

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 2008

(1) I, C. Alan Pettibone, director of the Washington State Department of Agriculture

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

the use and distribution of daminozide, WAC 16-228-610 through 16-228-630

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

This action is taken pursuant to Notice No. filed with the code reviser on These rules shall take effect: 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, C. Alan Pettibone, 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: the restriction of use of the pesticide daminozide to require use only under permit by the department and filing of records of use is needed to determine the amount of daminozide applied in the state of Washington.

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:

- (a) This rule is promulgated pursuant to RCW 15.58 and 17.21 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.

APPROVED AND ADOPTED May 25 19 89

STATE OF WASHINGTON FILED MAY 25 1989

By C. Alan Pettibone Director

Title

OFFICE 89-12-002

NEW SECTION

WAC 16-228-610 Daminozide--Restricted use pesticide. Daminozide (Alar, B-Nine) is hereby declared to be a restricted use pesticide. The purchase or use of daminozide shall be limited to application under the direct supervision of certified applicators who have obtained a permit from the department.

NEW SECTION

WAC 16-228-615 Daminozide--Distribution. (1) Distribution of daminozide shall be only by pesticide dealers who are currently licensed with the Washington State department of agriculture.

(2) Dealers shall distribute daminozide only to certified (licensed) applicators who have obtained a permit from the department for use on the crop specified.

(3) Dealers shall keep records of every distribution of daminozide, which shall, at the minimum, contain the following information:

(a) Purchaser's name, address, certification (license) number, and Washington State department of agriculture permit number. If the purchaser is a commercial applicator or another person other than the grower, the name and address of the grower shall also be recorded;

(b) Number of acres and crop to be treated;

(c) Product name(s) and EPA registration number(s);

(d) Quantity of daminozide distributed;

(4) Dealers shall send a copy of the daminozide distribution records specified in subsection (3) of this section within fourteen days following distribution to the: Washington State department of agriculture, Chemical and Plant Division, Ag Chemical Branch, 406 General Administration Building AX-41, Olympia, Washington 98504.

(5) Dealers shall retain a copy of daminozide distribution records specified in subsection (3) of this section for a period of seven years.

NEW SECTION

WAC 16-228-620 Daminozide--Permits. (1) Certified (licensed) applicators must obtain a permit from the department prior to use or purchase of daminozide. Application for permits shall, at the minimum, contain the following information:

(a) Name, address and telephone number of grower;

(b) Name, address, telephone number and certification (license) number of certified applicator who will supervise the application of daminozide;

(c) Proposed rate(s) of application;

(d) Crop and number of acres to be treated;

(e) Pounds of daminozide to be purchased;

(f) Quantity of daminozide already in the grower's possession;

- (g) Other information required on the permit form.
- (2) Permits to apply daminozide will be limited to pounds necessary to treat this season's crop.
- (3) Permits may be obtained by contacting the Washington State department of agriculture, Ag Chemical Branch, 2015 S. 1st Street, Yakima, Washington 98903, phone (509) 575-2746.

#### NEW SECTION

WAC 16-228-625 Daminozide--Applicator records. (1) Certified applicators applying daminozide shall keep the following records:

- (a) The location of the land where the daminozide was applied;
- (b) The year, month, day and time the daminozide was applied;
- (c) The product name used on the registered label and the United States environmental protection agency registration number, if applicable;
- (d) The crop to which the daminozide was applied;
- (e) The amount of daminozide applied per acre or other appropriate measure;
- (f) The concentration of daminozide that was applied;
- (g) The number of acres, or other appropriate measure, to which the daminozide was applied;
- (h) The certified (licensed) applicator's name, address, telephone number, certification (license) number, Washington State department of agriculture permit number, and the name of the individual or individuals making the application;
- (i) Grower's name and address, if different from above;
- (j) The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, that this subsection shall not apply to application of daminozide in greenhouses;
- (k) Any other reasonable information required by the director.

(2) This information shall be retained by the certified applicator and the grower for seven years. A copy shall be furnished to the department at the following address within fourteen days following the application: Washington State department of agriculture, Chemical and Plant Division, Ag Chemical Branch, 406 General Administration Building AX-41, Olympia, Washington 98504.

#### NEW SECTION

WAC 16-228-630 Daminozide--Dealer stocks. Dealers are required to furnish the department an inventory of stocks of daminozide in their possession including brand name, EPA registration number and container size on May 25, 1989. This record of stocks shall be mailed to the Washington State department of agriculture, Chemical and Plant Division, Ag Chemical Branch, 406 General Administration Building AX-41, Olympia, Washington 98504 prior to June 20, 1989.