# Chapter 16-228 WAC
# GENERAL PESTICIDE RULES


**WAC**

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

16-228-001 Promulgation. [Order 1470, § 16-228-001, filed 5/14/76.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77.

16-228-003 Promulgation. [Order 1481, § 16-228-003, filed 7/15/76.] Repealed by WSR 88-14-074 (Order 1981), filed 7/1/88. Statutory Authority: Chapter 17.21 and 15.58 RCW.

16-228-010 Definitions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 95-01-077 (Order 5060), § 16-228-010, filed 12/16/94, effective 1/16/95. Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. WSR 92-07-084, § 16-228-010, filed 3/17/92, effective 4/17/92. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-24-029 (Order 2022), § 16-228-010, filed 11/30/89, effective 12/31/89; WSR 88-14-074 (Order 1981), § 16-228-010, filed 7/1/88. Statutory Authority: Chapter 17.21 RCW. WSR 85-17-044 (Order 1869), § 16-228-010, filed 8/16/85. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 84-09-011 (Order 1817), § 16-228-010, filed 4/10/84; Order 1538, § 16-228-010, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-010, filed 5/14/76. Formerly WAC 16-220-200 (part).] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-020 Pesticide licenses—Renewal dates—Penalties. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584,

69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. WSR 91-16-005 (Order 2091), § 16-228-020, filed 7/25/91, effective 8/25/91.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-115 Pesticide labeling requirements. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 89-24-029 (Order 2022), § 16-228-115, filed 11/30/89, effective 12/31/89; WSR 84-09-011 (Order 1817), § 16-228-115, filed 4/10/84; Order 1470, § 16-228-115, filed 5/14/76. Formerly WAC 16-222-030.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-116 Complete pesticide formula. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-24-029 (Order 2022), § 16-228-116, filed 11/30/89, effective 12/31/89.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-117 Home and garden products—Definition—Registration fee. [Statutory Authority: Chapter 15.58 RCW. WSR 89-22-074 (Order 2019), § 16-228-117, filed 10/31/89, effective 12/1/89.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-120 Artificial coloring. [Order 1470, § 16-228-120, filed 5/14/76. Formerly WAC 16-222-040.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-125 Experimental use permits. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 84-09-011 (Order 1817), § 16-228-125, filed 4/10/84; Order 1470, § 16-228-125, filed 5/14/76. Formerly WAC 16-220-070.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-130 Pesticide-fertilizer registration and labeling. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 84-09-011 (Order 1817), § 16-228-130, filed 4/10/84; Order 1470, § 16-228-130, filed 5/14/76. Formerly WAC 16-222-090.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-140 Pesticide-fertilizer mix restrictions. [Order 1470, § 16-228-140, filed 5/14/76. Formerly WAC 16-222-100.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-143 Pirt surcharge. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-24-029 (Order 2022), § 16-228-143, filed 11/30/89, effective 12/31/89.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-145 Adequate containers. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-24-029 (Order 2022), § 16-228-145, filed 11/30/89, effective 12/31/89; Order 1470, § 16-228-145, filed 5/14/76. Formerly WAC 16-222-110.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-14501 Sale or possession of sodium fluoracetate, fluoracetamide, and phosphorus pastes. [Order 1470, § 16-228-145 (codified as WAC 16-228-14501), filed 5/14/76. Formerly WAC 16-222-120.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-150 Responsibilities of pesticide applicators, operators, pesticide dealers and pest control consultants in sales of pesticides and in recommendations and application of pesticides. [Order 1481, § 16-228-150, filed 7/15/76; Order 1470, § 16-228-150, filed 5/14/76. Formerly WAC 16-220-205 and 16-222-130.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77.

16-228-155 Pesticides—Not for distribution to home and garden users. [Statutory Authority: RCW 15.58.040 (2)(h). WSR 98-15-026, § 16-228-155, filed 7/7/98, effective 8/7/98. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 89-24-029 (Order 2022), § 16-228-155, filed 11/30/89, effective 12/31/89; WSR 84-09-011 (Order 1817), § 16-228-155, filed 4/10/84; Order 1538, § 16-228-155, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-155, filed 5/14/76. Formerly WAC 16-222-145.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-157 Waste pesticide disposal. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-24-029 (Order 2022), § 16-228-157, filed 11/30/89, effective 12/31/89; WSR 88-14-074 (Order 1981), § 16-228-157, filed 7/1/88.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-160 Restriction on distribution, transportation, storage and disposal. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-24-029 (Order 2022), § 16-228-160, filed 11/30/89, effective 12/31/89; WSR 88-14-074 (Order 1981), § 16-228-160, filed 7/1/88; WSR 84-09-011 (Order 1817), § 16-228-160, filed 4/10/84; Order 1538, § 16-228-160, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-160, filed 5/14/76. Formerly WAC 16-222-150.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-161 Distribution records. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 84-09-011 (Order 1817), § 16-228-161, filed 4/10/84.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-162 Phenoxy herbicide restrictions. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-07-006 (Order 1996), § 16-228-162, filed 3/3/89; WSR 84-09-011 (Order 1817), § 16-228-162, filed 4/10/84; WSR 80-03-040 (Order 1679), § 16-228-162, filed 2/20/80.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-164 State restricted use pesticides for use by certified applicators only. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 91-06-019 (Order 2073), § 16-228-164, filed 2/26/91, effective 3/29/91; WSR 89-24-029 (Order 2022), § 16-228-164, filed 11/30/89, effective 12/31/89; WSR 89-07-006 (Order 1996), § 16-228-164, filed 3/3/89.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-165 State restricted use pesticides for use by certified applicators only. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 88-14-074 (Order 1981), § 16-228-165, filed 7/1/88; WSR 84-09-011 (Order 1817), § 16-228-165, filed 4/10/84; WSR 80-03-040 (Order 1679), § 16-228-165, filed 2/20/80; WSR 79-05-003 (Order 1597), § 16-228-165, filed 4/10/79; Order 1538, § 16-228-165, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-165, filed 5/14/76. Formerly WAC 16-222-160 and 16-223-230.] Repealed by WSR 89-07-006 (Order 1996), filed 3/3/89. Statutory Authority: Chapters 17.21 and 15.58 RCW.

16-228-166 Aquatic pesticides. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-07-006 (Order 1996), § 16-228-166, filed 3/3/89.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-168 Change of exemptions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 89-24-029 (Order 2022), § 16-228-168, filed 11/30/89, effective 12/31/89; WSR 84-09-011 (Order 1817), § 16-228-168, filed 4/10/84; Order 1538, § 16-228-168, filed 7/29/77, effective 9/1/77.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-170 Pesticide dealer and dealer manager licenses. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 89-24-029 (Order 2022), § 16-228-170, filed 11/30/89, effective 12/31/89; WSR 84-09-011 (Order 1817), § 16-228-170, filed 4/10/84; Order 1470, § 16-228-170, filed 5/14/76. Formerly WAC 16-222-170.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-172 Permits. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 84-09-011 (Order 1817), § 16-228-172, filed 4/10/84; Order 1538, § 16-228-172, filed 7/29/77,

effective 9/1/77.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-174 Private commercial applicator license. [Order 1538, § 16-228-174, filed 7/29/77, effective 9/1/77.] Repealed by WSR 84-09-011 (Order 1817), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.

16-228-175 Distribution requirements for growth regulating herbicides to be used in counties located east of the crest of the Cascade Mountains. [Order 1470, § 16-228-175, filed 5/14/76. Formerly WAC 16-222-190.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77.

16-228-176 Private applicator certification. [Order 1538, § 16-228-176, filed 7/29/77, effective 9/1/77.] Repealed by WSR 84-09-011 (Order 1817), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.

16-228-178 Demonstration and research applicator certification. [Order 1538, § 16-228-178, filed 7/29/77, effective 9/1/77.] Repealed by WSR 84-09-011 (Order 1817), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.

16-228-180 License denied, revoked or suspended. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. WSR 92-07-084, § 16-228-180, filed 3/17/92, effective 4/17/92. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 89-24-029 (Order 2022), § 16-228-180, filed 11/30/89, effective 12/31/89; WSR 84-09-011 (Order 1817), § 16-228-180, filed 4/10/84; Order 1538, § 16-228-180, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-180, filed 5/14/76.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-185 Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-24-029 (Order 2022), § 16-228-185, filed 11/30/89, effective 12/31/89; WSR 88-14-074 (Order 1981), § 16-228-185, filed 7/1/88; WSR 84-09-011 (Order 1817), § 16-228-185, filed 4/10/84; Order 1538, § 16-228-185, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-185, filed 5/14/76. Formerly WAC 16-222-180.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-190 Applicator requirements. [Statutory Authority: RCW 17.21.030 and 17.21.100. WSR 90-22-022 (Order 2057), § 16-228-190, filed 10/30/90, effective 11/30/90. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 90-11-024, § 16-228-190, filed 5/9/90, effective 6/9/90; WSR 88-14-074 (Order 1981), § 16-228-190, filed 7/1/88; WSR 84-09-011 (Order 1817), § 16-228-190, filed 4/10/84; Order 1538, § 16-228-190, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-190, filed 5/14/76. Formerly chapter 16-222 WAC.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-195 Compliance with federal requirements. [Order 1470, § 16-228-195, filed 5/14/76.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-200 Low flying prohibitions. [Order 1470, § 16-228-200, filed 5/14/76.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77.

16-228-210 Financial responsibility insurance certificate (FRIC). [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 88-14-074 (Order 1981), § 16-228-210, filed 7/1/88; WSR 84-09-011 (Order 1817), § 16-228-210, filed 4/10/84; Order 1470, § 16-228-210, filed 5/14/76.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-213 Requirements on placement of commercial applicator apparatus license plates and windshield identification. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-24-029 (Order 2022), § 16-228-213, filed 11/30/89, effective 12/31/89.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-214 Apparatus display signs. [Statutory Authority: Chapter 17.21 RCW. WSR 92-15-001, § 16-228-214, filed 7/1/92, effective 8/1/92.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-215 Application fee and FAA certificate. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-24-029 (Order 2022), § 16-228-215, filed 11/30/89, effective 12/31/89; WSR 88-14-074 (Order 1981), § 16-228-215, filed 7/1/88; Order 1470, § 16-228-215, filed 5/14/76.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-220 Examination requirements. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-24-029 (Order 2022), § 16-228-220, filed 11/30/89, effective 12/31/89; WSR 88-14-074 (Order 1981), § 16-228-220, filed 7/1/88; WSR 84-09-011 (Order 1817), § 16-228-220, filed 4/10/84; Order 1470, § 16-228-220, filed 5/14/76.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-223 Ground maintenance on an occasional basis—Exempt from licensing requirements. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-24-029 (Order 2022), § 16-228-223, filed 11/30/89, effective 12/31/89.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-225 Regulation of application of vertebrate control pesticides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 89-24-029 (Order 2022), § 16-228-225, filed 11/30/89, effective 12/31/89; WSR 84-09-011 (Order 1817), § 16-228-225, filed 4/10/84; Order 1538, § 16-228-225, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-225, filed 5/14/76. Formerly WAC 16-220-210.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-227 Tributyltin. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 88-14-074 (Order 1981), § 16-228-227, filed 7/1/88.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-230 Special restrictions on the use of Compounds 1080, 1081 and phosphorus paste. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 84-09-011 (Order 1817), § 16-228-230, filed 4/10/84; Order 1470, § 16-228-230, filed 5/14/76. Formerly WAC 16-220-215.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-232 Chemigation. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 88-14-074 (Order 1981), § 16-228-232, filed 7/1/88.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-233 Investigative response time. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-24-029 (Order 2022), § 16-228-233, filed 11/30/89, effective 12/31/89.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-235 Purpose of rules—Endrin use. [Statutory Authority: Chapter 17.21 RCW. WSR 85-17-044 (Order 1869), § 16-228-235, filed 8/16/85. Statutory Authority: RCW 17.21.030. WSR 83-16-045 (Order 1805), § 16-228-235, filed 8/1/83.] Repealed by WSR 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.

16-228-240 Endrin use in orchards—1983 to 1984. [Statutory Authority: RCW 17.21.030. WSR 83-16-045 (Order 1805), § 16-228-240, filed 8/1/83.] Repealed by WSR 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.

