WAC 16-228-1231 State restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only. (1) Pesticides defined by the following categories or active ingredients are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to licensed pesticide dealers, certified applicators, or to their duly authorized agents. The certified applicator must have a valid certification, license, or permit to use or purchase the kind and quantity of such pesticide sold or delivered. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.

(a) Any EPA restricted use pesticide.

(b) All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba when distributed in counties located east of the crest of the Cascade Mountains except as listed below:

(i) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(ii) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf;

(iii) Ready to use liquid formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba distributed in quantities of five gallons or less. For purposes of this subsection, ready to use means a pesticide that is applied directly from its original container consistent with label directions.

(c) Strychnine and its salts.

(d) Aquatic pesticides. All pesticides formulations labeled for application onto or into water to control pests on or in water except as provided in subsection (2) of this section.

(2) Pesticides which are not classified as EPA restricted use pesticides and which are labeled and intended only for the following aquatic uses shall be exempt from the requirements of this section:

(a) Swimming pools;

(b) Wholly impounded ornamental pools or fountains;

(c) Aquariums;

(d) Closed plumbing and sewage systems;

(e) Enclosed food processing systems;

(f) Air conditioners, humidifiers, and cooling towers;

(g) Industrial heat exchange, air washing and similar industrial systems;

(h) Disinfectants;

(i) Aquatic environments in states other than Washington;

(j) Animal pets;

(k) Use within wholly enclosed structures (with floors) or fumigation chambers. Greenhouses are not considered as wholly enclosed structures for the purposes of this section; and

(l) Home and garden control of mosquito larvae.

(3) Pesticides containing the following active ingredients and their isomers are declared state restricted use pesticides for the protection of groundwater except when labeled and intended only for home and garden use:

Atrazine;

Bromacil;

DCPA;

Disulfoton;
Diuron;
Hexazinone;
Metolachlor;
Metribuzin;
Picloram;
Prometon;
Simazine; and
Tebuthiuron.

(4) Distribution of pesticides bearing combined labeling of uses onto or into water plus nonaquatic general uses, may be made by licensed pesticide dealers to noncertified applicators if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it will not be applied into or onto water. If requested by the department, dealers shall furnish records on the sales of pesticides labeled for application onto or into water, whether sold for that use or not. Records shall include the name and address of the purchaser, the complete product name and EPA registration number of the pesticide and the amount purchased. Records shall be kept for seven years from the date of distribution.

(5) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization by the certified applicator 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 number and positive identification of the authorized agent.

(6) Pesticide dealers must positively identify unknown purchasers of restricted use pesticides. Positive identification may be annually at the time of verification of the certified applicator's license number or for each individual purchase if the applicator is unknown to the dealer. Dealers must verify the identification of unknown purchasers of restricted use pesticides for telephone or electronic purchases either by fax (photo identification) or at the time of delivery.

[Statutory Authority: RCW 17.21.030(2) and 15.58.040(2). WSR 25-22-065, s 16-228-1231, filed 10/31/25, effective 1/1/26. Statutory Authority: RCW 15.58.040, 17.21.030 and chapter 34.05 RCW. WSR 14-08-095, § 16-228-1231, filed 4/2/14, effective 5/3/14. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-228-1231, filed 5/9/07, effective 6/9/07; WSR 03-22-029, § 16-228-1231, filed 10/28/03, effective 11/28/03. Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. WSR 03-05-034, § 16-228-1231, filed 2/11/03, effective 3/14/03. Statutory Authority: Chapters 15.58 and 34.05 RCW. WSR 02-04-041, § 16-228-1231, filed 1/29/02, effective 3/1/02. Statutory Authority: Chapters 15.58, 17.21 RCW. WSR 00-22-073, § 16-228-1231, filed 10/30/00, effective 11/30/00.]