



MEMORANDUM

Date: July 21, 2004
To: Marty Brown, OFM Director
Joint Administrative Rules Review Committee

- Agency Rule Coordinators:
- Department of Corrections
 - Department of Ecology
 - Department of Fish and Wildlife
 - Department of Health
 - Department of Labor and Industries
 - Department of Natural Resources
 - Washington State Parks and Recreation Commission
 - Department of Social and Health Services
 - Department of Transportation

From: George Huffman, Rules Coordinator *GH*
Washington State Department of Agriculture
P. O. Box 42560
Olympia, WA 98504-2560
Phone: 902-1802

Re: **Semi-Annual Rules Development Agenda**
(July 1, 2004 to December 31, 2004)

Attached is the Department of Agriculture's semi-annual rules development agenda for the period July 1, 2004, through December 31, 2004, which is being sent to you in compliance with RCW 34.05.314.

If you have any questions, please call me at (360) 902-1802 or e-mail me at ghuffman@agr.wa.gov

Attachment

COMMUNICATIONS SECTION

7/21/04

924

04-18-142

TIME

WSR

Washington State Department of Agriculture
Semi-Annual Rules Agenda, July 1, 2004 – December 31, 2004
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WAC Number Rule Title Agency Contact Subject of Rulemaking

CR-101 Tentative Timeline CR-102 CR-103

Commodity Inspection Division						
Chapter 16-570 WAC	Rapeseed Production and Establishment of Districts	Randy Deike Grain Inspection Program Manager Phone: (360) 902-1921	9-1-04	10-20-04	11-30-04	The department, with the support of Washington Canola and Rapeseed Commission, plans to repeal a chapter that is obsolete and no longer needed.
Pesticide Management Division						
WAC 16-228-1220	What are the restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers?	Ann Wick Program Development Program Manager Phone: (360) 902-2051	1-8-04	TBD	TBD	Based upon public comments received in 2003 year when chapter 16-228 WAC, General Pesticide Rules, was revised, the department will consider rule making to clarify the restrictions in WAC 16-228-1220(4) that apply to any person applying pesticides near schools, hospitals or similar establishments by airblast sprayers or aircraft. The department will solicit additional comments from stakeholders and other interested parties before considering possible rule amendments.
WAC 16-228-1231	State restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only.	Ann Wick Program Development Program Manager Phone: (360) 902-2051	1-8-04	TBD	TBD	Amend subsections (1) and (4) to define herbicides and related container sizes that should be considered Restricted Use or have restrictions due to product volatility causing phytotoxicity.

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herbicide management Division							
WAC 16-228-1250	Phenoxy herbicide restrictions.	Ann Wick Program Development Program Manager Phone: (360) 902-2051	1-8-04	TBD	TBD		Amend sections to define herbicides and related container sizes that should be considered Restricted Use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-230-400 through WAC 16-230-470	Restricted use herbicides-Spokane County						
WAC 16-230-600 through WAC 16-230-675	High volatile ester and dust formulations, area under order and specific rules for eastern Washington						
WAC 16-230-) through WAC 16-230-868	Application of pesticides in Benton County						
WAC 16-231-100 through WAC 16-231-183	Restricted use herbicides-Franklin County						
WAC 16-231-200 through WAC 16-231-235	Restricted use herbicides-Yakima County						

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			CR-101 CR-102 CR-103	

WAC Number	Rule Title	Agency Contact	Tentative Timeline	Subject of Rulemaking		
WAC 16-231-300 through WAC 16-231-335	Restricted use herbicides-Adams County	Ann Wick Program Development Program Manager Phone: (360) 902-2051	1-8-04	TBD	TBD	Amend sections to define herbicides and related container sizes that should be considered Restricted Use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-231-400 through WAC 16-231-425	Restricted use herbicides-Columbia County					
WAC 16-231-500 through WAC 16-231-530	Restricted use herbicides-Whitman County					
WAC 16-231-600 through WAC 16-231-620	Restricted use herbicides-Klickitat County					
WAC 16-231-700 through WAC 16-231-725	Restricted use herbicides-Okanogan County					
WAC 16-231-800 through WAC 16-231-840	Restricted use herbicides-Douglas and Chelan counties					