16-228-245 Endrin application—Criteria for determining crisis use on orchards. [Statutory Authority: Chapter 17.21 RCW. WSR 85-17-044 (Order 1869), § 16-228-245, filed 8/16/85. Statutory Authority: RCW 17.21.030. WSR 83-16-045 (Order 1805), § 16-228-245, filed 8/1/83.] Repealed by WSR 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.

16-228-250 Endrin—Written recommendation—Licensed consultant—Game representative. [Statutory Authority: Chapter 17.21 RCW. WSR 85-17-044 (Order 1869), § 16-228-250, filed 8/16/85. Statutory Authority: RCW 17.21.030. WSR 83-16-045 (Order 1805), § 16-228-250, filed 8/1/83.] Repealed by WSR 94-13-195, filed

6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.

16-228-255 Endrin—Distribution—Dealer records. [Statutory Authority: Chapter 17.21 RCW. WSR 85-17-044 (Order 1869), § 16-228-255, filed 8/16/85. Statutory Authority: RCW 17.21.030. WSR 83-16-045 (Order 1805), § 16-228-255, filed 8/1/83.] Repealed by WSR 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.

16-228-260 Endrin—Application restrictions. [Statutory Authority: Chapter 17.21 RCW. WSR 85-17-044 (Order 1869), § 16-228-260, filed 8/16/85. Statutory Authority: RCW 17.21.030. WSR 83-16-045 (Order 1805), § 16-228-260, filed 8/1/83.] Repealed by WSR 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.

16-228-265 Endrin—Posting requirements. [Statutory Authority: Chapter 17.21 RCW. WSR 85-17-044 (Order 1869), § 16-228-265, filed 8/16/85. Statutory Authority: RCW 17.21.030. WSR 83-16-045 (Order 1805), § 16-228-265, filed 8/1/83.] Repealed by WSR 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.

16-228-270 Permit. [Statutory Authority: RCW 17.21.030. WSR 83-16-045 (Order 1805), § 16-228-270, filed 8/1/83.] Repealed by WSR 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.

16-228-275 Endrin—Applicator records. [Statutory Authority: Chapter 17.21 RCW. WSR 85-17-044 (Order 1869), § 16-228-275, filed 8/16/85. Statutory Authority: RCW 17.21.030. WSR 83-16-045 (Order 1805), § 16-228-275, filed 8/1/83.] Repealed by WSR 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.

16-228-280 Endrin advisory committee. [Statutory Authority: RCW 17.21.030. WSR 83-16-045 (Order 1805), § 16-228-280, filed 8/1/83.] Repealed by WSR 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.

16-228-285 Endrin use in orchards after December 31, 1984—Crisis permits—Permit requirements. [Statutory Authority: RCW 17.21.030. WSR 83-16-045 (Order 1805), § 16-228-285, filed 8/1/83.] Repealed by WSR 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.

16-228-320 Heptachlor treated grain seed—Definition. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 79-07-090 (Order 1641), § 16-228-320, filed 6/29/79.] Repealed by WSR 99-07-113, filed 3/24/99, effective 4/24/99. Statutory Authority: Chapters 15.58 and 17.21 RCW.

16-228-330 Use and distribution. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 79-07-090 (Order 1641), § 16-228-330, filed 6/29/79.] Repealed by WSR 99-07-113, filed 3/24/99, effective 4/24/99. Statutory Authority: Chapters 15.58 and 17.21 RCW.

16-228-340 Establishing tolerances for the chemical ethylene dibromide (EDB). [Statutory Authority: Chapters 17.21 and 69.04 RCW. WSR 84-12-034 (Order 1827), § 16-228-340, filed 5/30/84.] Repealed by WSR 99-07-112, filed 3/24/99, effective 4/24/99. Statutory Authority: Chapters 15.58 and 17.21 RCW.

16-228-400 Inspection and reporting criteria for complete wood destroying organism inspections. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. WSR 92-07-084, § 16-228-400, filed 3/17/92, effective 4/17/92.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-410 Inspection and report prerequisite to wood destroying organism treatment. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. WSR 92-07-084, § 16-228-410, filed 3/17/92, effective 4/17/92.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-420 Limited wood destroying organism inspections. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. WSR 92-07-084, § 16-228-420, filed 3/17/92, effective 4/17/92.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-430 Reporting criteria for limited wood destroying organism inspections. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. WSR 92-07-084, § 16-228-430, filed 3/17/92, effective 4/17/92.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-600 Use of pesticides on small seeded vegetable seed crops and seed alfalfa. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 95-01-019 (Order 5064), § 16-228-600, filed 12/9/94, effective 1/9/95; WSR 88-21-098 (Order 1989), § 16-228-600, filed 10/19/88.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-650 Declaration of an agricultural emergency. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 95-01-077 (Order 5060), § 16-228-650, filed 12/16/94, effective 1/16/95.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-655 Agricultural activities permitted under an agricultural emergency. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 95-01-077 (Order 5060), § 16-228-655, filed 12/16/94, effective 1/16/95.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-660 Record keeping required for agricultural emergencies. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 95-01-077 (Order 5060), § 16-228-660, filed 12/16/94, effective 1/16/95.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-900 Penalties. [Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 89-24-029 (Order 2022), § 16-228-900, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 17.21.030. WSR 83-16-045 (Order 1805), § 16-228-900, filed 8/1/83.] Repealed by WSR 93-10-047, filed 4/29/93, effective 5/30/93. Statutory Authority: RCW 15.58.260 and 17.21.315.

16-228-905 Statement of purpose—Penalty assignment. [Statutory Authority: RCW 15.58.260 and 17.21.315. WSR 93-10-047, § 16-228-905, filed 4/29/93, effective 5/30/93.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-910 Definitions—Penalty assignment. [Statutory Authority: RCW 15.58.260 and 17.21.315. WSR 93-10-047, § 16-228-910, filed 4/29/93, effective 5/30/93.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-915 Calculation of penalty. [Statutory Authority: RCW 15.58.260 and 17.21.315. WSR 93-10-047, § 16-228-915, filed 4/29/93, effective 5/30/93.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-920 Penalty assignment schedule—Table A. [Statutory Authority: RCW 15.58.260 and 17.21.315. WSR 93-10-047, § 16-228-920, filed 4/29/93, effective 5/30/93.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-925 Penalty assignment schedule—Table B. [Statutory Authority: RCW 15.58.260 and 17.21.315. WSR 93-10-047, § 16-228-925, filed 4/29/93, effective 5/30/93.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-930 Other dispositions of alleged violations. [Statutory Authority: RCW 15.58.260 and 17.21.315. WSR 93-10-047, § 16-228-930, filed 4/29/93, effective 5/30/93.] Repealed by WSR 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-1140 Penalty assignment schedule—Table B. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1140, filed 10/20/99, effective 11/20/99.] Repealed by WSR 01-01-058, filed 12/12/00, effective 1/12/01. Statutory Authority: Chapters 17.21 and 15.58 RCW.

16-228-1230 State restricted use pesticides for use by certified applicators only. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1230, filed 10/20/99, effective 11/20/99.] Repealed by WSR 00-22-073, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.58, 17.21 RCW.

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| 16-228-1240 | Aquatic pesticides. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1240, filed 10/20/99, effective 11/20/99.] Repealed by WSR 00-22-073, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.58, 17.21 RCW. |
| 16-228-1385 | Special restrictions on the use of Compounds 1080, 1081 and phosphorus paste. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1385, filed 10/20/99, effective 11/20/99.] Repealed by WSR 00-22-007, filed 10/20/00, effective 11/20/00. Statutory Authority: Chapters 15.58 and 17.21 RCW. |
| 16-228-1580 | Change of exemptions. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1580, filed 10/20/99, effective 11/20/99.] Repealed by WSR 00-22-073, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.58, 17.21 RCW. |
| 16-228-2000 | Inspection and reporting criteria for complete wood destroying organism inspections. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-2000, filed 10/20/99, effective 11/20/99.] Repealed by WSR 02-24-025, filed 11/27/02, effective 12/28/02. Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. |
| 16-228-2020 | Inspection and report prerequisite to wood destroying organism treatment. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-2020, filed 10/20/99, effective 11/20/99.] Repealed by WSR 02-24-025, filed 11/27/02, effective 12/28/02. Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. |
| 16-228-2030 | Limited wood destroying organism inspections. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-2030, filed 10/20/99, effective 11/20/99.] Repealed by WSR 02-24-025, filed 11/27/02, effective 12/28/02. Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. |
| 16-228-2040 | Reporting criteria for limited wood destroying organism inspections. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-2040, filed 10/20/99, effective 11/20/99.] Repealed by WSR 02-24-025, filed 11/27/02, effective 12/28/02. Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. |

**WAC 16-228-1010 What are the definitions that apply to this chapter?** 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 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 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.

(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 been subjected to harm or an unreasonable risk by such a violation.

(32) "Pollen shedding corn" means that stage of growth when ten 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 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 authority 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 fed-

eral or state registration, or deterioration of the product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. WSR 10-15-015, § 16-228-1010, filed 7/8/10, effective 8/8/10; WSR 07-11-041A, § 16-228-1010, filed 5/9/07, effective 6/9/07; WSR 03-22-029, § 16-228-1010, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. WSR 00-22-073, § 16-228-1010, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1010, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1020 What are the rights of complainants?** If an inspection is conducted by the department of an area in which a pesticide violation is believed to have occurred, a complainant shall:

(1) Be promptly provided by the department, with the department's decision, as set forth in the "notice of intent to assess civil penalty and/or deny, suspend, or revoke a license," or in any document issuing a warning or determination of no action. The department will endeavor to provide notice concurrently with the department's service of the document on the alleged violator.

(2) Be entitled, upon written request to the department, to have his or her name protected from disclosure in any communication with persons outside the department and in any record published, released, or made available pursuant to chapter 17.21 RCW: Provided that in any adjudicative proceeding under chapter 34.05 RCW the identity of complainant shall be disclosed to the alleged violator upon written request of the alleged violator.

(3) Be otherwise entitled to those rights of persons aggrieved as set forth in WAC 16-228-1030 except that the complainant shall be provided, automatically without request, a copy of the final department decision.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1020, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1020, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1030 What are the rights of person aggrieved?** A person aggrieved shall:

(1) Be entitled to be notified promptly of any final action taken by the department concerning an investigation under chapter 17.21 RCW. The department will provide notice at the same time as a service of notice on the violator: Provided that such person has made timely written application to the department requesting such notice. Written application to the department requesting such notice shall be received no later than the date of service of a final order.

(2) Within thirteen calendar days of the date of mailing of a final order to a person aggrieved, the person aggrieved may request in writing that the director reconsider the matter, shall specify in writing why they believe the penalty decision is inappropriate, and the department will serve the request on the violator.

(3) Following the request in writing, the director will reconsider the entire matter including any written statement submitted by any party, and may adjust the penalty decision set forth in the final order if the director finds that the penalty was inappropriate.

(4) If such person is aggrieved by the director's order on reconsiderations, within twenty calendar days of service of the order he or she may request in writing an adjudicative proceeding under chapter 34.05 RCW, shall specify in writing why he or she believes the penalty decision is inappropriate, and the department shall serve the request on the alleged violator. The subject of such proceeding shall be limited to the appropriateness of the penalty decision of the director on reconsideration based on a review of the record as supplemented by any new evidence received by the presiding officer. The alleged violator shall be given notice and an opportunity to participate in the proceeding by the department. The proceeding shall be heard by a presiding officer who has not heard the adjudicative proceeding on the merits against the alleged violator. Chapter 34.05 RCW and chapter 16-08 WAC shall govern the conduct of such proceeding and any review.

