

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 862

Supersedes Order No. 725

Effective September 13, 1961

STATE OF WASHINGTON
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PESTICIDE REGULATIONS

I, Joe Dwyer, Director of Agriculture, by virtue of the authority vested in me under Chapter 15.57, RCW, after due notice as provided under Chapter 34.04 and 42.32, RCW, and a public hearing held in Yakima on August 1, 1961, do promulgate the following regulations relating to the formulation, distribution and sale of any agricultural pesticide and the dissemination of accurate scientific information as to the proper use or nonuse, and the application for and issuance of license to so operate.

Regulation 1. Registration Requirements.

(a) Brands.

- (1) A brand, brand name, or trademark, already registered as a pesticide in the State of Washington shall not be registered by a second person. Brand names registered during the year prior to the one for which application is under consideration will be considered to be the property of the original registrant until 30 days have been allowed for re-registration following expiration of the registration.
- (2) To change the label for a registered material, it shall be necessary to submit an affidavit stating that material under the former label will no longer be on the market beyond a reasonable minimum of time necessary to dispose of existing stock and a copy of the new label shall be submitted with the affidavit. Any time there is a change in the quantity of active ingredient, i.e. composition of the product, it shall be construed as being a new product within the meaning of these regulations.

(b) Disinfectants and Sterilizers (Not Pesticides).

- (1) Germicides, disinfectants, or chemical sterilizers to be used in stables, dairies, creameries, poultry runs and houses and for general agricultural and related uses are not subject to registration under the law.
- (2) Germicides, disinfectants, or sterilizers for hospitals, dental, tonso-ial, or purely medicinal uses; or for use in swimming pools or on glassware in drinking establishments, or for other public health uses outside the field of agriculture and related activities, if the label and claims do not exceed these boundaries, are not subject to registration under the law.
- (3) A product claimed, represented, and intended solely as a deodorizer or deodorant, or as a cleansing agent, is not considered to be a pesticide, provided it is not a repellent.

Regulation 2. Label Requirement.

(a) Ingredient Statement.

- (1) The ingredient statement must run parallel with other printed matter on the label, must be on a clear, contrasting background and must not be obscure or crowded.
- (2) The common name of the ingredient or in case there is no well-known common name, the correct chemical name shall be used. Acceptable common names shall be those approved by the American Standards Association Section Committee on Common Names for Pest Control Chemicals and accepted by the U. S. Department of Agriculture and approved by the

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Director. When no such name has been accepted and the chemical composition is so complex that it cannot be readily derived, then the Director may permit the use of a new or coined name which he finds to be appropriate for the information and protection of the user.

- (3) In specific circumstances the Director may approve negative ingredient guarantees, or statements emphasizing the safety of a pesticide used on a label in any color or size print, or in any position of prominence on the label, that would be more prominent than other guarantee statements or recommendations for use. This section shall apply as well to advertising material.

(b) Use Claims.

- (1) A list of the type of pests for the control of which each pesticide is to be recommended, the crops and/or materials or locations on which it is to be used, and the dosage recommended shall be stated on the label. At any time a supplemental or revised list may be submitted for consideration. No claims shall be made for control of any pest not included on an acceptable label or list.
- (2) Brochures and other advertising claims must conform with those claims listed on the label.

(c) Warning Statements.

- (1) The label of each pesticide containing any substance highly toxic to man as determined by the Director shall bear a SKULL AND CROSSBONES and the word POISON all printed in red on a background of distinctly contrasting color or in white letters on a red background.
- (2) Proper antidotal statement including the sentence CALL A PHYSICIAN IMMEDIATELY shall be included on labels of highly toxic materials.
- (3) The word WARNING and instructions for handling so as to reduce chances of injury shall be included on labels of highly toxic materials. In general warning, caution and antidote statements should conform to requirements of the United States Department of Agriculture, Plant Pest Control Branch. The determination as to caution, antidotal statements and toxicity of materials will be based on Federal regulations except where no information is contained in the Federal regulations, or where circumstances existing in the State of Washington require that greater caution be exercised.

Regulation 3. Artificial Coloring.

- (a) No pesticide in powdered form, toxic to man according to the State of Washington Pharmacy Law, containing any material of sufficient toxicity to necessitate the use of a skull and crossbones on the label and having a label recommendation for use in any building, ship or similar enclosure shall be sold within the State of Washington unless it is distinctly colored or discolored in such a way that it does not resemble any white powdered food.
- (b) A pesticide in liquid form with colors resembling whisky, wine or other beverage, which does not have distinctive odor, shall have an odorous substance added that is distinctly different from any beverage.

Regulation 4. Prohibits Certain Arsenic Uses.

- (a) A pesticide containing arsenic or a compound thereof for application to furnishings for living quarters, or clothing, or other fabrics, shall not be registered and its sale shall not be permitted.

Regulation 5. Foliage Oils.

- (a) The labels of horticultural spray oils for summer use shall show the guaranteed minimum percent of actual petroleum oil, the minimum guaranteed percent of unsulfonated residue, and the guaranteed classification of the oil. The classification of petroleum summer spray oils shall include:
 - (1) LIGHT, which shall distill over between 64 to 79% of the oil at 636° F. at 760 mm. pressure.

