

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1969

(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:

Use of dinoseb on dry peas, chickpeas, lentils, snap beans, cucurbits and caneberries in Chapter 16-228 WAC.

(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. EPA has granted a Section 18 allowing the use of dinoseb under strict restrictions and The honorable James A. Redden of the 9th District Court granted a preliminary injunction allowing the use of dinoseb on certain crops under the same restrictions.

These 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:

[X] (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 APPROVED AND ADOPTED FILED

March 10

19 88

By

Deputy Director

Title

MAR 10 1988

CODE REVISER'S OFFICE

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

WSR 88-02-033

NEW SECTION

WAC 16-228-400 DINOSEB--RESTRICTED USE PESTICIDE. Dinoseb is hereby declared to be a restricted use pesticide. The use or application of any formulation of dinoseb shall be limited to peas (green or dry), lentils, chickpeas, snap beans, cucurbits, and caneberries. Only dinoseb products labeled for use on peas, lentils, chickpeas, snap beans, or cucurbit crops may be distributed for use or used on these crops. Only dinoseb products labeled for use on a caneberry crop may be distributed for use or used on caneberries and only for vegetative cane control as a low-pressure directed spray.

NEW SECTION

WAC 16-228-410 DINOSEB--LABELING. Applicators of dinoseb shall possess warning labeling specifying that:

- (1) No women of childbearing age may use, mix or load this product;
- (2) The product poses a possible hazard to unborn children and all reasonable efforts should be made to minimize indirect exposures to women of childbearing age;
- (3) The product also poses hazards to male reproduction;
- (4) It is acutely toxic;
- (5) The product shall be applied only by certified applicators.

NEW SECTION

WAC 16-228-420 DINOSEB--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.

(2) Dealers shall keep records of every distribution of dinoseb, which shall, at a minimum, contain the following information.

(a) Purchaser's name, address, and dinoseb license number. If the purchaser is a commercial applicator or another person other than the grower, the name and address of the grower shall also be recorded;

(b) Number of acres and crop to be treated;

(c) Product name(s) and EPA registration number(s);

(d) Quantity of dinoseb distributed;

(e) Quantity of dinoseb already in the grower's possession;

(f) Name, address and dinoseb license numbers of the certified applicator(s) to apply the dinoseb and any person(s) who will mix or load the dinoseb.

(3) Dealers shall send a copy of the dinoseb distribution records specified in subsection (2) of this section within five days following distribution to the:

- (a) Washington State Department of Agriculture
Chemical and Plant Division
406 General Administration Building, AX-41
Olympia, Washington 98504; and
- (b) Environmental Protection Agency
Attention: Lyn Frandsen (AT-093)
Region X
1200 Sixth Avenue
Seattle, Washington 98101

(4) Dealers shall retain a copy of dinoseb distribution records specified in subsection (2) of this section for a period of three years and shall furnish a copy immediately upon request to the department.

(5) Dinoseb may be distributed to growers of peas, lentils, chickpeas, snap beans, cucurbits and caneberries in quantities not to exceed that required to treat the grower's acreage of the crop(s) at the maximum application rate stated in WAC 16-228-480.

NEW SECTION

WAC 16-228-430 DINOSEB--APPLICATOR RECORDS. (1) Certified applicators applying dinoseb shall keep the following records:

- (a) Name, address, and certification number;
- (b) Name and address of grower;
- (c) Date of application;
- (d) Type of crop and number of acres treated;
- (e) Number of gallons of dinoseb formulation applied;
- (f) EPA registration number of product(s) applied.

(2) This information shall be retained by the certified applicator and the grower for three years. It shall be furnished to the department immediately upon request.

NEW SECTION

WAC 16-228-440 DINOSEB--AERIAL APPLICATION. Aerial application of dinoseb is prohibited.

NEW SECTION

WAC 16-228-450 DINOSEB--MIXING/LOADING OF DINOSEB. (1) The mixing and/or loading of dinoseb is prohibited except from closed systems.

(2) No person shall mix and/or load in one day more than the quantity of dinoseb required to treat eighty acres of peas, lentils, chickpeas, snap beans, and cucurbits or to treat twenty acres of caneberries at the maximum application rate permitted in WAC 16-228-480.

NEW SECTION

WAC 16-228-460 DINOSEB--GROUND APPLICATION. Ground application is prohibited except by "barrel sucker"/ground boom/tractor system. Tractor cabs shall be closed and equipped with positive pressure ventilation systems: PROVIDED, That spraying of caneberries may be done by open tractor if operators wear chemically resistant disposable coveralls (i.e., Tyvek suits) and chemically resistant gloves and boots: PROVIDED FURTHER, That application with backpack sprayers or hand held hoses is specifically prohibited.

NEW SECTION

WAC 16-228-470 DINOSEB--PROTECTIVE EQUIPMENT. Mixer/loaders and applicators shall wear chemically resistant, disposable coveralls (i.e., Tyvek suits) and chemically resistant gloves and boots when mixing or loading dinoseb, while adjusting or repairing dinoseb application equipment, and during application of dinoseb from open tractors to caneberries. Applicators or other personnel may remove such protective clothing immediately before entering the tractor cab to avoid contamination, but shall 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 16-228-480 DINOSEB--APPLICATION RATES. The maximum application rates for dinoseb are:

- (1) One and one-half pounds a.i./acre for lentils;
- (2) Two and one-half pounds a.i./acre for caneberries;
- (3) Three pounds a.i./acre for peas and chickpeas;
- (4) Four and one-half pounds a.i./acre for snap beans and cucurbits.

NEW SECTION

WAC 16-228-490 DINOSEB--MAXIMUM ACREAGE. No certified applicator may apply dinoseb to more than eighty acres of peas, lentils, chickpeas, snap beans, and cucurbits per day or to more than than twenty acres of caneberries per day.

NEW SECTION

WAC 16-228-500 DINOSEB--CERTIFICATION. Persons applying, loading, and/or mixing dinoseb are required to be specially certified by attending specific training in the use of dinoseb or

passing an examination demonstrating knowledge of the permitted uses, safe handling, and disposal of dinoseb. No person shall apply, load, or mix dinoseb without a currently valid dinoseb certification. Women of childbearing age (i.e., below the age of 45) shall not be certified to handle or apply dinoseb.

NEW SECTION

WAC 16-228-510 DINOSEB--REENTRY. No person shall enter any field treated with dinoseb within one week of application unless that person is within a closed cab, or is wearing chemically resistant coveralls and chemically resistant gloves and boots. Any person permitted or required to enter a field treated with dinoseb within one week of application shall be notified that the field was treated with dinoseb and advised to avoid dermal contact with treated foliage and soil.

NEW SECTION

WAC 16-228-520 DINOSEB--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 dinoseb.