

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1817

(1) I, M. Keith Ellis, director of the Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

amending WAC-16-228, general pesticide regulations

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

This action is taken pursuant to Notice No. 84-05-014 filed with the code reviser on Feb. 8, 1984. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being

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

I, find that an emergency exists and that this 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 the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.026 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:

[X] (a) This rule is promulgated pursuant to RCW 17.21 and 15.58 and is intended to administratively implement that statute.

[] (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)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency) as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 FILED

April 10 19 84

APR 10 1984

By [Signature] Deputy Director

Title

CODE REVISER'S OFFICE WSR 84-09-011

AMENDATORY SECTION (Amending Order 1538, filed 7/29/77)

WAC 16-228-010 DEFINITIONS. (1) "Agricultural commodity" means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by ~~((man))~~ humans or animals.

(2) "Authorized agent" is any person who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides ~~((listed in WAC 16-228-165(1)))~~.

(3) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated synthetic material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized persons and domestic animals from gaining access to the bait. The cover shall be provided with a lock that can be unlocked only by a combination, key, special tool, or forced entry. Fragile materials are unacceptable.

(4) "Bait station" may be any location where baits are placed to allow ~~((rodents))~~ target pests to gain access to the bait.

(5) "Bulk fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

(6) "Certified applicator" means any individual who is certified by the director to use or supervise the use of any pesticide which is classified by the ~~((EPA))~~ environmental protection agency (EPA) as a restricted use pesticide or by the state as restricted to use by certified applicators including, but not limited to licensed commercial applicators, licensed commercial operators, licensed public operators, licensed private-commercial applicators, ~~((certified))~~ licensed demonstration and research applicators, and certified private applicators.

(7) "Controlled disposal site" means any place where solid or liquid waste is disposed: PROVIDED, That the area has been designated as a disposal site for waste materials by the appropriate jurisdictional ~~((health officer))~~ agency: PROVIDED FURTHER, That the site is fenced, barricaded or otherwise enclosed or attended by some person in charge to facilitate control-access of domestic animals, pets, and unauthorized persons.

~~((8))~~ "Demonstration and research applicator" means ~~((1))~~ individuals who demonstrate to the public the proper use and techniques of application of EPA or state restricted use pesticides or supervise such demonstration, and ~~((2))~~ persons conducting field research with pesticides, and in doing so, use or supervise the use of EPA or state restricted use pesticides.

~~((9))~~ "Direct supervision" by ~~((a))~~ certified private applicators and private-commercial applicators shall mean that the designated restricted use pesticide shall be applied by a competent person acting under the instructions and control of a certified applicator certified in the category for which the pesticide is being applied who is available if and when needed, even though such certified applicator is not physically present

at the time and place of the pesticide is being applied. The certified applicator shall have direct management responsibility and familiarity of the pesticide, manner of application, pest, and land to which the pesticide is being applied, and (b) direct supervision by all other certified applicators means direct on-the-job supervision.)

((10)) (8) "Dry pesticide" is any granular, pelleted, dust or wettable powder pesticide.

((11)) (9) "EPA" means the United States Environmental Protection Agency.

((12)) (10) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

((13)) (11) "Fertilizer" as included in this order means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

((14)) (12) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended.

((15)) (13) "Floor level" is considered to be the floor upon which people normally walk---not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

((16)) (14) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

((17)) (15) "Fumigant" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

((18)) (16) "Highly toxic" for the purpose of this order, are those pesticides determined to be in the Toxicity Category I and are labeled on the front panel with the signal word "Danger". In addition if the product was assigned to Toxicity Category 1 on the basis of its oral, inhalation or dermal toxicity (as distinct from skin and eye local effects) the word "poison" shall appear in red on a background of distinctly contrasting color and the skull and crossbones shall appear in immediate proximity to the word "poison".

((19)) (17) "Private applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators by the director for the purposes of producing any agricultural commodity on land owned or rented by ((him)) the private applicator or ((his)) the private applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

~~((20))~~ (18) "Private-commercial applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by ~~((him))~~ the applicator or ~~((his))~~ the applicator's employer.

~~((21))~~ (19) "State restricted use pesticide" means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW that are restricted to use only by certified applicators.

~~((22))~~ (20) "Unreasonable adverse effects on the environment" means any unreasonable risk to ~~((man))~~ humans or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

AMENDATORY SECTION (Amending Order 1470, filed 5/14/76)

WAC 16-228-115 PESTICIDE LABELING REQUIREMENTS. (1) Pesticide labeling must meet the standards or criteria of the Federal Insecticide, Fungicide and Rodenticide Act.

(2) Conditions set forth as part of an exemption from registration under provisions of Section 18 of FIFRA shall be considered labeling for purposes of enforcement.

AMENDATORY SECTION (Amending Order 1470, filed 5/14/76)

WAC 16-228-125 ~~((EXEMPTIONS FOR EXPERIMENTAL USE))~~ (1) These regulations shall not apply to the manufacturer or shipper of a pesticide for experimental use only, and which is to be used under supervision of a state agency, or of the federal government, or by others authorized to do experimental work if the label on the container is plainly and conspicuously marked FOR EXPERIMENTAL USE ONLY - NOT TO BE SOLD, has the manufacturer's name and address provided, has the manufacturer's identification and/or code number of contents, and contains such precautions as are known to be necessary to protect the health of persons who may come in contact with the pesticide.

