

WSR 25-17-078

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed August 19, 2025, 11:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-21-079.

Title of Rule and Other Identifying Information: Chapter 16-228 WAC, General pesticide rules.

Hearing Location(s): On September 23, 2025, at 9:00 a.m., virtually via Microsoft Teams. Please see the department of agriculture's (department) website at <https://agr.wa.gov/services/rulemaking/wac-16-228-cert-and-training-updates101623> to access the hearing online or by telephone; or

On September 23, 2025, at 6:00 p.m., virtually via Microsoft Teams. Please see the department's website at <https://agr.wa.gov/services/rulemaking/wac-16-228-cert-and-training-updates101623> to access the hearing online or by telephone.

Date of Intended Adoption: September 30, 2025.

Submit Written Comments to: Gloriann Robinson, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, email wsdarulescomments@agr.wa.gov, fax 360-902-2092, by September 23, 2025, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Caleb Cole, phone 360-685-9836, TTY 800-833-6388, email ccole@agr.wa.gov, by September 16, 2025, 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing amendments 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.

The amendments include:

- Updating requirements for pesticide dealers/distributors (WAC 16-228-1231 and 16-228-1300). Updates include clarifying language to allow pesticide dealers to distribute/sell pesticides to other distributors and increase parameters for pesticide dealers to record during a sale/distribution of a restricted-use pesticide, including pesticide license expiration date, category applicable to the product being purchased/distributed, and, if applicable, Section 18 or special local need registration number.
- Updating pilot and aircraft requirements for pesticide applicators (WAC 16-228-1330), including updating language so requirements apply to all aerial applicators of pesticides, not just commercial applicators.
- Updating and clarifying pesticide license examination standards to articulate a waiting period between failures in rule rather than just in policy and to specify that exam proctors may not take pesticide license exams during an exam session they are proctoring (WAC 16-228-1540).
- Updating pesticide licensing requirements to remove allowance for substitutions to meet the core pesticide requirements; add, merge, and remove licensing classifications (categories); and add language to increase and establish competency standards for all licensees (WAC 16-228-1545, 16-228-15451 (new), 16-228-1546, 16-228-15461 (new), and 16-228-1547).

- Adding a new section outlining the requirements for the direct supervision of noncertified applicators, including specifying responsibilities of both the supervising certified (licensed) applicator and the noncertified applicator and establishing a minimum age of noncertified applicators (WAC 16-228-1548).
- Updating language in various sections for cleanup and consistency (WAC 16-228-1010, 16-228-1320, and 16-228-1530).

Reasons Supporting Proposal: The department oversees the initial and continued certification and licensing of pesticide applicators, dealer managers, consultants, and structural pest inspectors, enforcing federal and state requirements through a cooperative agreement with and delegated authority from EPA in 40 C.F.R. 171.

In 2017, EPA published updates to the federal certification of pesticide applicators rules (C&T rule), 40 C.F.R. 171, to strengthen certified applicator requirements to ensure safe and responsible use of restricted use pesticides. Prior to this, EPA had not updated federal requirements since the initial publication of this rule in 1974.

The updated federal C&T rule requires state lead agencies like the department to establish and maintain state plans on the certification of pesticide applicators. State plans must, at a minimum, establish and meet the same criteria as the updated federal rule.

The department submitted the Washington-specific state plan to EPA in March 2020, and it was subsequently approved in December 2022. 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. This rule making amends chapter 16-228 WAC to implement the EPA-approved Washington state plan, as required.

Conformity with 40 C.F.R. § 171.303: The proposed rule is structured to achieve full conformity with the federal requirements outlined in 40 C.F.R. § 171.303. Conformity, in this context, refers to the alignment of state regulatory language, categories, and standards with those established at the federal level by EPA for the certification of restricted use pesticide (RUP) applicators.

40 C.F.R. § 171.303 mandates that state certification plans must, at a minimum, incorporate specific federal standards relating to applicator competency, examination protocols, recertification intervals, supervision of noncertified applicators, and proper documentation. The proposed rule demonstrates conformity through several mechanisms:

Certification Categories: The rule language updates and, where necessary, expands or eliminates certification categories to reflect those listed in the federal regulation. This ensures that Washington's categories are compatible with the federal framework and approved by EPA, facilitating both intrastate and interstate recognition of credentials.

Competency Standards: The proposed rule adopts the federal definitions and standards for applicator competency, including the knowledge and skills required for safe and effective use of RUPs. This alignment guarantees that Washington-certified applicators meet or exceed the baseline expectations set by EPA.

Recertification and Examination: The amendments revise state certification intervals and examination requirements to match federal minimums, thereby ensuring consistency and preventing conflicts that might result from differing standards.

Supervision and Documentation: New sections are added to mirror the federal requirements for direct supervision of noncertified appli-

cators and for the issuance and maintenance of certification documentation.

By mirroring the structure and content of 40 C.F.R. § 171.303, these regulatory amendments ensure that the department's licensing and recertification program is not only consistent with federal law, but also positioned for continued EPA approval.

Compliance with 40 C.F.R. § 171.303: Compliance, in this context, must extend beyond mere alignment and fulfill the legal obligation to adopt and implement federal standards as a condition of maintaining state authority over the certification of RUP applicators. Under the Federal Insecticide, Fungicide, and Rodenticide [Act] (FIFRA), states are permitted to administer their own certification programs only if those programs are approved by EPA and remain in compliance with federal requirements.

The proposed rule language was expressly written to bring Washington state's certification program into full compliance with 40 C.F.R. § 171.303 by:

Incorporating Federally Mandated Standards: The amendments integrate all elements required by EPA, leaving no substantive gaps between state and federal expectations. This includes detailed requirements for training, testing, supervision, and documentation.

Demonstration of Accountability: By codifying federal standards in state regulation, Washington demonstrates to EPA and the regulated community that it is fully accountable for upholding the integrity and effectiveness of its certification process.

Providing Legal Certainty: Adoption of the federal requirements into state law provides legal clarity and certainty for regulated entities, ensuring that they are subject to a single, harmonized set of standards.

In summary, the amendments to chapter 16-228 WAC were strategically drafted to both conform and comply with federal mandates. Through harmonizing state and federal standards, Washington state not only secures EPA approval, but also reaffirms its commitment to a pesticide certification program that is robust and equitable.

Statutory Authority for Adoption: RCW 15.58.040 and 17.21.030.

Statute Being Implemented: Chapters 15.58 and 17.21 RCW.

Rule is necessary because of federal law, 40 C.F.R. § 171.303.

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Christina Zimmerman, 1111 Washington Street S.E., Olympia, [WA], 360-902-2150.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The department is not a listed agency under RCW 34.05.328 (5) (a) (i).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: 40 C.F.R. § 171.303 Requirements for state certification plans. Compliance with 40 C.F.R. § 171.303 is a prerequisite for continued EPA approval of the state's certification plan. Failure to comply could result in the loss of state administrative authority, with EPA as-

suming direct control over applicator certification in Washington. The rule language is thus crafted to preclude any risk of noncompliance.

Explanation of exemptions: The proposed rule making is being conducted solely to bring Washington's pesticide applicator certification program into compliance with federal requirements outlined in 40 C.F.R. § 171.303. These federal standards, established by EPA, are mandatory for states that wish to maintain approval to administer their own certification programs. As such, Washington is legally obligated to adopt these requirements to retain state-level program authority; failure to do so would place the state in noncompliance, resulting in the risk of federal takeover of the certification program and loss of state administrative control.

Since this rule making is undertaken exclusively to achieve compliance with federally mandated standards, it is exempt from the requirements of the Regulatory Fairness Act, including the preparation of a small business economic impact statement under RCW 19.85.061. Furthermore, the proposed rule does not introduce any requirements beyond those already established by federal law and, as a result, does not impose any additional economic impacts on small businesses beyond what is necessary for continued program approval by EPA.

Scope of exemption for rule proposal:

Is fully exempt.

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting Gloriana Robinson, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, fax 360-902-2092, TTY 800-833-6388, email wsdarulescomments@agr.wa.gov.

August 7, 2025
Kelly McLain
Assistant Director

RDS-6530.4

AMENDATORY SECTION (Amending WSR 10-15-015, filed 7/8/10, effective 8/8/10)

WAC 16-228-1010 (~~((What are the definitions that apply to this chapter?))~~) **Definitions.** The definitions in this section apply throughout this chapter, unless the context requires otherwise:

(1) "Above ground" means situated on the surface of the ground, not to include treatment of below ground tunnels, burrows, and ~~((/or))~~ nests.

(2) "Agricultural commodity" means any plant, ~~((or))~~ part of a plant, ~~((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 people or animals.

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

(4) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized individuals and nonpest domestic animals from gaining access to the bait. Baits placed in industrial, commercial, or other areas that are accessible to the public shall be contained in tamper resistant bait boxes. Fragile materials are unacceptable.

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

(6) "Blossoming plants" means:

(a) When there are five or more open blooms per square yard on average in a given field; or

(b) When there are one or more open blooms per tree or vine in an orchard or vineyard; or

(c) When there are five or more open weed blooms per square yard on average for the area being measured for groundcover in orchards or vineyards, fence lines, ditch banks, or field, vineyard, or orchard edges. This definition shall not apply to plants that are not attractive to bees (e.g., lentils, hops, peas (*Pisum* sp.), pears (second bloom), and potatoes). For the purposes of this definition, "bloom" means a flower head, raceme, or spike with one or more open flowers.

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

(8) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, (~~or certified~~) private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only.

(9) "Chemigation" means the application of any substance or combination of substances intended as a pesticide, plant or crop protectant, or a system maintenance compound applied with irrigation water.

(10) "Commercial vineyard" means a parcel of land from which the grape crop is intended to be sold to a processor, or intended to be used for commercial wine making, or intended for the commercial fresh market.

(11) A "complainant" is defined as a person who has requested an inspection of an area in which a pesticide violation is believed to have occurred.

(12) "Complete wood destroying organism inspection" means inspection for the purpose of determining evidence of infestation, damage, or conducive conditions as part of the transfer, exchange, or refinancing of any structure in Washington state. Complete wood destroying organism inspections must also include any wood destroying organism inspection that is conducted as the result of telephone solicitation by an inspector, pest control, or other business, even if the inspection would fall within the definition of a specific wood destroying organism inspection.

(13) "Controlled disposal site" means any place where solid or liquid waste is disposed of (~~(+)~~), provided that the area has been designated as a disposal site for waste materials by the appropriate jurisdictional agency. The site must be fenced, barricaded, or otherwise enclosed or attended by some person in charge (~~(to control)~~) of controlling the access of domestic animals, pets, and unauthorized persons.

