



RULE-MAKING ORDER  
(RCW 34.05.360)

# 5036  
CR-103 (10/1/89)

Agency: Washington State Dept. of Agriculture

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: April 15, 1994

(2) Purpose: Rules placing additional restrictions on the use of mevinphos in Chapter 16-219 WAC

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

- Repealed: WAC 16-219-030  
Amended: WAC 16-219-015, 020, 025.  
Suspended:

(4) Authority for adoption:

- Statute: RCW 15.58.040 and RCW 17.21.030  
Other Authority:

(5.1) PERMANENT RULE ONLY 94-05-092 2/16/94  
Pursuant to notice filed as WSR 94-08-033 on 3/31/94 (date).

Describe any changes other than editing from proposed to adopted version:

Section WAC 16-219-027 (4) - A new notice must be filed on the intent to spray after forty eight hours, changed from 24 hours, from the original notice of intent.

(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:

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

CODE REVISER USE ONLY

NAME (TYPE OR PRINT)

Jim Jesernig

SIGNATURE

*Jim Jesernig*  
Director

DATE

4/15/94

9:48  
94-09-028

AMENDATORY SECTION (Amending Order 3015, filed 7/23/93, effective 8/23/93)

**WAC 16-219-015 Restricted use pesticides--Mevinphos (Phosdrin).** For the purposes of WAC 16-219-015 through (~~16-219-030~~) 16-219-031, all formulations of mevinphos (Phosdrin) are declared to be restricted use pesticides due to its acute toxicity. If any restriction in WAC 16-219-015 through (~~16-219-030~~) 16-219-031 is in conflict with restrictions on the pesticide label, the most restrictive statement will apply.

NEW SECTION

**WAC 16-219-017 Use requirements--Mevinphos (Phosdrin).** (1) The use of all formulations containing the active ingredient mevinphos (Phosdrin) shall be prohibited throughout the state of Washington: *Provided*, That the use of mevinphos (Phosdrin) shall be allowed on the following crops:

(a) Green peas grown west of the Cascades;

(b) Fresh vegetable crops consisting of broccoli, brussels sprouts, cauliflower, and lettuce; and

(c) Seed crops consisting of beets, bok-choi, cabbage, carrots, collards, kale, kohlrabi, leeks, mustard, onion, parsley, parsnip, radish, spinach, and turnip.

(2) A permit may be issued by the director, upon written request, for use of mevinphos (Phosdrin) on seed crops and fresh vegetables not listed in subsection (1) of this section when a pest problem with no viable alternatives for control is identified.

NEW SECTION

**WAC 16-219-018 Certified applicator requirements--Mevinphos (Phosdrin).** All mixing and loading of any apparatus for application, the handling and all applications of mevinphos (Phosdrin) shall be conducted by a certified applicator who is licensed to apply the product. When an aerial application of mevinphos (Phosdrin) is to be made, the pilot making the application may not act as the certified applicator for mixing and loading or otherwise assist in the mixing and loading operation.

**WAC 16-219-020 Application requirements--Mevinphos (Phosdrin).** The following restrictions apply to any application of mevinphos (Phosdrin) ~~((to pears or apples))~~:

~~(1) ((A maximum of one pound active ingredient may be applied per acre per application.~~

~~(2) A minimum of seven days between applications shall be observed.~~

~~(3) Do not apply within ninety six hours of harvest.~~

~~(4) An observer shall be present during all mixing and loading activities in order to furnish assistance in the event of an accident. The observer shall not be involved in the mixing or loading operation.~~

~~(5) Do not apply within one hundred feet of any inhabited building or public road.~~

~~(6) Do not apply when wind speeds exceed ten miles per hour.~~

~~(7) Do not apply when air temperature exceeds 80 degrees Fahrenheit.~~

(8)) An observer shall be present during all mixing and loading activities in order to furnish assistance in the event of an accident. The observer shall not be involved in the mixing or loading operation. For purposes of this section, periodic visits by the observer at least once every hour to the actual mixing and loading site shall suffice for the observer requirements.

(2) Do not apply with hand equipment.

((9)) (3) Human flaggers are prohibited during aerial application.

((10) The pilot making the application may not assist in the mixing and loading operation, but may act as the observer as required in subsection (4) of this section.) (4) Aerial applications shall not be applied within one hundred and fifty feet of an inhabited building: *Provided*, That this requirement may be waived if the applicator responsible for the application has written permission from the occupant of the dwelling(s) to apply.

#### NEW SECTION

**WAC 16-219-022 Closed systems--Mevinphos (Phosdrin).** No mixing and loading of any apparatus for application of mevinphos (Phosdrin) shall be allowed unless a closed system, as approved by the department, is utilized. The effective date for compliance with this section shall be April 1, 1995.

**WAC 16-219-025 Restricted entry interval--Posting--Mevinphos (Phosdrin).** (1) Entry into ~~((a pear or apple orchard))~~ an area treated with mevinphos (Phosdrin) is prohibited ((for ninety six hours after application: Provided, That entry into the treated area may occur within the ninety six hour interval if the person is wearing all the protective clothing required on the pesticide label for an applicator)) until such time as the restricted entry interval, as outlined on the product label, has expired: Provided, That entry into the treated area may occur under the conditions outlined on the product label.

(2) Any time mevinphos (Phosdrin) is applied to ~~((pears or apples))~~ any crop or site, the area being treated shall be posted with warning signs.

#### NEW SECTION

**WAC 16-219-027 Prior notification--Mevinphos (Phosdrin).** (1) All applications of mevinphos (Phosdrin) is prohibited unless the department is notified of the intent to make application at least twenty-four hours prior to commencing the actual application.

(2) Notice of intent to apply mevinphos (Phosdrin) shall be made by one of the following:

(a) By telephone or facsimile to the department office:

(i) For applications east of the Cascades, phone number (509) 575-2746 or facsimile (509) 575-2210;

(ii) For applications west of the Cascades, phone number (206) 902-2040 or facsimile (206) 902-2093.

(b) Other conditions to be designated by the department.

(3) The notice of intent shall include the following information:

(a) Name and telephone number of person making the application;

(b) Location of the land where the mevinphos (Phosdrin) is to be applied, specifying township, range and section;

(c) Year, month, day and time the mevinphos (Phosdrin) is to be applied; and

(d) Crop or site to be treated.

(4) Application of mevinphos (phosdrin) shall not begin prior to the day and time provided in the notice of intent. If the application cannot be started or completed within forty-eight hours from the day and time stated in the notice of intent, a new notice of intent shall be made to the department.

NEW SECTION

**WAC 16-219-029 Dealer requirements--Mevinphos (Phosdrin).** Pesticide dealers of mevinphos (Phosdrin) shall provide a copy of the mevinphos (Phosdrin) rules, as well as the WSDA safety information sheet to the purchaser at the time of distribution.

NEW SECTION

**WAC 16-219-031 Weather conditions--Mevinphos (Phosdrin).** No application of mevinphos (Phosdrin) shall be made when there is a temperature inversion, or if wind speed exceeds ten miles per hour or when the temperature exceeds eighty degrees Fahrenheit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-219-030 Training--Mevinphos (Phosdrin).