



RULE-MAKING ORDER  
(RCW 34.05.360)

#5003

CR-103 (10/1/89)

Agency: Washington State Department of Agriculture

- Permanent Rule
- Emergency Rule

(1) Date of adoption: August 19, 1993

(2) Purpose: Emergency rules relating to the use of Mevinphos (Phosdrin) in Chapter 16-219 WAC.

(3) Citation of existing rules affected by this order:

Repealed: n/a  
 Amended:  
 Suspended:

(4) Authority for adoption:

Statute: 17.21 RCW and 15.58 RCW  
 Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).  
 Describe any changes other than editing from proposed to adopted version:

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: In recent events concerning the use of Phosdrin, 10 individuals have visited the emergency room and three individuals were admitted to the hospital with symptoms of pesticide poisoning. Additional restrictions on the application of Phosdrin are being adopted. Only certified applicators will be allowed to mix, load or apply Phosdrin. Dealers will be required to provide a copy of the rules to anyone purchasing the product.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes  No If yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

- 31 days after filing
- Other (specify) \_\_\_\_\_\*
- Immediately
- Later (specify) \_\_\_\_\_

\* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)

John M. King

SIGNATURE

*[Signature]*  
 Acting Deputy  
 for  
 Acting Director

DATE 8/19/93

CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON

AUG 19 1993

9:38

93-18-009

## NEW SECTION

### **WAC 16-219-016 Certified applicator requirements--Mevinphos (Phosdrin).**

All mixing, loading of any apparatus, or application of mevinphos (Phosdrin) shall be conducted by a certified applicator who is licensed to apply the product: PROVIDED, That when an aerial application is to be made, the pilot may not act as the certified applicator for mixing and loading or otherwise assist in the mixing and loading operation.

## NEW SECTION

### **WAC 16-219-026 Dealer requirements--Mevinphos (Phosdrin).**

Pesticide dealers shall provide a copy of the Mevinphos (Phosdrin) rules to the purchaser at the time of distribution.

## NEW SECTION

### **WAC 16-219-027 Applicator site observations--Mevinphos (Phosdrin).**

Any application site onto which Mevinphos (Phosdrin) will be applied shall be observed by the licensed applicator responsible for the application at least fifteen minutes prior to the start of the application. Observations shall be made to determine the presence of humans and nearby dwellings.