

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. 1528
Emergency rules

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

restricting the use of microencapsulated methyl parathion.

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

pursuant to Notice No. _____ ① filed with the code reviser
on _____ ② were regularly adopted as permanent rules of
(date)
this agency at _____ on _____ 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 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 Olympia, Washington on 5/9/77 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 _____ ninth day of May 1977.

STATE OF WASHINGTON
FILED
MAY 9 1977

AGRICULTURE
(AGENCY)
Gary Strohmaier
By Gary Strohmaier
Director
Title

CODE REVISER'S OFFICE
DOCKET # 8179 FILE # 30

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

ADMINISTRATIVE ORDER NO. 1528

I, Gary Strohmaier, director of agriculture of the state of Washington, do promulgate and adopt as emergency rules of this agency, the annexed rules:

restricting the use of microencapsulated methyl parathion.

I, Gary Strohmaier, find that an emergency situation 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:

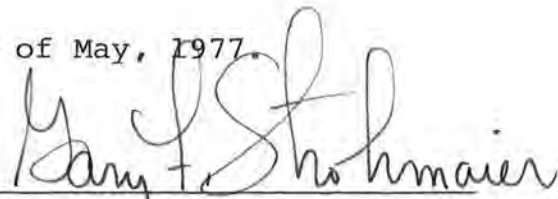
The adoption of this emergency order restricting the use of the microencapsulated formulation of methyl parathion on blossoming crops, cover crops, fence rows and field borders is necessary to protect pollinating insects from economic damage. It is necessary that this order become effective immediately to protect the pollinators from the early application of this pesticide.

This order is adopted under the authority vested in my by chapters 34.04 RCW, 15.58 RCW and 17.21 RCW.

This order after being first recorded in the order register of this agency shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED the ninth day of May, 1977.

By



Gary Strohmaier

Director of Agriculture
Title

EMERGENCY ORDER

RESTRICTING THE USE OF MICROENCAPSULATED METHYL PARATHION

REGULATION 1. This order will be in effect in all counties of the State of Washington.

REGULATION 2. DEFINITIONS. (1) The term, "blossoming areas", as used in this order shall apply when there are five or more blooms per square yard on the average in a given field, when there are one or more open blooms per tree or vine in the orchard or vineyard, and when there are five or more weed blooms per square yard on the average for the area being measured, for cover crops in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges: PROVIDED, That white blossomed pea plants and second bloom of pears shall be exempt from this definition.

(2) The term, "pollen shedding corn", shall be that stage of growth when 10 per cent or more of the corn plants in any one quarter portion of that field are showing spike anthers.

(3) The term, "properly marked honey bee apiaries", shall be in accordance with 15.60.030 RCW as follows: "Each person owning or having bees in his possession shall register without charge with the extension agent of the county wherein the bees are located, the location of the bee yard, name, address, and phone number of the owner, and post at the bee yard a number as provided for herein, on or before April 1st of each year. Any person owning or operating over twenty-five colonies of bees in the state of Washington shall apply to the division of apiculture of the department for a permanent identification number, not transferable, which shall be posted conspicuously at the entrance of each apiary at all times, not more than one hundred fifty feet from the bees. Bees placed in orchards for pollination shall be exempt from posting during placement."

REGULATION 3. (a) Microencapsulated methyl parathion is hereby declared to be a restricted use pesticide and the use or application of the formulation shall be prohibited on all blossoming areas and on pollen shedding corn.

(b) The following are exceptions to Regulation 3(a):

(1) Winter applications of microencapsulated methyl parathion shall be allowed (using label restrictions) on wheat for green bug control in the wheat growing areas of eastern Washington;

(2) The application of microencapsulated methyl parathion shall be allowed (using label restrictions) in the Palouse area of Spokane and Whitman counties. This area shall be bounded on the north by an east-west line along longitude 47°30', in the southern portion of Spokane county, to the southern boundary of Whitman county. Applications of microencapsulated methyl parathion on white blooming peas in this area shall be prohibited within 1/2 mile of the breaks of the Snake River Canyon;

(3) The use of microencapsulated methyl parathion shall be allowed (using label restrictions) in orchards in the Wenatchee River Valley area from the mouth of the Wenatchee River

through Leavenworth: PROVIDED, That users must obtain a written recommendation from a licensed consultant for this use of microencapsulated methyl parathion. The recommendation shall also state that the consultant has reviewed with the user the registered label precautions concerning bee hazards. Pesticide dealers shall not sell microencapsulated methyl parathion to any user in this area unless the written recommendation is presented.

(c) Applications of microencapsulated formulations of methyl parathion shall be prohibited on orchards before June 10 of each year.

REGULATION 5. When no alfalfa leaf cutting bee nest structures, alkali bee beds, or properly marked honey bee apiaries occur within a six-mile radius of the field, vineyard or orchard to be treated, the restrictions in Regulation 3(a) shall not be applicable.

REGULATION 6. Microencapsulated methyl parathion in any formulation shall be distributed only by licensed pesticide dealers to licensed or certified applicators or those persons possessing a current user permit or their authorized representative. This pesticide shall be used or applied only by licensed or certified applicators or by persons possessing a current user permit or by persons under their direct supervision (refer to WAC 16-228-165 for user permit requirements).

REGULATION 7. This order supersedes all previous restrictions related to the use of methyl parathion formulations where a conflict may exist in Order No. 1299 (relating to the restricted use of insecticides on corn actively shedding pollen).