WAC 16-228-1010 Definitions. The definitions in this section apply throughout this chapter, unless the context requires otherwise:

(1) "Above ground" means situated on the surface of the ground, not to include treatment of below ground tunnels, burrows, and nests.

(2) "Agricultural commodity" means any plant, part of a plant, 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 people or animals.

(3) "Authorized agent" is any individual who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

(4) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized individuals and nonpest domestic animals from gaining access to the bait. Baits placed in industrial, commercial, or other areas that are accessible to the public shall be contained in tamper resistant bait boxes. Fragile materials are unacceptable.

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

(6) "Blossoming plants" means:

(a) When there are five or more open blooms per square yard on average in a given field; or

(b) When there are one or more open blooms per tree or vine in an orchard or vineyard; or

(c) When there are five or more open weed blooms per square yard on average for the area being measured for groundcover in orchards or vineyards, fence lines, ditch banks, or field, vineyard, or orchard edges. This definition shall not apply to plants that are not attractive to bees (e.g., lentils, hops, peas (Pisum sp.), pears (second bloom), and potatoes). For the purposes of this definition, "bloom" means a flower head, raceme, or spike with one or more open flowers.

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

(8) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only.

(9) "Chemigation" means the application of any substance or combination of substances intended as a pesticide, plant or crop protectant, or a system maintenance compound applied with irrigation water.

(10) "Commercial vineyard" means a parcel of land from which the grape crop is intended to be sold to a processor, or intended to be used for commercial wine making, or intended for the commercial fresh market.

(11) A "complainant" is defined as a person who has requested an inspection of an area in which a pesticide violation is believed to have occurred.

(12) "Complete wood destroying organism inspection" means inspection for the purpose of determining evidence of infestation, damage, or conducive conditions as part of the transfer, exchange, or refinancing of any structure in Washington state. Complete wood destroying

organism inspections must also include any wood destroying organism inspection that is conducted as the result of telephone solicitation by an inspector, pest control, or other business, even if the inspection would fall within the definition of a specific wood destroying organism inspection.

(13) "Controlled disposal site" means any place where solid or liquid waste is disposed of, provided that the area has been designated as a disposal site for waste materials by the appropriate jurisdictional agency. The site must be fenced, barricaded, or otherwise enclosed or attended by some person in charge of controlling the access of domestic animals, pets, and unauthorized persons.

(14) "Department" means the Washington state department of agriculture.

(15) "Diluent" means a material, liquid or solid, serving to dilute the pesticide product to the application rate for adequate coverage.

(16) "Director" means the director of the department or a duly authorized representative.

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

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

(19) "EPA restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA.

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

(21) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended (61 stat. 163, 7 U.S.C. Sec. 136 net seq.).

(22) "Floor level" means the floor upon which people normally walk, excluding shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

(23) "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.

(24) "Fumigant" means any pesticide product or combination of products that is a vapor or gas or forms a vapor or gas on application and whose method or pesticidal action is through the gaseous state.

(25) "High volatile esters" are phenoxy hormone-type herbicides with five or less carbon atoms in the ester group, such as, but not limited to, methyl, ethyl, isopropyl, n-butyl, isobutyl, and n-pentyl.

(26) "Highly toxic pesticide" for the purpose of this chapter, means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 156.10 for toxicity Category I due to oral, inhalation, or dermal toxicity.

(27) "Landscape application" means an application of any EPA registered pesticide to any exterior landscape plants found around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, cemeteries, or similar areas. This definition

shall not apply to: (a) Applications made by certified private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs sponsored by governmental entities; and (c) commercial pesticide applicators making structural applications.

(28) "Loose bait" means pellet, grain, seed, meal, liquid, or any other form of bait that can be spilled or scattered, including bait packaged in a place pack. Loose bait does not include single-block, paste, or other single-piece types of bait.

(29) "Low volatile esters" are phenoxy hormone-type herbicides with more than five carbon atoms in the ester group.

(30) "Person" is defined as any individual, partnership, association, corporation, or organized group of persons whether incorporated.

(31) A "person aggrieved" by a violation is defined as a person who has reasonable grounds to believe that they have been subjected to harm or an unreasonable risk by such a violation.

(32) "Pollen shedding corn" means that stage of growth when 10 percent or more of the corn plants in any one quarter portion of the field are showing spike anthers.

(33) "Positive identification" means a photo identification document issued by a U.S. government agency or affiliated jurisdiction (states, tribes, territories). Acceptable photo identification documents are a driver's license, passport, military ID card, or immigration green card. Exception: Nonphoto identification documents may be allowed for religious groups that prohibit members from having their picture taken. In this case, two forms of identification are required, one of which must be a government issued document with a signature (e.g., Social Security card). Other nonphoto identification must identify the holder by name and address (e.g., utility bill).

(34) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of any pesticide classified by the EPA or the director as a restricted use pesticide for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the private applicator or the 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.

(35) "Private-commercial applicator" means a certified applicator who uses or supervises the use of any pesticide classified by the EPA or the director as a restricted use pesticide for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

(36) "Properly secured" means firmly attached and fixed to a floor or other surface so that animals and children cannot overturn the bait box or displace the bait. In the case of liquid baits, the bait container must be firmly attached and fixed to a floor surface only.

(37) "Specific wood destroying organism inspection" means an inspection of a structure for purposes of identifying or verifying evidence of an infestation of wood destroying organisms prior to pest management activities.

(38) "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.

(39) "Structural pest inspector" means any individual who performs the service of conducting a complete wood destroying organism inspection or a specific wood destroying organism inspection.

(40) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment considering the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(41) "Use restricted pesticide" means any pesticide determined by the director to need further state restrictions on use under the authority of chapters 17.21 and 15.58 RCW. This designation does not change federal or state restricted use classifications.

(42) "Waste pesticide" is any pesticide formulation which cannot be used according to label directions in Washington state because of cancellation or suspension of its federal or state registration or deterioration of the product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

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