

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1981

(1) I, C. Alan Pettibone, director of

Washington State Department of Agriculture

do promulgate and adopt at Olympia, WA 98504 (place)

the annexed rules relating to:

Chapter 16-228 general pesticide rules

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

This action is taken pursuant to Notice No. WSR 88-09-077

filed with the code reviser on 4/20/88. These rules shall take effect:

- [x] 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, 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:

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 17.21 and 15.58 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.

APPROVED AND ADOPTED July 1

FILED

JUL 1 1988

CODE REVISER'S OFFICE WSR 88-14-074

By

[Signature]

Director

Title

AMENDATORY SECTION (Amending Order 1869, filed 8/16/85)

WAC 16-228-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture of the state of Washington, or a duly authorized representative.

(3) "Agricultural commodity" means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by humans or animals.

(4) "Authorized agent" is any person who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

(5) "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.

(6) "Bait station" may be any location where baits are placed to allow target pests to gain access to the bait.

(7) "Bulk fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

(8) "Certified applicator" means any individual who is certified by the director to use or supervise the use of any pesticide which is classified by the Environmental Protection Agency (EPA) as a restricted use pesticide or by the state as restricted to use by certified applicators including, but not limited to licensed commercial applicators, licensed commercial operators, licensed public operators, licensed private-commercial applicators, licensed demonstration and research applicators, and certified private applicators.

(9) "Controlled disposal site" means any place where solid or liquid waste is disposed: PROVIDED, That the area has been designated as a disposal site for waste materials by the appropriate jurisdictional agency: 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.

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

(11) "EPA" means the United States Environmental Protection Agency.

(12) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

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

(14) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended.

(15) "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.

(16) "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.

(17) "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.

(18) "Highly toxic" for the purpose of this chapter, 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."

(19) "Private applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators by the director for the purposes of producing any agricultural commodity on land owned or rented by the private applicator or the private applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(20) "Private-commercial applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

(21) "State restricted use pesticide" means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW that are restricted to use only by certified applicators.

(22) "Unreasonable adverse effects on the environment" means any unreasonable risk to humans or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(23) "Waste pesticide" is any pesticide formulation which cannot be used according to label directions in Washington state because of cancellation or suspension of its federal or state registration, or deterioration of the product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

#### NEW SECTION

WAC 16-228-157 WASTE PESTICIDE DISPOSAL. Under authority of RCW 70.105B.150 and 70.105B.180, the department may establish a waste disposal program for farmers, or other parties regulated under chapter 17.21 RCW.

(1) Upon review and determination that a pesticide is no longer useable, the department may declare a pesticide to be a "waste pesticide."

(2) The department may take possession of a waste pesticide with the owner's written consent for the purpose of disposal.

(3) For the purpose of waste pesticide disposal, the department may:

(a) Become identified as a hazardous waste generator;

(b) Enter into contracts or cooperative agreements to carry out portions of or all of the waste pesticide disposal program. The department may also enter into cooperative agreements to carry out portions of or all of the development of education programs relating to waste pesticide disposal and programs for dissemination of information concerning the department's disposal program.

(4) The department may accept pesticides whose active ingredients are not clearly identifiable for disposal. These pesticides may be analyzed by either the department or a private laboratory. If upon analysis the material is not a pesticide, not identified or not acceptable for disposal, it shall be returned to the owner and/or not accepted for disposal.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-160 RESTRICTION ON DISTRIBUTION, TRANSPORTATION, STORAGE AND DISPOSAL. (1) No person shall handle, transport, store, display, apply, dispose of or distribute pesticides in such a manner as to endanger humans and their 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 authorized 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)) shall not be returned to service until the contamination has been removed.

(3) Pesticide containers shall be secured during transit by use of side or end racks, bracing, chocks, tiedowns, or other means to prevent their sliding, falling, tipping, rolling, or falling off the vehicle with normal vehicle acceleration, deceleration, or change in direction.

