

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 998

Supersedes Orders No. 862 and 932

Effective January 10, 1966



PESTICIDE REGULATIONS

I, Donald W. Moos, Director of Agriculture, by virtue of the authority vested to me under Chapter 15.57 and 17.21 RCW, after due notice as provided under Chapter 34.04 and 42.32 RCW, and a public hearing held in Yakima, Washington on December 1, 1965, do promulgate the following regulations relating to the registration, labeling, formulation, distribution, and sale of any agricultural pesticide and declaring certain pesticides to be restricted use pesticides.

Regulation 1. Definitions

Dry Pesticide - Any granular, pelleted, dust, or wettable powder pesticide.

Custom Mix - A mixture of pesticides and/or pesticide materials, each batch of which is mixed according to the specific instructions of the final purchaser.

Pesticide Dealer - Any person engaged in the business of selling, offering for sale, or holding for sale any pesticides in commercial quantities or highly toxic pesticides in any amount. This definition is subject to the provisions stated in Section 15.57.090 of the Washington Pesticide Act 15.57 RCW.

Pesticide-Fertilizer Mix - A mixture of a pesticide or pesticides and a fertilizer.

Fertilizer - As included in this Order means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

Bulk Fertilizer - A commercial fertilizer, agricultural mineral, or lime, distributed in a non-packaged form.

LD₅₀ - For the purpose of this Order the term LD₅₀ will refer to the acute oral median lethal dose which is computed as the quantity of the pesticide, in milligrams of the toxicant per kilogram of animal body weight (usually rats), that is required to kill 50 per cent of the animals tested. Values used are taken from the AAPCO Compendium when available.

Regulation 2. Registration Requirements - Disinfectants and Sterilizers.

- a. Germicides, disinfectants, or sterilizers to be used in stables, dairies, creameries, poultry houses and runs, etc., or for general agricultural and related uses are subject to registration under the Washington Pesticide Act.
- b. Germicides, disinfectants, or sterilizers for use in hospitals, public swimming pools, on glassware in public establishments, or dental, or purely medicinal uses, and other public health uses outside the field of agriculture and related activities

16-277

are not subject to registration under the Washington Pesticide Act if the label and claims do not exceed these boundaries.

- c. A product claimed, represented, and intended solely as a deodorizer or deodorant, or as a cleansing agent, is not considered to be a pesticide: Provided, That it is not labeled for a pesticide use.

Regulation 3. Label Requirements

a. Ingredient Statement

- (1) The ingredient statement must run parallel with other printed matter on the label, must not be obscure or crowded, and must be on a clear and contrasting background.
- (2) The common name of the active ingredient or, in case there is no well-known common name, the correct chemical name shall be used. Acceptable common names shall be those approved by the American Standards Association Section Committee on Common Names for Pest Control Chemicals and accepted by the U. S. Department of Agriculture and approved by the Director. When no such name has been accepted and the chemical composition is so complex that a common name cannot be readily derived, then the Director may permit use of a new or coined name which he finds to be appropriate for the information and protection for the user.
- (3) In specific circumstances the Director may approve negative ingredient guarantees; Provided, that the color, size print, or position of such statements on the label would not be more prominent than other guarantee statements or recommendations for use. This section shall apply as well to advertising material.

b. Directions For Use

- (1) Directions for use on the label shall include, but not be limited to, a list of the pests to be controlled, the crops, plants, lands, or locations on which the pesticide is to be used, and the amount recommended. A supplemental or revised list may be submitted for consideration during the registration year. No claims shall be made for control of any agricultural pest not included on a registered label or list.
- (2) Brochures and other advertising claims must conform with registered label information.

c. Warning and Caution Statements

- (1) The determination as to caution, antidote statements, and toxicity of materials will be based on Federal regulations except where no information is contained in the Federal regulations, or where circumstances existing in the State of Washington require that greater caution be exercised.
- (2) Four general categories of toxicity of economic poisons are recognized:

- (a) The first is the highly toxic class, (formulations with LD₅₀ of less than 50). Highly toxic pesticides are required to be labeled with the skull and crossbones and the word Poison (in red) on a contrasting background, and an antidote statement. The antidote statement shall include the sentence, "Call a Physician Immediately." In addition, the label shall carry a warning or caution statement which should include the word Danger and instructions for handling to reduce chances of injury in use.
 - (b) The second class, immediately below the highly toxic, in general includes pesticides having toxicities down to one-tenth those of the highly toxic class, (formulations with LD₅₀ of approximately 50-500). Labels of products which fall in the second class shall carry a warning or caution statement which should include the word Warning and statements equivalent to those required for highly toxic pesticides, but they do not need to bear the skull and crossbones, the word "Poison", or an antidote statement.
 - (c) The third class, includes pesticides, having hazards below class two, which still require some cautions and usually includes toxicities down to about one-tenth of those in class two, (formulations with LD₅₀ of approximately 500-5000). Labels of products in the third class shall carry a warning or caution statement which should include the word Caution, and statements indicating the means of avoiding the principal hazards of use. Use of the skull and crossbones, the word "Poison", and antidote statements are not necessary for these products.
 - (d) The fourth class is comparatively free from danger. No warning, caution, or antidote statements are required for the few pesticides in the fourth class, although unqualified claims for safety are usually not justified.
- (3) No registrations of pesticides sold for home or garden use will be accepted if the labeling bears statements such as "Safe", "Non-Toxic", "Non-Poisonous", or similar wording, unless it is followed immediately by the wording "When used as directed", in the same style and size of print as the words "Safe", "Non-Toxic", "Non-Poisonous".