~~((2))~~ Pesticides for experimental use may be sold if a written permit has been obtained from the director and the pesticides are sold for experimental purposes subject to restrictions and conditions described in the permit. If the pesticide is to be used on a food or feed crop, a tolerance must be obtained from the environmental protection agency before a permit can be issued.) EXPERIMENTAL USE PERMITS. (1) Pesticides shall not be distributed or used for experimental purposes unless a written permit has been obtained from the director. All distribution and use of pesticides for

experimental purposes shall be subject to restrictions and conditions described in the experimental use permit. Applications for experimental use permits shall include the following (when applicable):

(a) Name of the active ingredient and/or product name and/or EPA registration number of the product to be used;

(b) Person responsible for carrying out provisions of the experimental permit and means of locating this person in case of emergency;

(c) Target pest(s);

(d) Crop or site and location(s) to which the pesticide is to be applied;

(e) Disposition of any treated food or feed and of subsequent crops from treated sites;

(f) Rate of application of formulation or active ingredient and number of applications;

(g) Timing and duration of the proposed program;

(h) Area to which the pesticide is to be applied;

(i) Total amount of pesticide to be applied;

(j) Federal experimental use permit number and text;

(k) Labeling to accompany the pesticide in the field;

(1) Any other information required by the director.

(2) An experimental use permit shall not be issued for use of a pesticide on a food or feed unless a tolerance greater than residues anticipated from the treatment or exemption from the requirement of a tolerance has been obtained from the environmental protection agency, provisions for destruction of the treated food or feed and any crop residue have been made, or adequate demonstration has been made to the department that no detectable pesticide residue from the experimental program will be present in food or feed. The director may require evidence to substantiate any of the above.

(3) Collective experimental use permits may be issued by the director for experimental programs conducted by recognized research institutions on land owned or controlled by the institution.

(4) The director may monitor the implementation of any experimental use permit. This may include collection of samples, inspection of premises, records and equipment, and any other related activities specified by the director. The conditions of any experimental use permit may require notification of a designated department office prior to application and/or presence of a departmental representative at the application. Experimental use permits shall be considered labeling for purposes of enforcement. Violations of these permits shall be considered use inconsistent with the label.

(5) Summaries of experimental results and environmental effects shall be retained by the holder of the permit for three years and shall be submitted to the department upon request of the director.

(6) Pesticides intended for experimental use must be contained in secure containers, the labeling of which must present such precautions as are known to be necessary to protect the health of persons who may come in contact with the pesticide and to prevent unreasonable adverse effects on the environment.

(7) The director may limit the amount of pesticide, acres or areas to be treated, licensing or qualifications of persons exercising the permit, or any other condition of an experimental use permit. The director may deny, amend, suspend or revoke any experimental use permit if it is found to be in violation of applicable federal regulations, in violation of chapters 15.58 and 17.21 RCW or rules adopted thereunder, or if the director deems such action necessary to protect public health and the environment.

AMENDATORY SECTION (Amending Order No. 1470, filed 5/14/76)

WAC 16-228-130 PESTICIDE-FERTILIZER REGISTRATION AND LABELING. (1) Each pesticide-fertilizer mix containing different pesticide active ingredients and/or percentages must be registered with the director: PROVIDED, That the fertilizer portion shall be considered an inert ingredient for the purpose of this order: AND PROVIDED FURTHER, That such registrations may be to the nearest ((0.1%)) one-tenth of one percent by weight of all active ingredient/s, except for nitrification inhibitor-pesticide mixes as stated in (4) below.

((2) A registered pesticide label must be attached to each pesticide-fertilizer mix container.

(3) A pesticide-fertilizer label may also contain the fertilizer labeling information as required in the Washington Commercial Fertilizer Act.

(4)) (2) A specimen pesticide-fertilizer label shall be registered with the director before distribution or sale. These labels shall bear the following items:

(a) A pesticide ingredient statement identifying the active ingredient(s) and showing the percent by weight of each active ingredient;

(b) EPA registration number of each pesticide used to formulate the pesticide-fertilizer mix;

(c) Crop(s) on which the pesticide-fertilizer mix may be used and the amount of pesticide-fertilizer mix to be applied per acre;

(d) Timing of application (for instance, pre-plant) and the preharvest interval;

(e) Net weight of the shipment;

(f) Name and address of the registrant or manufacturer;

(g) Any other information required by the director.

(3) Labeling bearing all of the information specified in (2) above and a complete specimen label for each pesticide product used to formulate the pesticide-fertilizer mix shall accompany each pesticide-fertilizer mix shipment. All or portions of the information required in (2) above may occur on the invoice of a custom mix: PROVIDED, That an appropriate specimen invoice has been registered by the director as pesticide labeling.

(4) Pesticide-fertilizer mixes containing nitrification inhibitors or agents intended for nitrogen stabilization only, and no other pesticide active ingredients, may be registered

without specifying the percentage of active ingredient. The amount of active ingredient in the mix must be stated on the label that accompanies each shipment.

AMENDATORY SECTION (Amending Order No. 1538, filed 7/29/77)

WAC 16-228-155 ((RESTRICTED USE)) PESTICIDES--NOT FOR ((USE BY)) DISTRIBUTION TO HOME AND GARDEN USERS. (1) The following pesticides are hereby declared to be restricted use pesticides in the state of Washington because of their toxicity to ((man)) humans and animals and shall not be ((sold)) distributed to home and garden users. The following pesticides will be registered only when manufactured, labeled, delivered, distributed, sold, or held for sale for use by commercial producers and/or commercial applicators or governmental agencies experienced in the application of pesticides:

