

FROM: AGRICULTURE  
(Name of Agency)

TO: CODE REVISER  
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)  
OLYMPIA 98504

The enclosed rules Permanent rules  , being Order No. 1470  
Emergency rules

relating to (Name of rules or description of subject matter)

Registration, distribution, use, transportation and storage  
of pesticides.

*-145 was changed  
to permanent rules  
see file #145*

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 5825 ① filed with the code reviser  
on 4/5/76 ② were regularly adopted as permanent rules of  
(date)  
this agency at Olympia on 5/14/76 and are herewith  
(place) (date)  
filed in the office of the code reviser pursuant to chapter 34.04  
RCW. The effective date of such rules shall be 6/14/76. ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order,  
that the immediate adoption of these rules is necessary for the  
preservation of the public health, safety, or general welfare and  
that observance of the requirements of notice and opportunity to  
present views on the proposed action would be contrary to the  
public interest, were regularly adopted as emergency rules of this  
agency at \_\_\_\_\_ on \_\_\_\_\_ and  
(place) (date)  
are herewith filed in the office of the code reviser pursuant to  
chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter  
34.04 RCW and of the Open Public Meetings Act of 1971, chapter  
42.30 RCW have been fulfilled.

Dated this Fourteenth day of May 1976.

STATE OF WASHINGTON  
**FILED**  
MAY 14 1976  
CODE REVISER'S OFFICE  
DOCKET # 7320 FILE # 29

AGRICULTURE  
(AGENCY)  
*[Signature]*  
By \_\_\_\_\_  
Assistant Supervisor, Grain & Chemical  
Title

① Notice number as appears on the copy of notice returned to you by  
reviser's office (if proceedings were continued, use no. of last notice)  
② Stamped date as appears on the copy of notice returned to you by  
reviser's office (if proceedings were continued, use date of last notice)  
③ Unless a later date is specified in this order or is prescribed in  
another statute, rules are effective 30 days after filing:  
RCW 34.04.040. Leave this space blank except in such special cases.  
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE  
ORDER NO. 1470  
Effective June 14, 1976

NEW            WAC 16-228-001 PROMULGATION. I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.58 and 17.21 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Yakima, Washington on April 28, 1976 do hereby promulgate the following regulations relating to the registration, distribution, use and application, storage and disposal of pesticides.

NEW            WAC 16-228-010 DEFINITIONS. (1) "Apparatus" means any type of ground, water or aerial equipment, device or contrivance using motorized, mechanical or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating or stored on or in such land, but shall not include any pressurized handsized household device used to apply any pesticide or any equipment, device or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application.

(2) "Authorized Agent" is any person who is authorized to act on behalf of an ultimate user for the purpose of purchasing pesticides listed in WAC 16-228-165(1).

(3) "Bait Box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated synthetic material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized persons and domestic animals from gaining access to the bait. The cover shall be provided with a lock that can be unlocked only by a combination, key, special tool, or forced entry. Fragile materials are unacceptable.

(4) "Bait Station" may be any location where baits are placed to allow rodents to gain access to the bait.

(5) "Bulk Fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in non-packaged form.

(6) "Controlled Dump" means any place where solid or liquid waste is dumped for disposal purposes: PROVIDED, That the area has been designated as a disposal site for waste materials by the jurisdictional health officer: PROVIDED FURTHER, That the site is fenced, barricaded or otherwise enclosed or attended by some person in charge to facilitate control-access of domestic animals, pets, and unauthorized persons.

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

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

(9) "Floor Level" is considered to be the floor upon which people normally walk---not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

(10) "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.

(11) "Fumigant" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

(12) "Highly Toxic" for the purpose of this order, are those pesticides, determined to be in the Toxicity Category I and are labeled on the front panel with the signal word "Danger". In addition if the product was assigned to Toxicity Category I on the basis of its oral, inhalation or dermal toxicity (as distinct from skin and eye local effects) the word "Poison" shall appear in red on a background of distinctly contrasting color and the skull and crossbones shall appear in immediate proximity to the word "Poison".

(13) "Official Washington State University Recommendation" is any recommendation issued by Washington State University in accordance with the published policy and procedures of the Cooperative Extension Service and the Agriculture Research Center.

(14) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer, agent or employee thereof. This term shall import either singular or plural as the case may be.

(15) "Pesticide Dealer" is any person who distributes any of the following pesticides:

(a) "Highly toxic" pesticides and/or

(b) "Restricted use pesticides" which by regulation are restricted to distribution by licensed pesticide dealers only and/or

(c) Any other pesticide except those pesticides in consumer-sized packages no larger than one gallon liquid measure or five pounds dry weight and which are labeled and intended for home and garden use only; and except fertilizer-pesticide mixes when distributed in packages of fifty pounds or less for home and garden use only.