Regulation 4. Artificial Coloring

- a. No pesticide in powdered or granular form, containing any material of sufficient toxicity to necessitate the use of a skull and crossbones on the label and having a label recommendation for use in any building, ship, or similar enclosure shall be sold within the State of Washington unless it is distinctly colored or discolored in such a way that it does not resemble any white powdered or granulated food.

- b. A pesticide in liquid form with colors resembling a beverage or liquid food, which does not have distinctive odor, shall have an odorous substance added that is distinctly different from any beverage or liquid food.

Regulation 5. Prohibits Certain Arsenic Uses

A pesticide containing arsenic or a compound thereof for applications to furnishings for living quarters, or clothing or other fabrics shall not be registered, and its sale shall not be permitted.

Regulation 6. Spray Oils

The labels for spray oils shall show the guaranteed minimum percent of actual petroleum oil and the minimum guaranteed percent of unsulfonated residue.

Regulation 7. Exemptions for Experimental Uses.

- a. These regulations shall not apply to the manufacturer or shipper of a pesticide for experimental use only, and which is to be used under supervision of a state agency, or of the Federal Government, or by others authorized to do experimental work if the label on the container is plainly and conspicuously marked FOR EXPERIMENTAL USE ONLY - NOT TO BE SOLD, has the manufacturer's name and address provided, has the manufacturer's identification and/or code number of contents, and contains such precautions as are known to be necessary to protect the health of persons who may come in contact with the pesticide.
- b. Pesticides for experimental use may be sold if a written permit has been obtained from the Director and the pesticides are sold for experimental purposes subject to restrictions and conditions described in the permit. Formulations for mixtures of pesticides which are sold and are already registered in other dilutions or mixtures shall not be considered experimental and shall not be exempt from registration as experimental materials.

Regulation 8. Custom Mixes.

- a. Any manufacturer of pesticides having mixing and/or manufacturing facilities within the State of Washington desiring to formulate and/or sell Custom Mix pesticides, including pesticide-fertilizer custom mixes, must secure written permission from the Department. The request for this permission must be accompanied by custom mix label forms. A separate label form must be submitted for each pesticide for which different antidotes and precautionary statements are required to conform with label requirements. The Custom Mix label forms submitted for approval may have the following information left blank:
 - (1) The name of the person for whom the mix is being manufactured.
 - (2) Ingredient Statement
 - (3) Directions for Use
 - (4) Minimum days from application to harvest

- (5) Date Custom Mix is manufactured
 - (6) Net Weight Statement
- b. A registered pesticide custom mix label must be attached to each pesticide custom mix container and shall contain but not be limited to the following information:
- (1) Brand Name followed by the words "Custom Mix"
 - (2) The name of the person for whom the mix is being manufactured.
 - (3) Ingredient Statement (per cent by weight)
 - (4) Directions for Use shall include the pest/s to be controlled, crop/s to which the pesticide is to be applied, and the recommended dosage.
 - (5) Use Precautions shall include the minimum number of days prior to harvest that the pesticide/s may be applied or similar information to prevent residues in excess of tolerances established under the Federal Food, Drug and Cosmetic Act or Chapter 69.04 RCW, the Uniform Washington Food, Drug, and Cosmetic Act, if applicable.
 - (6) A Warning Statement
 - (7) Date Custom Mix is manufactured
 - (8) Net Weight Statement
 - (9) Name of Manufacturer and/or Registrant
- c. Each pesticide custom mix containing different active ingredients and/or percentages must be registered with the Department forthwith: Provided, That such registration may be to the nearest 0.1% of active ingredient/s. An approved label form containing required label information filled in, must be submitted with the registration application; Provided, That when more than one customer specifies the same specific pesticide custom mix formulation, that registered custom mix label need not be re-registered. However, a copy of each custom mix label for different crops or uses must be submitted to the Department.
- d. The fertilizer portion of a pesticide-fertilizer custom mix shall be considered an inert ingredient for the purposes of this Order. A pesticide-fertilizer custom mix label may also contain the fertilizer labeling information as required in the Washington Fertilizer Act.
- e. A copy of each invoice shall be supplied to the purchaser and a duplicate copy maintained in the manufacturer's file for at least six months following delivery.
- f. Any violation of this regulation may be cause for cancellation of written permission for use of custom mix labels.