(5) Upon the filing of any request for proceeding pursuant to subsection (2) of this section, any final order of the director shall be automatically stayed pending resolution of such request and expiration of any time period for pursuing additional relief. The director shall provide written notice to the alleged violator of any such resolution, thereby reinstituting the rights of the alleged violator to seek further relief.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1030, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1030, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1040 How soon must the department respond to a complaint?** Upon receipt of a verified report of loss as set forth in RCW 17.21.190 or alleged violation of chapters 17.21 or 15.58 RCW or the accompanying rules, the department shall initiate an investigation. Investigation of a complaint concerning immediate acute pesticide exposure to humans or animals shall be initiated immediately. Other complaint investigations shall be initiated no later than forty-eight hours after receipt of the verified report of loss.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1040, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. WSR 00-22-073, § 16-228-1040, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1040, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1100 What is the basis for penalties?** For the purpose of fair, uniform determination of penalty as set forth in WAC 16-228-1110 through 16-228-1150, the director hereby declares:

(1) Regulatory action is necessary to deter violations of the pesticide laws and rules, and to educate persons about the consequences of such violation(s); and

(2) Any regulatory action taken by the department against any person who violates the provisions of chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder shall be commensurate with the seriousness of the violation under the circumstances; and

(3) Each person shall be treated fairly in accordance with the rules set forth in this chapter.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1100, filed 10/28/03, effective 11/28/03. Statutory Authority:

Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1100, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1110 What are the definitions specific to penalties?** In addition to the definitions set forth in RCW 17.21.020, 15.58.030, and WAC 16-228-1010, the following shall apply to WAC 16-228-1100 through 16-228-1150:

(1) "Adverse effect(s)" means that the alleged activity actually causes, or creates the possibility of damage, injury or public health threat, to humans, animals, plants, property or the environment. In those situations involving a wood destroying organism inspection, adverse effects exist when the inspection has been performed in a faulty, careless or negligent manner.

(2) "Level of violation" means that the alleged violation is a first, second, third, fourth, or more violation(s).

(a) First violation. This means the alleged violator has committed no prior incident(s) which resulted in a violation or violations within three years of committing the current alleged violation.

(b) Second violation. This means the alleged violator committed one prior incident which resulted in a violation or violations within three years of committing the current alleged violation.

(c) Third violation. This means the alleged violator committed two prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(d) Fourth violation. This means the alleged violator committed three prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(e) For purposes of calculating the level of violation, prior incidents will be measured from the date that a final order or stipulated order resolved the prior violation(s), and not from the date that the incident(s) occurred.

(3) "Not probable" means that the alleged violator's conduct more likely than not would not have an adverse effect.

(4) "Probable" means that the alleged violator's conduct more likely than not would have an adverse effect.

(5) "Violation" means commission of an act or acts prohibited by chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder.

(6) "Civil penalty" means a monetary penalty administratively issued by a regulatory agency for noncompliance with state or federal law, or rules. The term does not include any criminal penalty, damage assessment, wages, premiums, or taxes owed, or interest or late fees on any existing obligation.

(7) "Notice of Correction" means a document issued by the department that describes a condition or conduct that is not in compliance with chapter 15.58 or 17.21 RCW, or the rules adopted under the authority of chapter 15.58 or 17.21 RCW and is not subject to civil penalties as provided for in RCW 43.05.110. A notice of correction is not a formal enforcement action, is not subject to appeal and is a public record.

(8) "Notice of intent" means a document issued by the department that alleges specific violations of chapter 15.58 or 17.21 RCW, or any rules adopted under the authority of those chapters. A notice of intent is a formal enforcement document issued with the intent to assess civil penalties to the alleged violator and/or to suspend, deny or revoke the alleged violator's pesticide license.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1110, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 01-01-058, § 16-228-1110, filed 12/12/00, effective 1/12/01. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1110, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1115 When can the department issue a civil penalty without first issuing a notice of correction?** (1) Pursuant to RCW 43.05.100 a notice of correction may be issued by the department when they become aware of conditions and/or conduct that are not in compliance with the applicable laws and rules enforced by the department. The issuance of a notice of correction by the department shall not constitute a previous violation for purposes of WAC 16-228-1110(2), but may, at the discretion of the department, be considered as an aggravating factor for the purposes of WAC 16-228-1120(2).

(2) Prior to issuing a civil penalty for a violation of chapter 15.58 or 17.21 RCW, and the rules adopted under the authority of chapter 15.58 or 17.21 RCW the department shall comply with the requirements of RCW 43.05.110. RCW 43.05.110 provides that the department of agriculture may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars; or (4) the violation was committed by a business that employed fifty or more employees on at least one day in each of the preceding twelve months.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1115, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 01-01-058, § 16-228-1115, filed 12/12/00, effective 1/12/01.]

**WAC 16-228-1120 How are penalties calculated?** (1) Median penalty selection. In the disposition of administrative cases, the department shall use the penalty assignment schedule listed in WAC 16-228-1130 to determine appropriate penalties. The department shall calculate the appropriate penalty based on the level of violation and the adverse effect(s) or potential adverse effects at the time of the incident(s) giving rise to the violation. The median penalty shall be assessed unless a proportionate adjustment is warranted and/or there are aggravating or mitigating factors present. The median penalty as listed in WAC 16-228-1130 may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation in the penalty assignment schedule table. The median penalty under the

penalty assignment schedule may not be proportionately adjusted and/or mitigated to a level less than the minimum penalty listed for the violation.

(2) Proportionate adjustment of median penalty.

(a) The department reserves the right to proportionately increase the civil penalty and proportionately decrease the licensing action under certain circumstances. Such circumstances include situations where licensing action(s) as a deterrent are ineffective and include, but are not limited to:

(i) Violations by persons who are not licensed; and

(ii) Situations where the civil penalty assessed is not substantially equivalent to the violator's economic benefit derived from the violation.

(b) The department also reserves the right to proportionately decrease the civil penalty and increase the licensing action in circumstances that demonstrate the ineffectiveness of a civil penalty as a deterrent. Nothing shall prevent the department from proportionally adjusting a licensing action to a level greater than the maximum licensing action listed in the penalty assignment schedule.

(3) Aggravating factors. The department may consider circumstances enhancing the penalty based on the seriousness of the violation. Aggravating factors include, but are not limited to, the following:

(a) The number of separate alleged violations contained within a single notice of intent.

(b) The high magnitude of the harm, or potential harm, including quantity and/or degree, to humans, animals, plants, property or the environment caused by the violation(s).

(c) The similarity of the current alleged violation to previous violations committed within the last three years.

(d) The extent to which the alleged violation is part of a pattern of the same or substantially similar conduct.

(4) When the department determines that one or more aggravating factors are present, the department may assess the maximum penalty as listed within the level of violation or may, in its discretion, increase the penalty to a level greater than the maximum penalty, including but not limited to revocation of the license.

(5) Mitigating factors. The department may consider circumstances reducing the penalty based upon the seriousness of the violation. Mitigating factors include but are not limited to, the following:

(a) Voluntary disclosure of a violation.

(b) The low magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation.

(c) Voluntary taking of remedial measures that will result in increased public protection, or that will result in a decreased likelihood that the violation will be repeated.

(6) When the department determines that one or more mitigating factors are present, the department may assess the minimum penalty for the violation from the penalty schedule.

(7) The department considers each violation to be a separate and distinct event. When a person has committed multiple violations, the violations are cumulative for purposes of calculating the appropriate penalty. Penalties are added together.

(8) Violation(s) committed during the period when an individual's license is suspended or revoked shall be subject to the maximum civil penalty of seven thousand five hundred dollars and/or revocation of the license for a period of up to five years. Violation(s) committed by unlicensed individuals are subject to the provisions of this chapter, including the penalty provision.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1120, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 01-01-058, § 16-228-1120, filed 12/12/00, effective 1/12/01. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1120, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1125 When can the department revoke or deny a license?** (1) The department retains the sole discretion to determine when an individual license should be revoked rather than suspended. Revocation of a license shall be an option for the department in those circumstances where:

(a) The penalty schedule allows for revocation; and/or

(b) One or more aggravating factors are present; and/or

(c) The duration of the licensure action exceeds six months.

In circumstances where the department determines revocation to be appropriate, the period of revocation shall be determined at the discretion of the department, but in no instance shall the revocation exceed five years.

(2) The department may deny an applicant a license when the applicant has committed a violation(s) of chapters 15.58 and 17.21 RCW and/or the rules adopted under those chapters. The duration of denial shall be determined based upon the penalty provisions of this chapter. In circumstances where the department determines denial to be appropriate, the period of denial shall not exceed five years.

(3) Nothing shall prevent the department from denying an applicant a license when the applicant has an outstanding civil penalty owed to the department from a previous violation(s).

(4) The department may, at its discretion, suspend a license without also seeking a civil penalty. Such circumstances include, but are not limited to, those incidents where a civil penalty is not available as an appropriate penalty pursuant to RCW 43.05.110. The appropriate period of suspension shall be determined from the penalty schedule.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-228-1125, filed 5/9/07, effective 6/9/07; WSR 03-22-029, § 16-228-1125, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 01-01-058, § 16-228-1125, filed 12/12/00, effective 1/12/01.]

**WAC 16-228-1130 What is the penalty assignment schedule?** This assignment schedule shall be used for violations of chapter 17.21 or 15.58 RCW or chapter 16-228 WAC. (See WAC 16-228-1150 for other dispositions of alleged violations, including Notice of Corrections.)

| LEVEL OF VIOLATION | ADVERSE EFFECTS NOT PROBABLE | | | ADVERSE EFFECTS PROBABLE | | |
|---|---|---|---|---|---|---|
| | MINIMUM | MEDIAN | MAXIMUM | MINIMUM | MEDIAN | MAXIMUM |
| FIRST | $200 and or 2 days license suspension | $300 and or 3 days license suspension | $500 and or 6 days license suspension | $350 and or 5 days license suspension | $450 and or 7 days license suspension | $550 and or 9 days license suspension |
| SECOND | $350 and or 3 days license suspension | $500 and or 6 days license suspension | $1000 and or 9 days license suspension | $600 and 10 days license suspension denial or revocation | $1300 and 20 days license suspension denial or revocation | $2000 and 30 days license suspension denial or revocation |
| THIRD | $700 and or 4 days license suspension | $1000 and or 9 days license suspension | $2000 and or 12 days license suspension | $800 and 30 days license suspension denial or revocation | $2400 and 40 days license suspension denial or revocation | $4000 and 50 days license suspension denial or revocation |
| FOURTH OR MORE | $900 and or 5 days license suspension denial or revocation | $2000 and or 12 days license suspension denial or revocation | $3000 and or 15 days license suspension denial or revocation | $1000 and 50 days license suspension denial or revocation | $4250 and 70 days license suspension denial or revocation | $7500 and 90 days license suspension denial or revocation |

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1130, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 01-01-058, § 16-228-1130, filed 12/12/00, effective 1/12/01. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1130, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1150 What are the other dispositions of alleged violations that the department may choose?** Nothing herein shall prevent the department from:

(1) Choosing not to pursue a civil penalty, license suspension or license revocation.

(2) Issuing a notice of correction in lieu of pursuing a civil penalty, license suspension or license revocation.

(3) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate. Prior violation(s) covered by a prior settlement agreement may be used by the department for the purpose of determining the appropriate penalty for the current alleged violation(s) if not prohibited by the agreement.

(4) Referring violations or alleged violations, to any federal, state or county authority with jurisdiction over the activities in question, including but not limited to the Environmental Protection Agency (EPA) and the Federal Aviation Administration (FAA).

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1150, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 01-01-058, § 16-228-1150, filed 12/12/00, effective 1/12/01. Statutory Authority: Chapters 15.58, 17.21 RCW. WSR 00-22-073, § 16-228-1150, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1150, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1200 What are the restrictions on pesticide distribution, transportation, application, storage and disposal?** (1) No person shall handle, transport, store, display, apply, dispose of or distribute pesticides in such a manner as to endanger humans and their environment or to endanger food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. Toxicities of pesticides shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for consumption by humans or animals. Any vehicle or other equipment shall be inspected by the owner or authorized agent for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated shall not be returned to service until the contamination has been removed.

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

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

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

(6) Pesticides shall not be delivered to a pesticide consignee unless the consignee or authorized agent is present to accept delivery of the pesticides and signs a delivery slip or the pesticides are secured in a proper storage. Signed delivery slips shall be maintained as required by WAC 16-228-1300 for records.

(7) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(8) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The same "checkstand" or food packaging area may not be used for the distribution of highly toxic pesticides and food for human consumption.

(9) All pesticide incidents involving undesirable impacts on human health shall be reported to the Washington state department of health by the department.

(10) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause injury to humans and/or animals. Pesticides with obscured, illegible or damaged labels shall not be displayed or offered for sale.

