

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1772

(1) I, M. Keith Ellis, director of the Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

the application of endrin in apple orchards in Washington.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on Such rules shall take effect:

- 1) pursuant to RCW 34.04.040(2).
1) at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, M. Keith Ellis, Director of Agriculture, find that an emergency exists and that the foregoing order 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 public interest. A statement of the facts constituting such emergency is:

The use of endrin in Washington orchards has been shown to present possible hazard to wildlife. It is necessary that these regulations be in effect prior to the November application period in order to provide additional protection to wildlife in the application areas.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules (fill in statement (a), (b), or (c) as appropriate):

1) (a) This rule is promulgated pursuant to RCW 17.21 and 15.58 and is intended to administratively implement that statute.

1) (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of

(name of act or RCW citation)

1) (c) This rule is promulgated under the general rule-making authority of the

(agency) as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED September 28 1982

SEP 28 1982

By

Director of Agriculture

CODE REVISER'S OFFICE

WSR 82-20-014

Title

NEW SECTION

WAC 16-228-235 ENDRIN APPLICATION TO APPLE ORCHARDS.

(1) All references to endrin in WAC 16-228-010 through WAC 16-228-230 shall apply: PROVIDED, That when there is a conflict WAC 16-228-235 through WAC 16-228-265 shall prevail.

(2) Applications of endrin shall not be made to an apple orchard in the state of Washington until the orchard has been checked by a licensed pest control consultant to determine that there is a need for meadow vole control after the following criteria have been met:

(a) There is proof of meadow vole activity. This must be measured by some type of population level monitoring technique, i.e., number of meadow voles per tree or amount of visible feeding on apples on ground, or there is documentation indicating there has been a problem of meadow vole populations migrating into the orchard from bordering lands after snowfall;

(b) The use of alternative rodenticides has not been effective;

(c) Proper cultural and Integrated Pest Management practices have been followed such as mowing of cover crop and weed control around trees;

(d) The application will not become a point source of contamination of streams, rivers, ponds or lakes because of close proximity or direct surface drainage to these bodies of water.

NEW SECTION

WAC 16-228-240 WRITTEN RECOMMENDATION - LICENSED CONSULTANT.

The licensed pest control consultant shall prepare a written recommendation which shall contain documentation of the above listed criteria and the following:

(a) Name and address of the grower;

(b) address or location of orchard;

(c) number of acres to be treated;

(d) number of trees per acre;

(e) amount of endrin needed to treat the orchard;

(f) rate of application;

(g) any special precautions of which the orchardist should be made aware.

Two copies of this recommendation must be given to the grower, one copy sent to the Department of Agriculture within seven days after the recommendation was made, and one copy to be retained by the consultant.

NEW SECTION

WAC 16-228-245 DISTRIBUTION - DEALER RECORDS.

(1) Endrin shall be distributed for meadow vole control only by a licensed pesticide dealer to certified applicators or

their duly authorized representative. A copy of the written recommendation must be presented to the dealer before the endrin is delivered.

(2) Licensed dealers shall keep records on each sale of endrin which shall include the following:

- (a) Name and address of the certified applicator;
- (b) applicator or operator certificate or license number;
- (c) name of authorized agent;
- (d) date of purchase;
- (e) brand name and Environmental Protection Agency registration number;
- (f) amount sold.

(3) Pesticide dealers shall keep the written recommendations and dealer records for a period of two years from the date of distribution and the director shall have access to these records upon request.

NEW SECTION

WAC 16-228-250 APPLICATION RESTRICTIONS

(1) The application of endrin shall be restricted to a swath of four feet on each side of the apple tree row. Application shall be made only with ground equipment that is designed to restrict the spray to the four-foot swath with a minimum of drift. Spray pressure shall not exceed 50 psi: PROVIDED, That when a drift control agent has been added to the spray mixture, the spray pressure shall not exceed 75 psi.

(2) Applications shall not be made if the wind velocity is more than five miles per hour from any direction.

(3) Endrin shall not be applied to a snow cover.

NEW SECTION

WAC 16-228-255 POSTING REQUIREMENTS.

(1) Orchards sprayed with endrin must be posted with signs for a period of not less than thirty days from the date of application with the words "POISON - KEEP OUT" printed in both English and Spanish in letters large enough to be legible at a distance of thirty feet. The sign also shall contain the statement "Area sprayed with endrin".

(2) The signs shall be posted so as to be readily visible from any possible point of entry into the orchard.

(3) Workers shall be notified that there shall not be re-entry into the orchard for thirty days after the application unless rubber boots are worn.

NEW SECTION

WAC 16-228-260 PERMIT.

A special permit shall be obtained by the grower from the Washington State Department of Agriculture to:

- (a) Make an application of endrin after November 30;
- (b) make an application of endrin to any one orchard for two consecutive years;
- (c) allow border applications of endrin to exceed the four-foot swath limit after evidence of renewable infestation from bordering lands has been documented by a licensed pest control consultant.

NEW SECTION

WAC 16-228-265 APPLICATOR RECORDS.

(1) The applicator must keep records on the use of endrin which shall include the following:

- (a) Name and address of grower;
- (b) location or address of orchard treated;
- (c) date of application;
- (d) number of acres treated;
- (e) amount of endrin used;
- (f) type of equipment used;
- (g) meadow vole population threshold criteria used;
- (h) name of licensed consultant making recommendation;
- (i) cultural practices and other rodenticides used prior to the use of endrin;
- (j) name of person or firm who supplied the endrin which was applied;
- (k) disposal method for empty containers and spray tank residues.

(2) The records shall be made available to the director upon request.