Regulation 9. Pesticide-Fertilizer Registration and Labeling

- a. Each pesticide-fertilizer mix containing different active pesticide ingredients and/or percentages must be registered with the Department; Provided, That the fertilizer portion shall be considered an inert ingredient for the purposes of this Order.
- b. A registered pesticide label must be attached to each pesticide-fertilizer mix container.
- c. A pesticide-fertilizer label may also contain the fertilizer labeling information as required in the Washington Fertilizer Act.

Regulation 10. Pesticide-Fertilizer Mix Restrictions

No person shall distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix.

Regulation 11. Adequate Containers.

Containers, i.e. packages, cartons, bags, cans, barrels, bins, etc., in which pesticides are sold, offered for sale, or transported within the State of Washington shall be of sufficient strength and of such construction as to alleviate danger of spillage or breakage. Pesticides found to be packaged in unsafe containers may be seized and impounded.

Regulation 12. Sale or Possession of Thallium and Sodium Fluoracetate.

- a. No person shall possess or use sodium fluoracetate except Federal, state, county, or municipal officers or their employees for use in their official duties in pest control; research or chemical laboratories in their respective fields; pest control operators licensed by the state, or a county, or municipality for use in their own service work; and wholesalers or jobbers of pesticides for sale to the aforementioned persons, or for export.
- b. No person shall possess or use thallium or thallium compounds except Federal, state, county, or municipal officers or their employees for use in their official duties in pest control; research or chemical laboratories in their respective fields; pest control operators licensed by the state, or a county, or municipality for use in their own service work; and wholesalers or jobbers of pesticides for sale to the aforementioned persons, or for export. Labels for these pesticides must bear a clear and prominent warning against sale to the general public and a statement that the pesticide is for use by government agencies only.

Regulation 13. Pesticide Dealers' Responsibilities.

- a. Pesticide dealers and their employees shall not make a pesticide recommendation or give advice that would violate Federal or Washington State pure food and drug laws, violate the approved labeled use or approved USDA or Washington State registration for that pesticide, or would endanger the general public, the customer, livestock, crops, or the property of others.

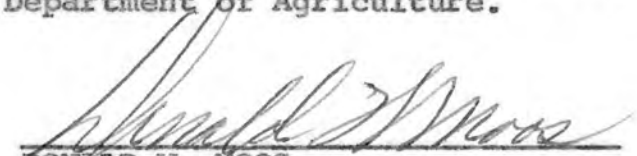
- b. Pesticides must be handled, stocked and sold in a manner such as to reasonably insure the protection of the public and feed and foodstuffs that may be sold from the same outlet as the pesticides. Toxicities of pesticides shall be considered in storage, handling, and merchandising practices.

Regulation 14. Restricted Use Pesticides and Labeling Requirements

- a. The following pesticides are hereby declared to be restricted use pesticides in the State of Washington. The following pesticides will be registered only when manufactured, labeled, delivered, distributed, sold, or held for sale for use by commercial producers and/or commercial applicators experienced in the application of pesticides. Such pesticides shall not, under any circumstances be registered for sale or distribution if labeled for home or garden use:
- (1) Castrix
 - (2) Delnav (25.1 per cent and above)
 - (3) DiNitro-O-Cresol (DNOC)
 - (4) DiNitro-O-Sec Butyl Phenol (DNOSBP)
 - (5) DiSystem (2.1 per cent and above)
 - (6) Endothal (20 per cent and above)
 - (7) Endrin (2.5 per cent and above)
 - (8) EPN
 - (9) Ethion (26 per cent and above)
 - (10) Guthion (16 per cent and above)
 - (11) Methyl Demeton (Meta Systox) (25 per cent and above)
 - (12) Methyl Parathion
 - (13) OMPA (Schradan)
 - (14) Parathion
 - (15) Phosdrin
 - (16) Phosphamidon
 - (17) PMA - Phenyl Mercuric Acetate (1.5 per cent and above)
 - (18) Sodium Arsenite
 - (19) Sodium Selanate
 - (20) Strychnine and its salts (Strychnine Alkaloid 1.1 per cent and above)
 - (21) Systox (Demeton)
 - (22) TEPP
 - (23) Thimet
 - (24) Trithion (liquid and wettable powder 26 per cent and above, granular and dust 11 per cent and above)
 - (25) Zinophos
 - (26) All high volatile ester formulations of 2,4-D, 2,4,5-T, and MCP as defined in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide and Rodenticide Act (see Subsection b).
- b. Pesticide Dealers selling the high volatile ester formulations of 2,4-D, 2,4,5-T, and MCP in broken case lots, containing packages of one gallon or less, must maintain a ledger which shall be signed by any purchaser of such high volatile esters showing that such purchaser is a commercial producer or commercial applicator and that such high volatile esters will not be used for home and garden purposes. This ledger must contain the following: specific name of the pesticide,

amount purchased, date of purchase, and name and address of purchaser. The Director of Agriculture shall have access to these records at any reasonable time.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated by the Department of Agriculture.



DONALD W. MOOS
Director of Agriculture
State of Washington

Signed at Olympia, Washington

DATED: _____