- 1 ~~1~~ Aluminum Phosphide (Phostoxin)
- 2 ~~2~~ Arsenic Trioxide (1.6% and above except for the control or eradication of crabgrass and the container thereof is restrictively labeled for such)
- 3 ~~3~~ Azodrin
- 4 ~~4~~ Bidrin
- 5 ~~5~~ Castrix
- 6 ~~6~~ Dasanit
- 7 ~~7~~ Delnav (25.1% and above)
- 8 ~~8~~ DiNitro-O-Cresol (DNOC)
- 9 ~~9~~ (a) DiNitro-O-Sec Butyl Phenol (DNOSBP)
- 10 ~~10~~ DiSystem (2.1% and above)
- 11 ~~11~~ Dyfonate (1.1% and above)
- 12 ~~12~~ (b) Endothall (20% and above)
- 13 ~~13~~ Endrin (2.5% and above)
- 14 ~~14~~ EPN
- 15 ~~15~~ (c) Ethion (26% and above)
- 16 ~~16~~ Furadan (Carbofuran)
- 17 ~~17~~ (d) Guthion (16% and above)
- 18 ~~18~~ (e) Hydrogen Cyanide (Hydrocyanic acid)(HCN)
- 19 ~~19~~ Methomyl (Lannate or Nudrin) (2% and above)
- 20 ~~20~~ (f) Methyl Bromide
- 21 ~~21~~ Methyl Demeton (Meta Systox) (25% and above)
- 22 ~~22~~ Methyl Parathion
- 23 ~~23~~ Monitor (40% and above)
- 24 ~~24~~ OMPA (Schradan)
- 25 ~~25~~ Paraquat (cation equivalent - 1.5% and above)
- 26 ~~26~~ Parathion
- 27 ~~27~~ Phosdrin
- 28 ~~28~~ Phosphamidon
- 29 ~~29~~ Phosphorus paste (further restricted in WAC 16-228-145)
- 30 ~~30~~ PMA - Phenyl Mercuric Acetate (1.5% and above)
- 31 ~~31~~ Sodium Arsenite
- 32 ~~32~~ Sodium Selanate
- 33 ~~33~~ (g) Strychnine and its salts (Strychnine Alkaloid 1.1% and above)

- 34. System (Demeton)
- 35. Fenitrothion
- 36. 1080 and 1081 (further restricted in WAC 16-228-145)
- 37. FENP
- 38. Thallium compounds (banned for all rodenticide uses)
- 39. Thimet
- 40. Trithion (liquid and wettable powder 26% and above; granular and dust 11% and above)
- 41. Zinc Phosphide (2.1% and above)
- 42. Zinephos))

(2) Pesticide dealers shall keep records on the sale of any of the above listed pesticides. These records shall contain the date of sale, the name and amount of the pesticide sold and the name and address of the purchaser. These records shall be kept on file for a period of one year and the director shall have access to these records upon request.

AMENDATORY SECTION (Amending Order No. 1538, filed 7/29/77)

WAC 16-228-160 RESTRICTION ON DISTRIBUTION, TRANSPORTATION, STORAGE AND DISPOSAL. (1) No person shall handle, transport, store, display, apply, dispose of or distribute pesticides in such a manner as to endanger (~~man~~) humans and (~~his~~) their environment or to endanger food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. Toxicities of pesticides shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for consumption by humans or animals. Any vehicle or other equipment shall be inspected by the owner or (~~his~~) authorized agent for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated must not be returned to service until the contamination has been removed.

(3) Pesticide containers shall be secured during transit by use of side or end racks, bracing, chocks, tiedowns, or other means to prevent their sliding, falling, tipping, rolling, or falling off the vehicle with normal vehicle acceleration, deceleration, or change in direction.

(4) Valves shall be tightly closed and manhole covers shall be secured on cargo or portable tanks used for transporting pesticides, whether tanks are full or empty.

(5) Portable tanks shall be secured to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies shall not be relied upon for securement.

(6) Pesticides shall not be delivered to a pesticide consignee unless the consignee or ~~((his))~~ authorized agent is present to accept delivery of the pesticides and signs a delivery slip and/or the pesticides are secured in a proper storage.

(7) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. ~~((Pesticide products shall not be packaged, sacked, or boxed with any of the above.))~~ Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(8) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The use of the same "checkstand" or food packaging area is prohibited for the distribution of highly toxic pesticides.

~~((a))~~ (9) ~~((Pesticide dealers shall post in a conspicuous place a list of persons to contact in case of a pesticide accident. This list shall include the name and address of the nearest poison control center, the Washington state department of social and health services, the Community Pesticide Study Project Laboratory in Wenatchee, the county extension agent, the department of agriculture offices in Yakima and Olympia, and the local health officer.))~~ All pesticide accidents must be reported to the Washington state department of social and health services.

(10) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause injury to ~~((man))~~ humans and/or animals. Pesticides with obscured or damaged labels shall not be displayed or offered for sale.

(11) No person shall distribute or sell any pesticide unless it is the registrant's or the manufacturer's unbroken, immediate container and there is affixed to ~~((such))~~ the container its registered pesticide label.

(12) The distribution and use of DDT and DDD shall be prohibited in this state except for ~~((the))~~ uses ~~((determined to be "essential uses" as determined by the pesticide control board as provided for in the Washington Pesticide Control Act, chapter 15.58 RCW, RCW 15.58.090))~~ allowed by the environmental protection agency or the center for disease control of the United States department of health & human services.

NEW SECTION

WAC 16-228-161 DISTRIBUTION RECORDS. Pesticide dealers shall furnish records on the distribution of any pesticide except those labeled only for home and garden use to the director upon request. These requests shall be limited to records necessary for investigations of suspected violations, damage complaints, monitoring distribution and use under provisions of special local

needs registrations, emergency exemptions from federal registration and experimental use permits, and monitoring of any pesticide suspected of unreasonable adverse effects on the environment. Information furnished may be limited to:

- (1) name and address of purchaser;
- (2) date of purchase;
- (3) amount sold;
- (4) brand name of the product and/or the EPA registration number;
- (5) crop and/or site to which pesticide will be applied, if known.

