



# RULE-MAKING ORDER

## CR-103 (12/31/00)

### (RCW 34.05.360)

**Agency:** Washington State Department of Agriculture

- Permanent Rule**
- Emergency Rule**
- Expedited Repeal**

**(1) Date of adoption:** February 11, 2003

**(2) Purpose:** The adopted rules are intended to provide enhanced protection for honeybees when used to pollinate pome fruits which have been treated with products containing the active ingredient thiamethoxam.

**(3) Citation of existing rules affected by this order:** New sections 16-228-1262, 1264 and 1266.

**Repealed:**  
**Amended:**  
**Suspended:**

**(4) Statutory authority for adoption:** RCW 15.58.040, RCW 17.21.030 and 34.05 RCW

**Other authority:**

#### PERMANENT RULE ONLY

Adopted under notice filed as WSR 03-02-098 on January 2, 2003 (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:**

- |  |  |
|--|--|
| <b>Permanent Rules</b>                                   | <b>Emergency Rules</b>                       |
| <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)**  
 VALORIA LOVELAND

**SIGNATURE**

**TITLE** DIRECTOR      **DATE** 2/11/03

#### CODE REVISER USE ONLY

FEB 11 2003

2:43 PM

03-05-033

APR 11 2003

**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>3</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>3</u>	Amended	___	Repealed	___

NEW SECTION

**WAC 16-228-1262** When are pesticides containing the active ingredient thiamethoxam restricted use pesticides? Pesticides containing the active ingredient thiamethoxam are declared to be restricted use pesticides when labeled for use on pome fruits, including apples and pears,

NEW SECTION

**WAC 16-228-1264** What are the restrictions on the use of pesticides containing the active ingredient thiamethoxam when labeled for use on pome fruits, including apples and pears? In addition to the restrictions placed on the product label, pesticides containing the active ingredient thiamethoxam cannot be applied to pome fruits, including apples and pears, without complying with the requirements in WAC 16-228-1266.

NEW SECTION

**WAC 16-228-1266** What requirements must I comply with before making an application of a pesticide containing the active ingredient thiamethoxam to pome fruits, including apples and pears? Before applying thiamethoxam to pome fruits, including apples and pears, you must comply with the following requirements:

(1) For product labeled for use on **apples**, apply thiamethoxam prior to prebloom (prepink or tight cluster growth stage) or after post bloom (petal fall). Do not apply thiamethoxam between prebloom and petal fall.

(2) For **pears**, apply thiamethoxam prior to prebloom (green cluster or cluster bud stage) or after post bloom (petal fall). Do not apply thiamethoxam between prebloom and petal fall.

(3) Do not apply thiamethoxam to blooming plants or allow it to drift onto blooming plants. This is especially critical if there are adjacent orchards that are blooming. (Refer to recommendations to avoid spray drift on the product label for additional information.)

(4) After an application of thiamethoxam, wait at least five days before placing the beehives in the treated orchard.

(5) If bees are foraging in the orchard ground cover and it contains any blooming plants or weeds, always remove flowers before making an application of thiamethoxam. This may be accomplished by mowing, disking, mulching, flailing or applying a labeled herbicide.