(16) "Pesticide-fertilizer mix" is a mixture of a pesticide or pesticides and a fertilizer.

(17) "Ultimate User" for the purpose of this order, shall be any commercial producer, licensed or certified pesticide applicator or operator, or government agency purchasing pesticides listed in WAC 16-228-165(1).

NEW

WAC 16-228-115 PESTICIDE LABELING REQUIREMENTS. Pesticide labeling must meet the standards or criteria of the Federal Insecticide, Fungicide and Rodenticide Act.

NEW

WAC 16-228-120 ARTIFICIAL COLORING. (1) No highly toxic pesticide in powdered or granular form or highly toxic pesticide baits 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 food.

(2) A pesticide in liquid form with colors resembling a beverage or liquid food, which does not have a distinctive odor, shall have an odorous substance added that is distinctly different from any beverage or liquid food.

NEW

WAC 16-228-125 EXEMPTIONS FOR EXPERIMENTAL USE. (1) 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 label on the container is plainly and conspicuously marked FOR EXPERIMENTAL USE ONLY - NOT TO BE SOLD, has the manufacturer's name and address provided, has the manufacturer's identification and/or code number of contents, and contains such precautions as are known to be necessary to protect the health of persons who may come in contact with the pesticide.

(2) Pesticides for experimental use may be sold if a written permit has been obtained from the director and the pesticides are sold for experimental purposes subject to restrictions and conditions described in the permit. If the pesticide is to be used on a food or feed crop, a tolerance must be obtained from the Environmental Protection Agency before a permit can be issued.

NEW

WAC 16-228-130 PESTICIDE-FERTILIZER REGISTRATION AND LABELING. (1) Each pesticide-fertilizer mix containing different pesticide active ingredients and/or percentages must be registered with the director: PROVIDED, That the fertilizer portion shall be considered an inert ingredient for the purpose of this order: and PROVIDED FURTHER, That such registrations may be to the nearest 0.1% of active ingredient/s.

(2) A registered pesticide label must be attached to each pesticide-fertilizer mix container.

(3) A pesticide-fertilizer label may also contain the fertilizer labeling information as required in the Washington Commercial Fertilizer Act.

(4) A pesticide-fertilizer label shall be registered with the director before distribution or sale.

NEW

WAC 16-228-140 PESTICIDE-FERTILIZER MIX RESTRICTIONS. No person shall distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix.

NEW

WAC 16-228-145 ADEQUATE CONTAINERS. Containers, i.e., packages, cartons, bags, cans, barrels, bins, 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. Pesticides found to be packaged in unsafe containers shall be placed under "Stop Sale" order: PROVIDED, That containers shall meet the minimum specifications of the U.S. Department of Transportation CFR Title 49, Chapter 1, as in effect on the effective date of this order.

NEW

14501  
WAC 16-228-145 SALE OR POSSESSION OF SODIUM FLUORACETATE, FLUORACETAMIDE, AND PHOSPHORUS PASTES. (1) No person shall possess or use sodium fluoracetate (1080) and fluoracetamide (1081) except federal, state, county, or municipal officers or their employees, for use in their official duties in pest control, research or chemical laboratories in their respective fields; pest control operators licensed by the state; and wholesalers or jobbers of pesticides for sale to the aforementioned persons, or for export.

(2) No person shall possess or use phosphorus pastes except federal, state, county, or municipal officers or their employees for use in their official duties in pest control; research or chemical laboratories in their respective fields; pest control operators licensed by the state; and wholesalers or jobbers of pesticides for sale to the aforementioned persons or for export.

NEW

WAC 16-228-150 RESPONSIBILITIES OF PESTICIDE APPLICATORS, OPERATORS, PESTICIDE DEALERS AND PEST CONTROL CONSULTANTS IN SALES OF PESTICIDE AND IN RECOMMENDATIONS. (1) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The use of the same "checkstand" or food packaging area is prohibited for the distribution of highly toxic pesticides.

(2) Pesticide dealers and their employees and pest control consultants, pesticide applicators and their employees and public operators shall not make a pesticide recommendation or give advice that would violate federal or Washington State registration for that pesticide: PROVIDED, That pesticide dealers and their employees and pest control consultants, pesticide applicators and their employees and public operators will not be violating this regulation when following current official Washington State University pesticide recommendations.

(3) Pesticide dealers shall post in a conspicuous place a list of persons to contact in case of a pesticide accident. This list shall include the name and address of the nearest poison control center, the Washington State Department of Social and Health Services, the Community Pesticide Study Project Laboratory in Wenatchee, the county extension agent, the Department of Agriculture offices in Yakima and Olympia, and the local health officer. All pesticide accidents must be reported to the Washington State Department of Social and Health Services.