AMENDATORY SECTION (Amending Order No. 1679, filed 2/20/80)

WAC 16-228-162 HIGH VOLATILE ESTER AND DUST FORMULATIONS PROHIBITED. The distribution, use and application of all high volatile ester and dust formulations of ~~((restricted use))~~ phenoxy herbicides shall be prohibited throughout the state: PROVIDED, That this section shall not apply to dust or granular formulations packaged in shaker cans intended for home and garden use: PROVIDED FURTHER, That high volatile ester formulations of 2,4-D may not be registered for home and garden use.

AMENDATORY SECTION (Amending Order No. 1679, filed 2/20/80)

WAC 16-228-165 STATE RESTRICTED USE PESTICIDES FOR USE BY CERTIFIED APPLICATORS ONLY ~~((--REQUIREMENTS FOR USER PERMITS))~~. (1) The following pesticides are hereby declared to be state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator (refer to definition of "direct supervision"). Any EPA restricted use pesticide not listed shall be distributed and used only under these restrictions:

- (a) Monocrotophos (Azodrin)
- (b) Dicrotophos (Bidrin)
- (c) DDD ~~((&))~~ DDT ~~((for essential uses determined by law))~~
- (d) Disulfoton (DiSyston) - Liquid
- (e) Endrin ~~((- 2.5% and above))~~
- (f) Parathion & Methyl Parathion ~~((- 1.1% and above))~~
- (g) Mevinphos (Phosdrin)
- ~~((h) Sehradan (OMPA))~~
- ~~((i) Sodium Arsenite)~~
- ~~((j) Demeton (Systox) ~~((Demeton))~~)~~

((k)) (j) Aldicarb (Temik)

((l)) (k) TEPP

((m)) (l) Phorate (Thimet) ((Phorate)) - Liquid

((n)) ~~For~~ 22K - ~~For~~ use on rangeland and permanent grass pastures east of the crest of the Cascade Mountains)

((o)) (m) 2,4-D - All liquid formulations distributed in packages of ((l)) one gallon and larger to be used in counties located east of the crest of the Cascade Mountains and all dry formulations except those labeled and intended for home and garden use only. Pesticide dealers shall be required to make available to the purchaser a copy of the regulations covering the use of 2,4-D in the area in which the material will be applied.

((p)) (n) Zinophos

((q)) (o) All pesticide formulations labeled for application onto or into water to control pests in or on water, except those labeled only for use in:

(i) Swimming pools;

(ii) Wholly impounded ornamental pools and fountains;

(iii) Aquariums;

(iv) Closed plumbing and sewage systems;

(v) Enclosed food processing systems;

(vi) Air conditioners and humidifiers;

(vii) Cooling towers; and

(viii) ((and)) aquatic environments in states other than

Washington: PROVIDED, That for purposes of this subsection, sales of pesticides bearing combined labeling for uses into or onto water and for other uses may be made by licensed pesticide dealers to non-certified applicators, if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it is not to be applied into or onto water. If requested by the department, dealers must furnish records on the sales of pesticides labeled for application into or onto water, whether sold for that use or not. Records must include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased.

((2)) User permits will be furnished by the Washington state department of agriculture pesticide branch and may be issued by a licensed pesticide dealer.

(3) A certified private applicator or private-commercial applicator may list on his permit the name or names of authorized agent(s) for the purpose of purchasing or receiving above listed pesticides.

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

(a) Permit numbr

(b) Date of issuance

(c) Name and address of the certified applicator

(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.

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

~~(6)~~(2) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving ~~((the))~~ restricted use ~~((pesticide))~~ pesticides listed in WAC 16-228-165(1) by making previous arrangements with the pesticide dealer, or the authorized agent may ~~((provides))~~ provide written authorization to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license or certification number.

~~((7))~~(3) Licensed dealers shall keep records on each sale of these restricted use pesticides which shall include the following:

- (a) Name and address of the certified applicator
- (b) Applicator or operator certificate or license number
- (c) Name of authorized agent (if applicable)
- (d) Date of purchase
- (e) Brand and specific pesticide name and/or EPA

registration number

~~((#))~~ Percent active ingredient or pounds active ingredient per gallon

~~(g)~~ For DDT & DDD - rate of formulation to be applied per acre

~~(h))~~(f) Amount sold

~~((+))~~(g) Crop or site to which pesticide will be applied

~~((8))~~(4) 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.

AMENDATORY SECTION (Amending Order 1538, filed 7/29/77)

WAC 16-228-168 CHANGE OF EXEMPTIONS. The licensing exemption for landscape gardeners provided in ~~((chapter 17.21 REW7))~~ RCW 17.21.205; jurisdictional health officers as provided for in ~~((chapter 17.21 REW7))~~ RCW 17.21.220; and research personnel provided for in ~~((chapter 17.21 REW7))~~ RCW 17.21.203 shall not apply when applying EPA restricted use pesticides or state restricted use pesticides which are restricted to use by certified applicators only~~((r))~~: PROVIDED, That research personnel shall be required to obtain a demonstration and research applicator certification.

AMENDATORY SECTION (Amending Order No. 1470, filed 5/14/76)

WAC 16-228-170 PESTICIDE ((DEALER'S)) DEALER AND DEALER MANAGER LICENSES. (1) When more than one pesticide dealer is engaged in the business from the same outlet or location, each

pesticide dealer shall obtain a license for said outlet or location.

(2) A licensed pesticide dealer manager must be available to the staff, customers, and department representatives at all times that an outlet or location distributes pesticides. A dealer manager may be the designated dealer manager of more than one outlet or location only if the dealer manager can be physically present at both outlets or locations during all times of pesticide distribution and handling.

