

State of Washington

Department of Agriculture  
(agency name)

Administrative Order No. 1926

(1) I, C. Alan Pettibone, director of  
Washington State Department of Agriculture,

do promulgate and adopt at Olympia, WA  
(place)

the annexed rules relating to:

WAC 16-228 use of dinoseb on green peas, snap beans, certain cucurbits and caneberries.

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

This action is taken pursuant to Notice No. \_\_\_\_\_  
filed with the code reviser on \_\_\_\_\_. These rules shall take effect:  
 thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).  
 at a later date, such date being \_\_\_\_\_.

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

I, C. Alan Pettibone, find that  
an emergency exists and that this 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 the emergency is: In the fall of 1986,  
the U.S. Environmental Protection Agency suspended all uses of the herbicide  
dinoseb. Several grower groups appealed the epa decision on April 15, 1987.  
The honorable James A Reeden of the 9th District Court granted a preliminary  
injunction allowing continued use of dinoseb on those crops under certain  
conditions. These rules are to place further restrictions on the distribution  
and use of dinoset in Washington and must be effective immediately because the  
These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.  
application of dinoseb begins immediately.

(3) Pursuant to the requirements of RCW 34.04.026<sup>1</sup> 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:

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

(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)

(c) This rule is promulgated under the general rule-making authority of the  
\_\_\_\_\_  
(agency)  
as authorized in RCW \_\_\_\_\_

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public  
Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register  
Act (chapter 34.08 RCW) in the adoption of these rules.

(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.

STATE OF WASHINGTON ADOPTED April 17, 19 87

FILED

By Michael V. Schuisow

Deputy Director

Title

APR 17 1987

CODE REVISER'S OFFICE

[Form CR-7: Rev. 7/23/82]

WSR 87-09-054

NEW SECTION

WAC 16-228-440 RESTRICTED USE PESTICIDE. Dinoseb is hereby declared to be a restricted use pesticide. Notwithstanding the provisions of WAC 16-228-400 through WAC 16-228-430, inclusive, limiting use of dinoseb to dry peas, lentils and chickpeas, dinoseb may be used or applied on green peas, snap beans, curcubits (cucumbers, squash and zucchini), and caneberries.

NEW SECTION

WAC 16-228-450 DISTRIBUTION. (1) Distribution of dinoseb shall be only by pesticide dealers who are currently licensed with the Washington state department of agriculture and who have obtained a permit from the department to distribute dinoseb. The permit shall contain dealer recordkeeping and distribution requirements. The information required by the permit shall be forwarded to the Washington state department of agriculture within five days of sale or distribution.

(2) Under this emergency rule, dinoseb may be sold only to growers of green peas, snap beans, curcubits, and caneberries in quantities not to exceed that required to treat the acreage for each of those crops at the maximum application rates stated in WAC 16-228-520.

NEW SECTION

WAC 16-228-460 LABELING. The warning label must specify that (1) women of childbearing age may not use the product, (2) all reasonable efforts should be made to minimize indirect exposures to women of childbearing age, (3) the product also poses risks to male reproduction, (4) is acutely toxic, and (5) the product may be applied only by certified applicators.

NEW SECTION

WAC 16-228-470 CERTIFIED APPLICATOR RECORDS. (1) Certified applicators applying dinoseb under this emergency rule shall keep the following records:

(a) name, address and certification number;

- (b) name and address of green pea, snap bean, curcurbit and/or caneberry grower;
  - (c) date of application;
  - (d) type of crop and number of acres treated;
  - (e) number of gallons of dinoseb applied;
  - (f) registration number of product(s) applied; and
  - (g) sex of certified applicator (if female, specify age).
- (2) This information shall be forwarded by the certified applicator to the Washington state department of agriculture within five days of the use of dinoseb.

#### NEW SECTION

WAC 16-228-480 TRAINING. Persons applying and/or mixing and loading dinoseb shall be required to have proof of attending specific training in the use or dinoseb or having passed an examination demonstrating knowledge of the permitted use and safe handling and disposal of dinoseb.

#### NEW SECTION

WAC 16-228-490 AERIAL APPLICATION. Aerial application of dinoseb is prohibited.

#### NEW SECTION

WAC 16-228-500 MIXING/LOADING OF DINOSEB. The mixing and/or loading of dinoseb is prohibited except from closed systems.

#### NEW SECTION

WAC 16-228-510 GROUND APPLICATION. Ground application is prohibited except by "barrel sucker"/ground boom/tractor system. Tractor cabs must be closed and equipped with positive pressure ventilation systems: PROVIDED, That spraying of caneberries may be done by open tractor equipped as stated in WAC 16-228-510, if operators wear chemically resistant disposable coveralls (i.e., Tyvek suits) and chemically resistant gloves: PROVIDED FURTHER,

That application with backpack sprayers or hand held hoses is specifically prohibited.

NEW SECTION

WAC 16-228-520 PROTECTIVE EQUIPMENT. Mixer/loaders and applicators must wear chemically resistant disposable coveralls (i.e., Tyvek suits) and chemically resistant gloves when mixing or loading dinoseb. Applicators or other personnel may remove such protective clothing immediately before entering the tractor cab to avoid contamination, but must carry an unused set of gloves and coveralls in the cab, to be used in the event of spraying equipment malfunction and repair during application.

NEW SECTION

WAC 16-228-530 APPLICATION RATES. The maximum application rates for dinoseb are:

- (1) 3 pounds a.i./acre for green peas.
- (2) 4.5 pounds a.i./acre for snap beans.
- (3) 4.5 pounds a.i./acre for cucurbits (cucumbers, squash, zucchini).
- (4) 2.5 pounds a.i./acre for caneberries.

NEW SECTION

WAC 16-228-540 MAXIMUM ACREAGE. Dinoseb may be applied to a maximum of eighty acres per day per certified applicator.

NEW SECTION

WAC 16-228-550 WEATHER CONDITIONS. Ground application is prohibited when wind conditions exceed ten miles per hour: PROVIDED, That the spraying of caneberries by open tractor shall occur during conditions which will prevent any drift of the herbicide.