



**MEMORANDUM**

Date: January 31, 2003

To: Dennis W. Cooper, Code Reviser  
Marty Brown, OFM Director  
Joint Administrative Rules Review Committee

Agency Rule Coordinators:  
Department of Corrections  
Department of Ecology  
Department of Fish and Wildlife  
Department of Health  
Department of Labor and Industries  
Department of Natural Resources  
Washington State Parks and Recreation Commission  
Department of Social and Health Services  
Department of Transportation

From: *GH* George Huffman, Rules Coordinator  
Washington State Department of Agriculture  
P. O. Box 42560  
Olympia, WA 98504-2560  
Phone: 902-1802

Re: **Semi-Annual Rules Development Agenda**  
(January 1, 2003 to June 30, 2003)

Attached is the Department of Agriculture's semi-annual rules development agenda for the period January 1, 2003 through June 30, 2003, which is being sent to you in compliance with RCW 34.05.314.

If you have any questions, please call me at (360) 902-1802 or e-mail me at [ghuffman@agr.wa.gov](mailto:ghuffman@agr.wa.gov)

Attachment

CODE REVISER'S OFFICE STATE OF WASHINGTON FILED	
JAN 31 2003	
TIME	802
WSR	0304-068
	AM PM

**Washington State Department of Agriculture  
Semi-Annual Rules Agenda, January 1, 2003 – June 30, 2003**  
P.O. Box 42560, Olympia, WA 98504-2560

WAC Number                      Rule Title                      Agency Contact                      Tentative Timeline                      Subject of Rulemaking

CR-101                      CR-102                      CR-103

Pesticide Management Division	Rule Title	Agency Contact	Tentative Timeline	Subject of Rulemaking		
WAC 16-228-1231	State restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only.	Ted Maxwell, Program Manager Pesticide Management Division Phone: 360-902-2026	1-6-02	1-2-03	2-11-03	WSDA proposes to amend WAC 16-228-1231 (2) to add pesticide products labeled only for "home and garden aquatic use for control of mosquito larvae" to the list of list of products that are exempt from "State Restricted Use" status.
WAC 16-228-1460	Experimental use permits.	Ted Maxwell, Program Manager Pesticide Management Division Phone: 360-902-2026	9-4-02	3-03	9-03	WAC 16-228-1460 will be amended to: <ul style="list-style-type: none"> <li>• Clarify the requirements and restrictions that apply to individual experimental use permits.</li> <li>• Expand the definition of "collective experimental use permits to include "organizations, pesticide registrants, or persons licensed by the department to conduct demonstration and research activities" on land they own or control.</li> <li>• Define the term "control."</li> <li>• Require that any unused experimental use pesticide that does not have a registered use in Washington State must be returned to the manufacturer or disposed of properly.</li> </ul>

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**CR-101**

**Tentative  
Timeline  
CR-102**

**CR-103**

**Subject of Rulemaking**

<b>esticide Management Division</b>	<b>Definitions</b>	<b>Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036</b>	<b>8-22-01</b>	<b>1-03</b>	<b>3-03</b>	<b>Amend the current definition of pesticide temporary field storage containers to allow containers of more than 2,500 gallons.</b>
<b>WAC 16-231-107</b>	<b>Application of pesticides in Franklin County— Restricted use pesticides.</b>	<b>Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036</b>	<b>2-5-03 (CR-105)</b>	<b>Expedited Adoption</b>	<b>4-8-03</b>	<b>Amendments will correct errors in the current rule: Areas 2B, 4 and 6 should be 2A, 4A and 6 in WAC 16- 231-107. In WAC 16-231-149, Area 2 should be 2A.</b>
<b>WAC 16-231-149</b>	<b>Restricted use herbicides—Franklin County—Area 2A.</b>					
<b>Thiamethoxam</b>	<b>Special restrictions may be placed upon pesticides containing the active ingredient thiamethoxam (Actara).</b>	<b>Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036</b>	<b>11-6-02</b>	<b>1-2-03</b>	<b>2-11-03</b>	<b>The department has received several reports of bee kills that appear to be related to the use of Actara (active ingredient - thiamethoxam) in pome fruits. The label restrictions for Actara do not appear to be adequate to prevent the occurrence of additional bee kills. Honeybees are essential for the pollination of pome fruits and need enhanced protection.</b>