AMENDATORY SECTION (Amending Order 1538, filed 7/29/77)

WAC 16-228-172 PERMITS. (1) ((A private)) Private applicator certification, demonstration and research applicator certification, user permits and((a)) private-commercial applicator ((license)) licenses shall be considered as certified applicator permits as provided for in ((17.21, Section)) RCW 17.21.030 and RCW 15.58.040(2)(h).

(2) User permits may be issued by the director as temporary applicator certification in emergency situations. User permits will be issued in a form prescribed by the director, which shall include the following:

- (a) Permit number
- (b) Date of issuance
- (c) Expiration date, which shall be not longer than one year from the date of issuance
- (d) Name and address of certified applicator
- (e) Crop or site and area to which the pesticide will be applied
- (f) Amount of pesticide obtained
- (g) Any other information prescribed by the director.

(3) Pesticide dealers shall keep user permits for a period of one year from the date of issuance, and the director shall have access to these records upon request.

AMENDATORY SECTION (Amending Order 1538, filed 7/29/77)

WAC 16-228-180 LICENSE DENIED, REVOKED OR SUSPENDED. (1) The director may deny, suspend, or revoke any provision of a license, registration, permit or certification issued under chapters 17.21 and 15.58 RCW if he finds that the applicant or the holder of the license, permit, or certification has committed any of the following acts each of which is declared to be a violation:

- (a) Made false or fraudulent claims through any public media such as newspaper, newsletter, TV or radio, misrepresenting the effect of pesticide or application methods to be utilized;

(b) Made a pesticide recommendation or gave advice or used a pesticide inconsistent with the labeling, the EPA or Washington state registration for that pesticide, an EPA or Washington state experimental use permit for that pesticide, an exemption from registration under provisions of Section 18 of FIFRA, or in violation of the EPA or Washington state restrictions on the use of that pesticide~~((PROVIDED, That a person will not be in violation when following current EPA pesticide enforcement policies))~~;

(c) Applied known ineffective or improper pesticides or materials;

(d) Operated a faulty or unsafe apparatus;

(e) Operated in a faulty, careless or negligent manner;

(f) Refused or neglected to comply with the provisions of the applicable sections of chapters 15.58 and 17.21 RCW, the rules adopted thereunder, or of any lawful order of the director;

(g) Refused or neglected to keep and maintain records required by chapters 15.58 RCW, 17.21 RCW, and regulations adopted thereunder, or to make reports when and as required;

(h) Made false or fraudulent records, invoices, or reports;

(i) Caused the application of a pesticide without having a licensed or certified applicator or operator in direct supervision;

(j) Operated an unlicensed apparatus or an apparatus without a license plate issued for that particular apparatus as provided for in ~~((RCW 17.21))~~ chapter 17.21 RCW;

(k) Used, ~~((recommended))~~ or supervised the use of a pesticide which is restricted to use by certified applicators without having qualified as a certified applicator;

(l) Used fraud or misrepresentation in making an application for a license, permit, or certification or renewal of a license, permit or certification;

(m) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit or certification;

(n) Aided or abetted a certified applicator, or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW, conspired with such a certified applicator or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW or allowed one's license, permit, or certification to be used by another person;

(o) Made false, misleading statements or reports during or after an inspection concerning any infestation or infection of pests found on land;

(p) Made false or fraudulent reports and/or recommendations;

(q) Impersonated any state, county, or city inspector or official;

(r) Is not qualified to perform as a pest control consultant or pesticide dealer manager or certified applicator in the classifications in which he/she is licensed to operate or has operated, regardless of whether or not he/she has previously passed an examination provided for in chapter 15.58 RCW; or

(s) To have in his/her possession a department pesticide applicator, operator, dealer manager or pest control consultant examination or to remove or cause to remove any said examination from the department without expressed consent from the department.

(2) No pesticide dealer or dealer manager license shall be denied, suspended, or revoked, simply because a pesticide purchased from that dealer was applied in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder, unless the department finds the dealer or dealer manager in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder.

AMENDATORY SECTION (Amending Order No. 1538, filed 7/29/77)

WAC 16-228-185 RESTRICTIONS APPLYING TO ANY PERSON HOLDING, HANDLING, USING, OR DISPOSING OF PESTICIDES AND THEIR CONTAINERS.

(1) Any person handling, applying, or disposing of pesticides or pesticide containers (~~to blooms of fruits, cover crops, and other plants shall regulate the timing and technique of application~~) shall do so in such a manner to minimize hazard to commercially important pollinating (~~insects~~) insect species. Due care must be taken to regulate the timing and technique of pesticide applications to or around blossoming plants.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner (~~that will~~) as to pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants and animals, (~~pollinating insects~~) or wildlife: PROVIDED, That a pesticide labeled for aquatic use and used as directed shall not be considered a violation of this subsection: PROVIDED FURTHER, That disposing of pesticides at disposal sites approved by the (~~local health department~~) appropriate agency complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

~~((a))~~(3) No person shall pollute streams, lakes, and other public water supplies in their pesticide loading and mixing operation. This includes using devices or procedures to prevent "back-syphoning".

~~((b))~~(4) None of the following pesticides shall be applied by aircraft or airblast sprayers immediately adjacent to occupied schools in session, hospitals, nursing homes or other similar establishments under conditions that may result in contamination of these establishments or their premises:

(a) Monocrotophos (Azodrin)

(b) Demeton (Systox) (~~Demeton~~)

(c) Disulfoton (DiSyston)-Liquid

(d) Aldicarb (Temik)

(e) Endrin

(f) Tepp

(g) Parathion

(h) Phorate (Thimet) (~~Phorate~~)-Liquid

(i) Mevinphos (Phosdrin)

(j) Zinophos

~~((Sehradan (OMPA))~~

~~((4))~~(5) No person shall apply pesticides if weather conditions are such that physical drift or volatilization may cause damage to adjacent land, including humans, desirable plants or animals.