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Pesticide Management Division							
WAC 16-231-900 through WAC 16-231-935	Restricted use herbicides-Grant County	Ann Wick Program Development Program Manager Phone: (360) 902-2051	1-8-04	TBD	TBD		Amend sections to define herbicides and related container sizes that should be considered Restricted Use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-232-001 through WAC 16-232-077	Restricted use herbicides and application of pesticides-Walla Walla County						
WAC 16-232-100 through WAC 16-232-120	Restricted use herbicides-Lincoln County						
WAC 16-232-225	Restricted use herbicides-Garfield County						
WAC 16-232-300 through WAC 16-232-315	Restricted use herbicides-Kittitas County						

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Pesticide nagement Division	Rule Title	Agency Contact	CR-101	Tentative Timeline	CR-102	CR-103	Subject of Rulemaking
WAC 16-230-860 and	Application of pesticides in Benton County-Area 6	Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036	6-11-04	TBD	TBD		The department is considering amendments that would move eight sections of land from Area 1 to Area 6. This would allow the aerial application of pesticides in areas where they are currently prohibited except by special permit.
WAC 16-230-835	Application of pesticides in Benton County-Area 1	Ann Wick Program Development Program Manager Phone: (360) 902-2051	N/A	6-11-04 (CR-105 Expedited Repeal)	8-24-04		The department is using the expedited rule making process to repeal WAC 16-219-010 because its content has been incorporated into WAC 16-228-1238 and, therefore, WAC 16-219-010 is redundant.
WAC 16-230-250 through WAC 16-230-290	Rules relating to the use of Microencapsulated Methyl Parathion	Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036	N/A	6-11-04 (CR-105 Expedited Repeal)	8-24-04		The department is using the expedited rule making process to repeal WAC 16-230-250 through WAC 16-230-290 because the content has been incorporated into WAC 16-228-1220 and, therefore, WAC 16-230-250 through WAC 16-230-290 are redundant rule sections.
WAC 16-229-010	Definitions	Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036	7-7-04	TBD	TBD		In response to a petition received from the Washington State Horticultural Association, the department is considering amending WAC 16-229-010 (Definitions) to exempt pesticides containing only kaolin clay as the active ingredient from the definition of "pesticide." If exempt, pesticides containing only kaolin clay as the active ingredient would no longer be counted for the purpose of establishing permanent mixing/loading site threshold.

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Plant Division	Rule Title	Agency Contact	Tentative Timeline	Subject of Rulemaking	
NEW WAC	Planting Stock Certification	Tom Wessels Plant Services Program Manager Phone: 360-902-1984	3-3-04 TBD	TBD	The department is considering developing and adopting permanent rules to establish standards, fees and other provisions for a planting stock certification program for some types of nursery stock such as rhododendrons.
WAC 16-401-027	Schedule of fees and charges—Applicable rates and charges.	Tom Wessels Plant Services Program Manager Phone: 360-902-1984	4-20-04 6-23-04	8-10-04	The proposal increases nursery inspection fees by the 2005 fiscal growth rate factor of 3.03%
WAC 16-470-912 and WAC 16-470-917	Schedule of fees and charges—Applicable fees and charges. Schedule of fees and charges—Fees for post entry inspection services.	Tom Wessels Plant Services Program Manager Phone: 360-902-1984	4-20-04 6-23-04	8-10-04	The proposal increases plant pathology laboratory diagnostic fees, hourly fees, and post entry inspection fees by the fiscal growth rate factor for 2005 of 3.03%.
WAC 16-328-011	Strawberry plant certification fees.	Tom Wessels Plant Services Program Manager Phone: 360-902-1984	4-20-04 6-23-04	8-10-04	Based upon the authority granted to the department by Chapter 25, Laws of 2003, 1 st Special Session (ESSB 5404), the proposal increases the strawberry plant certification hourly inspection fee beyond the fiscal growth rate factor and slightly decrease the strawberry plant certification application fee.
WAC 16-333-041	Caneberry certification fees.	Tom Wessels Plant Services Program Manager Phone: 360-902-1984	4-20-04 6-23-04	8-10-04	Based upon the authority granted to the department by Chapter 25, Laws of 2003, 1 st Special Session (ESSB 5404), the proposal increases the caneberry certification hourly inspection fee beyond the fiscal growth rate factor and slightly decrease the caneberry certification application fee.