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

(12) A user of a pesticide may distribute a properly labelled pesticide to another user who is legally entitled to use that pesticide without obtaining a pesticide dealer's license if the exclusive purpose of distributing the pesticide is keeping it from becoming a hazardous waste as defined in chapter 70.105 RCW.

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

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-228-1200, filed 5/9/07, effective 6/9/07; WSR 03-22-029, § 16-228-1200, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. WSR 00-22-073, § 16-228-1200, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1200, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1220 What are the restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers?** (1) Any person handling, applying, or disposing of pesticides or pesticide containers shall do so in such a manner to minimize hazard to commercially important pollinating insect species. Due care shall be taken to regulate the timing and technique of pesticide applications to or around blossoming plants and pollen shedding corn. The use or application of microencapsulated methyl parathion, either directly or through drift, shall be prohibited on all blossoming plants and on pollen shedding corn.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner as to pollute water supplies or waterways, or cause damage or injury to land, humans, desirable plants and animals, or wildlife. Provided that a pesticide labeled for aquatic use and used as directed shall not be considered a violation of this subsection: Disposing of pesticides at disposal sites approved by the appropriate agency complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

(3) No person shall pollute streams, lakes, and other water supplies in pesticide loading, mixing, and application. Adequate, functioning devices and procedures to prevent backsiphoning shall be used.

(4) No pesticides shall be applied by aircraft or airblast sprayers to property abutting and adjacent to occupied schools in session, hospitals, nursing homes or other similar establishments under conditions that may result in contamination of these establishments or their premises.

(5) No person shall apply pesticides if weather conditions are such that physical drift or volatilization may cause damage to adjacent land, humans, desirable plants or animals.

(6) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices shall be maintained for all pesticides and their containers.

(b) The provisions of (d) and (e) of this subsection and subsection (7) of this section shall not apply to empty pesticide containers when adequately decontaminated (e.g., a minimum of three successive rinsings); and shall not apply to categories 2, 3, and 4 pesticide formulations labeled for home and garden use only.

(c) For the purposes of (d) and (e) of this subsection and subsection (7) of this section, pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Pesticides labeled with the signal word "danger/poison" and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except (v) below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry.

(i) Closed vehicle.

(ii) Closed trailer.

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

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

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

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

(e) Pesticides labeled with the signal word "danger" when not accompanied by the signal word "poison," pesticides labeled with the signal word "warning" and pesticides labeled with the signal word "caution" and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in (d) of this subsection: Provided that metal containers, twenty-eight gallons and larger, with tight screw-type bungs and/or secured or locked valves shall be considered secured storage.

(7) Requirements for posting of storage area for pesticides and their containers labeled with the signal words "danger/poison":

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

(b) Warning signs shall be posted:

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

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

(iii) If the pesticide storage area is contained in a larger, multipurpose structure, warning signs shall be clearly visible on each exterior wall of the structure within thirty feet of the pesticide storage area and from the main entrance to the larger structure: Provided that posting of the main entrance

shall not be required, if a sign is visible from the entrance which clearly identifies the possibility that pesticides may be stored on the premises, (i.e., XYZ Pest Control or XYZ Wood Treatment, Inc.);

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

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1220, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 00-22-074, § 16-228-1220, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1220, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1225 What are exceptions to label requirements?** The term "to use any registered pesticide in a manner inconsistent with its labeling" means to use any registered pesticide in a manner not permitted by the labeling, except that the term shall not include:

(1) Applying a pesticide at any dosage, concentration or frequency less than that specified on the labeling unless the labeling specifically prohibits deviation from the specified dosage, concentration or frequency;

(2) Applying a pesticide against any target pest not specified on the labeling if the application is to the crop, animal or site specified on the labeling, unless the department or EPA has required that the labeling specifically state that the pesticide may be used only for the pests specified on the labeling;

(3) Employing any method of application not prohibited by the labeling unless the labeling specifically states that the product may only be applied only by the methods specified on the labeling, (chemigation applications are prohibited unless the label has chemigation use directions); and

(4) Mixing a pesticide or pesticides with a fertilizer when such mixture is not prohibited by the labeling.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1225, filed 10/28/03, effective 11/28/03.]

**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 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.

(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

(l) 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
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.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-228-1231, filed 5/9/07, effective 6/9/07; WSR 03-22-029, § 16-228-1231, filed 10/28/03, effective 11/28/03. Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. WSR 03-05-034, § 16-228-1231, filed 2/11/03, effective 3/14/03. Statutory Authority: Chapters 15.58 and 34.05 RCW. WSR 02-04-041, § 16-228-1231, filed 1/29/02, effective 3/1/02. Statutory Authority: Chapters 15.58, 17.21 RCW. WSR 00-22-073, § 16-228-1231, filed 10/30/00, effective 11/30/00.]

**WAC 16-228-1235 When are pesticides containing the active ingredient clopyralid state restricted use pesticides?** Pesticides containing the active ingredient clopyralid are declared to be state restricted use pesticides when labeled for use on cereal grains, grass used for hay, lawns and turf including golf courses.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. WSR 02-12-017, § 16-228-1235, filed 5/28/02, effective 6/28/02.]

**WAC 16-228-12351 Who can distribute pesticides containing the active ingredient clopyralid?** Only licensed pesticide dealers can distribute pesticides containing the active ingredient clopyralid.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. WSR 02-12-017, § 16-228-12351, filed 5/28/02, effective 6/28/02.]

**WAC 16-228-12352 Who can sell 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.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. WSR 02-12-017, § 16-228-12352, filed 5/28/02, effective 6/28/02.]

**WAC 16-228-1237 What are the restrictions on the use of pesticides containing the active ingredient clopyralid when labeled for use on lawns and turf including golf courses?** In addition to the restrictions placed on the product label, pesticides containing the active ingredient clopyralid cannot be applied to lawns and turf including golf courses without complying with the requirements in WAC 16-228-12371.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. WSR 02-12-017, § 16-228-1237, filed 5/28/02, effective 6/28/02.]

**WAC 16-228-12371 What requirements affect the use of pesticides containing the active ingredient clopyralid on golf courses?** (1) When labeled for use on lawns and turf including golf courses, pesticides containing the active ingredient clopyralid may be applied on golf courses if no grass clippings, leaves or other vegetation are removed from the site and placed in composting facilities that provide product to the public.

(2) Before applying pesticides containing the active ingredient clopyralid on a golf course, the commercial applicator must give written notification to the appropriate grounds keeping personnel that no grass clippings, leaves or other vegetation may be removed from the site and placed in composting facilities that provide product to the public.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. WSR 02-12-017, § 16-228-12371, filed 5/28/02, effective 6/28/02.]

**WAC 16-228-1238 What are the restrictions on application of ziram to Bosc pears?** All dry formulations (such as wettable powders or water dispersible granules) of ziram labeled for use on pears are hereby declared state restricted use pesticides because of dermal effects to persons exposed while working in Bosc pear orchards.

(1) Growers shall observe the Environmental Protection Agency restricted entry interval label requirements following any treatment with dry wettable formulations of ziram before entering or allowing persons to enter pear orchards without personal protective clothing.

(2) Any entry during the restricted entry interval shall follow chapter 16-233 WAC, Worker protection standards, regarding handler, farm worker safety, and early-entry handler requirements.

(3) Growers shall observe an additional fourteen days after an application before entering or allowing workers to enter Bosc pear orchards without personal protective clothing as defined below.

(4) For the purposes of this section, minimum personal protective clothing shall consist of: A long-sleeved shirt; long-legged pants; socks; and chemical resistant gloves.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1238, filed 10/28/03, effective 11/28/03.]

**WAC 16-228-1250 What are the restrictions on phenoxy herbicides?** (1) The distribution, use and application of all high volatile ester and dust formulations of phenoxy herbicides shall be prohibited throughout the state.

(2) In the areas under order, pesticide dealers shall make available to the purchaser a copy of the rules pertaining to the use of dicamba and/or phenoxy hormone-type herbicides, including 2,4-D and MCPA, in the area in which the material will be applied.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1250, filed 10/28/03, effective 11/28/03. Statutory Authority:

Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1250, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1260 What are the restrictions on the distribution of tributyltin products?** (1) The distribution for use in Washington state of paint, stain, paint additives, or similar products containing any chemical form of tributyltin for use in interiors of inhabited structures (i.e., residences, office buildings, institutions, recreational vehicles, and retail stores) shall be prohibited: Provided that this section shall not apply to specialty products, such as tile grout additives or cooling tower biocides.

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

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1260, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1260, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1262 When are pesticides containing the active ingredient thiamethoxam use restricted pesticides?** Pesticides containing the active ingredient thiamethoxam are declared to be use restricted pesticides when labeled for use on pome fruits, including apples and pears.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-228-1262, filed 5/9/07, effective 6/9/07. Statutory Authority: RCW 15.58.040, 17.21.030, and chapter 34.05 RCW. WSR 03-05-033, § 16-228-1262, filed 2/11/03, effective 3/14/03.]

**WAC 16-228-1264 What are the restrictions on the use of pesticides containing the active ingredient thiamethoxam when labeled for use on pome fruits, including apples and pears?** In addition to the restrictions placed on the product label, pesticides containing the active ingredient thiamethoxam cannot be applied to pome fruits, including apples and pears, without complying with the requirements in WAC 16-228-1266.

[Statutory Authority: RCW 15.58.040, 17.21.030, and chapter 34.05 RCW. WSR 03-05-033, § 16-228-1264, filed 2/11/03, effective 3/14/03.]

**WAC 16-228-1266 What requirements must I comply with before making an application of a pesticide containing the active ingredient thiamethoxam to pome fruits, including apples and pears?** Before applying thiamethoxam to pome fruits, including apples and pears, you must comply with the following requirements:

(1) For product labeled for use on **apples,** apply thiamethoxam prior to prebloom (prepink or tight cluster growth stage) or after post bloom (petal fall). Do not apply thiamethoxam between prebloom and petal fall.

(2) For **pears,** apply thiamethoxam prior to prebloom (green cluster or cluster bud stage) or after post bloom (petal fall). Do not apply thiamethoxam between prebloom and petal fall.

(3) Do not apply thiamethoxam to blooming plants or allow it to drift onto blooming plants. This is especially critical if there are adjacent orchards that are blooming. (Refer to recommendations to avoid spray drift on the product label for additional information.)

(4) After an application of thiamethoxam, wait at least five days before placing the beehives in the treated orchard.

(5) If bees are foraging in the orchard ground cover and it contains any blooming plants or weeds, always remove flowers before making an application of thiamethoxam. This may be accomplished by mowing, disking, mulching, flailing or applying a labeled herbicide.

[Statutory Authority: RCW 15.58.040, 17.21.030, and chapter 34.05 RCW. WSR 03-05-033, § 16-228-1266, filed 2/11/03, effective 3/14/03.]

**WAC 16-228-1270 What are the restrictions on the use of pesticides on small seeded vegetable seed crops, seed alfalfa and seed clover?** (1) For purposes of pesticide registration, the following crops, when grown to produce seed specifically for crop reproduction purposes, are considered nonfood and nonfeed sites of pesticide use:

| Common Name | Synonyms |
|---|---|
| alfalfa | |
| arugula | Mediterranean salad, rucola, roquette, Ghargir |
| beet | garden and sugar |
| broccoli | |
| broccoli raab | Rapani, Choy Sum, Chinese flowering cabbage |
| Brussels sprouts | |
| cabbage | |
| carrot | |
| cauliflower | |
| Chinese cabbage (Bok Choy) | Pak Choi (Choy), Bok Choi (Choy), Taisai, celery mustard, spoon cabbage |
| Chinese cabbage (napa) | Pe-tsai |
| Chinese broccoli | Chinese kale, Gailon |
| clover | |
| collard | |
| coriander | cilantro |
| dill | |
| endive | escarole |
| kale | bore kale |
| kohlrabi | |
| leek | |
| lettuce | |
| mizuna | |
| mustard (including Chinese and Indian) | |
| onion (bulb) | |
| onion (bunching) | |
| parsley | |

| Common Name | Synonyms |
|---|---|
| parsnip | |
| radish (other than daikon) | |
| rape | |
| rutabaga | |
| spinach | |
| spinach mustard | |
| swiss chard | spinach beet |
| turnip | |

(2) For the seed crops listed in subsection (1) of this section, the following conditions shall be met:

(a) All seed screenings shall be disposed of in such a way that they cannot be distributed or used for human food or animal feed. The seed conditioner shall keep records of screening disposal for three years from the date of disposal and shall furnish the records to the director immediately upon request. Conditioner disposal records shall consist of documentation of on-farm disposal, disposal at a controlled dump site, incinerator, composter, or other equivalent disposal site and shall include the lot numbers, amount of material disposed of, the grower(s), and the date of disposal.