NEW

WAC 16-228-155 RESTRICTED USE PESTICIDES -- FOR COMMERCIAL AND GOVERNMENT AGENCY USE ONLY. (1) The following pesticides are hereby declared to be restricted use pesticides in the state of Washington and shall not be sold to home and garden users. The following pesticides will be registered only when manufactured, labeled, delivered, distributed, sold, or held for sale for use by commercial producers and/or commercial applicators or governmental agencies experienced in the application of pesticides. Such pesticides shall not, under any circumstances, be registered for sale or distribution if labeled for home or garden use:

1. Aluminum Phosphide (Phostoxin)
2. Arsenic Trioxide (1.6% and above except for the control or eradication of crabgrass and the container thereof is, restrictively labeled for such.
3. Azodrin
4. Bidrin
5. Castrix
6. Dasanit
7. Delnav (25.1% and above)
8. DiNitro-O-Cresol (DNOC)
9. DiNitro-O-Sec Butyl Phenol (DNOSBP)
10. DiSyston (2.1% and above)
11. Dyfonate (11% and above)
12. Endothall (20% and above)
13. Endrin (2.5% and above)
14. EPN
15. Ethion (26% and above)
16. Furadan (Carbofuran)
17. Guthion (16% and above)
18. Hydrogen Cyanide (Hydrocyanic acid) (HCN)
19. Methomyl (Lannate or Nudrin)
20. Methyl Bromide
21. Methyl Demeton (Meta Systox) (25% and above)
22. Methyl Parathion
23. Monitor (40% and above)
24. OMPA (Schradan)
25. Paraquat (cation equivalent - .5% and above)
26. Parathion
27. Phosdrin
28. Phosphamidon
29. Phosphorus paste (further restricted in WAC 16-228-145)
30. PMA - Phenyl Mercuric Acetate (1.5% and above)
31. Sodium Arsenite
32. Sodium Selanate
33. Strychnine and its salts (Strychnine Alkaloid 1.1% and above)
34. Systox (Demeton)
35. Temik
36. 1080 and 1081 (further restricted in WAC 16-228-145)
37. TEPP
38. Thallium compounds (banned for all rodenticide uses)
39. Thimet
40. Trithion (liquid and wettable powder 26% and above; granular and dust 11% and above)
41. Zinc Phosphide (2.1% and above)
42. Zinophos

(2) Pesticide dealers shall keep records on the sale of any of the above listed pesticides. These records shall contain the date of sale, the name and amount of the pesticide sold and the name and address of the purchaser. These records shall be kept on file for a period of one year and the director shall have access to these records upon request.

NEW WAC 16-228-160 RESTRICTION ON DISTRIBUTION, TRANSPORTATION, STORAGE AND DISPOSAL. (1) No person shall handle, transport, store, display, or distribute pesticides in such a manner as to endanger man and his environment or to endanger food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. Toxicities of pesticides

shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for consumption by humans or animals. Any vehicle or other equipment shall be inspected by the owner or his agent for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated must not be returned to service until the contamination has been removed.

(3) Pesticides shall not be delivered to a pesticide consignee unless the consignee or his agent is present to accept delivery of the pesticides and signs a delivery slip and/or the pesticides are secured in a proper storage.

(4) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. Pesticide products shall not be packaged, sacked, or boxed with any of the above. Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(5) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause injury to man and/or animals. Pesticides with obscured or damaged labels shall not be displayed or offered for sale.

(6) No person shall distribute or sell any pesticide unless it is in the registrant's or the manufacturer's unbroken, immediate container and there is affixed to such container its registered pesticide label.

(7) No person shall dispose of, discard, or store any pesticide or pesticide containers in such a manner as may cause injury to humans, vegetation, crops, livestock, wildlife, pollinating insects or to pollute any water supply or waterway.

(8) The distribution and use of DDT and DDD shall be prohibited in this state except for the uses determined to be "essential uses" as determined by the Pesticide Control Board as provided for in the Washington Pesticide Control Act 15.58 RCW, Section 15.58.390.

NEW WAC 16-228-165 USER PERMITS. (1) The following pesticides are hereby declared to be highly toxic and restricted use pesticides and shall not be sold or made available to any ultimate user unless such ultimate user has obtained an annual user permit: PROVIDED, That any commercial pesticide applicator or operator, public operator, private applicator, private commercial applicator licensed or certified under the provisions of Chapters 15.58 and 17.21 RCW, shall not be required to obtain this permit. PROVIDED FURTHER, That private applicators and private commercial applicators shall not be exempt from obtaining a user permit for the purchase of 2,4-D and Tordon 22K as listed in WAC 16-228-165.