- (2) LIGHT MEDIUM, which shall distill over 52 to 61% of the oil at 636° F. at 760 mm. pressure.
- (3) MEDIUM, which shall distill over 40 to 49% of the oil at 636° F. at 760 mm. pressure.
- (4) With any oil not falling into the preceding classes the temperature (plus or minus 7° F.) at which the first fifty (50) percent of the oil shall distill, shall be guaranteed.

The percentage of oil distilling at 636° F. shall be determined by the A. S. T. M. method of analysis No. D 447-41, and the unsulfonated residue shall be determined by A. S. T. M. method of analysis No. D 483-40, or these determinations shall be made by the most recent revisions of these methods which are available at the time the analysis is made.

Regulation 6. Exemptions for Experimental Uses.

- (a) These regulations shall not apply to the manufacturer or shipper of a pesticide for experimental use only and which is to be used under supervision of a state agency or of the Federal Government or by others authorized to do experimental work if the container is plainly and conspicuously marked for EXPERIMENTAL USE ONLY - NOT TO BE SOLD, has the manufacturer's name and address provided and has such precautions included as are known to be necessary to protect the health of persons who may come in contact with the poison.
- (b) Pesticides for experimental use may be sold if a written permit has been obtained from the Director and the poisons are sold for experimental purposes subject to restrictions and conditions described in the permit. Formulations or mixtures of pesticides which are sold and are already registered in other dilutions or mixtures shall not be considered experimental, and shall not be exempt from registration as experimental materials.

Regulation 7. Custom Mixes.

DEFINITION - Custom Mix means a mixture of pesticides and/or pesticide materials each batch of which is mixed according to the specific instructions of the final purchaser.

- (a) Any manufacturer of pesticides having mixing and/or manufacturing facilities within the State of Washington may submit forms to be used as custom mix labels and secure a permit from the Department in accordance with the following rules:
 - (1) Custom Mix labels are to be conspicuously headed with the words CUSTOM MIX FOR . . . (the name of the individual or firm for whom intended.)
 - (2) The ingredient statement and the name of the individual or firm for whom the mix is being manufactured can be left blank on the label submitted to the Department for examination. A separate label, however, must be submitted for each pesticide for which different antidotes and precautionary statements are required to conform with labeling requirements.
 - (3) The name of the consumer will suffice for use claims providing the crop and pest or pests upon which the material is to be used is listed with the name of the individual or firm for whom the material is manufactured. It is a further requirement that the crop and material listed and the time of year at which the custom mix label is submitted for registration should be such that it can be reasonably assumed that use on the crop listed will not cause a likelihood of residues in excess of tolerances established under the Federal Food, Drug and Cosmetic Act by the Secretary of the United States Department of Health, Education and Welfare.
 - (4) Each lot of pesticide prepared to the specification of the consumer must be registered with the Department, using a previously approved form label with the ingredient statement and consumer name filled in and to be submitted with the application. A copy of the invoice shall be supplied to the purchaser and a duplicate copy maintained in the manufacturer's file for at least six (6) months following delivery. Any violation may be cause to cancel permits for use of custom mix labels.

Regulation 8. Adequate Containers.

- (a) Packages, i.e. containers, cartons, bags, cans, barrels, etc., in which pesticides are sold, offered for sale or transported within the State of Washington shall be of sufficient strength and of such construction as to alleviate danger of spillage or breakage which would endanger public health. Pesticides found to be packaged in unsafe containers may be seized and impounded.

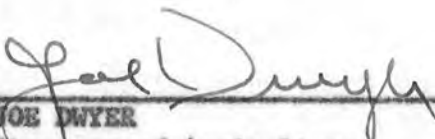
Regulation 9. Sale of Thallium and Sodium Fluoracetate.

- (a) No person shall sell or possess any sodium fluoracetate except federal, state, county municipal officers or their deputies for use in their official duties in pest control; research or chemical laboratories in their respective fields; regularly licensed pest control operators for use in their own service work; and wholesalers or jobbers of pesticides for sale to the aforementioned persons, or for export.
- (b) No person shall sell or possess any thallium or thallium compound except federal, state, county, municipal officers or their deputies for use in their official duties in pest control; research or chemical laboratories in their respective fields; regularly licensed pest control operators for use in their own service work; properly registered ant poisons containing thallium expressed as metallic not more than 1%; wholesalers or jobbers of pesticides for sale to the aforementioned persons; or for export.

Regulation 10. Dealer's Responsibilities.

- (a) No recommendation or advice concerning the use of a pesticide may be made that will violate the approved use of the pesticide and/or endanger the user, his crops, livestock, the general public or the property of others.
- (b) Pesticides must be handled, stocked and sold in a manner such as to reasonably insure the protection of the public and feed and foodstuffs that may be sold from the same outlet as the pesticides. Toxicities of pesticides shall be considered in the storage, handling and merchandising practices.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated by the Department of Agriculture.



JOE DWYER
Director of Agriculture
State of Washington

Signed at Olympia, Washington

Date: August 14, 1961

(Seal)

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