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WAC Number	Rule Title	Agency Contact	Tentative Timeline	Subject of Rulemaking
WAC 16-354-040	Hop rootstock certification application and fees.	Tom Wessels Plant Services Program Manager Phone: 360-902-1984	6-23-04 8-18-04 10-6-04	The department is reviewing the fees in WAC 16-354-040 with the intent to revise them.
Chapter 16-481 WAC	Grape Phylloxera	Tom Wessels Plant Services Program Manager Phone: 360-902-1984	4-20-04 6-23-04 8-10-04	The proposal adds the vine mealybug to the current quarantine.
WAC 16-752-500	Establishing wetland and aquatic weed quarantine	Mary Toohey Assistant Director, Plant Protection Division Phone: 360-902-1907	5-5-04 7-7-04 9-2-04	The department will propose adding several species to the quarantine plant lists in WAC 16-752-505 and WAC 16-752-610 and revising WAC 16-725-500 for clarity.
WAC 16-752-505	Wetland and aquatic weed quarantine- Regulated articles			
WAC 16-752-610	Noxious weed seed and plant quarantine— Regulated articles			
Chapter 16-675 WAC	Calibration services, special inspection and testing fees	Jerry Buendel Weights and Measures Program Manager Phone: 360-902-1856	4-20-04 TBD TBD	The department is reviewing fees to see if they need to be increased. Also, it is considering rewriting the chapter to improve clarity and updating its content to comply with current industry and regulatory standards.

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CR-101			CR-102	CR-103

Food Safety, Animal Health and Consumer Services					
Division Chapter 16-101 WAC	Milk and Milk Products	Jim Pressley Food Safety Assistant Program Manager Phone: 360-902-1860	TBD	TBD	TBD
Chapter 16- 101X WAC	Degrades, License Suspensions and Revocations for Dairy Producers and Processors				As part of its ongoing Executive Order 97-02 rule review process, the department is proposing to combine it's diary rules into one, clearly written and easy to use chapter.
Chapter 16-102 WAC	Butterfat Testing of Milk				
Chapter 16-103 WAC	Milk Processing Assessments and Collections				
Chapter 16-124 WAC	Licensed Testers, Weighers, Samplers and Graders				
Chapter 16-125 WAC	Farm Milk Storage Tanks and Bulk Milk Tanker- Requirements				

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Food Safety, Animal Health and Consumer Services Division						
Chapter 16-129 WAC	Labeling and Advertising of Products Resembling Genuine Dairy Products	Jim Pressley Assistant Program Manager, Food Safety Program Phone: 360-902-1860	TBD	TBD	TBD	As part of its ongoing Executive Order 97-02 rule review process, the department is proposing to combine it's dairy rules into one, clearly written and easy to use chapter.
Chapter 16-144 WAC	Processing Frozen Desserts					
WAC 16-157- 020	Adoption of the National Organic Program	Miles McEvoy Program Manager, Organic Food Program Phone: (360) 902-1924	N/A	TBD (Expedited Adoption)	TBD	The USDA National Organic Program was amended last November and the department needs to amend WAC 16-157-020 to adopt these recent USDA amendments.
Chapter 16-610 WAC	Livestock Inspection and Identification	Wendy Rude Program Manager, Livestock Identification Program	TBD	TBD	TBD	The department, with industry involvement, will develop rule language that defines how many special open consignment horse sales can be conducted by one entity in one year.

George Huffman
 George Huffman, Rules Coordinator