- (a) Azodrin
- (b) Bidrin
- (c) DDD & DDT (for essential uses determined by law)
- (d) DiSyston - Liquid
- (e) Endrin - 2.5% and above
- (f) Parathion & Methyl Parathion - 1.1% and above
- (g) Phosdrin
- (h) Schradan (OMPA)
- (i) Sodium Arsenite
- (j) Systox (Demeton)
- (k) Temik
- (l) TEPP
- (m) Thimet (Phorate) - Liquid
- (n) Tordon 22K - For use on rangeland and permanent grass

pastures east of the crest of the Cascade Mountains. The distribution for this use of Tordon 22K, and the weeds to be controlled, shall be limited by the supplemental labeling for "Tordon 22K Weed Killer for Use in Eastern Washington" as registered with the department by the Dow Chemical Company.

(o) 2,4-D - All formulations distributed in packages of 1 gallon and larger to be used in counties located east of the crest of the Cascade Mountains.

(p) Zinophos

(2) Permits will be furnished by the Washington State Department of Agriculture pesticide branch and may be issued by a licensed pesticide dealer.

(3) An ultimate user may list on his permit the name or names of authorized agent(s) for the purpose of purchasing or receiving above listed pesticides for the ultimate user.

(4) Permits shall be on a form furnished by the director and shall include the following:

(a) Permit number

(b) Date of issuance

(c) Name and address of the ultimate user

(d) Crops and acreage to which the pesticides will be applied.

(e) Name of authorized agent(s)

(f) Any other information prescribed by the director.

(5) A copy of the permit shall be issued to the user and a duplicate shall be retained by the pesticide dealer. Permits shall expire on December 31 of each year.

(6) Licensed or certified applicators or operators may designate authorized agent(s) for the purpose of purchasing or receiving the restricted use pesticide listed in WAC 16-228-165 (1) by making previous arrangements with the pesticide dealer or the authorized agent provides written authorization to the dealer at the time of purchase. At the time of purchase the pesticide dealer shall require the applicator's or operator's name and license or certification number.

(7) Licensed dealers shall keep records on each sale of these restricted use pesticides which shall include the following:

(a) Name and address of ultimate user

(b) Applicator or operator certificate or license number

(c) Name of authorized agent

(d) Date of purchase

(e) Brand and specific pesticide name

(f) Percent active ingredient or pounds active ingredient per gallon

(g) For DDT & DDD - rate of formulation to be applied per acre

(h) Amount sold

(i) Crop to which pesticide will be applied



(8) Pesticide dealers shall keep permits and dealer records for a period of one year from the date of issuance and the director shall have access to these records upon request.

(9) Any ultimate user found violating the provisions of this order or the approved labeled use and/or the Environmental Protection Agency or Washington state registration for that pesticide shall be subject to revocation of the permit, certification or license subject to a hearing as provided for in Chapters 15.58 and 17.21 RCW: PROVIDED, That an ultimate user will not be violating this regulation when following current official Washington State University pesticide recommendations.

NEW WAC 16-228-170 PESTICIDE DEALER'S LICENSES. When more than one pesticide dealer is engaged in the business from the same outlet or location, each pesticide dealer shall obtain a license for said outlet or location.

NEW WAC 16-228-175 DISTRIBUTION REQUIREMENTS FOR GROWTH REGULATING HERBICIDES TO BE USED IN COUNTIES LOCATED EAST OF THE CREST OF THE CASCADE MOUNTAINS. (1) All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5,-T and MCPA are hereby declared to be restricted use pesticides which hereafter shall be referred to as restricted use herbicides.

(2) All 2,4-D liquid formulations distributed in packages of one gallon and larger shall be sold only through outlets licensed as pesticide dealers, as provided for in the Washington Pesticide Control Act, 15.58 RCW Section 15.58.030(19).

(3) The sale of low volatile formulations of restricted use herbicides in containers of less than one gallon is prohibited.

(4) The sale of high volatile ester formulations of 2,4-D is prohibited in the entire state.

NEW WAC 16-228-180 LICENSE DENIED, REVOKED OR SUSPENDED. (1) The director may deny, suspend, or revoke a pest control consultant's, pesticide dealer's or pesticide dealer manager's license if he determines that an applicant or licensee has committed any of the following acts:

(a) Made false or fraudulent claims through any public media such as newspaper, newsletter, TV or radio, misrepresenting the effect of pesticide or application methods to be utilized;

(b) Performed in a careless or negligent manner;

(c) Refused or neglected to comply with the provisions of the applicable sections of Chapters 15.58 and 17.21 RCW, the rules adopted thereunder, or of any lawful order of the director;

(d) Refused or neglected to keep and maintain records required by Chapter 15.58 RCW and regulations adopted thereunder, or of any lawful order of the director;

(e) Used fraud or misrepresentation in making an application for a license or a renewal of a license;

(f) Aided or abetted a licensed or an unlicensed person

to evade the provisions of Chapter 15.58 RCW, combined or conspired with such a licensed or unlicensed person to evade the provisions of Chapter 15.58 RCW or allowed one's license to be used by an unlicensed person;

(g) Made false, misleading or erroneous statements or reports during or after an inspection concerning any infestation or infection of pests found on land;

(h) Made false or fraudulent reports and/or recommendations;

(i) Impersonated any state, county, or city inspector or official; or

(j) Is not qualified to perform as a pest control consultant or pesticide dealer manager in the classifications in which he is licensed to operate or has operated, regardless of whether or not he has previously passed an examination provided for in Chapter 15.58 RCW.

