

ORDER NUMBER 725 previously in effect, pursuant to a law repealed by the 1961 Legislature and pertaining to economic poisons regulations is hereby adopted as an emergency order pursuant to those laws which shall become effective June 8, 1961; specifically Chapter 244, Laws of 1961 and which replace the laws under which this order previously existed. This is necessary for the immediate preservation of the economic health and general welfare. It is necessary that the order become effective immediately to provide the transition of the old and new law in that Chapter 244 does not allow time for the usual hearing procedures for this order to become effective.

I hereby certify that the attached order is a true and correct copy of that order adopted by the Department of Agriculture.


Joe Dwyer, Director

Dated this 8th day of June, 1961.

STATE OF WASHINGTON
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P. Jensen

Order 862 supersedes Order 725. See File

Docket 354, filed 8/14/61.

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
Sverre N. Omdahl, Director

Olympia

ORDER NO. 725

(Supersedes Order No. 427)

ECONOMIC POISONS REGULATIONS

Regulation 1. Registration Requirements

Sec. 1. Application

Applications for registration of Economic Poisons shall be made on official forms and a copy of the label or labels and all other written or graphic material used on or attached to the containers shall be attached and made a part of the application for registration.

Sec. 2. Brands

1. A brand, brand name, or trademark, already registered as an economic poison in the State of Washington shall not be registered by a second person or firm. Brand names registered during the year prior to the one for which application is under consideration will be considered to be the property of the original registrant until 30 days have been allowed for re-registration following expiration of the license.
2. In brand names or in describing products, no names or phrases shall be used which are technically or chemically incorrect or misleading, or which are incomplete in such a way as to be misleading as determined by the Director of the Department of Agriculture.
3. To change the label for a registered material, it shall be necessary to submit an affidavit stating that material under the former label will no longer be on the market beyond a reasonable minimum of time necessary to dispose of existing stock and a copy of the new label shall be submitted with the affidavit. Anytime there is a change in the quantity of active ingredient, i.e. composition of the product, it shall be construed as being a new product within the meaning of these regulations.

Sec. 3. Disinfectants and Sterilizers (Not Economic Poisons)

1. Germicides, disinfectants, or chemical sterilizers to be used in stables, dairies, creameries, poultry runs and houses and for general agricultural and related uses are not registered under the Economic Poisons law.

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2. Germicides, disinfectants, or sterilizers for hospitals, dental, tonsorial, or purely medicinal uses; or for use in swimming pools or on glassware in drinking establishments, or for other public health uses outside the field of agriculture and related activities, if the label and claims do not exceed these boundaries, are not registered under the Economic Poisons law.
3. A product claimed, represented, and intended solely as a deodorizer or deodorant, or as a cleansing agent, is not considered to be an economic poison.

Regulation 2. Label Requirement

Sec. 1. Ingredient Statement

1. The name and percentage of each active ingredient, together with a total percentage of inert ingredients in the economic poison, must be shown on the label if the preparation is of sufficient toxicity to man to necessitate a warning or cautionary statement.
2. The ingredient statement must run parallel with other printed matter on the label, must be on a clear, contrasting background and must not be obscured or crowded.
3. The common name of the 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. When no such name has been accepted and the chemical composition is so complex that it 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 of the user.

Sec. 2. Use Claims

1. A list of the type of pests for the control of which each economic poison is to be recommended shall be stated on the label. At any time a supplemental or revised list may be submitted for consideration. No claims shall be made for control of any pest not included on an acceptable label or list.
2. Brochures and other advertising claims must conform with those claims listed on the label.

Sec. 3. Warning Statements

1. The label of each economic poison containing any substance highly toxic to man as determined by the Director shall bear a SKULL AND CROSSBONES and the word POISON all printed in red on a background of distinctly contrasting color or in white letters on a red background.
2. Proper antidotal statement including the sentence CALL A PHYSICIAN IMMEDIATELY shall be included on labels of highly toxic materials.

3. The word WARNING and instructions for handling so as to reduce chances of injury shall be included on labels of highly toxic materials. In general warning, caution and antidote statements should conform to requirements of the United States Department of Agriculture, Plant Pest Control Branch. The determination as to caution, antidotal 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, the Director may require such statements as are necessary to protect the health and welfare of the people of the State.

Regulation 3. Reference to the Department

Sec. 1.

On a label of an economic poison, no reference shall be made to the State Department of Agriculture, or to any other agency of State Government. This, however, is not to be construed to mean that statements such as "For more specific recommendations, consult your local agricultural authorities" or similar statements will be disallowed.

Sec. 2.

Registration of any economic poison by the State Department of Agriculture shall not be construed as an endorsement of that product.

Regulation 4. Artificial Coloring

Sec. 1.

No economic poison in powdered form, toxic to man according to the State of Washington Pharmacy Law, 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 food.

