

State of Washington
Department of Agriculture

(agency name)

Administrative Order No. 1629

(1) I, Bob J. Mickelson, director of
the Department of Agriculture

do promulgate and adopt at Olympia, Washington
(place)
the annexed rules relating to:

Chapter 16-228 WAC and adding new sections pertaining to the
sale, distribution, use and application of 2,4,5-T and silvex.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. _____ filed with the code reviser on _____. Such rules shall take effect:

- 1. pursuant to RCW 34.04.040(2).
- 1. at a later date, such date being _____.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Bob J. Mickelson, find that an emergency exists and that the foregoing order 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 public interest. A statement of the facts constituting such emergency is: the United States Environmental Protection Agency has suspended some federal registrations of pesticide products containing 2,4,5-T and silvex on the basis of data which indicates that certain uses of 2,4,5-T or silvex may pose an imminent hazard to humans. The Washington State Department of Agriculture has received and reviewed a copy of the data upon which the suspensions of these registrations are based. (Continued on page 2)

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.____ (1977 c 19 § 2)¹ that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- 1. (a) This rule is promulgated pursuant to RCW 15.58 and 17.21 and is intended to administratively implement that statute.
- 1. (b) This rule is promulgated pursuant to RCW _____ which directs that the

_____ (agency)
has authority to implement the provisions of

_____ (name of act or RCW citation)

- 1. (c) This rule is promulgated under the general rule-making authority of the

_____ (agency)
as authorized in RCW _____

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON
APPROVED AND ADOPTED March 19 19 79
FILED

MAR 19 1979

By Bob J. Mickelson
Director

Title

CODE REVISER'S OFFICE
WSR 79-04-023

CR-7

Page 2

Some products in intrastate commerce which contain 2,4,5-T or silvex are registered only under Chapter 15.58 RCW. However, all Washington registrations for uses of products containing 2,4,5-T or silvex are based in part on the federal evaluation of toxicities and hazards. Effective enforcement and protection of the public health and safety require uniform treatment of all products containing 2,4,5-T or silvex.

For these reasons, as director of Agriculture, I have determined that the immediate prohibition of certain uses of 2,4,5-T and silvex is necessary to protect the public health, safety and welfare.

NEW SECTION

WAC 16-228-235 DEFINITIONS. (1) 2,4,5-T means all pesticide products containing 2,4,5-Trichlorophenoxyacetic acid.

(2) Silvex means all pesticide products containing 2-(2,4,5-Trichlorophenoxy) proprionic acid.

NEW SECTION

WAC 16-228-240 RESTRICTED USE PESTICIDES. 2,4,5-T and silvex are by this order declared to be restricted use pesticides in all counties in the state of Washington.

NEW SECTION

WAC 16-228-245 SALE, DISTRIBUTION, USE AND APPLICATION.

(1) The sale and distribution of 2,4,5-T or silvex labeled for forestry, right-of-way, and pasture uses, and silvex labeled for home and garden, commercial/ornamental turf (including recreational areas) and aquatic weed control/ditch bank uses are hereby prohibited in the state of Washington.

(2) The use or application of 2,4,5-T and silvex for forestry, right-of-way, and pasture is also prohibited, and the use or application of silvex for home and garden, commercial/ornamental turf (including recreational areas), and aquatic weed control/ditch bank use is also prohibited in the state of Washington.



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

March 19, 1979

For purposes of legislative review of agency rules, the following statement is submitted:

- (a) This rule concerns sale, distribution, use and application of 2,4,5-T and silvex.
- (b) U. S. Environmental Protection Agency suspended certain registrations of products containing 2,4,5-T and silvex. The emergency order prohibits the sale, distribution, use and application in the state of Washington of those products that were suspended by EPA.
- (c) Art G. Losey
Assistant Director
Supervisor of Grain & Chemical Division
Department of Agriculture
406 General Administration Bldg. AX-41
Olympia, Washington 98504
- (d) No opponents or proponents.
- (e) No agency comments.