~~((5))~~(6) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices must be maintained for all pesticides and their containers which are covered under chapter 15.58 RCW.

(b) The provisions of subsections ~~((5))~~(d) and (e) shall not apply to empty pesticide containers when adequately decontaminated (e.g., three successive rinsings); shall not apply to categories 3 and 4 pesticide formulations labeled for home and garden use only; and shall not apply to drums of petroleum oils, ~~((limesulfur))~~ lime sulfur, and ferrous sulfate.

(c) For the purposes of subsections ~~((5))~~(d) and (e), pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Category 1 -- Highly toxic pesticides ~~((which labeling requires))~~ labeled with the signal word "danger" ~~((and skull and crossbones insignia and the word "poison" on the label~~

~~((i))~~ These formulations) and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except ~~((5))~~(v) below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry. Appropriate warning signs shall be posted on these enclosures or containers. The warning signs shall carry the skull and crossbones symbol and the wording "Danger: - Poison (or Pesticide or Chemical) Storage Area - Keep Out" in letters large enough to be legible at a distance of ~~((30))~~ thirty feet. The signs shall be posted to be visible from any direction.

~~((1))~~(i) Closed vehicle~~((1))~~.

~~((2))~~(ii) Closed trailer~~((1))~~.

~~((3))~~(iii) Building or room or fenced area with a fence at least six feet high.

~~((4))~~(iv) Foot locker or other container which can be locked.

~~((5))~~(v) Unattended trucks or trailers must have solid sideracks and secured tailgate at least six feet above ground, ramp or platform level.

~~((6))~~(vi) Bulk storage containers ~~((50))~~ fifty gallons and larger with tight screw-type bungs and/or secured or locked valves.

(e) Category 2 -- pesticides ~~((which labeling carries))~~ labeled with the signal word "Warning~~((1))~~" and Categories 3 and 4 -- pesticides ~~((which labeling carries a))~~ labeled with the signal word "caution"~~((1))~~

~~((i))~~ These pesticide formulations) and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in subsection (d)~~((1))~~:

PROVIDED, That metal containers, ((28)) twenty-eight gallons and larger, with tight screw-type bungs, secured or locked valves and sealed five gallon containers (requiring tool to unseal) shall be considered secured storage for pesticides covered in subsection (e).

((7r))(7) No person shall disperse a pesticide from any aircraft while in flight except over the target field and at the customary application height for that crop: PROVIDED, That emergency dumping shall not be considered a violation of this section.

AMENDATORY SECTION (Amending Order No. 1538, filed 7/29/77)

WAC 16-228-190 APPLICATOR REQUIREMENTS. (1) Commercial applicators and public operators when applying any pesticide, and private commercial applicators and demonstration and research applicators when applying pesticides restricted to use by certified applicators only, shall keep records which shall include the following:

(a) The name of the person for whom the pesticide was applied.

(b) The address or location of the land where the pesticide was applied.

(c) The year, month, day and time the pesticide was applied.

((+d)) The person or firm who supplied the pesticide which was applied.

((+e))(d) The trade name and/or common name of the pesticide which was applied and/or EPA registration number for that product ((when available)).

((+f))(e) The direction and estimated velocity of the wind and the temperature at the time the pesticide was applied: PROVIDED, That this subsection does not apply to applications of baits in bait stations and pesticide applications within structures.

((+g))(f) The amount, or amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per 100 gallons) of the pesticide used.

(a) For PCO classification, the amount and concentration of the pesticide(s) applied which may be recorded to the nearest ounce of active ingredient or to the nearest gallon of liquid spray; fumigation records shall include the pounds of gas released per ((+000))one thousand cubic feet of space, the temperature, and the duration of the exposure period.

((+h))(g) The pests to be controlled (For PCO classification only).

((+i))(h) Specific crop or site to which pesticide was applied.

((+j))(i) Apparatus license plate number.

((+k))(j) Applicator's name and address and the name of the individual making the application.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

(4) Upon written request, the applicator shall provide the customer with a record of each application of pesticides to his/her land, for the current season, which shall contain the information listed in WAC 16-228-190(1).

(5) All apparatus shall be kept in good repair and (~~shall use~~) only that apparatus capable of performing all functions necessary to (~~insure~~) ensure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to land, including humans, desirable plants and animals, from subsequent applications.

(6) On demand of the director, the applicator shall make immediately available for inspection the pesticides being applied and the apparatus used for the application: PROVIDED, That this inspection is made at the site of application of where the apparatus is located.

(7) The applicator shall make available necessary safety equipment in proper working order and advise (~~his~~) the employee on its use to meet the safety requirements of the pesticide label.

(8) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(9) All containers used for prepared mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate cautions.

AMENDATORY SECTION (Amending Order 1470, filed 5/14/76)

WAC 16-228-210 FINANCIAL RESPONSIBILITY INSURANCE CERTIFICATE (FRIC). (1) A commercial pesticide applicator's license shall not be issued until a properly executed financial responsibility insurance certificate is filed with the department which shall certify: (Forms to be supplied by the department).

(a) Name of insured (identical to name on application form)

(b) Address of insured

(c) Policy number

(d) Plane number(s) (if applicable)

(e) Effective period

(f) Amount of insurance. Minimum requirements are:

(i) Public liability (personal injury) (~~(\$25,000-00)~~) fifty thousand dollars; and property damage (~~(\$25,000-00)~~) fifty thousand dollars; or

(ii) Alternately providing both public liability (personal injury), and property damage liability coverage within the same

limit, providing such policy is issued in an amount of not less than ~~((\\$50,000-00))~~ one hundred thousand dollars.