- (14) "Department" means the Washington state department of agriculture.
- (15) "Diluent" means a material, liquid or solid, serving to dilute the pesticide product to the application rate for adequate coverage (~~((such as water))~~).
- (16) "Director" means the director of the department or a duly authorized representative.
- (17) "Dry pesticide" is any granular, pelleted, dust, or wettable powder pesticide.
- (18) "EPA" means the United States Environmental Protection Agency.
- (19) "EPA restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA.
- (20) "Fertilizer" as included in this chapter means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.
- (21) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended (61 stat. 163, 7 U.S.C. Sec. 136 net seq.).
- (22) "Floor level" means the floor upon which people normally walk (~~(not)~~), excluding shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.
- (23) "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.
- (24) "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)~~) pesticide product or combination of products that is a vapor or gas or forms a vapor or gas on application and whose method or pesticidal action is through the gaseous state.
- (25) "High volatile esters" are phenoxy hormone-type herbicides with five or less carbon atoms in the ester group, such as, but not limited to, methyl, ethyl, isopropyl, n-butyl, isobutyl, and n-pentyl.
- (26) "Highly toxic pesticide" for the purpose of this chapter, means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 156.10 for toxicity Category I due to oral, inhalation, or dermal toxicity.
- (27) "Landscape application" means an application (~~(by a certified applicator)~~) of any EPA registered pesticide to any exterior landscape plants found around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, (~~(or)~~) cemeteries, or similar areas. This definition shall not apply to: (a) Applications made by certified private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs sponsored by governmental entities; and (c) commercial pesticide applicators making structural applications.
- (28) "Loose bait" means pellet, grain, seed, meal, liquid, or any other form of bait that can be spilled or scattered, including bait packaged in a place pack. Loose bait does not include single-block, paste, or other single-piece types of bait.

(29) "Low volatile esters" are phenoxy hormone-type herbicides with more than five carbon atoms in the ester group.

(30) "Person" is defined as any individual, partnership, association, corporation, or organized group of persons whether (~~or not~~) incorporated.

(31) A "person aggrieved" by a violation is defined as a person who has reasonable grounds to believe that (~~he or she has~~) they have been subjected to harm or an unreasonable risk by such a violation.

(32) "Pollen shedding corn" means that stage of growth when (~~ten~~) 10 percent or more of the corn plants in any one quarter portion of the field are showing spike anthers.

(33) "Positive identification" means a photo identification document issued by a U.S. government agency or affiliated jurisdiction (states, tribes, territories). Acceptable photo identification documents are (~~+~~) a driver's license, (~~a~~) passport, (~~a~~) military ID card, or (~~an~~) immigration green card. Exception: Nonphoto identification documents may be allowed for religious groups that prohibit members from having their picture taken. In this case, two forms of identification are required, one of which must be a government issued document with a signature (e.g., Social Security card). Other nonphoto identification must identify the holder by name and address (e.g., utility bill).

(34) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of any pesticide classified by the EPA or the director as a restricted use pesticide for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the private applicator or the 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.

(35) "Private-commercial applicator" means a certified applicator who uses or supervises the use of any pesticide classified by the EPA or the director as a restricted use pesticide for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

(36) "Properly secured" means firmly attached and fixed to a floor or other surface so that animals and children cannot overturn the bait box or displace the bait. In the case of liquid baits, the bait container must be firmly attached and fixed to a floor surface only.

(37) "Specific wood destroying organism inspection" means an inspection of a structure for purposes of identifying or verifying evidence of an infestation of wood destroying organisms prior to pest management activities.

(38) "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.

(39) "Structural pest inspector" means any individual who performs the service of conducting a complete wood destroying organism inspection or a specific wood destroying organism inspection.

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

(41) "Use restricted pesticide" means any pesticide determined by the director to need further state restrictions on use under the au-

thority of chapters 17.21 and 15.58 RCW. This designation does not change federal or state restricted use classifications.

(42) "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((7)) 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.

AMENDATORY SECTION (Amending WSR 14-08-095, filed 4/2/14, effective 5/3/14)

WAC 16-228-1231 ((What are)) State restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only((?)).

(1) Pesticides defined by the following categories or active ingredients are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to licensed pesticide dealers, certified applicators, or to their duly authorized agents. The certified applicator must have a valid certification, license, or permit to use or purchase the kind and quantity of such pesticide sold or delivered. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.

(a) Any EPA restricted use pesticide.

(b) All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba when distributed in counties located east of the crest of the Cascade Mountains except as listed below:

(i) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(ii) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf;

(iii) Ready to use liquid formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba distributed in quantities of five gallons or less. For purposes of this subsection, ready to use means a pesticide that is applied directly from its original container consistent with label directions.

(c) Strychnine and its salts.

(d) Aquatic pesticides. All pesticides formulations labeled for application onto or into water to control pests on or in water except as provided in subsection (2) of this section.

(2) Pesticides which are not classified as EPA restricted use pesticides and which are labeled and intended only for the following aquatic uses shall be exempt from the requirements of this section:

(a) Swimming pools;

(b) Wholly impounded ornamental pools or fountains;

(c) Aquariums;

(d) Closed plumbing and sewage systems;

(e) Enclosed food processing systems;

(f) Air conditioners, humidifiers, and cooling towers;

(g) Industrial heat exchange, air washing and similar industrial systems;

(h) Disinfectants;

(i) Aquatic environments in states other than Washington;

(j) Animal pets;

(k) Use within wholly enclosed structures (with floors) or fumigation chambers. Greenhouses are not considered as wholly enclosed structures for the purposes of this section; and

(1) Home and garden control of mosquito larvae.

(3) Pesticides containing the following active ingredients and their isomers are declared state restricted use pesticides for the protection of groundwater except when labeled and intended only for home and garden use:

Atrazine;

Bromacil;

DCPA;

Disulfoton;

Diuron;

Hexazinone;

Metolachlor;

Metribuzin;

Picloram;

Prometon;

Simazine; and

Tebuthiuron.

(4) Distribution of pesticides bearing combined labeling of uses onto or into water plus nonaquatic general 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 will not be applied into or onto water. If requested by the department, dealers shall furnish records on the sales of pesticides labeled for application onto or into water, whether sold for that use or not. Records shall include the name and address of the purchaser, the complete product name and EPA registration number of the pesticide and the amount purchased. Records shall be kept for seven years from the date of distribution.

(5) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization by the certified applicator 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 number and positive identification of the authorized agent.

(6) Pesticide dealers must positively identify unknown purchasers of restricted use pesticides. Positive identification may be annually at the time of verification of the certified applicator's license number or for each individual purchase if the applicator is unknown to the dealer. Dealers must verify the identification of unknown purchasers of restricted use pesticides for telephone or electronic purchases either by fax (photo identification) or at the time of delivery.

AMENDATORY SECTION (Amending WSR 02-12-017, filed 5/28/02, effective 6/28/02)

WAC 16-228-12352 ((Who can sell)) Distribution and use of pesticides containing the active ingredient clopyralid(?). (1) Pesticides containing the active ingredient clopyralid that are labeled for use on cereal grains, grass used for hay, lawns and turf including golf courses can only be sold by licensed dealers to certified applicators or their duly authorized agents. In order to purchase such pesticides, certified applicators or their agents must have a valid certification, license or permit allowing them to use or purchase such pesticides.

(2) Pesticides containing clopyralid and labeled for uses on sites/crops in addition to cereal grains, grass used for hay, lawns and turf including golf courses may be sold by licensed dealers to noncertified applicators if the noncertified applicator signs the sales invoice or sales slip indicating that the pesticide will not be applied to cereal grains, grass used for hay, lawns and turf including golf courses. Noncertified applicators may use pesticides containing clopyralid purchased in this way on labeled sites and crops as long as they are not cereal grains, grass used for hay, lawns and turf including golf courses.

AMENDATORY SECTION (Amending WSR 07-11-041A, filed 5/9/07, effective 6/9/07)

WAC 16-228-1300 ((What are the)) Pesticide dealer recordkeeping requirements ((for pesticide dealers?)). Pesticide dealers shall keep and furnish records to the director immediately upon request on the distribution of any pesticide except those determined by the department to be "home and garden use only" products. Records shall be kept for a period of seven years from the date of distribution. General use distribution requests shall be limited to records necessary for investigations of suspected violations, damage complaints, inspections, monitoring distribution and use under provisions of special local needs registrations, emergency exemptions from federal registration and experimental use permits, and monitoring of any pesticide suspected of unreasonable adverse effects on the environment. The records shall contain the following information:

- (1) Full name and address of purchaser;
- (2) Full name and address of certified applicator or dealer manager (if different from subsection (1) of this section for restricted use pesticides);
- (3) Certified ((applicator's)) applicator or dealer manager's pesticide license number (for restricted use pesticides), including the state, tribe, or federal agency that issued the license, expiration date of license, and categories in which the applicator is licensed that are relevant to the pesticide sold;
- (4) Full name of authorized agent for restricted use pesticides;
- (5) Brand and specific pesticide name and EPA registration number, including any applicable emergency exemption or special local need registration number;
- (6) Number of pounds or gallons of the pesticide distributed;
- (7) Date of distribution;

(8) Crop (~~and~~) or site to which pesticide will be applied (for restricted use pesticides).

AMENDATORY SECTION (Amending WSR 07-11-041A, filed 5/9/07, effective 6/9/07)

- WAC 16-228-1320 (~~(What are the)~~) Pesticide applicator record-keeping requirements (~~(for pesticide applicators?)~~).** (1) Certified applicators and all persons applying pesticides to more than one acre of agricultural land in a calendar year including public entities engaged in roadside spraying, and all persons making landscape applications of pesticides to types of property listed in RCW 17.21.410 (1) (~~(r)~~) (b), (c), (d) and (e) shall keep records for each application which shall include the following:
- (a) The full name and full address of the person for whom the pesticide was applied.
 - (b) The address or exact location of the land where the pesticide was applied. If the application is made to one acre or more of agricultural land, the field must be located on the map on the adopted form. Location of agricultural land shall be made using section, township and range, geographical positioning system coordinates, or by irrigation block and farm unit numbers.
 - (c) The year, month, day and start and stop time the pesticide was applied.
 - (d) The product name used on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide which was applied.
 - (e) The direction from which the wind is blowing and estimated velocity of the wind in miles per hour (mph) and the temperature in degrees Fahrenheit at the time the pesticide was applied: Provided that this subsection (e) shall not apply to applications of baits in bait stations, pesticide applications within structures and drip or subsurface irrigation applications. Wind and temperature readings shall be obtained in close proximity to the application site.
 - (f) The total amount of pesticide applied such as pounds, gallons, ounces, etc.
 - (g) The amount of pesticide applied per acre or (~~(one thousand)~~) 1,000 square feet or other appropriate measure.
 - (i) For PCO classification or residential ornamental applications, the amount shall be recorded to the nearest ounce of product or to the nearest gallon of liquid spray per site.
 - (ii) Fumigation records shall include the pounds of gas released per (~~(one thousand)~~) 1,000 cubic feet of space, the temperature, and the duration of the exposure period.
 - (h) The concentration of pesticide that was applied. Liquid applications may be recorded as, but are not limited to, amount of product per (~~(one hundred)~~) 100 gallons of liquid spray, gallons per acre of output volume, ppm, percent product in tank mix (e.g., 1%). For chemigation applications record "inches of water applied" or other appropriate measure.
 - (i) The pests to be controlled (for PCO classification only).
 - (j) Specific crop or site to which pesticide was applied.
 - (k) Apparatus license plate number.