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<p><b>Pesticide Management Division</b></p>						<p>WSDA is proposing the adoption of rules that restrict the use of thiamethoxam in pome fruits if the Actara label is not revised to provide adequate protection of pollinators. The department intends to repeal the rule when it and the registrant have determined that existing stocks of Actara have been exhausted.</p>
<p>Thiamethoxam (continued)</p>	<p>Special restrictions may be placed upon pesticides containing the active ingredient thiamethoxam (Actara).</p>	<p>Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036</p>	<p>11-6-02</p>	<p>1-2-03</p>	<p>2-11-03</p>	<p>WSDA is not currently considering any restrictions which would prohibit the use of Actara, rather restrictions are being considered which will allow the use of Actara while at the same time provide adequate protection for pollinators.</p>
<p><b>Plant Protection Division</b></p>						
<p>Chapter 16-321 WAC</p>	<p>Grass Sod – Certification Standards</p>	<p>Tom Wessels, Program Manager Plant Services Phone: 360-902-1984</p>	<p>1-22-03 (CR-105)</p>	<p>Expedited Repeal</p>	<p>3-25-03</p>	<p>Repeal a rule chapter that is neither used nor wanted by industry. Repeal of this chapter will not impair the health, welfare or safety of Washington's citizens.</p>

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<b>Plant Protection Division</b>						
Chapter 16-401 WAC, excluding WAC 16-401-050 (Annual assessment-Fruit tree material)	Nursery Inspection Fees	Tom Wessels, Program Manager Plant Services Phone: 360-902-1984	11-20-02	3-19-03	5-29-03	Propose increasing nursery inspection fees by 2003 fiscal inspection rate factor (3.29%) effective 6-30-03 and by 2004 factor (3.20%) effective 7-1-03. These fees fund the nursery inspection program and allow plant services staff to provide requested services to the industry. These services include phytosanitary certification for shipping nursery stock. An increase in applicable rates and charges and in miscellaneous charges equal or less than the fiscal growth factor is necessary to offset increased operational expenses.
16-401-060	Annual assessment- Grapevines	Tom Wessels, Program Manager Plant Services Phone: 360-902-1984	7-3-02	1-22-03	3-03	New section. Rule making resulting from amendments to chapter 15.13 RCW authorizing the department to collect an assessment on grapevine nursery stock sold in the state and establish the assessment rate in rule.

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<b>ant Protection Division</b>						
WAC 16-470-900 through WAC 16-470-921	Plant pest detection, testing and inspection fees and documentation	Tom Wessels, Program Manager Plant Services Phone: 360-902-1984	11-20-02	3-19-03	5-29-03	Propose increasing plant pest detection, testing and inspection fees and documentation by 2003 fiscal growth rate factor (3.29%) effective 6-30-03 and by 2004 factor (3.20%) effective 7-1-03. These fees fund inspection and plant pathology testing of agriculture products for phytosanitary certification. The plant protection division provides these services on a fee for services basis. An increase in applicable rates and charges and in miscellaneous charges equal to or less than the fiscal growth factor is necessary to offset increased program operating expenses. Repeal rule sections that are anachronistic and unnecessary.
WAC 16-465-001 and WAC 16-465-060	Promulgation Effective date	Tom Wessels, Program Manager Plant Services Phone: 360-902-1984	12-19-02 (CR-105)	Expedited Repeal	2-19-03	

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<b>Plant Protection Division</b>						
WAC 16-328-010	Strawberry plant certification fees.	Tom Wessels, Program Manager Plant Services Phone: 360-902-1984	1-22-03	3-19-03	5-29-03	Department proposes to repeal WAC 16-328-010 and amend WAC 16-328-011 to increase fees for fiscal years 2003 and 2004 by the fiscal growth rate factors for those years. The fiscal growth rate factor for 2003 is 3.29% and for 2004 it is 3.2%. The fee increases are necessary to cover the increased cost of providing Plant Services Program services to the industry.
WAC 16-328-011	Strawberry plant certification fees.					
WAC 16-333-040	Caneberry certification fees effective June 30, 2001.	Tom Wessels, Program Manager Plant Services Phone: 360-902-1984	1-22-03	3-19-03	5-29-03	Department proposes to repeal WAC 16-333-040 and amend WAC 16-333-041 to increase fees for fiscal years 2003 and 2004 by the fiscal growth rate factors for those years. The fiscal growth rate factor for 2003 is 3.29% and for 2004 it is 3.2%. The fee increases are necessary to cover the increased cost of providing Plant Services Program services to the industry.
WAC 16-333-041	Caneberry certification fees effective July 1, 2001.					

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<b>Plant Protection Division</b>						
Chapter 16-657 WAC	Retail Pricing of Motor and Heating Fuel	Jerry Buendel, Program Manager Weights and Measures Phone: 360-902-1856	1-22-03	4-23-03	6-03	Executive Order 97-02 review of chapter 16-657 WAC with possible revisions based upon industry recommendations.
Chapter 16-659 WAC	Weights and Measures- Liquefied Petroleum Gas	Jerry Buendel, Program Manager Weights and Measures Phone: 360-902-1856	1-22-03	4-23-03	6-03	Executive Order 97-02 review of chapter 16-659 WAC with possible revisions based upon industry recommendations.
Chapter 16-662 WAC	Weights and Measures- National Handbooks	Jerry Buendel, Program Manager Weights and Measures Phone: 360-902-1856	1-22-03 (CR-105)	Expedited Adoption	3-25-03	Update references to reflect current national handbooks and amend WAC 16-662-110(1)(a) to comply with national standards.
<b>Food Safety, Animal Health and Consumer Services Division</b>						
Chapter 16-100 WAC	Refrigerated Locker Establishments- Recording Thermometers	Claudia Coles, Program Manager Food Safety, Animal Health and Consumer Services Phone: 360-902-1905	2-5-03 (CR-105)	Expedited Repeat	4-22-03	Repeat a rule chapter that is no longer needed.



