent clopyralid residues in compost at levels that may be damaging to plants grown in or around compost.

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

Repealed:

Amended:

Suspended:

(4) Statutory authority for adoption: Chapters 15.58, 17.21 & 34.05 RCW

Other authority:

### PERMANENT RULE ONLY

Adopted under notice filed as WSR 02-11-070 on 5/13/02 (date).

Describe any changes other than editing from proposed to adopted version: New section 16-228-1238, which allowed for use on nonresidential lawns with permission from the Department of Agriculture, will not be adopted as part of the permanent rule. Additional modifications to this rule may be required as regulatory effectiveness is evaluated through collection and sharing of information with the Clopyralid Technical Advisory Committee.

### 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

- 31 days after filing
- Other (specify) \_\_\_\*

#### Emergency Rules

- Immediately
- 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)

WILLIAM E. BROOKRESON

SIGNATURE

TITLE

ACTING DIRECTOR

DATE

5/28/02

### CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAY 27 2002

10:03

02-12-017

AM  
PM

(COMPLETE REVERSE SIDE)

**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:**

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	New	___	Amended	___	Repealed	___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	New	___	Amended	___	Repealed	___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	New	___	Amended	___	Repealed	___

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

New	___	Amended	___	Repealed	___
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**The number of sections adopted in the agency's own initiative:**

New	<u>5</u>	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	___	Amended	___	Repealed	___
<b>Pilot rule making:</b>	New	___	Amended	___	Repealed	___
<b>Other alternative rule making:</b>	New	<u>5</u>	Amended	___	Repealed	___

NEW SECTION

**WAC 16-228-1235** When are pesticides containing the active ingredient clopyralid state restricted use pesticides? Pesticides containing the active ingredient clopyralid are declared to be state restricted use pesticides when labeled for use on cereal grains, grass used for hay, lawns and turf including golf courses.

NEW SECTION

**WAC 16-228-12351** Who can distribute pesticides containing the active ingredient clopyralid? Only licensed pesticide dealers can distribute pesticides containing the active ingredient clopyralid.

NEW SECTION

**WAC 16-228-12352** Who can sell pesticides containing the active ingredient clopyralid? (1) Pesticides containing the active ingredient clopyralid that are labeled for use on cereal grains, grass used for hay, lawns and turf including golf courses can only be sold by licensed dealers to certified applicators or their duly authorized agents. In order to purchase such pesticides, certified applicators or their agents must have a valid certification, license or permit allowing them to use or purchase such pesticides.

(2) Pesticides containing clopyralid and labeled for uses on sites/crops in addition to cereal grains, grass used for hay, lawns and turf including golf courses may be sold by licensed dealers to noncertified applicators if the noncertified applicator signs the sales invoice or sales slip indicating that the pesticide will not be applied to cereal grains, grass used for hay, lawns and turf including golf courses.

NEW SECTION

WAC 16-228-1237 What are the restrictions on the use of pesticides containing the active ingredient clopyralid when labeled for use on lawns and turf including golf courses? In addition to the restrictions placed on the product label, pesticides containing the active ingredient clopyralid cannot be applied to lawns and turf including golf courses without complying with the requirements in WAC 16-228-12371 or ~~16-228-1238~~.

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NEW SECTION

WAC 16-228-12371 What requirements affect the use of pesticides containing the active ingredient clopyralid on golf courses? (1) When labeled for use on lawns and turf including golf courses, pesticides containing the active ingredient clopyralid may be applied on golf courses if no grass clippings, leaves or other vegetation are removed from the site and placed in composting facilities that provide product to the public.

(2) Before applying pesticides containing the active ingredient clopyralid on a golf course, the commercial applicator must give written notification to the appropriate grounds keeping personnel that no grass clippings, leaves or other vegetation may be removed from the site and placed in composting facilities that provide product to the public.