(4) Valves shall be tightly closed and manhole covers shall be secured on cargo or portable tanks used for transporting pesticides, whether tanks are full or empty.

(5) Portable tanks shall be secured to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies shall not be relied upon for securement.

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

(7) 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. 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.

(8) 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 "check-stand" or food packaging area is prohibited for the distribution of highly toxic pesticides.

(9) All pesticide ((accidents-must)) incidents involving undesirable impacts on human health shall be reported to the Washington state department of social and health services.

(10) 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 humans and/or animals.

Pesticides with obscured or damaged labels shall not be displayed or offered for sale.

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

(12) The distribution and use of DDT and DDD shall be prohibited in this state except for uses allowed by the Environmental Protection Agency or the Center for Disease Control of the United States Department of Health and Human Services.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-165 STATE RESTRICTED USE PESTICIDES FOR USE BY CERTIFIED APPLICATORS ONLY. (1) The following pesticides are hereby declared to be state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator (refer to definition of "direct supervision"). Any EPA restricted use pesticide not listed shall be distributed and used only under these restrictions:

- (a) Monocrotophos (Azodrin)
- (b) Dicrotophos (Bidrin)
- (c) DDD DDT
- (d) Disulfoton (DiSystem) - Liquid
- (e) Endrin
- (f) Parathion and Methyl Parathion
- (g) Mevinphos (Phosdrin)
- (h) Sodium Arsenite
- (i) Demeton (Systox)
- (j) Aldicarb (Temik)
- (k) TEPP
- (l) Phorate (Thimet) - Liquid
- (m) 2,4-D - all dry formulations and all liquid formulations distributed in packages of one gallon and larger to be used in counties located east of the crest of the Cascade Mountains ~~((and all dry formulations--except--those--labeled--and--intended--for--home--and--garden--use only))~~:

(i) The following types of formulations are exempt from this requirement:

(A) Dry formulations labeled and intended for home and garden use only;

(B) One gallon containers of liquid amine formulations packaged as ready-to-use products, labeled for consumer use; and

(C) One gallon containers of liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use.

(ii) Pesticide dealers shall be required to make available to the purchaser a copy of the ~~((regulations))~~ rules covering the use of 2,4-D in the area in which the material will be applied.

(n) Zinophos

(o) All pesticide formulations labeled for application onto or into water to control pests in or on water, except those labeled only for use in:

- (i) Swimming pools;
- (ii) Wholly impounded ornamental pools and fountains;
- (iii) Aquariums;
- (iv) Closed plumbing and sewage systems;
- (v) Enclosed food processing systems;
- (vi) Air conditioners and humidifiers;
- (vii) Cooling towers; and

(viii) Aquatic environments in states other than Washington: PROVIDED, That for purposes of this subsection, sales of pesticides bearing combined labeling for uses into or onto water and for other uses may be made by licensed pesticide dealers to noncertified applicators, if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it is not to be applied into or onto water. If requested by the department, dealers ((must)) shall furnish records on the sales of pesticides labeled for application into or onto water, whether sold for that use or not. Records ((must)) shall include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased.

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

(3) Licensed dealers shall keep records on each sale of these restricted use pesticides 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 (if applicable)
- (d) Date of purchase
- (e) Brand and specific pesticide name and/or EPA registration number
- (f) Amount sold
- ((g)-Crop-or-site-to-which-pesticide-will-be-applied)

(4) 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.

#### AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-185 RESTRICTIONS APPLYING TO ANY PERSON HOLDING, HANDLING, USING, OR DISPOSING OF PESTICIDES AND THEIR CONTAINERS. (1) Any person handling, applying, or disposing of pesticides or pesticide containers shall do so in such a manner to minimize hazard to commercially important pollinating insect species. Due care ((must)) shall be taken to regulate the timing and technique of pesticide applications to or around blossoming plants.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner as to pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants and animals, 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 appropriate agency complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

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

(4) 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:

- (a) Monocrotophos (Azodrin)

- (b) Demeton (Systox)
- (c) Disulfoton (DiSyston)-Liquid
- (d) Aldicarb (Temik)
- (e) Endrin
- (f) Tepp
- (g) Parathion
- (h) Phorate (Thimet)-Liquid
- (i) Mevinphos (Phosdrin)
- (j) Zinophos

(5) 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.