(iii) Amount of deductible (if applicable): Maximum deductible, ~~((\\$500 for aerial, \$250))~~ five thousand for all ~~((ether))~~ applicators.

(g) List of any pesticides or group of pesticides not covered by the policy.

(h) Acknowledgement of provisions for ~~((10))~~ ten days' prior written notice of cancellation or reduction of the insurance coverage.

AMENDATORY SECTION (Amending Order No. 1470, filed 5/14/76)

WAC 16-228-220 EXAMINATION REQUIREMENTS. Any individual who fails any pesticide licensing examination twice shall be required to wait at least ~~((30))~~ fourteen days before retaking that examination a third time. Subsequent testing shall be at the director's discretion.

AMENDATORY SECTION (Amending Order No. 1538, filed 7/29/77)

WAC 16-228-225 REGULATION OF APPLICATION OF ~~((RODENTICIDE BAITS))~~ VERTEBRATE CONTROL PESTICIDES. ~~((1) PCO applicators and operators shall use rodenticide baits))~~ Vertebrate control pesticides shall be used only under the following conditions:

~~((a))~~ Applicators and operators in charge of baiting operations shall have had training in the use of rodenticides prior to applying them and shall have passed the department's general PCO examinations.

~~((b))~~ Use only rodenticides that are registered for that use by the Environmental Protection Agency (EPA), or the department, and adhere to the registered label warnings, precautions, use directions, and any regulations restricting their use.

~~((c))~~ Rodenticides)) (1) Vertebrate control pesticides shall be placed only in locations that are not readily accessible to nonpest animals, children, and unauthorized persons, and in a manner that shall preclude contamination of food, feed, drugs, and other consumer commodities. Exposure of rodenticide baits within buildings shall not be above floor levels.

~~((d))~~ (2) Baits must be colored or otherwise formulated so that they will be identifiable from foods common to the establishment in which the bait is placed. All compound 1080 solutions shall be dyed black. All 1080 baits shall be discolored.

~~((e))~~ (3) When the use of bait boxes is necessary to ensure that baits are not readily accessible to nonpest animals, children, and unauthorized persons, the bait

boxes shall be of sturdy construction and designed to accomplish that purpose, and shall be labeled clearly with letters on contrasting background showing the following information:

((i)) For the rodenticides warfarin, pindone (Pival), diphacinone (Diphacin), coumatetralyl (Fumarin), chlorophacinone (Rozol) and other anticoagulants, the words "WARNING" -- "RODENT BAIT" in letters not less than one-half inch in height and directly under, in letters not less than one-eighth inch in height the word "ANTICOAGULANT" -- and name of the rodenticide.

((ii)) For the baits containing zinc phosphide, arsenic, Red Squill, strychnine, alpha naphthylthiourea (Antu), Vacor (DBP-787, or barium carbonate, the words "WARNING" -- "RODENT BAIT" -- "POISON" in letters not less than one-half inch in height and the skull and crossbones, in red, not smaller than the letters, and in letters not less than one-eighth inch in height, the name of the rodenticide.)

(a) Any information required by the EPA or Washington state registered label for the bait or the concentrate from which it was formulated.

(b) The name of the active ingredient(s).

((iii)) (c) For the baits containing Sodium Fluoroacetate (1080), Fluoroacetamide (1081), and phosphorus paste the words "DANGER" -- "RODENT BAIT" -- "FATAL POISON" in red letters not less than one-half inch in height and the skull and crossbones insignia in red, not smaller than the letters and on contrasting background; and in letters not less than one-eighth inch in height, the name of the rodenticide.

((iv)) (d) The name of the firm and/or applicator, address, and the telephone number.

((v)) Thallium shall not be used.

((vi)) (4) Containers used for exposing ((rodenticides)) vertebrate control baits to pests shall be composed of tough, nonabsorbent, corrosion resistant materials and designed so they cannot be readily overturned or carried off by pest animals. Those containers that are used for exposing ((rodenticides)) vertebrate control pesticides outside of bait boxes shall bear a legible warning label with wording not less restrictive than requirements on bait boxes ((for rodenticides)) being used as per WAC 16-228-225((i+e)) (3), (except for the size of lettering). Food containers, such as "meat boats" and "souffle cups" are unacceptable. Containers used for liquid bait exposure shall be water and/or liquid impervious.

((vii)) (5) For residential areas, bait portions will be limited at each bait station to quantities containing no more than one-fourth ((1/4)) of a LD50 dose of the ((rodenticide)) pesticide for a ((70)) seventy kilogram (approximately ((154)) one hundred fifty-four pound) human. ((LD50 ratings shall be established by the director.

((viii)) (6) All ((rodenticide)) vertebrate control pesticide stocks, when not in use or when unattended shall be kept in locked storage or locked service vehicles. In addition, compounds 1080 and 1081 shall be kept in a locked container within locked storage or locked service vehicle.

((ix)) (7) All containers used for storing or transporting ((rodenticide concentrates)) vertebrate control pesticides shall

bear an EPA or department registered label(~~(7~~ or in the case of bulk prepared baits, a label identifying the contents as rodent bait, the active ingredient and appropriate cautions.

~~((j))~~(8) Servicemen's kits which contain ~~((rodenticides))~~ vertebrate control pesticides shall be handled with extra caution and shall not be left where children or other unauthorized persons or nontarget animals might remove contents.

~~((k))~~(9) Upon completion of a ~~((rodent))~~ baiting operation, all bait boxes, containers, and/or throw bags, if they may become readily accessible to the public, shall be recovered for disposal in an approved manner.

~~((l))~~(10) Wherever poisoned ~~((rodent))~~ carcasses jeopardize public sanitation, or create a health hazard to wildlife, domestic animals, or the public, they must be recovered and disposed of by burning, burying not less than three feet below the soil surface, or placed in proper waste containers and delivered to an approved disposal site.

