



**RULE MAKING ORDER**  
**(RCW 34.05.360)**

**CR-103 (4/25/96)**

**Agency:** Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

**(1) Date of adoption:** July 7, 1998

**(2) Purpose:** Allow the purchase and use of Strychnine pesticide products by licensed and trained applicators only. Require recordkeeping on sales of product by dealers.

**(3) Citation of existing rules affected by this order:** WAC 16-228-155(1)(g)

Repealed:  
 Amended: WAC 16-228-155(1)(g)  
 Suspended:

**(4) Statutory authority for adoption:** RCW 15.58.040(2)(h)

Other Authority:

**PERMANENT RULE ONLY**

Adopted under notice filed as WSR 98-10-069 on May 4, 1998 (date).  
Describe any changes other than editing from proposed to adopted version:

**EMERGENCY RULE ONLY**

Under 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:

**EXPEDITED REPEAL ONLY**

Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date)

**(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**  
**or Expedited Repeal**

**Emergency Rules**

- 31 days after filing
- Other (specify) \_\_\_\_\_ \*
- Immediately
- Later (specify) \_\_\_\_\_

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

**Name (Type or Print)**

Jim Jesernig

**Signature**

**Title**  
Director

**Date**  
July 7, 1998

**CODE REVISER USE ONLY**

**CODE REVISER'S OFFICE**  
**STATE OF WASHINGTON**  
**FILED**

JUL 7 1998

TIME 10:45 **AM**  
PM

WSR 98-15-026

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	----	Amended	Repealed
<b>Federal rules or standards:</b>	New		Amended	Repealed
<b>Recently enacted state statutes:</b>	New		Amended	Repealed

**The number of sections adopted at the request of nongovernmental entity:**

New	Amended	Repealed
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**The number of sections adopted in the agency's own initiative:**

New	Amended	<u>1</u>	Repealed
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	Amended	Repealed
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	Amended	Repealed
<b>Pilot rule making:</b>	New	Amended	Repealed
<b>Other alternative rule making:</b>	New	Amended	Repealed

AMENDATORY SECTION (Amending Order 2022, filed 11/30/89, effective 12/31/89)

**WAC 16-228-155 Pesticides--Not for distribution to home and garden users.** (1) The following pesticides are hereby declared to be restricted use pesticides in the state of Washington because of their toxicity to people and animals and shall not be distributed to home and garden users. The following pesticides shall be registered only when manufactured, labeled, delivered, distributed, sold, or held for sale for use by commercial producers and/or commercial applicators or governmental agencies experienced in the application of pesticides:

- (a) DiNitro-O-Sec Butyl Phenol (DNOSBP)
- (b) Endothall (20% and above)
- (c) Ethion (26% and above)
- (d) Guthion (16% and above)
- (e) Hydrogen Cyanide (Hydrocyanic acid) (HCN)
- (f) Methyl Bromide
- (g) Strychnine and its salts (~~((Strychnine Alkaloid 1.1% and above))~~)

(2) Pesticide dealers shall keep records on the sale of any of the above listed pesticides. These records shall contain the date of sale, the name and amount of the pesticide sold and the name and address of the purchaser. These records shall be kept on file for a period of seven years and the director shall have access to these records upon request.