(b) No portion of the seed plant, including but not limited to green chop, hay, pellets, meal, whole seed, cracked seed, roots, bulbs, leaves and seed screenings may be used or distributed for food or feed purposes.

(c) All seed from the crops listed in subsection (1) of this section grown or conditioned in this state shall bear a tag or container label which forbids use of the seed for human consumption or animal feed.

(d) No seed from the crops listed in subsection (1) of this section grown or conditioned in this state may be distributed for human consumption or animal feed.

(3) Violation of any condition listed in subsection (2) of this section is declared to be a violation of chapters 17.21 and 15.58 RCW.

(4) Any seed crop certified under provisions of RCW 15.86.070, the Organic Food Products Act, shall be exempt from the requirements of this section.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1270, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. WSR 00-22-073, § 16-228-1270, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1270, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1300 What are the 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 (if different from subsection (1) of this section for restricted use pesticides);

(3) Certified applicator's pesticide license number (for restricted use pesticides);

(4) Full name of authorized agent for restricted use pesticides;

(5) Brand and specific pesticide name and EPA 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).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-228-1300, filed 5/9/07, effective 6/9/07; WSR 03-22-029, § 16-228-1300, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 00-22-074, § 16-228-1300, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1300, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1320 What are the recordkeeping 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), (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 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 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 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.

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

(11) All containers used for pesticide mixtures, other than those in an apparatus, shall have a label identifying the contents 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? □ No □ Yes (If yes, give Permit No.) # .....
8. Pesticide Information (please list all information for each pesticide, including adjuvants (buffer, surfactant, etc.), in the tank mix):

| 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 |
|---|---|---|---|---|
| | | | / | |
| | | | / | |
| | | | / | |
| | | | / | |
| | | | / | |

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): . . . . . .

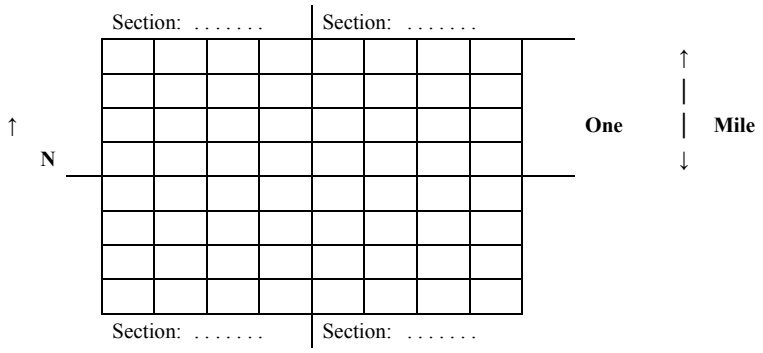
Block: . . . . . Farm Unit: . . . . . .

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.*




Miscellaneous Information:

INSTRUCTIONS

Pesticide Application Record (Version 1) AGR 4226 (Rev. 4/07)

1. Date may be spelled out or indicated numerically. Time must be indicated as start and stop times.

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. Include first and last name(s).

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, cubic feet, etc. (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.

c) Indicate the amount of pesticide formulation (product) 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.

9. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights of way.

10. 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.

11. Indicate temperature in degrees Fahrenheit. (It may be indicated as the range encountered during application.) Temperature readings shall be obtained in close proximity to the application site.

12. This does not apply to private applicators or public agencies.

13. Check one.

14. Depth of application/inches of water (chemigation).

15. This space is available for any additional information you may wish to include.

Form AGR 4226 (Rev. 4/07) Pg. 2

State of Washington
Department of Agriculture
Olympia, Washington 98504

**PESTICIDE APPLICATION RECORD (Version 2)**

**NOTE:** Application information must be completed same day as the application and must be retained for seven years (Ref. chapter 17.21 RCW)

| 1. Name & Address of Person for Whom Pesticide was Applied | 2. Applicator Name and Address (if different from # 1) |
|---|---|
| . . . . . | . . . . . |
| . . . . . | . . . . . |
| . . . . . | . . . . . |
| . . . . . | Tel. No. . . . . Lic. No. . . . . |
| 3. Full, complete 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) | 4. Misc. Info: |

| 5. Date and Time of Application (Start and Stop) | 6. Crop or Site Treated | 7. Acres Treated (or other measure) | 8. FULL PRODUCT NAME | 9. EPA Registration Number | 10. Amount of Product Applied | | 11. Concentration | 12. Weather Conditions (wind direction, velocity, temperature). Apparatus License Plate No. and Name and License No. of person(s) who applied pesticide |
|---|---|---|---|---|---|---|---|---|
| | | | | | Rate per acre (or other measure) | Total Product Applied | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | □ Air<br>□ Ground<br>□ Chemigation | | | | | | | |
| | □ Air<br>□ Ground<br>□ Chemigation | | | | | | | |
| | □ Air<br>□ Ground<br>□ Chemigation | | | | | | | |
| | □ Air<br>□ Ground<br>□ Chemigation | | . . . . . .<br>. . . . . .<br>. . . . . .<br>. . . . . .<br>. . . . . . | . . . . . .<br>. . . . . .<br>. . . . . .<br>. . . . . .<br>. . . . . . | . . . . . .<br>. . . . . .<br>. . . . . .<br>. . . . . .<br>. . . . . . | . . . . . .<br>. . . . . .<br>. . . . . .<br>. . . . . .<br>. . . . . . | . . . . . .<br>. . . . . .<br>. . . . . .<br>. . . . . .<br>. . . . . . | |
| AGR 4235 (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: . . .

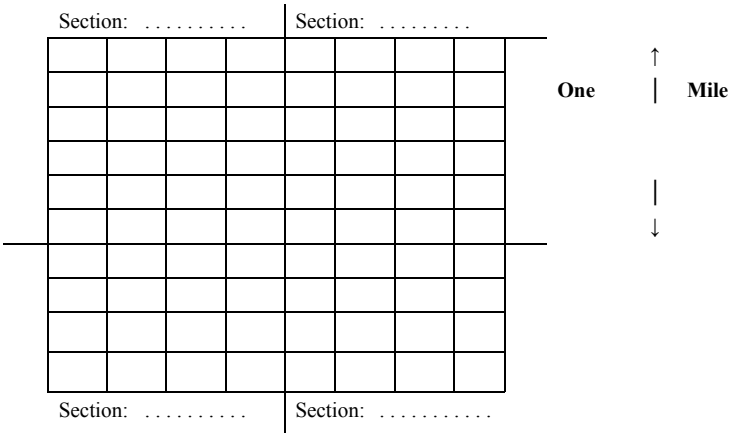
or GPS: . . . . . .

County: . . . . . .

↑
**N**

***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.*




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.

INSTRUCTIONS

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.

INSTRUCTIONS

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.

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.

State of Washington
Department of Agriculture
Olympia, Washington 98504

**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):

| 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) |
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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. Date | 11. Name of person(s) making the application | 12. License No. | 13. Apparatus Lic. Plate No. | 14. Time | | 15. Acres Completed | 16. Wind | | 17. Temp |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Start | Stop | | Dir. | Vel. (mph) | |
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| 10. Date | 11. Name of person(s) making the application | 12. License No. | 13. Apparatus Lic. Plate No. | 14. Time | | 15. Acres Completed | 16. Wind | | 17. Temp |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Start | Stop | | Dir. | Vel. (mph) | |
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**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): . . . . . .

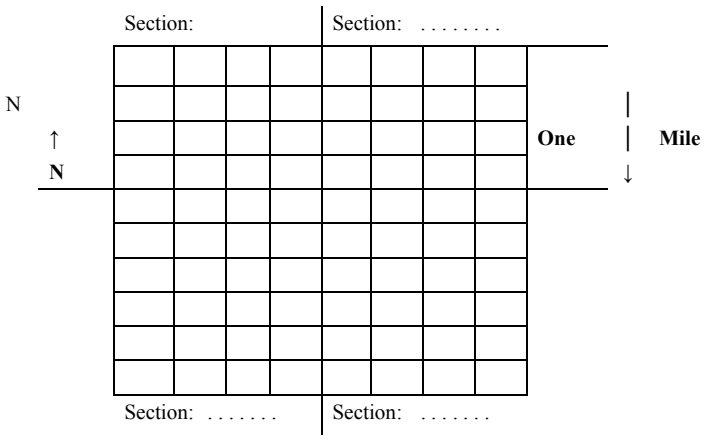
Block: . . . . . Farm Unit: . . . . . .

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.

c) Indicate the amount of pesticide formulation (product/adjuvant) applied to the total area listed on line 6.

d) Other measures may include amount/sq. ft., amount/cu. ft., amount/linear ft., etc.

INSTRUCTIONS

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.

State of Washington
Department of Agriculture
Olympia, Washington 98504

**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):

| Full Product Name | EPA Reg. No. | Concentration<br>Amount: (Lbs., Qts., etc.) of brand per 100 gallons of tank mix. Amount and unit must be specified. |
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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.).

INSTRUCTIONS

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 |
|---|---|---|---|---|

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|---|---|---|---|---|---|---|
| 1. a) | | | | | | / |
| b) | | | | | | / |
| c) | | | | | | / |
| 2. a) | | | | | | / |
| b) | | | | | | / |
| c) | | | | | | / |
| 3. a) | | | | | | / |
| b) | | | | | | / |
| c) | | | | | | / |
| 4. a) | | | | | | / |
| b) | | | | | | / |
| c) | | | | | | / |
| 5. a) | | | | | | / |
| b) | | | | | | / |
| c) | | | | | | / |
| 6. a) | | | | | | / |
| b) | | | | | | / |
| c) | | | | | | / |
| 7. a) | | | | | | / |
| b) | | | | | | / |
| c) | | | | | | / |

AGR 4237 (Rev. 4/07) **OPTIONAL:** MILEAGE START MILEAGE END

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-228-1320, filed 5/9/07, effective 6/9/07; WSR 03-22-029, § 16-228-1320, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 00-22-074, § 16-228-1320, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1320, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1322 What are the requirements for removal of landscape markers and notification of restricted entry?** (1) The marker shall remain in place for a minimum of twenty-four hours from the time the landscape application is originally posted as required by RCW 17.21.-410.

(2) In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the certified applicator shall provide the property owner or tenant with the restricted entry interval times consistent with the label requirements. Markers shall remain in place consistent with the restricted entry interval times as required by the label.

(3) The property owner or tenant shall remove the marker of any landscape posted under the requirements of RCW 17.21.410 consistent with this schedule.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1322, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 00-22-074, § 16-228-1322, filed 10/30/00, effective 11/30/00.]

**WAC 16-228-1330 What are the pilot and aircraft requirements for pesticide applicators?** (1) All pilots and aircraft, used for or engaged in the commercial application of pesticides shall comply fully with the appropriate rules and regulations of the Federal Aviation Administration.

(2) All applicants for an aerial applicators license shall comply with FAA certification requirements. The department may require a current copy of the FAA operating certificate prior to issuance of a license.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1330, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1330, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1370 What are the department requirements for a waste pesticide disposal program?** Under authority of chapter 15.58 RCW, the department may establish a waste pesticide disposal program for farmers, or other parties regulated under chapter 17.21 RCW or licensed under chapter 15.58 RCW.

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

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

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

(a) Become identified as a hazardous waste generator;

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

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

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1370, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1370, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1380 What are the requirements for application of rodent control pesticides?** Rodent control pesticides shall be used in and around structures only under the following conditions, provided that the use of rodent control baits registered for home and garden use only, is exempt from this section:

(1) Bait shall only be placed in locations not readily accessible to children, pets and nontarget wildlife, provided that when properly secured, a locked and/or sealed tamper-resistant bait box may be used in accessible locations.