~~((m))~~ When anticoagulant baits are placed outdoors they shall be placed into burrows, tunnels, deep holes, or in covered field rodent bait stations. Grain baits coated with anticoagulants and embedded in paraffin may be used in open bait stations. Compliance with WAC 16-228-225~~(1)~~(e) shall be maintained.

~~((n))~~ Strychnine shall be applied only on grain baits except when used for the control of native rodents, such as porcupines, etc., which shall be in accordance with instructions issued by the United States Bureau of Sports Fisheries and Wildlife Service.)

(11) Thallium-containing compounds shall not be used for vertebrate control.

AMENDATORY SECTION (Amending Order No. 1470, filed 5/14/76)

WAC 16-228-230 SPECIAL RESTRICTIONS ON THE USE OF COMPOUNDS 1080, 1081 AND PHOSPHORUS PASTE. ~~((l))~~ Compounds 1080 and 1081, and phosphorus paste shall be restricted for use as follows:

~~((a))~~(1) No person shall possess or use these ~~((rodenticides))~~ pesticides except federal, state, county, or municipal officers or their employees for use in their official duties in pest control; research or chemical laboratories in their respective fields; pest control applicators and operators licensed by the state; and wholesalers or jobbers who distribute, sell, or export these pesticides to the aforementioned persons.

~~((b))~~(2) No person shall use these ~~((rodenticides))~~ pesticides in occupied structures such as private homes, apartment houses, other human dwellings ~~((of))~~ or food service establishments. Those persons authorized in subsection ~~((a))~~(1) above shall use these ~~((rodenticides))~~ pesticides only ~~((when))~~ in buildings such as grain elevators, seed houses, or warehouses~~((7))~~. The portions of these buildings being baited

~~((are))~~ must be under control of the licensee. A controlled building is one that is locked or attended and that is under at least once-a-day surveillance by the licensee, unless authorized as per WAC 16-228-230~~((+)(g))~~(7).

~~((e))~~(3) Compounds 1080 and 1081 ~~((may))~~ shall be used only by authorized persons who have read and will comply with the "Instructions For Using Sodium Fluoroacetate (Compound 1080)", by the National Research Council and all other labeling of the registrant, and are familiar with hazards of the above compounds.

~~((d))~~(4) Compounds 1080 and 1081 may be used in warehouses and industrial buildings only when warning signs are used which are not less than ~~((8" * 10"))~~ eight by ten inches with the words "DANGER" -- "FATAL POISON" -- "RODENT BAIT" in red letters not less than one inch in height on a contrasting background and the skull and crossbones, in red, not smaller than the letters. These signs must be conspicuously posted at all entrances to the building and portions of the building under control of the licensee. Below is the suggested format:

DANGER

FATAL POISON - RODENT BAIT

IN THIS AREA

(Skull & Cross- DO NOT TOUCH BAITS (Skull &
Bones symbol) Crossbones Symbol)

OR DEAD ANIMALS

Name, address and phone number
of applicator

All authorized personnel in the building must be notified of the baiting; a diagram showing the number of bait stations and the location of each on the premises must be readily available on the property; and a copy of such diagram must be in the possession of the licensee who is performing the baiting operation.

~~((e))~~(5) No person shall use compounds 1080 and 1081, or phosphorus paste unless all unused baits are recovered and disposed of appropriately at the end of the baiting operation~~((r))~~, and ~~((carcasses))~~carcasses shall be recovered daily and disposed of as per WAC 16-228-225~~((+)(+))~~(10), unless a permit issued pursuant to WAC 16-228-230(7) provides alternative requirements.

~~((f))~~ Feed baits containing compounds 1080 and 1081, or phosphorus paste in nonwater form may be used only in controlled dumps and only if the bait is composed of a dry crumbly particle-type, or in a thin paste so that the bait cannot be readily carried to other areas by rodents. This bait shall be placed in such a manner so that it will not be readily accessible to birds, desirable animals, or the public~~((e))~~ (6) When placed in burrows, ~~((the))~~ baits should be put far enough into the burrow so that

domestic animals cannot reach ~~((+))~~them readily. Baits applied to dumps should be placed beneath objects, in containers, or into holes so that it is inaccessible. Appropriate warning cards, as per WAC 16-228-230~~((+))~~~~((+))~~(4) shall be conspicuously displayed in adequate numbers whenever compounds 1080 and 1081 or phosphorus baits are used on public property or on private property accessible to the public.

~~((+))~~(7) Any authorized person desiring to use these ~~((rodenticides))~~ pesticides in any areas other than licensee-controlled buildings~~((+))~~, controlled dumps~~((+))~~, sanitary sewers or in emergency situations where application sites are controlled and attended, such as waterfronts, shall apply for and obtain a permit from the director prior to applying the ~~((rodenticide))~~ pesticide. These permits may be issued by the department if, after an on-site inspection, the department determines that:

~~((+))~~(a) Good housekeeping and sanitary procedures are being followed to help control the rodent population;

~~((+))~~(b) Rodent populations and conditions are such that an emergency situation exists and less toxic rodenticides and other control measures will not be adequate for the needed rodent control;

~~((+++))~~(c) The applicant designates a competent trained person to be named on the permit, who will accept responsibility for properly collecting and disposing of dead rodents; and

~~((+))~~(d) A date is given for completion of the baiting operation (not more than ~~((30))~~ thirty days duration) when the licensee will service the bait boxes (if any) and determine if a renewal of the permit is necessary.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- (1) WAC 16-228-174 (Order No. 1538, filed 7/29/77)
- (2) WAC 16-228-176 (Order No. 1538, filed 7/29/77)
- (3) WAC 16-228-178 (Order No. 1538, filed 7/29/77)