

TRANSMITTAL OF RULES ADOPTED

FROM: AGRICULTURE
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 1220
Emergency rules

relating to (Name of rules or description of subject matter)

the essential uses and restrictions for the pesticides
DDT and DDD.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 3228 ① filed with the code reviser
on 11/1/71 ② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Wa. on 12/28/71 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be _____ ③

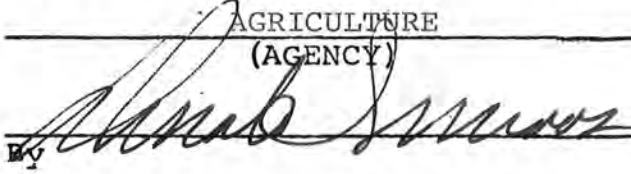
(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this 28th day of December 19 71

STATE OF WASHINGTON
FILED
DEC 28 1971
CODE REVISER'S OFFICE
KET.# 3847 FILE # 24

AGRICULTURE
(AGENCY)

Donald W. Moos
Title Director

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING: RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA
ORDER NO. 1220
(Amending Order No. 1157)
Effective January 27, 1972

AMD WAC 16-223-001 PROMULGATION. (This promulgation relates only to WAC 16-223-200 through WAC 16-223-250).

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 190, Laws of 1971, Extraordinary Session and 17.21 RCW, and due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, on November 22, 1971, do hereby promulgate the following regulations relating to essential uses of DDT and DDD for 1972.

AMD WAC 16-223-200 DEFINITION. Dichlorodiphenyltrichloroethane is hereinafter referred to as DDT. Dichlorodiphenyl-dichloroethane is hereinafter referred to as DDD.

AMD WAC 16-223-210 DECLARATION. Any pesticide formulations containing DDT and/or DDD are hereby declared to be "restricted use pesticides" in the state of Washington because of their persistent characteristics, as provided for in the Washington Pesticide Control Act, chapter 190, Laws of 1971, Extraordinary Session, New Section 3 (19) and the Washington Pesticide Application Act, chapter 17.21 RCW, Section 17.21.020 (21).

AMD WAC 16-223-220 ESSENTIAL USES OF DDT FOR 1972. The use and application of DDT shall be limited to those uses which have been declared as "essential uses" for the 1972 year, as provided for in Order No. 1137, WAC 16-223-040 (2). The following uses on crops are determined to be essential for commercial plantings only:

Caneberries & Blueberries	Various weevils, especially woods weevil <u>Nenocestes incomptus</u> and <u>obscure weevil, Sciopethes obscurus</u> .
Strawberries	Various weevils, especially woods weevil <u>Nenocestes incomptus</u> and <u>obscure weevil, Sciopethes obscurus</u> .
Ornamentals	Weevils, leaf miners, and European pine shoot moth.
Cranberries	Weevils and cutworms.
Stone fruits	Shot hole borer, climbing cutworms, and army worms.
Grapes	Cutworms, especially red back cutworm, <u>Euxoa ochrogaster</u> and <u>variegated cutworm, Peridroma saucia</u> .
Hops	Cutworms, loopers.

Potatoes	White grubs. To be used only on new land (not more than two years from virgin soil).
Dry Peas	Pea Weevil

PROVIDED, That uses in aquatic environments and adjacent areas may be permitted when determined by public health officials to be essential for the control of disease vectors, as provided for in Order No. 1137, WAC 16-223-060, AND PROVIDED FURTHER, That uses on humans for pediculoses (louse infestation) shall be allowed by doctors' prescription only, AND PROVIDED FURTHER, That uses on recreational vehicles for gypsy moth control shall be allowed when this use is determined to be essential for the U. S. Department of Agriculture to enforce the Federal Domestic Quarantine Order No. 45 which provides for the use of micronized DDT - Carbaryl dust to be applied by federal or state inspectors to the undercarriage of the vehicles using the following precautions:

1. A skirt shall be attached around the base of the vehicle to prevent the DDT dust from entering the atmosphere.
2. A protective tarpaulin shall be placed on the ground under the vehicle to prevent the DDT from contacting the ground during application.

NEW

WAC 16-223-221 ESSENTIAL USES OF DDD FOR 1972. The use and application of DDD shall be limited to those uses which have been declared as "essential uses" for the 1972 year as provided for in Order No. 1137, WAC 16-223-040 (2). The following use is determined to be essential for commercial plantings only:

Caneberries and blueberries	Orange tortrix, other leaf rollers, and western fruit worm.
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PROVIDED, That DDD shall not be sold or made available to any ultimate user unless such ultimate user has obtained a permit from the Department, and PROVIDED FURTHER, That the Department shall not issue permits in any area unless the Washington State University Extension Service has determined that there is an economic infestation in that area.

AMD

WAC 16-223-230 PESTICIDE DEALER LEDGER AND PESTICIDE APPLICATOR EXEMPTION. DDT and/or DDD products shall be sold only through outlets licensed as pesticide dealers as provided for in Order No. 1137, WAC 16-223-050. Effective January 1, 1972, no licensed dealer shall sell or distribute any formulation of DDT and/or DDD to any person without having such person first state in writing the following information on a ledger kept for such purposes and affixing his signature thereto:

- (a) Purchaser's name, address, and date of purchase.
- (b) Acreage and crop to be treated.
- (c) Pest to be controlled.
- (d) Rate of DDT and/or DDD formulation to be applied per acre.
- (e) Amount and formulation of DDT and/or DDD purchased.
- (f) Percent active ingredient of DDT and/or DDD.

PROVIDED, That a licensed pesticide applicator shall not be required to sign the ledger for purchase of DDT and/or DDD to be used by him in his operation as a pesticide applicator.

AMD

WAC 16-223-240 DEALER AND APPLICATOR REPORTS REQUIRED. (1) Licensed pesticide dealers shall submit to the State Department of Agriculture, Olympia, Washington, on January 15, 1972, a summation of the 1971 ledger information required in WAC 16-223-230 (b), (c), (e), and (f); and on July 15, 1972, and on January 15, 1973, a summation of the 1972 ledger information required in WAC 16-223-230 (b), (c), (e), and (f).


(2) Licensed pesticide applicators shall submit to the State Department of Agriculture, Olympia, Washington on January 15, 1972, a summation from their 1971 records of DDT and/or DDD applications similar information to that required in WAC 16-223-240 (1) on a form furnished by the Department and on July 15, 1972, and on January 15, 1973, a summation from their 1972 records of DDT and/or DDD applications similar information to that required in WAC 16-223-240 (1) on a form furnished by the Department.

AMD

WAC 16-223-250 RESTRICTED DISTRIBUTION. Effective January 1, 1972, no seller or any other person shall make available to any person any DDT and/or DDD if said person states that he intends to use such DDT and/or DDD in conflict with the essential uses as listed in WAC 16-223-220.

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

Signed at Olympia, Wa.
Date: December 28, 1971


DONALD W. MOOS
Director of Agriculture