(1) The licensed applicator's full name, certified pesticide applicator license number, complete address, telephone number, and the full name of the individual or individuals making the application.

(m) The number of acres or other appropriate measure to which the pesticide was applied.

(n) For commercial applications, the full name and complete address of the commercial firm.

(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 seven 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 immediately 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 16-228-1320(1).

~~(5) ((Except as stated in subsection (6) of this section, the information required in subsection (1) of this section shall be provided upon request on the appropriate page of the pesticide record form (figures 1-8): Provided that computerized records may be maintained as long as the records can be produced in the form and format prescribed by the department.~~

~~(6) The department may allow by written permit the information required in subsection (1) of this section to be kept in a different form and format than that described in figures 1-8: Provided that the following criteria are met:~~

~~(a) The pesticide application recordkeeping system is computerized;~~

~~(b) The pesticide application recordkeeping system contains all the information required by subsection (1) of this section, and can be produced in a form and format acceptable to the department.~~

~~(7)) When requested, the information required by subsection (1) of this section shall be provided using an appropriate Pesticide Application Record. The department may choose to accept pesticide application records on any physical or electronic form, provided the following criteria are met:~~

~~(a) The provided pesticide application record contains all the information required by subsection (1) of this section; and~~

~~(b) The pesticide application record produced is in a form and format acceptable to the department.~~

~~(6) 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, humans, desirable plants and animals, from subsequent applications.~~

~~((8)) (7) 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 or where the apparatus is located.~~

~~((9)) (8) The applicator shall make available necessary safety equipment in proper working order and advise employees on its use to meet the safety requirements of the pesticide label.~~

~~((10)) (9) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.~~

~~((11)) (10) All containers used for pesticide mixtures, other than those in an apparatus, shall have a label identifying the con-~~

tents as a pesticide, the active ingredient, and appropriate restrictions and precautions.

((State of Washington Department of Agriculture Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 1)

NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

- 1. Date of Application - Year: Month: Day: Start Time: Stop Time:
2. Name of person for whom the pesticide was applied: Firm Name (if applicable): Street Address: City: State: Zip:
3. Licensed Applicator's Name (if different from #2 above): License No.: Firm Name (if applicable): Tel No.: Street Address: City: State: Zip:
4. Name of person(s) who applied the pesticide (if different from #3 above): License No(s), If applicable:
5. Application Crop or Site:
6. Total Area Treated (acre, sq. ft., etc.):
7. Was this application made as a result of a WSDA Permit?
8. Pesticide Information (please list all information for each pesticide, including adjuvants (buffer, surfactant, etc.), in the tank mix):

Table with 5 columns: a) Full Product Name, b) EPA Reg. No., c) Total Amount of Pesticide Applied in Area Treated, d) Pesticide Applied/Acre (or other measure), e) Concentration Applied. Includes a grid for recording pesticide application data.

- 9. Address or exact location of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.
10. Wind direction and estimated velocity (mph) during the application:
11. Temperature during the application:
12. Apparatus license plate number (if applicable):
13. Air, Ground, Chemigation
14. Miscellaneous Information:

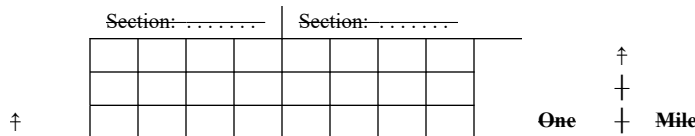
AGR 4226 (Rev. 4/07)

Location of Application: If the application covers more than one township or range, please indicate the township & range for the top left section of the map only:

Township: N
Range: E OR W (please indicate):
Section(s):
Block: Farm Unit:
or GPS:
County:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.

Section:

Section:

AGR 4235 Pg. 2

INSTRUCTIONS

Pesticide Application Record (Version 2) AGR 4235 (Rev. 4/07)

1. Include first and last name.
2. If the person's name is the same as No. 1, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
3. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights-of-way.
4. This space is available for any additional information you may wish to include.
5. Date may be spelled out or indicated numerically. Application start and stop times must be indicated.
6. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
7. May also be stated in terms such as linear feet, cubic feet, etc. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
8. Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, etc.).
9. This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray adjuvant (buffer, spreader, sticker, surfactant, etc.) write "adjuvant" in this space and add the state registration number.
10. Rate per acre: Other measures may include amount/sq. ft., amount/linear ft., etc. Specify the term to which the number refers. Total product applied is the total product applied between start and stop times.
11. This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.
12. Weather conditions must include the direction from which the wind is blowing, measure velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Temperature must also be indicated in degrees Fahrenheit and may be listed as the range encountered during the application. Wind and temperature readings shall be obtained in close proximity to the application site.

INSTRUCTIONS

The apparatus license plate number does not apply to private applicators or public agencies.

Include first and last name(s) of person(s) who applied the pesticide. Include license number(s) if applicable.

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PESTICIDE APPLICATION RECORD (Version 3)

NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

- 1. Date of Application - Year: Month: Day(s):
2. Name of person for whom the pesticide was applied: Firm Name (if applicable): Street Address: City: State: Zip:
3. Licensed Applicator's Name (if different from #2 above): License No.: Firm Name (if applicable): Tel. No.: Street Address: City: State: Zip:
4. Air Ground Chemigation
5. Application Crop or Site:
6. Total Area Treated (acre, sq. ft., etc.):
7. Was this application made as a result of a WSDA Permit? No Yes (If yes, give Permit No.) #
8. Pesticide Information (list all information for each pesticide including adjuvants in the tank mix):

Table with 6 columns: a) Full Product Name, b) EPA Reg. No., c) Total Amount of Pesticide Applied in Area Treated, d) Pesticide Applied/Acre (or other measure), e) Concentration Applied, f) Depth of Application (Chemigation). Rows contain slashes indicating no data.

9. Address or exact location of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

Table with 8 columns: 10. Date, 11. Name of person(s) making the application, 12. License No., 13. Apparatus Lic. Plate No., 14. Time Start Stop, 15. Acres Completed, 16. Wind Dir. Vel. (mph), 17. Temp. Includes a row for AGR 4236 (Rev. 4/07).

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only.

Township:

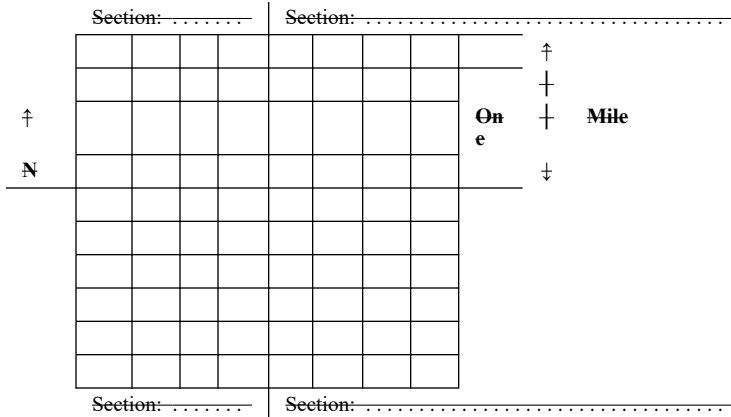
Range: E OR W (please indicate):

Section(s):

Block: Farm Unit:

or GPS:

County:



PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.

Miscellaneous Information:

AGR 4236 Pg. 2

INSTRUCTIONS

Pesticide Application Record (Version 3) AGR 4236 (Rev. 4/07)

1. Date may be spelled out or indicated numerically.
2. Include first and last name.
3. If the person's name is the same as No. 2, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
4. Check one.
5. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
6. May also be stated in terms such as linear feet or cubic feet. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
7. If the application was made under permit, but no permit number was issued, indicate the date the permit was issued.
- 8.a) Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, etc.).
- b) This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray adjuvant (buffer, spreader, sticker, surfactant, etc.) write "adjuvant" in this space and add the state registration number.
- e) Indicate the amount of pesticide formulation (product/ adjuvant) applied to the total area listed on line 6.

INSTRUCTIONS

- d) Other measures may include amount/sq. ft., amount/cu. ft., amount/linear ft., etc.
- e) This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.
- f) Depth of application (chemigation).
- 9. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights-of-way.
- 10. List the date of application.
- 11. Indicate first and last name(s).
- 12. List license number(s) if applicable.
- 13. This does not apply to private applicators or public agencies.
- 14. Application start and stop times must be indicated. Indicate a.m. or p.m.
- 15. The total of all entries in this column should equal the total listed on line 6.
- 16. Indicate the direction from which the wind is blowing. Measure wind velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Wind readings shall be obtained in close proximity to the application site.
- 17. Indicate temperature in degrees Fahrenheit. (It may be indicated as the range encountered during the application.) Temperature readings shall be obtained in close proximity to the application site.

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PESTICIDE APPLICATION RECORD (Version 4)
NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

A. Date of Application - Year: Month: Day:

B. Firm Name: Telephone No.:

Commercial Applicator's Name: License No.:

Street Address: City: State: Zip:

C. Name of person(s) who applied the pesticide:

License No(s):

D. Pesticide Information (list all information for each pesticide including spray adjuvants (buffer, surfactant, dye, etc.) in the tank mix):

Concentration
 Amount: (Lbs., Qts., etc.) of brand per 100 gallons

E. Application crop or site: F. Apparatus License Plate No.

G. Record the following information for the specific conditions during each application:

CUSTOMER (a) full name (b) complete address	AMOUNT APPLIED (gals. of mix)	AREA TREATED (sq. ft., etc.)	START AND STOP TIME	TEMP F°	WIND DIR-VEL (mph)
--	----------------------------------	---------------------------------	---------------------	------------	-----------------------

1. a) _____
 b) _____
 2. a) _____
 b) _____
 3. a) _____
 b) _____
 4. a) _____
 b) _____
 5. a) _____
 b) _____
 6. a) _____
 b) _____
 7. a) _____
 b) _____
 8. a) _____
 b) _____
 9. a) _____
 b) _____

AGR 4234 (Rev. 4/07)

INSTRUCTIONS

Pesticide Application Record (Version 4) AGR 4234 (Rev. 4/07)

This form may only be used for commercial residential ornamental and lawn applications. It may not be used to satisfy the application record requirements for agricultural employers.

