



RULE-MAKING ORDER  
(RCW 34.05.360)

Order No. 5053

CR-103 (10/1/89)

Agency: Washington State Department of Agriculture

- Permanent Rule
- Emergency Rule

(1) Date of adoption: July 15, 1994

(2) Purpose: To restrict the use of mevinphos (Phosdrin) Chapter 16-219 WAC

(3) Citation of existing rules affected by this order:

Repealed:

Amended:

WAC 16-219-017 and 16-219-027

Suspended:

(4) Authority for adoption:

Statute: RCW 15.58 and RCW 17.21

Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: The registrant of Phosdrin has voluntarily cancelled all use and distribution of Phosdrin in the near future. The Department is placing the effective dates of the cancellation into rule.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes  No If yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

31 days after filing

Immediately

Other (specify) \_\_\_\_\_ \*

Later (specify) \_\_\_\_\_

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JUL 15 1994

TIME

FILED

NAME (TYPE OR PRINT)

Jim Jesernig

SIGNATURE

*Jim Jesernig*

TITLE

Director

DATE

7/15/94

AMENDATORY SECTION (Amending Order 5036, Filed 4/15/94)

**WAC 16-219-017 Use requirements--Mevinphos (Phosdrin).** (1) The use of all formulations containing the active ingredient mevinphos (Phosdrin) shall be prohibited throughout the state of Washington: PROVIDED, That the use of mevinphos (Phosdrin) shall be allowed on the following crops:

- (a) Green peas grown west of the Cascades;
- (b) Fresh vegetable crops consisting of broccoli, brussels sprouts, cauliflower, and lettuce; and
- (c) Seed crops consisting of beets, ((bøk-çhoi,)) cabbage, carrots, collards, kale, ((køhrabi, leeks,)) mustard, onion, ((parsley, parsnip, radish,)) spinach and turnip: PROVIDED, That seed crops appear on the specific label of the product applied.

(2) A permit may be issued by the director, upon written request, for use of mevinphos (Phosdrin) on seed crops and fresh vegetables not listed in subsection (1) of this section when a pest problem with no viable alternatives for control is identified.

AMENDATORY SECTION (Amending Order 5036, Filed 4/15/94)

**WAC 16-219-027 Prior notification--Mevinphos (Phosdrin).** (1) All applications of mevinphos (Phosdrin) is prohibited unless the department is notified of the intent to make application at least twenty four hours prior to commencing the actual application.

(2) Notice of intent to apply mevinphos (Phosdrin) shall be made by the certified applicator licensed to apply the product by one of the following:

- (a) By telephone or facsimile to the department office:
  - (i) For applications east of the Cascades, phone number (509) 575-2746 or facsimile (509) 575-2210;
  - (ii) For applications west of the Cascades, phone number (206) 902-2040 or facsimile (206) 902-2093.
- (b) Other conditions to be designated by the department.

(3) The notice of intent shall include the following information:

- (a) Name and telephone number of person making the application;
- (b) Location of the land where the mevinphos (Phosdrin) is to be applied, specifying township, range and section;
- (c) Year, month, day and time the mevinphos (Phosdrin) is to be applied; and
- (d) Crop or site to be treated.

(4) Application of mevinphos (Phosdrin) shall not begin prior to the day and time provided in the notice of intent. If the application cannot be started or completed within forty-eight hours from the day and time stated in the notice of intent, a new notice of intent shall be made to the department. [Order No. 5036, WSR 94-09-028, Filed April 15, 1994, Effective May 16, 1994]

NEW SECTION

**WAC 16-219-033 Use and distribution--Mevinphos (Phosdrin).** (1) The use of mevinphos (Phosdrin) products shall not be allowed in Washington State after February 28, 1995.

(2) The distribution of mevinphos (Phosdrin) shall not be allowed in Washington State after December 31, 1994.