(2) Locked bait boxes are required for all outdoor, aboveground bait placement.

(3) Bait shall not be placed in a manner that can contaminate, or be easily translocated to food, feed, drugs, or other consumer commodities. Spilled bait must be cleaned up immediately.

(4) Loose bait, whether contained in a bait box or not, shall not be placed above floor levels, including but not limited to suspended ceilings, shelves, ledges, cupboards and counters. Except that, loose bait may be placed on the floor of an attic, including unfinished walking surfaces, or bottom surfaces in conformance with all other requirements of this section.

(5) All bait boxes and containers used for bait placement shall be of sturdy construction, composed of durable, nonabsorbent, corrosion resistant material and designed to prevent overturning. All bait containers holding liquid bait shall be liquid impervious and shall be properly secured.

(6) All bait boxes and containers used for bait placement shall be labeled with letters on contrasting background and maintained with the following information clearly legible on the outside of the bait box or container:

(a) The name, physical address, and telephone number of the company and/or certified applicator.

(b) The name, Environmental Protection Agency (EPA) registration number, and active ingredient(s) of the rodent control pesticide product.

(7) When detection baits without pesticides are placed in bait containers, the container must clearly identify that the contents are not a pesticide.

(8) Rodenticide bait, when in use to fill bait containers shall be handled with caution according to the label, shall not be left unattended where children or nontarget animals might be exposed to the contents and be in a container that bears an EPA registered label.

(9) Upon completion of a baiting operation, all bait, if it may become readily accessible to the public, shall be recovered and disposed of according to the product label.

(10) Rodenticide tracking powders shall not be used in any manner that will expose people, nontarget animals, food, feed, drugs, or other consumer commodities to the powder. The use of rodenticide tracking powders is prohibited in or on residential structures, except by written permission of the Washington state department of agriculture. Applicators who wish to use a rodenticide tracking powder in or on a residential structure must submit a request in writing to be received by the department at least seven days prior to the intended application date. The written request must include:

(a) The name, address, and telephone number of the occupants of the structure.

(b) The date and time of the intended application.

(c) The specific locations in or on a structure and the means by which the rodenticide tracking powder will be applied.

(d) A justification for the need to use the rodenticide tracking powder.

(e) What steps will be taken to ensure the rodenticide tracking powder does not contaminate any living area or otherwise result in an exposure to people or nontarget animals.

(11) Rodenticide tracking powder that contaminates an unintended location must be immediately and thoroughly cleaned up according to label instructions, or in the absence of label instructions, according to instructions obtained from the manufacturer.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. WSR 10-15-015, § 16-228-1380, filed 7/8/10, effective 8/8/10; WSR 03-22-029, § 16-228-1380, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. WSR 00-22-073, § 16-228-1380, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1380, filed 10/20/99, effective 11/20/99.]

## GENERAL PESTICIDE RULES—REGISTRATION

**WAC 16-228-1400 What are the requirements for pesticide labels?** (1) In addition to the requirements set forth in (2) through (5) below, pesticide labeling shall meet the standards or criteria of FIFRA.

(2) Any pesticide exempted from registration under the provisions of section 18 of FIFRA must be labeled as follows:

(a) Pesticides distributed under section 18 of FIFRA must be accompanied by a label approved by the department prior to distribution. All conditions set forth in the document granting the emergency exemption and all other requirements determined to be necessary by the department must be included on the label.

(b) In situations where a label cannot be developed and approved prior to the intended use period, the department may allow the use of the document granting the emergency exemption in lieu of labeling. Conditions set forth as part of the granting document, and any attached or associated documentation from the department shall be considered labeling for purposes of enforcement.

(3) Labels for spray adjuvants must include the following:

(a) The product brand name.

(b) The type or function of principal functioning agents. Terms used to describe adjuvant functions must be consistent with ASTM International Standards E 1519 and/or E 609, unless ASTM International has not defined a term. In the absence of an ASTM International definition, the department will determine the appropriate term(s). Functions claimed must be consistent with the principal functioning agents. If two or more functions are claimed, then the functions must be listed in descending order (starting with the primary function).

(c) An ingredient statement that shall include the following:

(i) "Principal functioning agents." The principal functioning agents must be listed by chemical name in descending order of composition with either individual or total percentage(s). If more than 3 functioning agents are present, only the 3 principal agents need to be listed;

(ii) The percentage of "Constituents ineffective as spray adjuvants," and

(iii) The total percentage of all ingredients which must equal 100%.

(d) Directions for use that must include a description of intended uses and recommended use rates.

(e) Precautionary statements adequate to protect people and the environment that shall include the following:

(i) The statement "Keep Out Of Reach Of Children."

(ii) A signal word (danger, warning or caution) and precautionary statements (including requirements for personal protective equipment, if applicable) consistent with product toxicity data; and

(iii) A statement prohibiting aquatic use, unless the registrant provides data to demonstrate that the proposed use will not cause unreasonable adverse effects to fish and aquatic invertebrates.

(f) An appropriate storage and disposal statement.

(g) The name and address of the registrant or manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, then the name must be qualified by appropriate wording such as "Packaged for" or "Distributed by."

(h) The weight or measure of the contents.

(i) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(j) Optional information: The spray adjuvant label may also include an exemption from tolerance statement (if applicable), an unsulfonated residue (UR) value (if applicable), the Washington registration number and a label identification code (such as the revision date).

(4) Special local need (SLN) labels issued under section 24c of FIFRA must include the following:

(a) A federal or state Restricted Use Pesticide (RUP) designation statement (when applicable).

(b) The statement "FOR DISTRIBUTION AND USE ONLY WITHIN THE STATE OF WASHINGTON."

(c) The product brand name.

(d) The EPA and SLN registration numbers of the product.

(e) The statement: "It is a violation of federal law to use this product in a manner inconsistent with its labeling."

(f) The statement: "This labeling must be in the possession of the user at the time of application."

(g) One of the following statements:

(i) For agricultural use SLN labels the statement: "Follow all applicable directions, restrictions, worker protection standard requirements, and precautions on the EPA registered label"; or

(ii) For nonagricultural use SLN labels the statement: "Follow all applicable directions, restrictions, and precautions on the EPA registered label."

(h) Directions for use that must include the following: crop or site to be treated, pest(s) to be controlled, application rate and concentration, method of application, frequency and timing of application, and preharvest interval.

(i) All restriction or precaution statements (e.g. pollinator protection, herbicide drift, aquatic toxicity, chemigation, seed crop requirements) applicable to the use.

(j) An expiration date statement such as: "This label for (Product name) expires and must not be distributed or used in accordance with this SLN registration after December 31, (Fifth year)." Fifth year means the fifth year after issuance of the SLN label.

(k) The name and address of the SLN registrant.

(l) A label identification code (such as the revision date).

(m) Any other applicable information required by the EPA or the department.

(n) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(o) Optional information: The SLN label may also include a waiver of liability statement (if applicable). The waiver of liability statement must be consistent with EPA requirements.

(5) Labels for minimum risk pesticides exempted from federal registration under section 25(b) of FIFRA must include the following:

(a) The product brand name.

(b) The product function. The function(s) claimed must be consistent with product ingredients.

(c) An ingredient statement that shall include the following:

(i) "Active ingredients." These ingredients must be listed by name (in descending order of composition) with individual percentage(s). Only active ingredients listed in 40 C.F.R. 152.25(g) are permitted;

(ii) "Inert ingredients" or "other ingredients." These ingredients must be listed by name with the cumulative percentage of all inert ingredients stated on the label. Only inert ingredients on EPA Inerts List 4A (40 C.F.R. 180.950) are permitted; and

(iii) The total percentage of all ingredients which must equal 100%.

(d) Directions for use that must include a description of intended uses and use rates. The label must not bear claims either to control or mitigate microorganisms that pose a threat to human health.

(e) Precautionary statements adequate to protect people and the environment that shall include the following:

(i) The statement "Keep Out Of Reach Of Children," and

(ii) A signal word (danger, warning or caution) and precautionary statements (including requirements for personal protective equipment, if applicable) consistent with product toxicity data.

(f) An appropriate storage and disposal statement.

(g) The name and address of the registrant or manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, then the name must be qualified by appropriate wording such as "Packaged for" or "Distributed by."

(h) The weight or measure of the contents.

(i) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(j) Optional information: The minimum risk pesticide label may also include the Washington registration number and a label identification code (such as the revision date).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-228-1400, filed 5/9/07, effective 6/9/07; WSR 03-22-029, § 16-228-1400, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 00-22-074, § 16-228-1400, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1400, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1410 What pesticides are considered home and garden use only pesticides?** For purposes of this section, "home and garden use only" means any pesticide determined by the department to be packaged, labeled and marketed in a manner that clearly indicates the product is intended for personal use by the general public in and around a residence. In making this determination, the department will consider, but not be limited to, the following criteria:

(a) Packaging;

(b) Package size;

(c) Label instructions;

(d) Application method;

(e) Equipment to be used;

(f) Rates of application.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-228-1410, filed 5/9/07, effective 6/9/07; WSR 03-22-029, § 16-228-1410, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1410, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1420 What are the requirements for complete pesticide formula?** The complete pesticide formula shall include a listing of each active and inert ingredient and the percentage of each ingredient. This information will be kept confidential and is exempt from disclosure as a public record as provided by RCW 15.58.065 except for names of inert ingredients of pesticides exempt under section 25b of FIFRA which according to C.F.R. 152.25 (g)(3)(i) must have this information on the label. Information required by this section may be submitted on company letterhead marked "confidential" in red ink on each sheet or each "EPA confidential statement of formula" information sheet.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1420, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 00-22-074, § 16-228-1420, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1420, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1430 What is an adequate pesticide container?** Containers, i.e., packages, cartons, bags, cans, barrels, bins, etc., in which pesticides are sold, offered for sale, or transported within the state of Washington shall be of sufficient strength and of such construction as to alleviate danger of spillage or breakage. Pesticides found to be packaged in unsafe containers shall be placed under "stop sale" order. Containers shall meet the minimum federal specifications.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1430, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1430, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1440 What pesticides must be artificially colored or have an odor added?** (1) No highly toxic pesticide in powdered or granular form or highly toxic pesticide baits having a label recommendation for use in any building, ship, or similar enclosure shall be sold within the state of Washington unless it is distinctly colored or discolored in such a way that it does not resemble any food.

(2) A pesticide in liquid form with colors resembling a beverage or liquid food, which does not have a distinctive odor, shall have an odorous substance added that is distinctly different from any beverage or liquid food.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1440, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1440, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1450 What are the requirements for pesticide-fertilizer registration and labeling?** (1) Each pesticide-fertilizer mix containing different pesticide active ingredients and/or percentages must be registered with the director: Provided that the fertilizer portion shall be considered an inert ingredient for the purpose of this order. Such registrations may be to the nearest one-tenth of one percent by weight of all active ingredient/s, except for nitrification inhibitor-pesticide mixes as stated in (4) below.

(2) A specimen pesticide-fertilizer label shall be registered with the director before distribution or sale. These labels shall bear the following items:

(a) A pesticide ingredient statement identifying the active ingredient(s) and showing the percent by weight of each active ingredient;

(b) EPA registration number of each pesticide used to formulate the pesticide-fertilizer mix;

(c) Crop(s) on which the pesticide-fertilizer mix may be used and the amount of pesticide-fertilizer mix to be applied per acre;

(d) Timing of application (for instance, preplant) and the preharvest interval;

(e) Net weight of the shipment;

(f) Name and address of the registrant or manufacturer;

(g) Any other information required by the director.

(3) Labeling bearing all of the information specified in (2) above and a complete specimen label for each pesticide product used to formulate the pesticide-fertilizer mix shall accompany each pesticide-fertilizer mix shipment. All or portions of the information required in (2) above may occur on the invoice of a custom mix: Provided that an appropriate specimen invoice has been registered by the director as pesticide labeling.