A. Date may be spelled out or indicated numerically.

B. Include first and last name of the commercial applicator.

C. Include first and last name(s).

D. Product name: Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, etc.).

E. Indicate type of land treated, not location. Examples: Rights of way, lawn, trees and shrubs, driveways, etc.

F. List the number of the license plate affixed to the apparatus.

G. Customer's name and application information should be listed on line A. Street address should be listed on line B, including city. Additional pages may be added for additional customers on the same day, so long as the information in A through F remains the same.

DAILY PESTICIDE APPLICATION RECORD (Version 5) For Commercial Pest Control Operators Only

NOTE: This form must be completed same day as the application and retained for seven years (Ref: chapter 17.21 RCW)

A. FIRM NAME AND ADDRESS:
 TELEPHONE NUMBER:
 B. APPLICATOR NAME: LICENSE NO.
 C. PERSON MAKING APPLICATION: LICENSE NO.
 D. DATE: E. APPARATUS LICENSE NO:

CUSTOMER (a) FULL NAME (b) FULL ADDRESS OR LOCATION OF APPLICATION (c) TARGET PEST	(a) EPA REG. NO./FULL PRODUCT NAME(S) (b) CONCENTRATION (c) TOTAL AMOUNT USED	(a) TIME (IN/OUT) (b) TEMP. (c) WIND DIR./ VELOCITY	APPLICATION SITE (C&C, SPOT, VOID, INJECTIONS, ETC.)	PESTICIDE APPLIED/ACRE OR OTHER MEASURE
1. a) _____	_____	_____	_____	/
b) _____	_____	_____	_____	/

- (c) Applied known ineffective or improper pesticides or materials;
- (d) Operated a faulty or unsafe apparatus;
- (e) Operated in a faulty, careless, or negligent manner;
- (f) Refused or neglected to comply with the provisions of the applicable sections of chapters 15.58 and 17.21 RCW, the rules adopted thereunder, or of any lawful order of the director;
- (g) Refused or neglected to keep and maintain records required by chapters 15.58, 17.21 RCW, and rules adopted thereunder, or to make reports when and as required;
- (h) Made false or fraudulent records, invoices, reports, ~~((and/))~~ or recommendations;
- (i) Caused the application of a pesticide without having a licensed or certified applicator ~~((or operator))~~ in direct supervision as applicable;
- (j) Operated an unlicensed apparatus or an apparatus without a license plate issued for that particular apparatus as provided for in chapter 17.21 RCW or failed to locate the apparatus license plate on the apparatus in a manner required by the department;
- ~~(k) ((Failed to properly display, when required, a department issued certified commercial ground applicator vehicle sticker;~~
- ~~(l))~~ Used ~~((,))~~ or supervised the use of a pesticide which is restricted to use by certified applicators without having qualified as a certified applicator;
- ~~((m))~~ (l) Used fraud or misrepresentation in making an application for a license, permit, or certification or renewal of a license, permit, or certification;
- ~~((n))~~ (m) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit, or certification;
- ~~((o))~~ (n) Aided or abetted a certified applicator, ~~((or))~~ licensed person, or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW, conspired with such a certified applicator or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW or allowed one's license, permit, or certification to be used by another person;
- ~~((p))~~ (o) Made false, misleading, or erroneous statements or reports during or after an inspection concerning any infestation or infection of pests found on land or in connection with any pesticide complaint or department investigation;
- ~~((q))~~ (p) Impersonated any state, county, or city inspector or official;
- ~~((r))~~ (q) Is not qualified to perform as a pest control consultant or pesticide dealer manager or certified applicator in the classifications in which ~~((he/she is))~~ they are licensed to operate or ~~((has))~~ have operated, regardless of whether or not ~~((he/she has))~~ they have previously passed an examination provided for in chapter 15.58 RCW;
- ~~((s))~~ (r) To have in ~~((his/her))~~ their possession a department pesticide licensing examination or to remove or cause to remove any said examination or its contents from the department without expressed consent from the department;
- ~~((t))~~ (s) To violate the testing policies set forth by department representatives prior to the start of an examination session;
- ~~((or~~

~~(u))~~ (t) Made or failed to make an inspection, statement, or report in violation of WAC 16-228-2005 through 16-228-2060;

(u) Received a criminal conviction under section 14(b) of FIFRA;
or

(v) Received a final order imposing a civil penalty under section 14(a) of FIFRA.

(2) A penalty fee assessed (~~as a result of~~) because of a late license or registration renewal does not prevent the department from taking additional regulatory action against the violator.

(3) No pesticide dealer or dealer manager license shall be denied, suspended, or revoked(~~(7)~~) simply because a pesticide purchased from that dealer was applied in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder, unless the department finds the dealer or dealer manager in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder.

AMENDATORY SECTION (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

WAC 16-228-1530 (~~What are the requirements for~~) Pesticide license renewals and penalties(~~(?)~~). (1) Except for the pesticide dealer license required under RCW (~~15-58-180~~) 15.58.180 and limited private applicator and rancher private applicator licenses, all pesticide licenses shall expire on the December 31st following their issuance:

(2) Pesticide renewal applications for licenses issued under the authority of chapter 17.21 RCW shall be filed on or before January 1st of the appropriate year.

(3) If an application for renewal of any pesticide license issued under the authority of chapter 17.21 RCW is not filed on or prior to January 1st following the expiration date of the license, a penalty shall be assessed as provided in RCW 17.21.140 and added to the original fee(~~(7)~~) and shall be paid by the applicant before the renewal license is issued.

(4) If an application for renewal of a pesticide dealer license issued under the authority of chapter 15.58 RCW is not filed on or before the master license expiration date, the master license delinquency fee shall be assessed under chapter 19.02 RCW and shall be paid by the applicant before the renewal license is issued.

(5) If an application for renewal of any license issued under the authority of chapter 15.58 RCW, other than the pesticide dealer license, is not filed on or before the expiration date of the license, penalty equivalent to the license fee shall be assessed and added to the original fee(~~(7)~~) and shall be paid by the applicant before the renewal license is issued.

(6) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

AMENDATORY SECTION (Amending WSR 22-17-020, filed 8/4/22, effective 9/4/22)

WAC 16-228-1540 (~~((What are the requirements for))~~) **Pesticide examination((s?)) requirements.** (1) An examination fee of \$25 shall be paid prior to administration of any paper-based pesticide or structural pest inspector license examination((s)).

(2) An examination fee of not more than \$65 shall be paid prior to the administration of each computer-based pesticide or structural pest inspector license examination. If a third-party entity administers a computer-based licensing exam, an applicant shall pay the exam cost established in the vendor's contract with the department, not to exceed the amount set in this section. The department will post this exam fee to its website.

(3) The director may administer the pesticide exams, may contract with an examination or testing vendor to administer the exams, or both.

(4) The department reserves the right to restrict the number of applicants taking examinations at any given time.

(5) Any individual who fails any pesticide licensing examination (~~((twice))~~) a second, third, or fourth time shall be required to wait at least 14 days before retaking that examination (~~((a third time. Subsequent testing shall be at the director's discretion))~~). Individuals who fail a pesticide licensing examination five or more times must wait 60 calendar days before retaking that examination.

(6) An applicant shall complete the application form for a pesticide or structural pest inspector license and pay the required license application fee and testing fee at the time of or prior to administration of the pesticide or structural pest inspector examination(~~((s are given, unless prior arrangements have been made))~~).

(7) Exam proctors must be designated by the department and may not seek certification at any examination session that they are proctoring.

(8) Pesticide and structural pest inspector examination scores shall not be released by the department until the license application fee and testing fee have been paid.

AMENDATORY SECTION (Amending WSR 16-24-052, filed 12/2/16, effective 1/2/17)

WAC 16-228-1545 (~~((What are the))~~) **Pesticide licensing requirements((?)) for all certified applicators except private applicators, limited private applicators, and rancher private applicators.** (1) All individuals licensed or required to be licensed as commercial pesticide applicators, commercial pesticide operators, private-commercial applicators, demonstration and research applicators, public operators, structural pest inspectors, pest control consultants, and public pest control consultants must be certified, through examination, in all pest control classifications defined in subsection (3)(a) and (b) of this section in which they operate, inspect, or consult. Additionally, commercial pesticide applicators must be licensed in all classifications that the business operates. Licensed applicators may directly supervise unlicensed applicators only in those classifications in which they have a valid certification.

(2) To qualify for any pesticide license listed in subsection (1) of this section, applicants, except the structural pest inspector, must ~~((pass))~~ demonstrate practical knowledge of the principles and practices of proper and effective use of pesticides by passing a ~~((laws and safety))~~ examination ~~((or equivalent,))~~ that ~~((includes, but is not limited to, the following: The state and federal laws governing pesticide use and the regulating agencies; general pesticide uses and application techniques; safe use of pesticides; general pesticide labeling comprehension; environmental fate of pesticides, and appropriate storage and disposal of pesticides and their containers. Individuals holding valid, passing scores on the private applicator or dealer manager exam are exempt from this examination requirement))~~ addresses areas of competency described in WAC 16-228-15451(1). Structural pest inspectors conducting complete wood destroying organism inspections must pass a ~~((structural pest inspector laws and standards))~~ examination or equivalent that includes, but is not limited to, the legal requirements governing structural pest inspectors and the standards for conducting complete wood destroying organism inspections.

(3) Applicator license classifications.

(a) License classifications:

~~((i))~~ (i) Aquatic: The control of aquatic pests in water areas including, but not limited to, canals, rivers, streams, lakes, ponds, marshes and pipe lines.) Aerial pest control: The use of a pesticide by fixed or rotary wing aircraft.

(ii) Aquatic antifouling: The use of antifouling paints to control fouling organisms on the bottom of marine vessels.

(iii) Aquatic irrigation: Limited to the control of aquatic pests in irrigation district water delivery systems where the pesticide is applied directly into the water or enters the water due to the application of the pesticide. Pests include, but are not limited to, moss, algae, cattails, pond weeds, and other emersed and submersed aquatic weeds.

~~((iii))~~ (iv) Aquatic pest control: The control of aquatic pests in water areas including, but not limited to, canals, rivers, streams, lakes, ponds, marshes, and pipelines.

(v) Demonstration and research: The application of pesticides by individuals who demonstrate to the public the proper use and techniques of application of experimental or restricted use pesticides or by individuals who conduct field research with experimental or restricted use pesticides.