(6) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices ((must)) shall be maintained for all pesticides and their containers ((~~which are covered under chapter 45.58-RCW~~)).

(b) The provisions of ((~~subsections (d) and (e)~~)) (d) and (e) of this subsection and subsection (7) of this section shall not apply to empty pesticide containers when adequately decontaminated (e.g., three successive rinsings); shall not apply to categories 2, 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 (d) and (e)~~)) (d) and (e) of this subsection and subsection (7) of this section, 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 labeled with the signal word "danger" and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except (v) below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry. ((~~Appropriate warning signs shall be posted on these enclosures or containers. 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 thirty feet. The signs shall be posted to be visible from any direction.~~))

(i) Closed vehicle.

(ii) Closed trailer.

(iii) Building or room or fenced area with a fence at least six feet high.

(iv) Foot locker or other container which can be locked.

(v) Unattended trucks or trailers ((must)) which have solid side-racks and secured tailgate at least six feet above ground, ramp or platform level.

(vi) Bulk storage containers fifty gallons and larger with tight screw-type bungs and/or secured or locked valves.

(e) Category 2 -- pesticides labeled with the signal word "warning" and categories 3 and 4 -- pesticides labeled with the signal word "caution" and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in ((~~subsection~~)) (d) of this subsection: PROVIDED, That metal containers, twenty-eight gallons and larger, with tight screw-type bungs ((~~and~~)) and/or secured or locked valves and sealed five gallon containers (requiring tool to unseal) shall be considered secured storage ((~~for pesticides covered in subsection (e)~~)).

(7) Requirements for posting of storage for category 1 pesticides:

(a) For purposes of this subsection, warning signs shall show the skull and crossbones symbol and the words: "Danger/Poison (or Pesticide or Chemical) Storage Area/Keep Out" in letters large enough to be legible at a distance of thirty feet.

(b) Warning signs shall be posted:

(i) On enclosures specified in subsection (6) (d) of this section, when such enclosures are unattended;

(ii) At each entrance or exit from a storage area and on each exterior wall, so that a sign is visible from any direction;

(iii) If the pesticide storage area is contained in a larger, multipurpose structure, warning signs shall be clearly visible on each exterior wall of the structure within thirty feet of the pesticide storage area and from the main entrance to the larger structure: PROVIDED, That posting of the main entrance shall not be required, if a sign is visible from the entrance which clearly identifies the possibility that pesticides may be stored on the premises, (i.e., XYZ Pest Control or XYZ Wood Treatment, Inc.);

(8) No person shall disperse a pesticide from any aircraft while in flight except over the target field and at the customary application height for that crop: PROVIDED, That emergency dumping shall not be considered a violation of this section.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-190 APPLICATOR REQUIREMENTS. (1) Commercial applicators and public operators when applying any pesticide, and private commercial applicators and demonstration and research applicators when applying pesticides restricted to use by certified applicators only, shall keep records which shall include the following:

(a) The name of the person for whom the pesticide was applied.  
(b) The address or location of the land where the pesticide was applied.

(c) The year, month, day and time the pesticide was applied.  
(d) The trade name and/or common name of the pesticide which was applied and/or EPA registration number for that product.

(e) 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.

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

~~((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 one thousand cubic feet of space, the temperature, and the duration of the exposure period.

(g) The pests to be controlled (for PCO classification only).  
(h) Specific crop or site to which pesticide was applied.  
(i) Apparatus license plate number.  
(j) Applicator's name and address and the name of the individual making the application.

(k) Acreage or area treated: PROVIDED, That residential ornamental and lawn applications, and applications within structures are exempt from this requirement.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept 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.

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

(5) All apparatus shall be kept in good repair and only that apparatus capable of performing all functions necessary to ensure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to

land, including humans, desirable plants and animals, from subsequent applications.