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<b>Food Safety, Animal Health and Consumer Services Division</b>							
Chapter 16-600 WAC	Honey	Claudia Coles, Program Manager Food Safety, Animal Health and Consumer Services Phone: 360-902-1905	2-5-03 (CR-105)	Expedited Repeal	4-22-03	Repeal a rule chapter that is no longer needed.	
WAC 16-720-001	Promulgation	Claudia Coles, Program Manager Food Safety, Animal Health and Consumer Services Phone: 360-902-1905	2-5-03 (CR-105)	Expedited Repeal	4-22-03	Repeal a rule section that is unnecessary.	
<b>Agency Operations Division</b>							
Chapter 16-06 WAC	Public Records	Dannie McQueen, Program Manager Administrative Regulations Program Agency Operations Division Phone: 360-902-1809	1-22-03	7-23-03	9-17-03	As part of the department's ongoing rule review under Executive Order 97-02, the department plans to amend WAC 16-06, procedural rules for the disclosure of public records. Department proposed amendments will update the chapter to reflect the department's current organizational structure as required by RCW 42.17.250(1)(a). Updating WAC 16-06 will help individuals to identify the department program that is the official holder of public records being sought.	

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<b>Commodity Inspection Division</b>						
Chapter 16-449 WAC	Washington Controlled Atmosphere Storage Requirements for Winter Pears	Jim Quigley, Program Manager Commodity Inspection Division Phone: 360-902-1883	8-7-02	3-19-03	5-1-03	Combine the three chapters into one chapter containing the controlled atmosphere requirements for fruits and vegetables.
Chapter 16-459 WAC	Controlled Atmosphere Storage					
Chapter 16-690 WAC	Fruit Storage	Graydon Robinson, Program Manager WSDA Seed Program 21 North 1 <sup>st</sup> Avenue, Suite 203 Yakima, WA 98902 Telephone: (509) 225-2630 FAX: (509) 454-4395	11-4-02	12-31-02	2-19-03	Proposed fee increases requested by industry to increase seed certification fees for forest reproductive material. The increases are within the fiscal growth rate factor and are necessary to cover the current cost of operating the portion of the seed certification program delegated by the director to the Washington Crop Improvement Association
WAC 16-319-041	Application for forest certification of material reproductive material	Keith Pfeifer, Manager Washington State Crop Improvement Association 414 South 46 <sup>th</sup> Avenue Yakima, WA 98908 Telephone: (509) 966-2234 FAX: (509) 966-2494				

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<b>Commodity Inspection Division</b>					
WAC 16-303-340	Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains	Graydon Robinson, Program Manager WSDA Seed Program 21 North 1 <sup>st</sup> Avenue, Suite 203 Yakima, WA 98902 Telephone: (509) 225-2630 FAX: (509) 454-4395  Keith Pfeifer, Manager Washington State Crop Improvement Association 414 South 46 <sup>th</sup> Avenue Yakima, WA 98908 Telephone: (509) 966-2234 FAX: (509) 966-2494	11-4-02	12-31-02	2-19-03
					Proposed fee increases requested by industry. The increases are within the fiscal growth rate factor and are necessary to cover the current cost of operating the portion of the seed certification program delegated by the director to the Washington Crop Improvement Association

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<b>ommodity inspection Division</b>					
WAC 16-303-200	Seed program testing fees	Graydon Robinson, Program Manager	1-1-4-02	1-22-03	Proposed fee increases within the fiscal growth rate factor for fiscal year 2003 (3.29%). The increases are necessary to assure that the fees charged for seed program services are sufficient to recover operating costs.
WAC 16-303-210	Fees for special seed tests	WSDA Seed Program 21 North 1 <sup>st</sup> Avenue, Suite 203 Yakima, WA 98902			
WAC 16-303-230	Official seed sampling or similar service	Telephone: (509) 225-2630 FAX: (509) 454-4395			
WAC 16-303-250	Miscellaneous charges for seed services				
WAC 16-303-300	Phytosanitary certification of seed-Fees				
WAC 16-303-310	Organization for economic cooperation and development scheme for varietal certification (OECD) fees				
WAC 16-303-317	Annual and rough bluegrass quarantine fees				
WAC 16-303-320	Certification fees for seed certified by the department except grasses				
WAC 16-303-330	Certification fees for grass seed				

George Huffman, Rules Coordinator