(vi) Insect and disease ~~((Agricultural))~~ control: The control of insects and diseases ~~((, except with soil fumigants,))~~ in agricultural crops including forest environments ~~((.~~

~~((iv))~~ Insect and disease ~~—~~ Ornamental: The control of insects and diseases ~~((and in ornamental, turf, and right-of-way situations including, but not limited to, golf courses, parks, schools, lawns, yards, gardens, greenhouses, hospitals, and rest homes. This includes, but is not limited to, the use of insecticides (including mosquito adulticides), miticides, fungicides, bacteriocides, (molluscides and nematocides)) molluscicides, and nematicides. This classification does not include the use of fumigants.~~

~~((v))~~ Pest animal: The control of pest animals in agricultural situations.

~~((vi))~~ (vii) Livestock pest control: The control of external and internal pests of animals, except viruses, in livestock and livestock premises.

(viii) Pest control operator (PCO) - General: The control of insects, spiders, birds, rodents, and animal pests in and around, but not limited to, the following situations: Residences, public buildings and grounds, commercial buildings and grounds, disposal sites, animal feed lots, and farmsteads, including buildings and transportation equipment. This classification does not include the use of fumigants.

~~((vii))~~ (ix) Pest control operator (PCO) - Structural: The control of structurally destructive pests including, but not limited to, fungus, termites, carpenter ants, carpenter bees, and wood-boring beetles. This classification allows a licensee to perform specific wood destroying organism inspections. This classification does not include the use of fumigants. Licensed applicators with this classification are not required to obtain the structural pest inspector license to conduct specific wood destroying organism inspections.

~~((viii))~~ (x) Public health pest control: Application of pesticides by governmental employees and certain others in government-sponsored public health programs such as, but not limited to, mosquito control, rodent control, and insect control in situations having medical and public health importance.

~~((ix))~~ (xi) Seed treatment: The application of pesticides to seeds to control destructive insects and diseases in the production of treated seed as a commodity.

~~((x))~~ (xii) Soil fumigation ~~((Risk mitigation measures (RMM))):~~ The use of soil fumigants to control pests including weeds, insects, and diseases. ~~((This category addresses risk mitigation measures on soil fumigant labels as a result of EPA's reregistration eligibility decision process.~~

~~(xi)~~ Stored grain: The use of pesticides (including fumigants and rodenticides) in grain storing facilities and railcars.

~~(xii))~~ (xiii) Space (nonsoil) fumigation: The use of fumigants to control pests including, but not limited to, insects, weeds, pathogens, rodents, or any other pest in anything other than soil.

(xiv) Structural pest inspector: Allows for the commercial inspection of buildings for structurally destructive pests, their damage, and conditions conducive to their development. This classification is required to perform complete wood destroying organism inspections.

~~((xiii))~~ Stump treatment: The use of herbicides on cut stumps to control resprouting.

~~(xiv))~~ (xv) Vertebrate pest control: The outdoor control of vertebrate pests in situations including agricultural and residential areas. This classification does not include the use of fumigants.

(xvi) Weed ~~((s - Agricultural))~~ control: The control of weeds ~~((except with soil fumigants,))~~ in all agricultural crops including forest environments ~~((r))~~ and in former agricultural lands now in a non-crop status ~~((r))~~.

~~(xv)~~ Weeds - Rights of way: The control of weeds, including cut stumps on, but not limited to, terrestrial rights of way locations such as roads and/or highways, railroads, power lines and irrigation ditches and to industrial sites including, but not limited to, airports, industrial parks, and large parking areas.

~~(xvi)~~ Weeds - Turf and ornamental: The control of weeds (and moss), including cut stumps), terrestrial right-of-way locations, and in ornamental and turf situations ((r, which includes)). Right-of-way locations include, but are not limited to, roads, highways, railroads, power lines, and irrigation ditches, and industrial sites including, but not limited to, airports, industrial parks, and large parking

areas. Ornamental and turf situations include, but ((is)) are not limited to, golf courses, parks, schools, lawns, yards, gardens, hospitals, vacant lots, and open noncrop waste areas. This classification does not include the use of fumigants.

(xvii) Wood treatment: The use of wood preservatives for the control of wood damaging pests.

(b) ~~((Limited specialty))~~ Limited specialty: Pest control classification made available by the department for certain pest control activities not included in one of the defined license classifications specified in (a) of this subsection. Limited specialty classifications are limited to the use of general use pesticides. The department may maintain a list of currently available ~~((limited specialty))~~ limited specialty subclassifications on the department website. The department at its discretion may, by rule, recategorize a ~~((limited specialty))~~ limited specialty subclassification under (b) of this subsection as a license classification under (a) of this subsection.

(4) All examinations required under this section shall be written and taken without the aid of any materials that contain information relevant to the exam content. ~~((Reading of exams by an individual other than the applicant is not permitted.))~~ Individuals must be capable of independently reading and interpreting exam content.

(5) A passing score of ~~((seventy))~~ 70 percent is established for all the examinations required under this section. The department may establish separate passing scores for the examinations if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

(6) The department may waive any of the examination requirements contained in this section for any person holding a valid certification with similar classifications from an EPA or Canadian approved federal, state, or provincial certification program with comparable examination and recertification standards.

NEW SECTION

WAC 16-228-15451 Standards for certification of commercial pesticide applicators, commercial pesticide operators, demonstration and research applicators, public operators, pest control consultants, and public pest control consultants.

(1) Individuals seeking certification as commercial pesticide applicators, commercial pesticide operators, demonstration and research applicators, public operators, pest control consultants, and public pest control consultants must demonstrate practical knowledge of the principles and practices of pest control and proper and effective use of pesticides by passing a laws and safety exam that may include the following:

(a) Knowledge of the state and federal laws governing pesticide use;

(b) General pesticide label comprehension to include:

(i) General format and terminology of pesticide labels and labeling;

(ii) Understanding instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels and labeling;

(iii) Understanding that it is a violation of state and federal law to use any pesticide in a manner inconsistent with its labeling;

- (iv) Understanding labeling requirements that a certified applicator must be physically present at the site of application;
 - (v) Understanding labeling requirements for supervising noncertified applicators working under the direct supervision of a certified applicator;
 - (vi) Understanding that applicators must comply with all use restrictions and directions for use listed on the pesticide label and labeling, including being certified in the appropriate license classification;
 - (vii) Understanding the meaning of product classification as either general or restricted use;
 - (viii) Understanding and complying with notification requirements specific to the product;
 - (ix) Recognizing and understanding the difference between mandatory and advisory labeling language.
- (c) Safe use of pesticides to avoid or minimize adverse health effects including:
- (i) Understanding the difference between acute and chronic toxicity;
 - (ii) Understanding that a pesticide's risk is a function of exposure and the pesticide's toxicity;
 - (iii) Understanding the different routes of exposure and how they may occur;
 - (iv) Common types and causes of pesticide mishaps;
 - (v) Precautions to prevent injury to applicators and other individuals in or near treated areas;
 - (vi) The need for, and proper use of, protective clothing and personal protective equipment;
 - (vii) Symptoms of pesticide poisoning;
 - (viii) First aid and other procedures to be followed in case of a pesticide mishap;
 - (ix) Proper identification, storage, transport, handling, mixing procedures, and disposal methods for pesticides and used pesticide containers, including precautions to be taken to prevent children from having access to pesticides and pesticide containers.
- (d) Environmental fate of pesticides and the potential consequences of the use and misuse of pesticides including the influence of the following:
- (i) Weather and other climatic conditions;
 - (ii) Types of terrain, soil, or other substrate;
 - (iii) Presence of fish, wildlife, and other nontarget organisms;
 - (iv) Drainage patterns.
- (e) Proper identification and effective control of pests including the following:
- (i) Importance of correctly identifying target pests and selecting the proper pesticide product for effective pest control;
 - (ii) Verifying that the label does not prohibit the use of the product to control the target pest.
- (f) Characteristics of pesticides including the following:
- (i) Types of pesticides and pesticide formulations;
 - (ii) Compatibility, synergism, persistence, and animal and plant toxicity of the formulations;
 - (iii) Hazards and residue associated with use;
 - (iv) Factors that influence effectiveness or lead to problems such as pesticide resistance;
 - (v) Dilution procedures.
- (g) Application equipment including the following:

- (i) Types of equipment and advantages and limitations of each;
- (ii) Use, maintenance, and calibration procedures.
- (h) Selecting appropriate application methods including the following:
 - (i) Methods to apply various forms and formulations of pesticides;
 - (ii) Knowledge of which application method to use in a given situation and that certain uses require additional certification;
 - (iii) How selection of application method and use of a pesticide may or may not result in proper use;
 - (iv) Prevention of drift and pesticide loss into the environment.
- (i) Knowledge of the responsibilities of certified applicators supervising noncertified applicators including the following:
 - (i) Understanding and complying with requirements in WAC 16-228-1548 for certified applicators who supervise noncertified applicators using pesticides for those pesticide licenses listed in this subsection;
 - (ii) Recordkeeping requirements of pesticide safety training for noncertified applicators who use pesticides under the direct supervision of a certified applicator;
 - (iii) Providing use-specific instructions to noncertified applicators using pesticides under the direct supervision of a certified applicator;
 - (iv) Explaining pertinent state, tribal, and federal laws and regulations to noncertified applicators who use pesticides under the direct supervision of a certified applicator.
- (j) Understanding the importance of professionalism including the following:
 - (i) Maintaining chemical security for pesticides;
 - (ii) How to communicate information about pesticide exposure and risks with customers and the public;
 - (iii) Appropriate product stewardship for certified applicators.
- (2) In addition to satisfying the requirements of subsection (1) of this section, all applicators listed in subsection (1) of this section must demonstrate through written examination practical knowledge of the principles and practices of pest control and proper and effective use of pesticides for each classification in which they intend to operate or consult. Minimum competency standards for each classification are listed in (a) through (o) of this subsection.
 - (a) Aerial pest control - Individuals must demonstrate practical knowledge of the pest problems and pest control practices associated with performing aerial application of pesticides including:
 - (i) Labeling requirements and restrictions specific to aerial application of pesticides including:
 - (A) Spray volumes;
 - (B) Buffers and no-spray zones;
 - (C) Weather conditions specific to wind inversions;
 - (D) Label-mandated recordkeeping requirements for aerial pesticide applications including application conditions, if applicable.
 - (ii) Understanding how to choose and maintain aerial application equipment including the following:
 - (A) The importance of inspecting application equipment to ensure it is in proper operating condition prior to beginning an application;
 - (B) Selecting proper nozzles to ensure appropriate pesticide dispersal and to minimize drift;