NEW

WAC 16-228-185 RESTRICTIONS APPLYING TO ANY PERSON HOLDING, HANDLING, USING, OR DISPOSING OF PESTICIDES AND THEIR CONTAINERS.

(1) Any person applying pesticides to blooms of fruits, cover crops, and other plants shall regulate the timing and technique of application to minimize hazard to commercially important pollinating insects.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide or pesticide container in a manner that will pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants and animals, pollinating insects, or wildlife: PROVIDED, That a pesticide labeled for aquatic use and used as directed shall not be considered a violation of this subsection: PROVIDED FURTHER, That disposing of pesticides at disposal sites approved by the local health department complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

(a) Requirements of subsection (2) shall apply to apparatus containing pesticides.

(b) No person shall pollute streams, lakes, and other public water supplies in their pesticide loading and mixing operation. This includes using devices or procedures to prevent "back-syphoning".

(3) None of the following pesticides shall be applied by aircraft or airblast sprayers immediately adjacent to occupied schools in session, hospitals, nursing homes or other similar establishments under conditions that may result in contamination of these establishments or their premises:

Azodrin	Systox (Demeton)
DiSyston - Liquid	Temik
Endrin	TEPP
Parathion	Thimet (Phorate) - Liquid
Phosdrin	Zinophos
Schradan (OMPA)	

(4) No person shall apply pesticides if weather conditions are such that physical drift or volatilization may cause damage to adjacent land, including humans, desirable plants or animals.

(5) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices must be maintained for all pesticides and their containers which are covered under Chapter 15.58 RCW.

(b) The provisions of subsections (5)(d) and (e) shall not apply to empty pesticide containers when adequately decontaminated (e.g., three successive rinsings); shall not apply to Categories 3 and 4 pesticide formulations labeled for home and garden use only; and shall not apply to drums of petroleum oils, lime-sulfur, and ferrous sulfate.

(c) For the purposes of subsections (5)(d) and (e), pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Category 1 -- highly toxic pesticides which labeling requires the signal word "Danger" and skull and crossbones insignia and the word "Poison" on the label.

(i) These formulations and their containers shall be stored in one of the following enclosures which, when unattended, shall be locked (except 5 below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry.

1. Closed vehicle;

2. Closed trailer;

3. Building or room or fenced area with a fence at least six feet high. Appropriate warning signs shall be posted on these enclosures. The warning signs shall carry the skull and crossbones symbol and the wording "Danger: - Poison (or Pesticide or Chemical) Storage Area - Keep Out" in letters large enough to be legible at a distance of 30 feet. The signs shall be posted to be visible from any direction.

4. Foot locker or other container which can be locked.

5. Unattended trucks or trailers must have solid sideracks and secured tailgate at least six feet above ground, ramp or platform level.

(e) Category 2 -- pesticides which labeling carries the signal word "Warning"; Categories 3 and 4 -- pesticides which labeling carries a signal word "Caution".

(i) These pesticide formulations and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in subsection (d)(i): PROVIDED, That metal containers, 28 gallons and larger, with tight screw-type bungs and sealed five gallon containers (requiring tool to unseal) shall be considered secured storage for pesticides covered in subsection (e): PROVIDED FURTHER, That temporary (not to exceed one month) loading areas at least 100 yards from public roads, occupied dwellings, or other occupied buildings shall also be considered secured storage for pesticides covered in subsection (e) if all containers are removed immediately following the temporary use of these loading areas.

NEW WAC 16-228-190 APPLICATOR REQUIREMENTS. (1) Each person required to be licensed to apply pesticides under the requirements of Chapter 17.21 RCW shall:

(a) Keep records which shall include the following:

(i) The name of the person for whom the pesticide was applied.

(ii) The address or location of the land where the pesticide was applied.

(iii) The year, month, day and time the pesticide was applied.

(iv) The person or firm who supplied the pesticide which was applied.

(v) The trade name and/or common name of the pesticide

which was applied and/or EPA registration number for that product when available.

(vi) The direction and estimated velocity of the wind and the temperature at the time the pesticide was applied: PROVIDED, That this subsection does not apply to applications of baits in bait stations and pesticide applications within structures.

