

FROM: AGRICULTURE
(Name of Agency)

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

The enclosed Permanent rules , being order No. 's 1271 & 1272
Emergency rules
relating to (Name of rules or description of subject matter)

Essential uses of DDT and placing all purchases of
DDT on a permit basis.

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

pursuant to Notice No. 3479 ^① filed with the code reviser
on 5/10/72 ^② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Wa. on 6/7/72 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 7/16/72. ^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 7th day of June 19 72

STATE OF WASH. GTON
FILED
JUN -7 1972
CODE REVISER'S OFFICE
DUCKET # 4135 FILE # 25

AGRICULTURE
(AGENCY)
Cameron S. Adams
By _____
Cameron S. Adams
Acting Director

Title

- 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
Order No. 1271
(Supersedes Orders No. 1220 & 1261)
Effective July 16, 1972

NEW

WAC 16-223-004 PROMULGATION. (This promulgation relates to WAC 16-223-210 through 240 and Orders 1220 and 1261).

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.58 and 17.21 RCW, and due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Yakima, Washington, on June 2, 1972, do hereby promulgate the following regulations relating to essential uses of DDT and DDD for the balance of 1972.

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 15.58 RCW, Section 15.58.030(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 obscure weevil, <u>Sciopethes obscurus</u> .
Strawberries	Various weevils, especially woods weevil <u>Nenocestes incomptus</u> and obscure weevil, <u>Sciopethes obscurus</u> .
Ornamentals	Weevils, leaf miners, and European pine shoot moth.
Cranberries	Weevils and cutworms.
Stone Fruits	Shot hole borer, climbing cutworms, army worms, and stink bugs.
Grapes	Cutworms, especially red back cutworm, <u>Euxoa ochrogaster</u> and variegated cutworm, <u>Peridroma saucia</u> .
Hops	Cutworms and loopers.
Potatoes	White grubs. To be used only on new land (not more than two years from virgin soil).
Dry Peas	Pea Weevil.
Aquatic environments & adjacent areas	Permitted when determined by public health officials to be essential for the control of disease vectors, as provided in Order 1137, WAC 16-223-060.

Humans	Pediculoses (louse infestation) shall be allowed by doctors' prescription only.
Gypsy Moth	USDA may use DDT on recreational vehicles 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.
Mint	Cutworms and loopers.
Pome Fruits	Cutworms, Lygus bugs, Stink bugs, and other cat-facing insects PROVIDED, That the department shall not authorize issuance of user permits for this use in any area unless the Washington State University Cooperative Extension Service has officially determined that there is an economic infestation of cutworms or one of the other cat-facing insects on pome fruit trees in that area, and has so notified the department.

AMD 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 & blueberries	Orange tortrix, other leaf rollers, and western fruit worm.
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PROVIDED, That the department shall not issue user 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 USER PERMITS 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 July 16, 1972, no licensed pesticide dealer shall sell or distribute any formulation of DDT and/or DDD to any ultimate user unless such ultimate user has first obtained an annual user permit as provided for in Order No. 1272, WAC 16-222-160. PROVIDED, That any

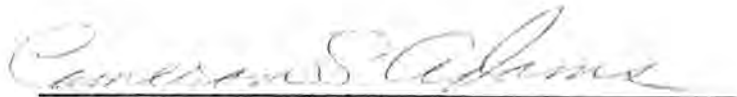
pesticide applicator licensed under the provisions of the Washington Pesticide Application Act, chapter 17.21 RCW, shall not be required to obtain the permit provided for in WAC 16-222-160.

AND
WAC 16-223-240 DEALER AND APPLICATOR REPORTS REQUIRED.

(1) Licensed pesticide dealers shall submit to the State Department of Agriculture, Olympia, Washington by January 15, 1973, a summation of the amount of DDT and/or DDD sold to ultimate users in the state during 1972.

(2) Licensed pesticide applicators shall submit to the State Department of Agriculture, Olympia, Washington by January 15, 1973 a summation of the amount of DDT and/or DDD that they applied in this state during 1972.

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



CAMERON S. ADAMS

Acting Director of Agriculture
State of Washington

Signed at Olympia, WA.

DATE: June 7, 1972

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
Order No. 1272
(Amends Order No. 1222)
Effective July 16, 1972

AMD WAC 16-222-001 PROMULGATION. (This promulgation relates to WAC 16-222-160 and Order No. 1222).

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.58 and 17.21 RCW, and due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Yakima, Washington, on June 2, 1972, do hereby promulgate the following regulations relating to user permits.

AMD WAC 16-222-160 USER PERMITS. (1) The following highly toxic and restricted use pesticides shall not be sold or made available to any ultimate user unless such ultimate user has obtained an annual permit:

- (a) Bidrin
- (b) DDT & DDD (For essential uses see Order No. 1271, WAC 16-223-220 and WAC 16-223-230).
- (c) DiSyston - Liquid
- (d) Endrin - 2.5% and above
- (e) Parathion & Methyl Parathion - 1.1% and above
- (f) Phosdrin
- (g) Schradan (OMPA)
- (h) Sodium Arsenite
- (i) Systox (Demeton)
- (j) Temik
- (k) TEPP
- (l) Thimet (Phorate) - Liquid
- (m) Zinophos

(2) Permits may be obtained immediately prior to sale or delivery from any authorized pesticide dealer.

(3) An ultimate user may list on his permit the name or names of an authorized agent/s for the purpose of purchasing or receiving pesticides listed in WAC 16-222-160 for the ultimate user.

(4) Permits may be issued by pesticide dealers authorized to do so by the director. Authorization to issue permits may be obtained by making written application to the director.

(5) Permits shall be on a form furnished by the director and shall include the following:

- (a) Permit number.
- (b) Date of issuance.
- (c) Name and address of the ultimate user.
- (d) Crops and acreage to which the pesticides will be applied.
- (e) Name of authorized agent/s.
- (f) Any other information prescribed by the director.

(6) A copy of the permit shall be issued to the user and a duplicate copy shall be retained by the pesticide dealer. Permits shall expire on December 31 of each year.

(7) Authorized dealers shall keep records on each sale of these restricted use pesticides which shall include the following:

- (a) Name and address of ultimate user.
- (b) Name of authorized agent.
- (c) Date of purchase.
- (d) Brand and specific pesticide name.
- (e) Percent active ingredient.
- (f) For DDT & DDD - rate of formulation to be applied per acre.

(g) Amount sold.

(h) Crop to which pesticide will be applied.

(8) Authorized pesticide dealers shall keep permits and dealer records for a period of one year from the date of issuance and the director shall have access to these records upon request. (Refer to current DDT and DDD order).

(9) Any ultimate user found violating the provisions of this order or the approved labeled use and/or the Environmental Protection Agency or Washington state registration for that pesticide shall be subject to revocation of the permit, subject to a hearing as provided for in the Washington Pesticide Control Act, chapter 15.58 RCW: PROVIDED, That an ultimate user will not be violating this regulation when following current official Washington State University pesticide recommendations.

(10) Any pesticide applicator licensed under the provisions of the Washington Pesticide Application Act, chapter 17.21 RCW, shall not be required to obtain the permit provided for in WAC 16-222-160.

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



CAMERON S. ADAMS

Acting Director of Agriculture
State of Washington

Signed at Olympia, WA.

Date: June 7, 1972