- (C) Knowledge of the components of an aerial pesticide application system including pesticide hoppers, tanks, pumps, and types of nozzles;
 - (D) Interpreting a nozzle flow rate chart;
 - (E) Determining the number of nozzles for intended pesticide output using nozzle flow rate chart, aircraft speed, and swath width;
 - (F) How to ensure nozzles are placed to compensate for uneven dispersal due to uneven airflow from wingtip vortices, helicopter rotor turbulence, and aircraft propeller turbulence;
 - (G) Where to place nozzles to produce the appropriate droplet size;
 - (H) How to maintain the application system in good repair including pressure gauge accuracy, filter cleaning according to schedule, and checking nozzles for excessive wear;
 - (I) How to calculate required and actual flow rates;
 - (J) How to verify flow rate using fixed timing, open timing, known distance, or a flow meter;
 - (K) When to adjust and calibrate application equipment.
- (iii) Factors to consider before and during application including:
- (A) Weather conditions that could impact application by affecting aircraft engine power, take-off distance, and climb rate, or by promoting spray droplet evaporation;
 - (B) How to determine wind velocity, direction, and air density at the application site;
 - (C) The potential impact of thermals and temperature inversions on aerial pesticide application.
- (iv) Methods to minimize off-target movement including:
- (A) How to determine drift potential of a product using a smoke generator;
 - (B) How to evaluate vertical and horizontal smoke plumes to assess wind direction, speed, and concentration;
 - (C) Selecting techniques that minimize pesticide movement out of the area being treated;
 - (D) Documenting special equipment configurations or flight patterns used to reduce off-target pesticide drift.
- (v) Competency in performing an aerial pesticide application including:
- (A) Selecting a flight altitude that minimizes streaking and off-target pesticide drift;
 - (B) Choosing a flight pattern that ensures applicator and bystander safety and proper application;
 - (C) The importance of engaging and disengaging spray precisely when entering and exiting a predetermined swath pattern;
 - (D) Tools available to mark swaths, such as global positioning systems and flags;
 - (E) Recordkeeping requirements for aerial pesticide applications including application conditions, if applicable.
- (b) Aquatic antifouling - Individuals must demonstrate practical knowledge of:
- (i) The characteristics of aquatic antifouling paints;
 - (ii) Restrictions on the use of these pesticides;
 - (iii) Potential for adverse effects on humans, nontarget organisms, and the environment;
 - (iv) Labels and labeling comprehension.
- (c) Aquatic irrigation - Individuals must demonstrate practical knowledge of:

- (i) The characteristics of various aquatic use situations;
 - (ii) The potential for adverse effects on nontarget organisms, beneficial insects, and other organisms in the immediate aquatic environment and downstream;
 - (iii) The principles of limited area application.
- (d) Aquatic pest control - Individuals must demonstrate practical knowledge of:
- (i) The characteristics of various aquatic use situations;
 - (ii) The potential for adverse effects on nontarget organisms, beneficial insects, and other organisms in the immediate aquatic environment and downstream;
 - (iii) The principles of limited area application.
- (e) Demonstration and research - Individuals must demonstrate practical knowledge of:
- (i) The potential problems, pests, and population levels reasonably expected to occur in a demonstration situation;
 - (ii) The effects of pesticide use on target and nontarget organisms;
 - (iii) Individuals must also demonstrate competency in each license classification applicable to their demonstration.
- (f) Insect and disease control - Individuals must demonstrate practical knowledge of insect and disease pest control in agricultural, ornamental, turf, and right-of-way situations including:
- (i) Crops, grasslands, noncrop agricultural lands, ornamental plants, and turf and pests associated with those areas;
 - (ii) Pre-harvest or restricted entry intervals, other entry-restricted periods, and other areas;
 - (iii) Potential for phytotoxicity, drift, persistence beyond the intended period of pest control, environmental contamination, nontarget exposure, and other problems resulting from the use of pesticides to control insects and diseases;
 - (iv) Application methods to minimize hazards to humans, pets, other domestic animals, and nontarget organisms and to minimize runoff;
 - (v) Types of environments traversed by rights-of-way;
 - (vi) Recognition of target pests.
- (g) Livestock pest control - Individuals must demonstrate practical knowledge of such animals and their associated pests including:
- (i) Specific pesticide toxicity and residue potential;
 - (ii) Hazards associated with factors such as formulation, application techniques, age of animals, stress, and extent of treatment.
- (h) Pest control operator - General and structural - Individuals must demonstrate practical knowledge of residential, industrial, institutional, and structural pests including:
- (i) Recognizing those pests and signs of their presence, habitats, life cycles, biology, and behavior, as it may be relevant to problem identification and control;
 - (ii) Types of formulations appropriate for control of residential, industrial, institutional, and structural pests;
 - (iii) Methods of application that avoid contamination of food, minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts.
- (i) Public health - Individuals must demonstrate practical knowledge of:
- (i) Pests that are important vectors of disease including recognizing the pests and signs of their presence, habitats, life cycles,

biology, and behavior as it may be relevant to problem identification and control;

(ii) How to minimize damage to and contamination of areas to be treated, acute and chronic exposure of people and pets, and nontarget exposure.

(j) Seed treatment - Individuals must demonstrate practical knowledge of the characteristics of pest control in seed including:

(i) Recognizing types of seeds to be treated;

(ii) The effects of carriers and surface active agents on pesticide binding and germination;

(iii) The hazards associated with handling, sorting, and mixing;

(iv) Misuse of treated seed;

(v) The importance of proper application techniques to avoid harm to nontarget organisms;

(vi) The proper disposal of unused treated seed.

(k) Soil fumigation - Individuals must demonstrate practical knowledge of the pest problems and pest control practices associated with performing soil fumigation including the following:

(i) Familiarity with the pesticide labels and labeling for products used to perform soil fumigation including the following:

(A) Labeling requirements specific to soil fumigants;

(B) Requirements for certified applicators of fumigants, fumigant handlers and permitted fumigant handler activities, and the safety information that certified applicators must provide to noncertified applicators;

(C) Entry-restricted period for different tarped and untarped field application scenarios;

(D) Recordkeeping requirements imposed by product labels and labeling;

(E) Labeling provisions unique to products containing active ingredients.

(ii) Measures to minimize adverse health effects including the following:

(A) Understanding how certified applicators, noncertified applicators using fumigants under the direct supervision of certified applicators, field workers, and bystanders can become exposed to fumigants;

(B) Common problems and mistakes that can result in direct exposure to fumigants;

(C) Signs and symptoms of human exposure to fumigants;

(D) Air concentrations of a fumigant that require that applicators wear respirators or exit the work area entirely;

(E) Steps to take if a fumigant applicator experiences sensory irritation;

(F) Understanding air monitoring, when it is required, and where and when to take samples;

(G) Buffer zones including procedures for buffer zone monitoring and who is permitted to be in a buffer zone;

(H) First aid measures to take in the event of exposure to a soil fumigant;

(I) Labeling requirements for transportation, storage, spill clean-up, and emergency response for soil fumigants including safe disposal of containers and contaminated soil and management of empty containers.

(iii) Characteristics of soil fumigants including the following:

(A) Chemical characteristics of soil fumigants;

(B) Specific human exposure concerns for soil fumigants;

- (C) How soil fumigants change from a liquid or solid to a gas;
- (D) How soil fumigants disperse in the application zone;
- (E) Compatibility concerns for tanks, hoses, tubing, and other equipment.
- (iv) Selecting appropriate application methods and timing including the following:
 - (A) Application methods including, but not limited to, water-run and nonwater-run applications and equipment commonly used for each soil fumigant;
 - (B) Site characteristics that influence fumigant exposure;
 - (C) Understanding temperature inversions and their impact on soil fumigant application;
 - (D) Weather conditions that could impact timing of soil fumigant application and labeling statements limiting applications during specific weather conditions;
 - (E) Conducting preapplication inspection of application equipment;
 - (F) Understanding the purpose and methods of soil sealing including the factors that determine which soil sealing method to use;
 - (G) Understanding the use of tarps including the range of tarps available, how to seal tarps, and labeling requirements for tarp removal, perforation, and repair;
 - (H) Calculating the amount of product required for a specific treatment area;
 - (I) Understanding the basic techniques for calibrating soil fumigant application equipment.
- (v) Soil and pest factors that influence fumigant activity including the following:
 - (A) Influence of soil factors on fumigant volatility and movement within the soil profile;
 - (B) Factors that influence gaseous movement through the soil profile and into the air;
 - (C) Soil characteristics including how soil characteristics affect the success of a soil fumigation application, assessing soil moisture, and correcting soil characteristics that could hinder a successful soil fumigation application;
 - (D) Identifying pests causing the damage and verifying they can be controlled with soil fumigation;
 - (E) Understanding the relationship between pest density and application rate;
 - (F) The importance of proper application depth and timing.
- (vi) Understanding what personal protective equipment is necessary and how to use it properly including the following:
 - (A) Following labeling directions for required personal protective equipment;
 - (B) Selecting, inspecting, using, caring for, replacing, and disposing of personal protective equipment;
 - (C) Understanding the types of respirators required when using specific soil fumigants and how to use them properly including medical evaluation, fit testing, and required replacement of cartridges and canisters;
 - (D) Labeling requirements and other laws applicable to medical evaluation for respirator use, fit tests, training, and recordkeeping.
- (vii) Information about fumigant management plans including the following:

(A) When a fumigant management plan must be in effect, how long it must be kept on file, where it must be kept during the application, and who must have access to it;

(B) The elements of a fumigant management plan and resources available to assist the applicator in preparing a fumigant management plan;

(C) The person responsible for verifying that a fumigant management plan is accurate;

(D) The elements, purpose, and content of a post-application summary, who must prepare it, and when it must be completed.

(viii) Understanding buffer zones and posting requirements including the following:

(A) Buffer zones and the buffer zone period;

(B) Identifying who is and is not allowed in a buffer zone during the buffer zone period;

(C) Using the buffer zone table from the labeling to determine the size of the buffer zone;

(D) Factors that affect buffer zone size and calculating buffer zones based on those factors;

(E) Distinguishing between buffer zone posting and treated area posting including the preapplication and post-application posting time frames for each;

(F) Proper choice and placement of warning signs.

(l) Space (nonsoil) fumigation - Individuals must demonstrate practical knowledge of the pest problems and pest control practices associated with performing fumigation application of pesticides to sites other than soil including:

(i) Familiarity with the pesticide labels and labeling for products used to perform space fumigation including labeling requirements specific to space fumigants;

(ii) Measures to minimize adverse health effects including the following:

(A) Understanding how certified applicators, noncertified applicators using fumigants under the direct supervision of certified applicators, and bystanders can become exposed to fumigants;

(B) Common problems and mistakes that can result in direct exposure to fumigants;

(C) Signs and symptoms of human exposure to fumigants;

(D) Air concentrations of a fumigant that require applicators to wear respirators or to exit the work area entirely;

(E) Steps to take if a fumigant applicator experiences sensory irritation;

(F) Understanding air monitoring, when it is required, and where and when to take samples;

(G) Buffer zones including procedures for buffer zone monitoring and who is permitted to be in a buffer zone;

(H) First aid measures to take in the event of exposure to a fumigant;

(I) Labeling requirements for transportation, storage, spill clean-up, and emergency response for space fumigants including safe disposal of containers and contaminated materials, and management of empty containers.

