



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (12/31/00)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: March 1, 2002

(2) Purpose: Turf clippings and other plant materials are often recycled to composting facilities. There is evidence that turf clippings from sites treated with clopyralid may contain clopyralid residues when the compost is sold. Clopyralid residues on turf clippings are not breaking down as rapidly as anticipated during the composting process. Consequently, the compost, when used around sensitive plants, has damaged sensitive plants.

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

- Repealed:
- Amended:
- Suspended:

(4) Statutory authority for adoption: RCW 15.58 and RCW 17.21

Other authority:

PERMANENT RULE ONLY

Adopted under notice filed as WSR ___ on ___ (date).

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

EMERGENCY RULE ONLY

Under 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: WSDA has determined that pesticides containing the active ingredient clopyralid, when used to treat lawns and turf, pose a significant risk to the composting stream. The use season for clopyralid on turf and lawns is rapidly approaching. Emergency rules are required as a timely action to stop contaminated grass clippings from entering the composting stream and rendering product unmarketable for use around sensitive plants.

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR ___ on ___ (date)

(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

- 31 days after filing
- Other (specify) ___*

Emergency Rules

- 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)

WILLIAM E. BROOKRESON

SIGNATURE

TITLE

ACTING DIRECTOR

DATE

3/1/02

CODE REVISER USE ONLY

MAR 1 2002

815

WSR 02-06-048

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of nongovernmental entity:

New 5 Amended ___ Repealed ___

The number of sections adopted in the agency's own initiative:

New ___ Amended ___ Repealed ___

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ___ Amended ___ Repealed ___

The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

NEW SECTION

WAC 16-228-1235 When are pesticides containing the active ingredient clopyralid state restricted use pesticides? Pesticides containing the active ingredient clopyralid are state restricted use pesticides when labeled for use on lawns and turf including golf courses.

NEW SECTION

WAC 16-228-12351 Who can distribute pesticides containing the active ingredient clopyralid? Only licensed pesticide dealers can distribute pesticides containing the active ingredient clopyralid.

NEW SECTION

WAC 16-228-12352 Who can sell pesticides containing the active ingredient clopyralid? (1) Pesticides containing the active ingredient clopyralid that are labeled for use on lawns and turf including golf courses can only be sold by licensed dealers to certified applicators or their duly authorized agents. In order to purchase such pesticides, certified applicators or their agents must have a valid certification, license or permit allowing them to use or purchase such pesticides.

(2) Pesticides containing clopyralid and labeled for uses on sites/crops in addition to lawns and turf including golf courses may be sold by licensed dealers to noncertified applicators if the noncertified applicator signs the sales invoice or sales slip indicating that the pesticide will not be applied to lawns and turf including golf courses.

NEW SECTION

WAC 16-228-1237 What are the restrictions on the use of pesticides containing the active ingredient clopyralid when labeled for use on lawns and turf including golf courses? In addition to the restrictions placed on the product label, pesticides containing the active ingredient clopyralid cannot be applied to lawns and turf except for golf courses complying with the requirements in WAC 16-228-12371.

NEW SECTION

WAC 16-228-12371 What requirements affect the use of pesticides containing the active ingredient clopyralid on golf courses? (1) When labeled for use on lawns and turf including golf courses, pesticides containing the active ingredient clopyralid may be applied on golf courses if no grass clippings, leaves or other vegetation are removed from the site and placed in composting facilities that provide product to the public.

(2) Before applying pesticides containing the active ingredient clopyralid on a golf course, the commercial applicator must give written notification to the appropriate grounds keeping personnel that no grass clippings, leaves or other vegetation may be removed from the site and placed in composting facilities that provide product to the public.