(vii) The amount or concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per 100 gallons) of the pesticide use.

(a) For PCO classification, the amount and concentration of the pesticide(s) applied which may be recorded to the nearest ounce of active ingredient or to the nearest gallon of liquid spray; fumigation records shall include the pounds of gas released per 1000 cubic feet of space, the temperature, and the duration of the exposure period.

(viii) The pests to be controlled (For PCO classification only).

(ix) Specific crop or site to which pesticide was applied.

(x) Apparatus license plate number

(xi) Applicator's name and address and the name of the individual making the application.

(b) Have application records completed and available to the department the same day the pesticides were applied.

(c) Keep pesticide application records for a period of three years from the date of the application of the pesticide to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

(d) Upon written request, provide the customer with a record of each application of pesticides to his land, for the current season, which shall contain the information listed in WAC 16-228-190(1)(a).

(e) Keep all apparatus in good repair and shall use only that apparatus capable of performing all functions necessary to insure proper and thorough application of pesticides. Clean apparatus so that no residue remains which may cause injury to land including humans, desirable plants and animals from subsequent applications.

(f) On demand of the director make immediately available for inspection the pesticides being applied and the apparatus used for the application: PROVIDED, That this inspection is made at the site of application or where the apparatus is located.

(g) Make available necessary safety equipment in proper working order and advise his employees on its use to meet the safety requirements of the pesticide label.

(h) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(i) All containers used for storing or transporting pesticide concentrates shall bear an EPA or department registered label or in the case of prepared mixtures, other than those in an apparatus, a label identifying the contents as a pesticide, the active ingredient, and appropriate cautions.

(j) All pesticide containers shall be secured on the vehicle in such a manner to prevent loss or spillage during transportation.

plication of pesticides shall comply fully with the appropriate rules and regulations of the Federal Aviation Administration.

NEW WAC 16-228-200 LOW FLYING PROHIBITIONS. Aircraft pilots during spraying operations, are prohibited from turning and/or low flying over (1) cities, towns and densely populated areas unless authorized by the city or town in question pursuant to an agreement in writing for pesticide applicators, or (2) directly over an occupied structure such as a residence, a school in session, or a hospital except by permission of the person(s) whose occupied structure is involved.

NEW WAC 16-228-210 FINANCIAL RESPONSIBILITY INSURANCE CERTIFICATE (FRIC). (1) A commercial pesticide applicator's license shall not be issued until a properly executed Financial Responsibility Insurance Certificate is filed with the department which shall certify: (Forms to be supplied by the department).

- (a) Name of insured (identical to name on application form)
- (b) Address of insured
- (c) Policy number
- (d) Plane number(s) if applicable)
- (e) Effective period
- (f) Amount of insurance. Minimum requirements are:
  - (i) Public liability (personal injury) (\$25,000.00); and property damage (\$25,000.00); or
  - (ii) Alternately providing both public liability (personal injury), and property damage liability coverage within the same limit, providing such policy is issued in an amount of not less than \$50,000.00.
  - (iii) Amount of deductible (if applicable): Maximum deductible, \$500 for aerial; \$250 for all other applicators.
- (g) List of any pesticides or group of pesticides not covered by the policy.
- (h) Acknowledgement of provision for 10 days' prior written notice of cancellation or reduction of the insurance coverage.

NEW WAC 16-228-215 APPLICATION FEE AND FAA CERTIFICATE. (1) An applicant shall complete the application form for his license and pay the required license application fee prior to being given pesticide examinations, unless prior arrangements have been made.

(2) Applicants for an aerial applicators license shall supply a current copy of their FAA Operating Certificate to the director prior to issuance of their license.

NEW WAC 16-228-220 EXAMINATION REQUIREMENTS. Any individual who fails any pesticide licensing examination twice shall be required to wait at least 30 days before retaking that examination a third time. Subsequent testing shall be at the director's discretion.

WAC 16-228-225 REGULATION OF APPLICATION OF RODENTICIDE BAIT. (1) PCO applicators and operators shall use rodenticide baits only under the following conditions:

(a) Applicators and operators in charge of baiting operations shall have had training in the use of rodenticides prior to applying them and shall have passed the department's general PCO examinations.

(b) Use only rodenticides that are registered for that use by the Environmental Protection Agency (EPA); the department; or that are officially recommended by Washington State University; and adhere to the registered label warnings, precautions, use directions, and any regulations restriction their use.

(c) Rodenticides shall be placed only in locations that are not readily accessible to non-pest animals, children, and unauthorized persons, and in a manner that shall preclude contamination of food, feed, drugs, and other consumer commodities. Exposure within buildings shall not be above floor levels.

(d) Baits must be colored or otherwise formulated so that they will be identifiable from foods common to the establishment in which the bait is placed. All compound 1080 solutions shall be dyed black.