(iii) Characteristics of space fumigants including the following:

(A) Chemical characteristics of space fumigants;

(B) Specific human exposure concerns for space fumigants;

(C) How fumigants change from a liquid or solid to a gas;

(D) How fumigants disperse in the application zone;

- (E) Compatibility concerns for tanks, hoses, tubing, and other equipment.
- (iv) Selecting appropriate application methods commonly used for space fumigation;
- (A) Application methods and equipment commonly used for space fumigation;
- (B) Site characteristics that influence fumigant exposure;
- (C) Conditions that could impact timing of space fumigant application such as air stability, air temperature, humidity, and wind current, and labeling statements limiting applications under specific conditions;
- (D) Conducting preapplication inspection of application equipment and the site to be fumigated;
- (E) Understanding the purpose and methods of sealing the area to be fumigated including the factors that determine which sealing method to use;
- (F) Calculating the amount of product for a specific treatment area;
- (G) Understanding the basic techniques for calibrating space fumigant application equipment;
- (H) Understanding when and how to conduct air monitoring and when it is required.
- (v) Pest factors that influence fumigant activity including the following:
- (A) Influence of pest factors on fumigant volatility;
- (B) Factors that influence gaseous movement through the area being fumigated and into the air;
- (C) Identifying pests causing the damage and verifying they can be controlled with fumigation;
- (D) Understanding the relationship between pest density and application rate;
- (E) The importance of proper application rate and timing.
- (vi) Understanding what personal protective equipment is necessary and how to use it properly including the following:
- (A) Following label directions for required personal protective equipment;
- (B) Selecting, inspecting, using, caring for, replacing, and disposing of personal protective equipment;
- (C) Understanding the types of respirators required when using specific space fumigants and how to use them properly including medical evaluation, fit testing, and required replacement of cartridges and canisters;
- (D) Labeling requirements and other laws applicable to medical evaluation for respirator use, fit tests, training, and recordkeeping.
- (vii) Information about fumigant management plans and when they are required including the following:
- (A) When a fumigant management plan must be in effect, how long it must be kept on file, where it must be kept during the application, and who must have access to it;
- (B) The elements of a fumigant management plan and resources available to assist the applicator in preparing a fumigant management plan;
- (C) The person responsible for verifying that a fumigant management plan is accurate;
- (D) The elements, purpose, and content of a post-application summary, who must prepare it, and when it must be completed.

(viii) Understanding posting requirements including the following:

(A) Understanding who is and is not allowed in an area being fumigated or after fumigation;

(B) Distinguishing fumigant label-required posting and treated area posting including the preapplication and post-application posting time frames for each;

(C) Proper choice and placement of warning signs.

(m) Vertebrate pest control - Individuals must demonstrate practical knowledge of:

(i) Crops, grasslands, noncrop agricultural lands, ornamental plants, and turf and vertebrate pests associated with those areas, including recognizing those pests and signs of their presence, habitats, life cycles, biology, and behavior;

(ii) Potential for adverse effects on humans, nontarget organisms, and the environment as a result of the use of pesticides for vertebrate pest control;

(iii) Potential for persistence of the pesticide beyond the intended period of pest control;

(iv) Application methods to minimize hazards to humans, pets, other domestic animals, and nontarget organisms and to minimize run-off;

(v) Comprehension of laws and regulations applicable to the control of vertebrate pests;

(vi) Types of environments traversed by rights-of-way;

(vii) Labels and labeling comprehension.

(n) Weed control - Individuals must demonstrate practical knowledge of weed control in agricultural, ornamental, turf, and right-of-way situations including:

(i) Crops, grasslands, noncrop agricultural lands, ornamental plants, turf, and right-of-way areas (terrestrial and aquatic), and weed pests associated with those areas;

(ii) Preharvest or restricted entry intervals and other entry-restricted periods and areas;

(iii) Potential for phytotoxicity due to a wide variety of plants and pests to be controlled, drift, persistence beyond the intended period of pest control, environmental contamination, nontarget exposure, and other problems resulting from the use of pesticides to control weeds including run-off, drift, and excessive foliage destruction;

(iv) Application methods to minimize hazards to humans, pets, other domestic animals, and nontarget organisms;

(v) Recognition of target pests.

(o) Wood treatment - Individuals must demonstrate practical knowledge of:

(i) Characteristics of wood preservatives;

(ii) Recognizing pests and signs of their presence;

(iii) Potential for adverse effects on humans and the environment as a result of the use of wood preservatives for the control of wood damaging pests;

(iv) Measures to minimize adverse health effects and method of application;

(v) Labels and labeling comprehension.

AMENDATORY SECTION (Amending WSR 16-24-052, filed 12/2/16, effective 1/2/17)

WAC 16-228-1546 (~~((What are the requirements for a))~~) **Private applicator license** (~~(?)~~) **requirements.** (1) To qualify for a private applicator license, an individual must pass a private applicator examination that covers areas of competency described in WAC 16-228-1546(1). The examination shall be written and taken without the aid of any materials that contain information relevant to the exam content. (~~(Reading of exams by an individual other than the applicant is not permitted.)~~) Individuals must be capable of independently reading and interpreting exams. Individuals holding valid, passing scores on the laws and safety examination (~~(, or equivalent, or the dealer manager exam, and one)~~) and both of the classifications in WAC 16-228-1545 (3) (a) (~~((iii) or (xiv) or the now retired statewide classification,~~) (vi) and (xvi) are exempt from this examination requirement.

(2) Private applicators applying pesticides by fixed or rotary wing aircraft must obtain the aerial classification described in WAC 16-228-1545 (3) (a) (i).

(3) Private applicators making aquatic applications to water that moves off their own or their employer's agricultural land must obtain the aquatic classification described in WAC 16-228-1545 (3) (a) (~~((i))~~) (iv).

(4) Private applicators applying space fumigants must obtain the space fumigation classification described in WAC 16-228-1545 (3) (a) (xiii).

(5) Private applicators applying soil fumigants (~~((may))~~) must obtain the soil fumigation classification described in WAC 16-228-1545 (3) (a) (~~((x) as an option to meet label required active ingredient training)~~) (xii).

(~~((3))~~) (6) A passing score of (~~((seventy))~~) 70 percent is established for the examinations required under this section. The department may establish separate passing scores for the examinations if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

(~~((4))~~) (7) The department may waive the examination requirements contained in this section for any person holding a valid certification with similar classifications from an EPA or Canadian approved federal, state, or provincial certification program with comparable examination and recertification standards.

NEW SECTION

WAC 16-228-15461 Standards for certification of private applicators. (1) To qualify for a private applicator license, an individual must demonstrate practical knowledge of the principles and practices of pest control associated with the production of agricultural commodities and effective use of restricted use pesticides including the following:

(a) Knowledge of the state and federal laws governing pesticide use including understanding the Worker Protection Standard in WAC 16-228-233.

(b) General pesticide label comprehension to include:

- (i) General format and terminology of pesticide labels and labeling;
 - (ii) Understanding instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels and labeling;
 - (iii) Understanding that it is a violation of state and federal law to use any pesticide in a manner inconsistent with its labeling;
 - (iv) Understanding when a certified applicator must be physically present at the site of application based on labeling requirements;
 - (v) Understanding labeling requirements for supervising noncertified applicators working under the direct supervision of a certified applicator;
 - (vi) Understanding that applicators must comply with all use restrictions and directions for use listed on the pesticide label and labeling, including being certified in the appropriate license classification;
 - (vii) Understanding the meaning of product classification as either general or restricted use;
 - (viii) Understanding and complying with notification requirements specific to the product;
 - (ix) Recognizing and understanding the difference between mandatory and advisory labeling language.
- (c) Safe use of pesticides to avoid or minimize adverse health effects including:
- (i) Understanding the difference between acute and chronic toxicity;
 - (ii) Understanding that a pesticide's risk is a function of exposure and the pesticide's toxicity;
 - (iii) Understanding the different routes of exposure and how they may occur;
 - (iv) Common types and causes of pesticide mishaps;
 - (v) Precautions to prevent injury to applicators and other individuals in or near treated areas;
 - (vi) The need for and proper use of protective clothing and personal protective equipment;
 - (vii) Symptoms of pesticide poisoning;
 - (viii) First aid and other procedures to be followed in case of a pesticide mishap;
 - (ix) Proper identification, storage, transport, handling, mixing procedures, and disposal methods for pesticides and used pesticide containers including precautions to be taken to prevent children from having access to pesticides and pesticide containers.
- (d) Environmental fate of pesticides and the potential consequences of the use and misuse of pesticides including the influence of the following:
- (i) Weather and other climatic conditions;
 - (ii) Types of terrain, soil, or other substrate;
 - (iii) Presence of fish, wildlife, and other nontarget organisms;
 - (iv) Drainage patterns.
- (e) Proper identification and effective control of pests including the following:
- (i) Importance of correctly identifying target pests and selecting the proper pesticide product for effective pest control;
 - (ii) Verifying that the label does not prohibit the use of the product to control the target pest.
- (f) Characteristics of pesticides including the following:
- (i) Types of pesticides and pesticide formulations;

- (ii) Compatibility, synergism, persistence, and animal and plant toxicity of the formulations;
- (iii) Hazards and residues associated with use;
- (iv) Factors that influence effectiveness or lead to problems such as pesticide resistance;
- (v) Dilution procedures.
- (g) Application equipment including the following:
 - (i) Types of equipment and the advantages and limitations of each type;
 - (ii) Use, maintenance, and calibration procedures.
- (h) Selecting appropriate application methods including the following:
 - (i) Methods to apply various forms and formulations of pesticides;
 - (ii) Knowledge of which application method to use in a given situation and that certain uses require additional certification;
 - (iii) How selection of application method and use of a pesticide may or may not result in proper use;
 - (iv) Prevention of drift and pesticide loss into the environment.
- (i) Knowledge of the responsibilities of certified applicators supervising noncertified applicators including the following:
 - (i) Understanding and complying with requirements in WAC 16-228-1548 for private applicators who directly supervise noncertified applicators using restricted use pesticides;
 - (ii) Providing use-specific instructions to noncertified applicators using pesticides under the direct supervision of a certified applicator;
 - (iii) Explaining appropriate state, tribal, and federal laws and regulations to noncertified applicators working under the direct supervision of a certified applicator.
- (j) Understanding the importance of stewardship including the following:
 - (i) Maintaining chemical security for restricted use pesticides;
 - (ii) How to communicate information about pesticide exposures and risks with agricultural workers, handlers, and other individuals.
- (k) Practical knowledge of pest control applications to agricultural commodities including the following:
 - (i) Specific pests of relevant agricultural commodities;
 - (ii) How to avoid contamination of ground and surface waters;
 - (iii) Understanding preharvest and restricted entry intervals and other entry-restricted periods and areas;
 - (iv) Understanding specific pesticide toxicity and residue potential when pesticides are applied to animal or animal product agricultural commodities;
 - (v) Relative hazards associated with using pesticides on animals or places in which animals are confined based on formulation, application technique, age of animal, stress, and extent of treatment.
- (2) In addition to satisfying the requirements of subsection (1) of this section, private applicators, limited private applicators, and rancher private applicators must demonstrate through written examination practical knowledge of the principles and practices of pest control and proper and effective use of pesticides for each of the areas of pesticide use specified in WAC 16-228-1546(2).
 - (a) Aerial pest control: Minimum competency standards for this classification for private applicators are equivalent to those listed in WAC 16-228-15451 (2) (a).