Sec. 2.

Any economic poison in liquid form with colors resembling whiskey, wine or other beverage, which does not have a distinctive odor, shall have an odorous substance added that is distinctly different from any beverage.

Regulation 5. Prohibits Certain Arsenic Uses

Sec. 1.

An economic poison containing arsenic or a compound thereof for application to furnishings for living quarters, or clothing, or other fabrics, shall not be registered and its sale shall not be permitted.

Regulation 6. Foliage Oils

Sec. 1.

The labels of horticultural spray oils for summer use shall show the guaranteed minimum percent of actual petroleum oil, the minimum guaranteed percent of unsulfonated residue, and the guaranteed classification of the oil. The classification of petroleum summer spray oils shall include:

- a. LIGHT, which shall distill over between 64 to 79% of the oil at 636° F. at 760 mm. pressure.
- b. LIGHT MEDIUM, which shall distill over 52 to 61% of the oil at 636° F. at 760 mm. pressure.
- c. MEDIUM, which shall distill over 40 to 49% of the oil at 636° F. at 760 mm. pressure.
- d. With any oil not falling into the preceding classes the temperature (plus or minus 7° F.) at which the first fifty (50) percent of the oil shall distill, shall be guaranteed.

The percentage of oil distilling at 636° F. shall be determined by the A.S.T.M. method of analysis No. D 447-41, and the unsulfonated residue shall be determined by A.S.T.M. method of analysis No. D 483-40, or these determinations shall be made by the most recent revisions of these methods which are available at the time the analysis is made.

Regulation 7. Exemptions for Experimental Uses

Sec. 1.

These regulations shall not apply to the manufacturer or shipper of an economic poison 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 container is plainly and conspicuously marked for EXPERIMENTAL USE ONLY - NOT TO BE SOLD, has the manufacturer's name and address provided and has such precautions included as are known to be necessary to protect the health of persons who may come in contact with the poison.

Sec. 2.

Economic poisons for experimental use may be sold if a written permit has been obtained from the Director and the poisons are sold for experimental purposes subject to restrictions and conditions described in the permit.

Regulation 8. Custom Mixes

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

Sec. 1.

Any manufacturer of economic poisons having mixing and/or manufacturing facilities within the State of Washington may submit forms to be used as custom mix labels and secure a permit from the Department in accordance with the following rules:

- a. Custom mix labels are to be conspicuously headed with the words CUSTOM MIX FOR ... (the name of the individual or firm for whom intended).
- b. The ingredient statement and the name of the individual or firm for whom the mix is being manufactured can be left blank on the label submitted to the Department for examination. A separate label, however, must be submitted for each pesticide for which different antidotes and precautionary statements are required to conform with those labeling requirements under Reg. 2, Sec. 3.
- c. The name of the consumer will suffice for use claims providing the crop and pest or pests upon which the material is to be used is listed with the name of the individual or firm for whom the material is manufactured. It is a further requirement that the crop and material listed and the time of year at which the custom mix label is submitted for registration should be such that it can be reasonably assumed that use on the crop listed will not cause a likelihood of residues in excess of tolerances established under the Federal Food, Drug and Cosmetic Act by the Secretary of the U. S. Department of Health, Education and Welfare.
- d. Each lot of economic poison prepared to the specification of the consumer must be registered with the Department, using a previously approved form label with the ingredient statement and consumer name filled in and to be submitted with the application. A copy of the invoice shall be supplied to the purchaser and a duplicate copy maintained in the manufacturer's file for at least six (6) months following delivery. Any violation may be cause to cancel permits for use of custom mix labels.

Regulation 9. Adequate Containers

Sec. 1.

Packages, i.e. containers, cartons, bags, cans, barrels etc., in which economic poisons 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 which would endanger public health. Economic poisons found to be packaged in unsafe containers will be seized and impounded.

Regulation 10. Sale of Thallium and Sodium Fluoroacetate

Sec. 1.

1. No person shall sell or possess any sodium fluoroacetate except federal, state, county, municipal officers or their deputies for use in their official duties in pest control; research or chemical laboratories in their respective fields; regularly licensed pest control operators for use in their own service work; and wholesalers or jobbers of pesticides for sale to the aforementioned persons, or for export.
2. No person shall sell or possess any thallium or thallium compound except federal, state, county, municipal officers or their deputies for use in their official duties in pest control; research or chemical laboratories in their respective fields; regularly licensed pest control operators for use in their own service work; properly registered ant poisons containing thallium expressed as metallic not more than 1%; wholesalers or jobbers of pesticides for sale to the aforementioned persons; or for export.

/s/ SVERRE N. OMDAHL

Sverre N. Omdahl, Director
Department of Agriculture
State of Washington

Dated at Olympia, Washington

October 14, 1955

TO BECOME EFFECTIVE JANUARY 1, 1956