

TRANSMITTAL OF RULES ADOPTED

FROM: AGRICULTURE
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules , being Order No. 1469
Emergency rules
relating to (Name of rules or description of subject matter)
special program fees for 2,4-D distributed in this state.

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

pursuant to Notice No. 5825 ① filed with the code reviser
on 4/5/76 ② were regularly adopted as permanent rules of
(date)
this agency at Olympia on 5/14/76 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 6/14/76 ③

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

pursuant to its finding in the attached administrative order,
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
(place) (date)
are herewith filed in 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 have been fulfilled.

Dated this Fourteenth day of May 1976.

STATE OF WASHINGTON
FILED
MAY 14 1976
CODE REVISER'S OFFICE
DOCKET 9326 FILE # 29

AGRICULTURE
(AGENCY)
[Signature]
By
Assistant Supervisor, Grain & Chemical
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.
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
ORDER NO. 1469
(Supersedes Order 1424)
Effective June 14, 1976

NEW WAC 16-230-101 PROMULGATION. (This promulgation relates to Order 1424, WAC 16-230-110, 115 and 120).

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 17.21 and 15.58 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Yakima, Washington on April 28, 1976 do hereby promulgate the following regulations relating to special program fees.

NEW WAC 16-230-110 DEFINITIONS. For the purpose of these regulations: (1) "First Distributor" is any person who distributes to the retail dealer, applicator, or the ultimate user in the state of Washington any restricted use herbicide: PROVIDED, That any retail dealer, applicator, or ultimate user who obtains a restricted use herbicide from outside the state for distribution or use within the state shall be a first distributor for those quantities of restricted use herbicides so obtained.

(2) "Retail Dealer" is any person who distributes a restricted use herbicide to the ultimate user or applicator for use within the state.

(3) "Applicator" is a commercial applicator, public operator or any other person who applies pesticides to the lands of another in the state of Washington.

(4) "Ultimate User" is any person other than the applicator who uses a restricted use herbicide in the state of Washington.

(5) "Restricted Use Herbicide" means all formulations of pesticides containing 2,4-Dichlorophenoxyacetic Acid: PROVIDED, That consumer-sized packages no larger than one gallon liquid measure or five pounds dry weight and which are labeled and intended for home and garden use only and fertilizer-pesticide mixes when distributed in packages of fifty pounds or less for home and garden use only shall be excluded.

NEW WAC 16-230-115 PROCEDURE FOR COLLECTING SPECIAL PROGRAM FEES. (1) Each first distributor of a restricted use herbicide in this state shall pay to the department a fee of five cents per pound of active ingredient of restricted use herbicide distributed by such person during the year beginning July 1, 1976 and ending June 30, 1977: PROVIDED, That when computing the pounds of active ingredient on which the fees must be paid, distribution for use outside the state by the first distributor may be excluded.

(2) When more than one first distributor is involved in the distribution of a restricted use herbicide the initial first distributor meeting the criteria of WAC 16-230-110(I) is responsible for reporting the pounds of active ingredient of restricted use herbicides and paying the fee, unless the reporting and paying of fees have been made by another distributor of restricted use herbicides as per WAC 16-230-115(3).

(3) Any distributor other than the first distributor may act as an agent in paying the special program fee: PROVIDED, That written agreement exists between the distributors, and: PROVIDED FURTHER, That such written agreement has been approved by the director. *

NEW WAC 16-230-120 PROCEDURE FOR SUBMITTING REPORTS. (1) Each person made responsible by these regulations for the payment of fees for restricted use herbicides distributed in this state shall file a report with the department on January 1, 1977 and July 1, 1977 showing the number of pounds of such restricted use herbicides distributed during the six calendar months immediately preceding the date the report is due. When verifying such reports, the department may accept sales records or other records accurately reflecting the poundage sold. The appropriate fee, no less than the five dollar minimum fee, shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty day grace period. Such grace period shall expire on January 30, 1977 for the January 1, 1977 report and July 30, 1977 for the July 1, 1977 report.

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

Stewart Bledsoe

STEWART BLEDSOE
Director of Agriculture

Signed at Olympia, WA

Date: 5/14/76