(e) When the use of bait boxes is necessary to insure that baits are not readily accessible to non-pest animals, children, and unauthorized persons, the bait boxes shall be of sturdy construction and designed to accomplish that purpose, and shall be labeled clearly with letters on contrasting background showing the following information:

(i) For the rodenticides warfarin, pindone (Pival), diphacinone (Diphacin), coumafuryl (Fumarin), chlorophacinone (Rozol) and other anticoagulants, the words "WARNING" -- "RODENT BAIT" in letters not less than one-half inch in height and directly under, in letters not less than one-eighth inch in height the word "ANTICOAGULANT" -- and name of the rodenticide.

(ii) For the baits containing zinc phosphide, arsenic, Red Squill, strychnine, alpha naphthylthiourea (Antu), or barium carbonate, the words "WARNING" -- "RODENT BAIT" -- "POISON" in letters not less than one-half inch in height and the skull and crossbones, in red, not smaller than the letters; and in letters not less than one-eighth inch in height, the name of the rodenticide.

(iii) For the baits containing Sodium Fluoroacetate (1080), Fluoroacetamide (1081), and phosphorus paste the words "DANGER" -- "RODENT BAIT" -- "FATAL POISON" in red letters not less than one-half inch in height and the skull and crossbones insignia in red, not smaller than the letters and on contrasting background; and in letters not less than one-eighth inch in height, the name of the rodenticide.

(iv) The name of the firm and/or applicator, address, and the telephone number.

(v) Thallium shall not be used.

(f) Containers used for exposing rodenticides to pests shall be composed of tough, non-absorbent, corrosion resistant materials and designed so they cannot be readily overturned or carried off by pest animals. Those containers that are used for exposing rodenticides outside of bait boxes shall bear a legible warning label with wording not less restrictive than requirements on bait boxes for rodenticides being used as per WAC 16-228-225(1)(e), (except of the size of lettering). Food containers, such as "meat boats" and "souffle cups" are unacceptable. Containers used for liquid bait exposure shall be water and/or liquid impervious.

(g) For residential areas, bait portions will be limited at each bait station to quantities containing no more than one-fourth ( $\frac{1}{4}$ ) of a LD<sub>50</sub> dose of the rodenticide for a 70 kilogram (approximately 154 pound) human. LD<sub>50</sub> ratings shall be established by the director.

(h) All rodenticide stocks, when not in use or when unattended, shall be kept in locked storage or locked service vehicles. In addition, compounds 1080 and 1081 shall be kept in a locked container within locked storage or locked service vehicle.

(i) All containers used for storing or transporting rodenticide concentrates shall bear an EPA or department registered label, or in the case of bulk prepared baits, a label identifying the contents as rodent bait, the active ingredient and appropriate cautions.

(j) Servicemen's kits which contain rodenticides shall be handled with extra caution and shall not be left where children or other unauthorized persons or non-target animals might remove contents.

(k) Upon completion of a rodent baiting operation, all bait boxes, containers, and/or throw bags, if they may become readily accessible to the public, shall be recovered for disposal in an approved manner.

(l) Wherever poisoned rodent carcasses jeopardize public sanitation, or create a health hazard to wildlife, domestic animals, or the public, they must be recovered and disposed of by burning, burying not less than three feet below the soil surface, or placed in proper waste containers and delivered to an approved disposal site.

(m) When anticoagulant baits are placed outdoors they shall be placed into burrows, tunnels, deep holes, or in covered field rodent bait stations. Grain baits coated with anticoagulants and embedded in paraffin may be used in open bait stations. Compliance with WAC 16-228-225(1)(c) shall be maintained.

(n) Strychnine shall be applied only on grain baits except when used for the control of native rodents, such as porcupines, etc., which shall be in accordance with instructions issued by the U.S. Bureau of Sports Fisheries & Wildlife Service.

