

WSR 23-21-079  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE  
[Filed October 16, 2023, 8:03 a.m.]

Subject of Possible Rule Making: Chapter 16-228 WAC, General pesticide rules. The department of agriculture (department) is considering updates to multiple sections of this chapter to comply with the 2017 federal certified pesticide applicator rule update and subsequent Washington state certification plan approved by the United States Environmental Protection Agency (EPA) in December 2022.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.58.040, 17.21.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2017, to help ensure the safe and responsible use of restricted use pesticides, the EPA published updates to 40 C.F.R. 171, Certification of Pesticide Applicators Rule, also known as the Certification and Training (C&T) Rule. Prior to 2017, EPA had not updated federal requirements since the initial publication of the C&T rule in 1974. The C&T rule requires state lead authorities, like the Washington state department of agriculture, to maintain state certification plans on the certification of pesticide applicators. State plans must, at a minimum, establish the same criteria as the federal updated C&T rules in 40 C.F.R. 171.

Chapter 17.21 RCW was updated during the 2023 legislative session in SB 5330 (chapter 186, Laws of 2023) to comply with this federal law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will discuss proposed rule amendments with EPA.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Christina Zimmerman, Program Manager, Licensing and Recertification Program, Washington State Department of Agriculture, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2150, fax 360-902-2093, TTY 800-833-6388, email [czimmerman@agr.wa.gov](mailto:czimmerman@agr.wa.gov), website <https://agr.wa.gov/services/rulemaking>.

October 16, 2023  
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