(6) On demand of the director, the applicator shall 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 of where the apparatus is located.

(7) The applicator shall make available necessary safety equipment in proper working order and advise (~~the-employee[s]~~) employees on its use to meet the safety requirements of the pesticide label.

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

(9) All containers used for prepared mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate cautions.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

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) fifty thousand dollars; and property damage fifty thousand dollars; 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 one hundred thousand dollars.

(iii) Amount of deductible (if applicable): Maximum deductible, five thousand for all applicators.

(g) List of any pesticides or group of pesticides not covered by the policy.

(h) Acknowledgement of (~~provision[s]~~) provisions for ten days' prior written notice of cancellation or reduction of the insurance coverage.

(2) The department may waive the requirements of this section, wholly or in part, if a properly executed surety bond in a form prescribed by the director is offered as evidence of financial responsibility, as provided for in RCW 17.21.160 and 17.21.170.

AMENDATORY SECTION (Amending Order 1470, filed 5/14/76)

WAC 16-228-215 APPLICATION FEE AND FAA CERTIFICATE. (1) An applicant shall complete the application form for (~~his~~) a pesticide 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.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-220 EXAMINATION REQUIREMENTS. (1) An examination fee of five dollars shall be paid prior to administration of any pesticide license examination at other than a regularly scheduled examination session. Candidates for public pesticide operator/public pest control consultant or private pesticide applicator are exempt from payment of the five-dollar fee.

(2) Any individual who fails any pesticide licensing examination twice shall be required to wait at least fourteen days before retaking that examination a third time. Subsequent testing shall be at the director's discretion.

NEW SECTION

WAC 16-228-227 TRIBUTYLTIN. (1) The distribution for use in Washington state of paint, stain, paint additives, or similar products containing any chemical form of tributyltin for use in interiors of inhabited structures (i.e., residences, office buildings, institutions, recreational vehicles, and retail stores) shall be prohibited: PROVIDED, That this section shall not apply to specialty products, such as tile grout additives or cooling tower biocides.

(2) No tributyltin-containing paint, stain, paint additives, or similar products as specified in subsection (1) of this section may be registered for distribution unless its label clearly indicates that it shall not be used on interior surfaces of inhabited structures or that it shall be used on exterior surfaces only.

NEW SECTION

WAC 16-228-232 CHEMIGATION. After October 31, 1988, the following shall apply:

(1) No pesticide may be applied through an irrigation system, unless its registered label contains statement(s) specifically permitting this means of application: PROVIDED, That applications of spray adjuvants are exempt from requirements of this section.

(2) Any person calibrating, loading, starting up, monitoring during application, or shutting down a chemigation system shall be knowledgeable about the system, and shall be under the direct supervision of a certified applicator.

(3) Any irrigation system used for chemigation shall contain the following functional equipment:

(a) A backflow prevention device or system in the water supply line, upstream from the point of pesticide introduction. Discharge of water into a reservoir tank prior to pesticide injection is acceptable: PROVIDED, That there is an air gap between the outlet end of the fill pipe and the top (or overflow rim) of the reservoir tank of at least twice the inside diameter of the fill pipe;

(b) An automatic, quick-closing check valve in the pesticide injection pipeline to prevent the flow of liquid back toward the injection pump;

(c) A normally closed, solenoid-operated valve located on the intake side of the injection pump, connected with the system interlock to prevent fluid from being withdrawn from the supply tank during shutdown;

(d) An interlocking control to automatically shut off the injection pump when the water pump stops or when water pressure decreases to a point where pesticide distribution is affected; and

(e) A metering pump fitted into the system interlock specified in (d) of this subsection.

(4) The department may issue permits exempting specific irrigation systems or locations from requirements of subsection (3) of this section: PROVIDED, That alternative technology is substituted which will adequately fulfill the function of each waived requirement. In evaluating a permit request, the department may consult qualified engineers and Washington State University personnel.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-228-003 PROMULGATION.