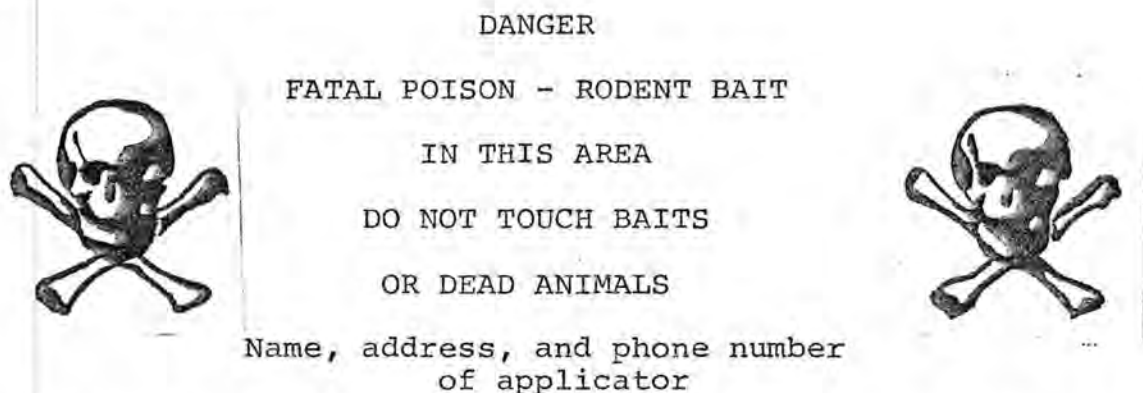
NEW WAC 16-228-230 SPECIAL RESTRICTIONS ON THE USE OF COMPOUNDS 1080, 1081 AND PHOSPHORUS PASTE. (1) Compounds 1080 and 1081, and phosphorus paste shall be restricted for use as follows:

(a) No person shall possess or use these rodenticides except federal, state, county, or municipal officers or their employees for use in their official duties in pest control; research or chemical laboratories in their respective fields; pest control applicators and operators licensed by the state; and wholesalers or jobbers who distribute, sell, or export these pesticides to the aforementioned persons.

(b) No person shall use these rodenticides in occupied structures such as private homes, apartment houses, other human dwellings of food service establishments. Those persons authorized in subsection (a) above shall use these rodenticides only when buildings such as grain elevators, seed houses, warehouses, portions of these buildings being baited are under control of the licensee. A controlled building is one that is locked or attended and that is under at least once-a-day surveillance by the licensee, unless authorized as per WAC 16-228-230(1)(g).

(c) Compounds 1080 and 1081 may be used only by authorized persons who have read and will comply with the "Instructions For Using Sodium Fluoroacetate (Compound 1080)", by the National Research Council and all other labeling of the registrant, and are familiar with Hazards of the above compounds.

(d) Compounds 1080 and 1081 may be used in warehouses and industrial buildings only when warning signs are used which are not less than 8" x 10" with the words "DANGER" -- "FATAL POISON" -- "RODENT BAIT" in red letters not less than one inch in height on a contrasting background and the skull and crossbones, in red, not smaller than the letters. These signs must be conspicuously posted at all entrances to the building and portions of the building under control of the licensee. Below is the suggested format:



All authorized personnel in the building must be notified of the baiting; a diagram showing the number of bait stations and the location of each on the premises must be readily available on the property; and a copy of such diagram must be in the possession of the licensee who is performing the baiting operation.

(e) No person shall use compounds 1080 and 1081, or phosphorus paste unless all unused baits are recovered and disposed of appropriately at the end of the baiting operation. Carcasses shall be recovered daily and disposed of as per WAC 16-228-225 (1)(1).

(f) Food baits containing compounds 1080 and 1081, or phosphorus paste in non-water form may be used only in controlled dumps and only if the bait is composed of a dry crumbly particle-type, or in a thin paste so that the bait cannot be readily carried to other areas by rodents. This bait shall be placed in such a manner so that it will not be readily accessible to birds, desirable animals, or the public. When placed in burrows, the bait should be put far enough into the burrow so that domestic animals cannot reach it readily. Baits applied to dumps should be placed beneath objects, in containers, or into holes so that it is inaccessible. Appropriate warning cards, as per WAC 16-228-230(1)(d) shall be conspicuously displayed in adequate numbers whenever compounds 1080 and 1081 or phosphorus baits are used on public property or on private property accessible to the public.

(g) Any authorized person desiring to use these rodenticides in any areas other than licensee-controlled buildings; controlled dumps; sanitary sewers; or in emergency situations where application sites are controlled and attended, such as waterfronts, shall apply for and obtain a permit from the director prior to applying the rodenticide. These permits may be issued by the department if, after an on-site inspection, the department determines that:



(i) Good housekeeping and sanitary procedures are being followed to help control the rodent population;

(ii) Rodent populations and conditions are such that an emergency situation exists and less toxic rodenticides and other control measures will not be adequate for the needed rodent control;

(iii) The applicant designates a competent trained person to be named on the permit, who will accept responsibility for properly collecting and disposing of dead rodents; and

(iv) A date is given for completion of the baiting operation (not more than 30 days duration) when the licensee will service the bait boxes and determine if a renewal of the permit is necessary.

REP

Chapters 16-220, 16-222, 16-226, 16-227 and 16-235 are hereby repealed. This order is a revision and repromulgation of the above chapters and all WACs contained thereunder.

I hereby certify the foregoing is a true and correct copy of the regulations promulgated.

Stewart Bledsoe

STEWART BLEDSOE  
Director of Agriculture

Signed at Olympia, WA

Date: 5/14/76