(4) Pesticide-fertilizer mixes containing nitrification inhibitors or agents intended for nitrogen stabilization only, and no other pesticide active ingredients, may be registered without specifying the percentage of active ingredient. The amount of active ingredient in the mix must be stated on the label that accompanies each shipment.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1450, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1450, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1455 What are the requirements on dry pesticide-fertilizer mixes?** No person shall distribute,

sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1455, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1455, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1460 What are the requirements for experimental use permits?** (1) Pesticides shall not be distributed or used for experimental purposes unless a written permit has been obtained from the director. All distribution and use of pesticides for experimental purposes shall be subject to restrictions and conditions described in the experimental use permit. Applications for experimental use permits shall be submitted on forms prescribed by the director.

(2) For individual experimental use permits that are product and site specific, the application shall include the following (when applicable):

(a) Name of the active ingredient and/or product name and/or EPA registration number of the product to be used;

(b) Person responsible for carrying out provisions of the experimental use permit and means of locating this person in case of emergency;

(c) Target pest(s);

(d) Crop or site and location(s) to which the pesticide is to be applied;

(e) Disposition of any treated food or feed and of subsequent crops from treated sites;

(f) Rate of application of formulation or active ingredient and number of applications;

(g) Timing and duration of the proposed program;

(h) Area (acres, sq. ft., etc.) to which the pesticide is to be applied;

(i) Total amount of pesticide to be applied;

(j) Federal experimental use permit number and text;

(k) Labeling to accompany the pesticide in the field;

(l) Any other information required by the director.

(3) An individual experimental use permit shall not be issued for use of a pesticide on a food or feed unless a tolerance greater than residues anticipated from the treatment or exemption from the requirement of a tolerance has been obtained from the Environmental Protection Agency, provisions for destruction of the treated food or feed and any crop residue have been made, or adequate demonstration has been made to the department that no detectable pesticide residue from the experimental program will be present in food or feed. The director may require evidence to substantiate any of the above.

(4) Collective experimental use permits may be issued by the director for experimental programs conducted on terrestrial sites by recognized research institutions, organizations, pesticide registrants, or persons licensed by the department to conduct demonstration and research activities on land they own or control. For the purposes of this section, "control" means:

(a) The person responsible for carrying out the provisions of the experimental use permit owns or leases the land on which the pesticide is being applied; or

(b) The person responsible for carrying out the provisions of the experimental use permit has received documented permission from the landowner or manager to conduct such activities.

(5) An application for a collective experimental use permit shall include the following:

(a) The name, address and phone number of the person responsible for carrying out the provisions of the collective experimental use permit, and means of locating the person in case of emergency;

(b) A signed statement that:

(i) Use will not exceed one acre per active ingredient per year;

(ii) No applications will be made to aquatic sites (experimental applications to aquatic sites must be performed under an individual experimental use permit);

(iii) No applications will be made to residential sites (experimental applications to residential sites must be performed under an individual experimental use permit);

(iv) All treated food and feed crops will be destroyed after harvest unless a tolerance greater than the residues anticipated from the treatment or exemption from the requirement of a tolerance has been obtained from the Environmental Protection Agency. "Destroyed" means rendered unusable for food or feed or used for research purposes only;

(v) Any adverse environmental effects will be immediately reported to the department;

(vi) All applicable use directions and restrictions on the federal, state or experimental use pesticide label will be followed.

(6) The director may monitor the implementation of any experimental use permit. This may include collection of samples, inspection of premises, records and equipment, and any other related activities specified by the director. The conditions of any experimental use permit may require notification of a designated department office prior to application and/or presence of a departmental representative at the application. Experimental use permits shall be considered labeling for purposes of enforcement. Violations of these permits shall be considered use inconsistent with the label.

(7) Summaries of experimental results, date and method of disposal of treated food or feed crop (if applicable), and any adverse environmental effects resulting from the application shall be retained by the holder of the permit for three years and shall be submitted to the department upon request of the director.

(8) Pesticides intended for experimental use must be contained in secure containers, the labeling of which must present such precautions as are known to be necessary to protect the health of persons who may come in contact with the pesticide and to prevent unreasonable adverse effects on the environment. Any unused experimental use pesticide that does not have a registered use in the state must be returned to the manufacturer or disposed of properly. Individual experimental use permits shall be considered labeling for the purposes of enforcement. Violations of these permits shall be considered use inconsistent with the label.

(9) The director may limit the amount of pesticide, acres or areas to be treated, licensing, or qualifications of persons exercising the permit, or any other condition of an experimental use permit. The director may deny, amend, suspend or revoke any experimental use permit if it is found to be in violation of applicable federal regulations, in violation of chap-

ters 15.58 and 17.21 RCW or rules adopted thereunder, or if the director deems such action necessary to protect public health and the environment.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1460, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1460, filed 10/20/99, effective 11/20/99.]

## GENERAL PESTICIDE RULES—LICENSING

**WAC 16-228-1500 When can a pesticide license be denied, revoked or suspended?** (1) The director may deny, suspend, or revoke any provision of a license, registration, permit or certification issued under chapters 17.21 and 15.58 RCW if it is found that the applicant or the holder of the license, permit, or certification has committed any of the following acts each of which is declared to be a violation:

(a) Made false or fraudulent claims through any media misrepresenting the effect of materials or methods to be utilized;

(b) Made a pesticide recommendation or gave advice or used a pesticide inconsistent with the labeling, the EPA or Washington state registration for that pesticide, an EPA or Washington state experimental use permit for that pesticide, an exemption from registration under provisions of section 18 of FIFRA, or in violation of the EPA or Washington state restrictions on the use of that pesticide;

(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) Used fraud or misrepresentation in making an application for a license, permit, or certification or renewal of a license, permit or certification;

(n) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit or certification;

(o) 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) 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) Impersonated any state, county, or city inspector or official;

(r) 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 licensed to operate or has operated, regardless of whether or not he/she has previously passed an examination provided for in chapter 15.58 RCW;

(s) To have in his/her 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) To violate the testing policies set forth by department representatives prior to the start of an examination session; or

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

(2) A penalty fee assessed as a result 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, 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.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1500, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 00-24-013, § 16-228-1500, filed 11/27/00, effective 12/28/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1500, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1520 What are the requirements for the commercial applicator's financial responsibility insurance certificate (FRIC)?** (1) A commercial pesticide applicator's license shall not be issued until a financial responsibility insurance certificate is filed with the department which shall certify: (Forms to be supplied by the department).

(a) Name of insured (identical to name on application form)

(b) Address of insured

(c) Policy number

(d) Aircraft number(s) covered by the insurance (if applicable)

(e) Effective period

(f) Amount of insurance. Minimum requirements are:

(i) Public liability (personal injury) fifty thousand dollars; and property damage fifty thousand dollars; or

(ii) Alternately providing both public liability (personal injury), and property damage liability coverage within the same limit, providing such policy is issued in an amount of not less than one hundred thousand dollars.

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

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

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

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

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-228-1520, filed 5/9/07, effective 6/9/07; WSR 03-22-029, § 16-228-1520, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1520, filed 10/20/99, effective 11/20/99.]

**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, 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, 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, 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.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1530, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1530, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1540 What are the requirements for pesticide examinations?** (1) An examination fee of twenty-five dollars shall be paid prior to administration of any pesticide or structural pest inspector license examinations. The department reserves the right to restrict the number of applicants examining at any given time.

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

(3) 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 pesticide or structural pest inspector examinations are given, unless prior arrangements have been made.

(4) 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.

[Statutory Authority: 2012 2nd sp.s. c 7, RCW 17.21.030, 15.58.040, and chapter 34.05 RCW. WSR 12-22-015, § 16-228-1540, filed 10/29/12, effective 1/1/13. Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1540, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. WSR 00-22-073, § 16-228-1540, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1540, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1545 What are the pesticide licensing requirements?** (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) through (y) 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 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. 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) License classifications.

(a) Agricultural weed: The control of weeds, except with soil fumigants, in all agricultural crops including forest environments, and in former agricultural lands now in a noncrop status.

(b) Rights of way weed: 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.

(c) Turf and ornamental weed: The control of weeds (and moss), including cut stumps, in ornamental and turf situations, which includes, but is not limited to, golf courses, parks, schools, lawns, yards, gardens, hospitals, vacant lots and open noncrop waste areas.

(d) Structural and turf demossing: The control of moss on structures and turf.

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

(f) Soil fumigation: The use of soil-applied fumigants on agricultural crops and noncrop land to control pests including weeds, insects and diseases.

(g) Soil fumigation 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.

(h) Sewer root: Control of roots in sewer lines.

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

(j) Ornamental insect and disease: The control of insects and diseases in ornamental, turf and rights 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, miticides, fungicides, bacteriocides, molluscides and nematocides.

(k) Interior plantscaping: The control of insects and diseases in interior plantscapes.

(l) 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.

(m) 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.

(n) 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.

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

(p) Fumigant: The use of fumigants only (such as methyl bromide and aluminum phosphide) on stored commodities.

(q) Seed treatment: The application of pesticides to seeds to control destructive insects and diseases.

(r) Sprout inhibitor: Use of a pesticide to control sprouting in stored potatoes.

(s) Livestock pest: The control of external and internal pests of animals, with the exception of viruses including, but not limited to, beef cattle, dairy cattle, swine, sheep, horses, goats and poultry, and also treatment of livestock premises.

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

(u) Aquatic: The control of aquatic pests in water areas including, but not limited to, canals, rivers, streams, lakes, ponds, marshes and pipe lines.

(v) 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.

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

(x) Aquatic antifouling: Use of antifouling paints to control fouling organisms on marine vessels.

(y) Wood treatment: Use of wood preservatives for the control of wood damaging pests.

(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.

(5) A passing score of seventy 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.

[Statutory Authority: RCW 17.21.060, 15.58.040, chapter 34.05 RCW and 2012 2nd sp.s. c 7. WSR 13-02-024, § 16-228-1545, filed 12/20/12, effective 1/20/13. Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1545, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 00-24-013, § 16-228-1545, filed 11/27/00, effective 12/28/00.]

**WAC 16-228-1546 What are the requirements for a private applicator license?** (1) To qualify for a private applicator license, an individual must pass a private applicator 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 holding valid, passing scores on the laws and safety examination, or equivalent, or the dealer manager exam, and one of the classifications in WAC 16-228-1545 (3)(a) or (h) or the now retired statewide classification, are exempt from this examination requirement.

(2) 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)(t). Private applicators applying soil

fumigants may obtain the soil fumigation classification described in WAC 16-228-1545 (3)(g) as an option to meet label required active ingredient training.

(3) A passing score of seventy 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) 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.

[Statutory Authority: RCW 17.21.060, 15.58.040, chapter 34.05 RCW and 2012 2nd sp.s. c 7. WSR 13-02-024, § 16-228-1546, filed 12/20/12, effective 1/20/13. Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1546, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 00-24-013, § 16-228-1546, filed 11/27/00, effective 12/28/00.]

**WAC 16-228-1547 What are the requirements for a dealer manager license?** (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.

(2) A passing score of seventy 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.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1547, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 00-24-013, § 16-228-1547, filed 11/27/00, effective 12/28/00.]

**WAC 16-228-1550 What are the requirements for apparatus display signs?** (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.

(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."

(3) Apparatus display signs shall be attached to and prominently displayed on the application apparatus and shall be clearly visible.

(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.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1550, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1550, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1555 Where must commercial applicator apparatus license plates and windshield identification be placed?** (1) Apparatus 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 affixed 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.

(2) Each vehicle involved in the operations of a certified commercial ground application business, which does not prominently display a department issued apparatus license plate on its exterior or on the specific apparatus when that apparatus is exteriorly visible, shall be required to have a department issued sticker affixed to the lower left side of the windshield.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1555, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1555, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1570 What are the circumstances when certification permits are used?** (1) Private applicator certification, demonstration and research applicator certification, user permits and private-commercial applicator licenses shall be considered as certified applicator permits as provided for in RCW 17.21.030 and 15.58.040 (2)(h).

(2) User permits may be issued by the director as temporary applicator certification in emergency situations. User permits will be issued in a form prescribed by the director, which shall include the following:

(a) Permit number

(b) Date of issuance

(c) Expiration date, which shall be not longer than one year from the date of issuance

(d) Name and address of certified applicator

(e) Crop or site and area to which the pesticide will be applied

(f) Amount of pesticide obtained

(g) Any other information prescribed by the director.