(b) Aquatic pest control: Minimum competency standards for this classification for private applicators are equivalent to those listed in WAC 16-228-15451 (2)(d).

(c) Soil fumigation: Minimum competency standards for this classification for private applicators are equivalent to those listed in WAC 16-228-15451 (2)(k).

(d) Space (nonsoil) fumigation: Minimum competency standards for this classification for private applicators are equivalent to those listed in WAC 16-228-15451 (2)(l).

AMENDATORY SECTION (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

WAC 16-228-1547 (~~(What are the requirements for a)~~) **Dealer manager license(?) requirements.** (1) To qualify for a dealer manager license, an individual must pass a dealer manager examination. The examination shall be written and taken without the aid of any materials that contain information relevant to the exam content. (~~Reading of exams by an individual other than the applicant is not permitted.~~) Individuals must be capable of independently reading and interpreting exam content.

(2) A passing score of (~~seventy~~) 70 percent is established for the examination required under this section. The department may establish a separate passing score for the examination if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

NEW SECTION

WAC 16-228-1548 Requirements for direct supervision of noncertified applicators by certified applicators. (1) General requirements:

(a) The certified applicator must meet the following general requirements before supervising the use of federal restricted use pesticides by a noncertified applicator:

(i) The certified applicator must have practical knowledge of applicable state and federal supervisory requirements including any requirements on the product label and labeling regarding use of pesticides by noncertified applicators.

(ii) The certified applicator must be certified in each classification applicable to the use being supervised.

(b) The certified applicator must ensure that each noncertified applicator using a pesticide under the direct supervision of the certified applicator meets all the following requirements:

(i) The noncertified applicator has met all the qualification requirements listed in subsection (2) of this section.

(ii) The noncertified applicator has been instructed in the last 12 months in the safe operation of any equipment they will be using for mixing, loading, transferring, or applying pesticides.

(iii) The noncertified applicator has met the minimum age required to use pesticides under the supervision of the certified applicator. The noncertified applicator must be at least 18 years of age except that the noncertified applicator may be at least 16 years of

age if all the following are met in addition to any applicable minimum age requirements under the worker protection standard:

(A) The noncertified applicator is using the restricted use pesticide under the direct supervision of a certified private applicator who is an immediate family member as defined in WAC 16-233-016(20).

(B) The pesticide is not a federal restricted use fumigant.

(C) The noncertified applicator is not applying pesticides aerially.

(c) The certified applicator must ensure that all the following are met before allowing a noncertified applicator to use a pesticide under their direct supervision:

(i) The certified applicator must ensure that the noncertified applicator has access to the applicable product labeling at all times during its use.

(ii) The certified applicator must ensure that any noncertified applicator has clean labeling-required personal protective equipment in proper operating condition when the labeling requires that personal protective equipment be worn for mixing, loading, applying, or any other use activities. The certified applicator must also ensure that the personal protective equipment is worn and used correctly for its intended purpose.

(iii) Before use of a pesticide, the certified applicator must provide to each noncertified applicator instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site and how the characteristics of the use site and the conditions of application might affect the risk of adverse effects. The certified applicator must provide this information in a manner that the noncertified applicator can understand.

(iv) The certified applicator must ensure that before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer and can be used without risk of adverse effects to the noncertified applicator, other individuals, or the environment.

(v) The certified applicator must ensure that a means to immediately communicate with the certified applicator is available to each noncertified applicator using pesticides under their direct supervision.

(vi) All certified applicators except private applicators, limited private applicators, and rancher private applicators must be physically present at the site of application when supervising any type of application, except when general use pesticides are applied using non-apparatus type equipment in forest situations. All certified applicators must be physically present at the site of the use being supervised when required by the product labeling.

(2) Before any noncertified applicator uses a federal restricted use pesticide under the direct supervision of a certified applicator, in addition to the general requirements listed in subsection (1) of this section, the supervising certified applicator must ensure that the noncertified applicator has met one of the following qualifications:

(a) The noncertified applicator has been trained in accordance with subsection (3) of this section within the last 12 months.

(b) The noncertified applicator has met the training requirements for an agricultural handler under WAC 16-233-201 within the last 12 months.

(c) The noncertified applicator is currently a certified applicator but is not certified to perform the type of application being conducted or is not certified in the jurisdiction where the use will take place.

(3) Requirements for training programs for noncertified applicators applying federal restricted use pesticides under the direct supervision of a certified applicator:

(a) General noncertified applicator training must be presented to noncertified applicators either orally from written materials or audiovisuals. The information must be presented in a manner that the noncertified applicator can understand. The person conducting the training must be present during the entire training program and must respond to the noncertified applicator's questions.

(b) The person who conducts the training must meet one of the following requirements:

(i) Trainer must be currently licensed as an applicator under this chapter.

(ii) Trainer must be currently designated as a trainer of certified applicators or pesticide handlers by the director.

(iii) Trainer must have completed an approved pesticide safety train-the-trainer program for trainers of handlers under the worker protection standard, chapter 16-233 WAC.

(c) The noncertified applicator training materials include the information that noncertified applicators need in order to protect themselves, other individuals, and the environment before, during, and after making a restricted use pesticide application. The noncertified applicator training materials must include, at a minimum, the following:

(i) Potential hazards from toxicity and exposure that pesticides present to noncertified applicators and their families, including acute and chronic effects, delayed effects, and sensitization.

(ii) Different routes of exposure and how they may occur.

(iii) Signs and symptoms of pesticide poisoning.

(iv) Routing and emergency first aid and decontamination procedures including:

(A) Emergency eye flushing techniques.

(B) Steps to follow after dermal exposure to pesticides such as washing with soap and water, shampooing hair, and changing into clean clothes.

(C) Washing hands before eating, drinking, using chewing gum or tobacco, or using the toilet.

(v) How and when to obtain emergency medical care.

(vi) Potential hazards from pesticide residues on clothing and shoes and precautions to take to avoid exposure.

(vii) Potential hazards to children and pregnant women from pesticide exposure.

(viii) How to report suspected pesticide use violations to the director or other appropriate agency responsible for pesticide enforcement.

(ix) Format and meaning of information contained on pesticide labels and in labeling applicable to the safe use of the pesticide, including the location and meaning of the restricted use pesticide statement, how to identify when the labeling requires the certified applicator to be physically present during the use of the pesticide, and information on personal protective equipment.

(x) The need for and appropriate use of personal protective equipment.

(xi) How to recognize, prevent, and provide first-aid treatment for heat-related illness.

(xii) Safety requirements and restrictions for handling, transporting, storing, and disposing of pesticides including general procedures for spill cleanup.

(xiii) The potential for environmental consequences of the use and misuse of pesticides including factors such as drift, runoff, and wildlife hazards.

(xiv) Restrictions on the use of restricted use pesticides and who can apply them.

(xv) Restrictions on taking pesticides or pesticide containers used at work to the home.

(xvi) The responsibilities of the certified applicator as specified in subsection (1)(c) of this section.

(4) Recordkeeping.

(a) Certified applicators except private applicators, limited private applicators, and rancher private applicators, prior to directly supervising the use of federal restricted use pesticides, must create or verify the existence of records documenting that each noncertified applicator has the qualifications required in subsection (2) of this section. For each noncertified applicator, the records must contain the information appropriate to the method of qualification:

(i) If the noncertified applicator was trained in accordance with subsection (3) of this section, the record must contain all the following information:

(A) The noncertified applicator's printed name and signature;

(B) The date the noncertified applicator met the training requirement;

(C) The name of the individual who provided the training;

(D) The title and description of the training provided.

(ii) If the noncertified applicator was trained in accordance with subsection (2)(b) of this section, the record must contain all the information required by WAC 16-233-201(4).

(iii) If the noncertified applicator is a certified applicator who is not certified to perform the type of application being conducted or not certified in the jurisdiction where the use will take place, the record must include all the following information:

(A) The noncertified applicator's name;

(B) The noncertified applicator's license number;

(C) The expiration date of the noncertified applicator's license;

(D) The certifying authority that issued that license.

(b) Certified applicators except for private applicators, limited private applicators, and rancher private applicators must create or verify the existence of the record containing the required information specified in (a) of this subsection before allowing the noncertified applicator to use federal restricted use pesticides under their direct supervision.

(c) Certified applicators, except for private applicators, limited private applicators, and rancher private applicators, supervising any noncertified applicator must have access to records documenting the information required in (a) of this subsection at the certified applicator's principal place of business for two years from the date the certified applicator used the federal restricted use pesticide.

(d) Private applicators supervising noncertified applicators must comply with training records recordkeeping requirements specified in WAC 16-233-201.

AMENDATORY SECTION (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

WAC 16-228-1550 (~~((What are the requirements for))~~) **Apparatus display sign((s?)) requirements.** (1) A certified applicator making a landscape application shall display the name and telephone number of the applicator or applicator's employer on any ~~((power equipment))~~ ap-
paratus.

(2) A certified applicator making a right of way application shall display the name and telephone number of the applicator or the applicator's employer and the words "VEGETATION MANAGEMENT APPLICATION((-))" on any apparatus.

(3) Apparatus ~~((display signs shall be attached to and prominently displayed on the application apparatus and shall be clearly visible.))~~ license plates, as provided for in chapter 17.21 RCW, shall be attached to and prominently displayed on the apparatus for which they have been issued: Provided that an apparatus license plate may be af-
fixed to a vehicle which contains the particular apparatus. Attached plates shall be clearly visible and in a location easily accessible for inspection by the department.

(4) Lettering of the apparatus display signs shall be, at a minimum, two inches in height and shall be printed in color contrasting to the background.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-228-1555	Where must commercial applicator apparatus license plates and windshield identification be placed?
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