(3) Pesticide dealers shall keep user permits for a period of one year from the date of issuance, and the director shall have access to these records upon request.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1570, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1570, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1585 Are ground maintenance persons exempt from licensing?** Grounds maintenance persons are exempt from licensing requirements as a commercial pesticide applicator, as provided under chapter 17.21 RCW, only if they perform ground maintenance on an occasional basis not amounting to a regular occupation. Exempted persons shall only perform pesticide applications to the grounds of residential dwellings and shall only use home and garden products.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1585, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1585, filed 10/20/99, effective 11/20/99.]

**WAC 16-228-1590 What are the licensing requirements for pesticide dealers and dealer-manager businesses?** (1) When more than one pesticide dealer is engaged in the business from the same outlet or location, each pesticide dealer shall obtain a license for said outlet or location.

(2) A licensed pesticide dealer manager shall be available to the staff, customers, and department representatives at all times that an outlet or location distributes pesticides. A dealer manager may be the designated dealer manager of more than one outlet or location only if the dealer manager can be physically present at both outlets or locations during all times of pesticide distribution and handling.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1590, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1590, filed 10/20/99, effective 11/20/99.]

## GENERAL PESTICIDE REGULATIONS—WOOD DESTROYING ORGANISMS

**WAC 16-228-2005 Wood destroying organism inspections and reporting criteria.** All persons required to be licensed to conduct wood destroying organism (WDO) inspections must comply with the rules set forth in this chapter.

(1) **Purpose:** This section will define terms associated with WDO inspections, identify the types of and specify the uses for WDO inspections and reports, and establish minimum rules under which WDO inspections must be conducted and reports written in the state of Washington.

(2) **Definitions:** The definitions set forth in this section must apply throughout unless the context otherwise requires. Definitions contained in this section are nonexclusive to other uses in expanded or contracted form found elsewhere in the RCW or the Washington Administrative Code (WAC).

(a) Accessible areas: Areas typically and routinely visible by normal access.

(b) Conducive debris: Cellulose or noncellulose material that provides no structural support but can be a source of food or provide a habitat for WDOs. This definition includes, but is not limited to, tree roots, stumps, formboards, scrap wood, paper, wood product, paper product, or other natural or manufactured product.

(c) Complete wood destroying organism inspection: 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 WDO inspections must also include any WDO inspection that is conducted as the result of telephone solicitation by an inspection, pest control, or other business, even if the inspection would fall within the definition of a specific WDO inspection.

(d) Conducive conditions: Conditions that may lead to or enhance an infestation of WDOs.

(e) Detached structure: Separate structure that is not physically connected to the subject structure by a foundation or roof system.

(f) Earth: Includes, but is not limited to, soil, decorative bark, gravel, rock, or other landscape materials.

(g) Excluded area: Area not inspected and therefore, not included in a WDO inspection.

(h) Frass: Specifically, solid larval insect excrement, but can include by-products of insect feeding or tunneling activity in wood or insulation materials.

(i) Inaccessible areas: Parts of a structure that cannot be inspected without excavation or the physical removal of objects are inaccessible and may be subject to infestation by WDOs. Such areas include, but are not limited to, wall voids, spaces between floors, areas concealed by insulation, substructures with clearances less than eighteen inches between unimproved ground and wood joists or the bottom of wood structural floors without joists or, less than twelve inches between unimproved ground and wood girders, substructures with insufficient clearance between structural members and/or ducts and piping and the finished grade to permit passage by an inspector for the purposes of a WDO inspection, floors beneath coverings, sleeper floors, areas concealed by furniture, appliances, and/or personal possessions, exterior wood decks with less than a five-foot clearance, locked rooms, or areas that imperil the health or safety of the inspector. These rules will not require inspectors to make extraordinary efforts to gain access to areas deemed inaccessible by the inspector. Inaccessible areas are, by their nature, excluded from the inspection.

(j) Inadequate ventilation: Condition promoting the retention of excessive moisture in substructures or other confined spaces and identified by, but not limited to, the presence of metal rust, condensation, mold, mildew, or fungal growth.

(k) Specific wood destroying organism inspection: Inspection of a structure for purposes of identifying or verifying evidence of an infestation of WDOs prior to pest management activities.

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

(m) Structure: A single building that includes any exterior attached decks, walks, stairways, or porches. For the purposes of this definition, entry and exit decks to manufactured homes are considered to be a part of the structure.

(n) Wood: Any material used in a structure that can be damaged by WDOs.

(o) Wood destroying organism: Insects or fungi that will consume, excavate, develop in, or otherwise modify the integrity of wood or wood products. For the purposes of this section, WDOs include, but are not limited to, carpenter ants, moisture ants, subterranean termites, dampwood termites, beetles in the family Anobiidae, and wood decay fungi (wood rot).

(p) Wood destroying organism inspection: The service of inspecting a building for the presence of WDOs, their damage, or conducive conditions leading to their development. For purposes of these rules, a WDO inspection must be defined as either a "complete WDO inspection" or a "specific WDO inspection."

(q) Wood destroying organism inspection report: The written opinion of an inspector licensed by the WSDA and based upon what was visible and evident at the time of an inspection.

(r) WSDA: Washington state department of agriculture.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. WSR 02-24-025, § 16-228-2005, filed 11/27/02, effective 12/28/02.]

**WAC 16-228-2015 Wood destroying organisms.** (1) Evidence of WDOs found during an inspection must be described in all complete and specific WDO inspection reports. Report terminology must include, but is not limited to, the following:

(a) Carpenter ants: Carpenter ants must be reported as carpenter ants or carpenter ant activity when one or more of the following are found on or in any accessible area of the inspected structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of carpenter ants includes, but is not limited to:

(i) Live carpenter ants or carpenter ant carcasses.

(ii) An accumulation of frass unique to carpenter ants.

(iii) Excavation or tunneling unique to carpenter ants.

(b) Moisture ants: Moisture ants must be reported as moisture ants or moisture ant activity when one or more of the following are found on or in any accessible area of the inspected structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of moisture ants includes, but is not limited to:

(i) Live moisture ants or moisture ant carcasses.

(ii) An accumulation of frass unique to moisture ants.

(iii) Excavation or tunneling unique to moisture ants.

(c) Subterranean termites: Subterranean termites must be reported as subterranean termites or subterranean termite activity when one or more of the following are found on or in any accessible area of the inspected structure or, within three feet of the structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of subterranean termites includes, but is not limited to:

(i) Live subterranean termites, including winged reproductive forms.

(ii) Galleries or fecal material, unique to subterranean termites, in structural members.

(iii) Mud tubes, unique to subterranean termites, on or in the structure.

(iv) Evidence of subterranean termite activity found on or in form wood, other nonstructural materials, or wood products in landscape materials.

(d) Dampwood termites: Dampwood termites must be reported as dampwood termites or dampwood termite activity when one or more of the following are found on or in any accessible area of the inspected structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of dampwood termites includes, but is not limited to:

(i) Live dampwood termites, including winged reproductive forms.

(ii) Galleries or fecal material unique to dampwood termites.

(iii) Evidence of dampwood termite activity found on or in form wood, cellulose debris, other nonstructural materials, or wood products.

(e) Anobiid beetles: Anobiid beetles must be reported as anobiid beetles or anobiid beetle activity when one or more of the following are found on or in any accessible area of the inspected structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of anobiid beetles includes, but is not limited to:

(i) Circular, 1/16th to 1/8th inch (1.5 to 3 mm) emergence holes made by adult beetles in structural timbers.

(ii) An accumulation of frass, unique to anobiid beetles, in and around adult beetle emergence holes or beneath the wood where emergence holes are present.

(iii) Wood displaying the characteristic tunnels formed by anobiid beetle larvae.

(f) Wood decay fungi: Wood decay fungi must be reported as wood decay fungi or wood rot. The report must identify approximate location and type of evidence found. Conditions indicating that wood decay fungi, or damage attributable to these fungi, must be reported when one or more of the following are found on or in any accessible area of the structure subject to inspection. Evidence indicating the presence of wood decay fungi includes, but is not limited to:

(i) Wood or wood products containing visible damage unique to wood decay fungi.

(ii) Wood or wood products in which fungal bodies are developing.

(2) Adult beetle emergence holes, unique to wood infesting species in the families Buprestidae, Cerambycidae, and Lyctidae, may be reported for clarification purposes at the discretion of the inspector.

(3) Signs of wood decay fungi, such as brown pocket rot, and the marine mollusk (*Teredo*, shipworm) that may have occurred prior to the manufacturing or processing of lumber must, when observed, be reported as a nonreinfesting species or condition.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. WSR 02-24-025, § 16-228-2015, filed 11/27/02, effective 12/28/02.]

**WAC 16-228-2025 Conducive conditions.** (1) Conducive conditions found during a complete WDO inspection must be noted in the complete WDO inspection report.

(2) Conducive conditions include, but are not limited to, the following:

(a) Earth in direct contact with wood or inadequate clearance between earth and any wood or material subject to damage from moisture.

(b) Vegetation, in direct contact with the exterior of a structure, which may contribute to moisture or damage by WDOs.

(c) Restricted or nonfunctioning gutter systems.

(d) Conducive debris in substructures.

(e) Bare or unimproved ground in substructures.

(f) Standing water or evidence of seasonal standing water in a substructure.

(g) Failed or missing caulk or grout at water splash areas.

(h) Moisture from plumbing leaks, lack of ventilation, or other sources that may contribute to damage by WDOs.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. WSR 02-24-025, § 16-228-2025, filed 11/27/02, effective 12/28/02.]

**WAC 16-228-2035 Complete wood destroying organism inspections.** (1) Any WDO inspection conducted by any person pursuant to the sale, exchange, or refinancing of real property or, as a result of telephone solicitation by an inspection, pest control, or other business, must be a complete WDO inspection and must be performed by individuals required to be licensed. Such inspections will be conducted in accordance with the rules established by this chapter.

(2) Inspectors must make a thorough inspection of accessible areas that are not specifically excluded in the report. Inspectors will not be required to place themselves into a position or gain access to any portion of a structure that may cause physical injury or otherwise imperil their health and safety. Access to structures should be restricted to the use of accepted methods and practices.

(3) Substructure crawl areas must be inspected when accessible. Inaccessibility of substructure crawl areas due to inadequate clearance, the presence of ducting or piping, foundation walls, partitions or other such conditions that block access must be explained in the inspection report and annotated on the report diagram. The report findings must state that inaccessible substructure crawl areas may be vulnerable to infestation by WDOs and should be made accessible for inspection.

(4) Limits of inspections: Complete WDO inspections will identify conditions present at a subject property at the time of an inspection. Inspectors are not required to report on any WDO infestation or other condition that might be subject to seasonal constraints or environmental conditions if evidence of those constraints or conditions is not visible at the time of the inspection.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. WSR 02-24-025, § 16-228-2035, filed 11/27/02, effective 12/28/02.]

**WAC 16-228-2045 Complete wood destroying organism inspection reports.** (1) Any report that identifies damage or infestation by WDOs or, conditions conducive to damage or infestation by WDOs pursuant to the sale, exchange, or refinancing of any structure or, as a result of telephone solicitation by an inspection, pest control, or other business, must be a complete WDO inspection report and must comply with this section. The terms "Report" or "report" as used in this section will mean a complete WDO inspection report.

(2) Report form: A written report may take any form in presentation, provided that all elements of this section are included and identifiable.

(3) A complete WDO inspection report must be issued to the person paying for and/or otherwise requesting the inspection.

(4) Report contents: Reports must contain the information identified in this section, when and where applicable.

(a) Washington state department of agriculture inspection control number (WSDA ICN): A WSDA ICN must be obtained in accordance with the provisions of RCW 15.58.450 and be prominently displayed in the upper third of the front page of each report. This number must be unique to the structure(s) subject to the report. The assigned WSDA ICN must follow the original report and supplemental reports (if any) pertaining to the sale, exchange, or refinancing activity on a property for a specific client. A new WSDA ICN must be issued for any subsequent sale, exchange, or refinancing activity.

(b) Date: The date the inspection was conducted must be provided on the first page of the report.

(c) Parties involved in the real estate transaction: The name of the property owner, their designated representative, or purchaser of the inspection report must be identified on the first page of the report.

(d) Address of structure inspected: The complete address will include, but is not limited to, building number, street name, city, and state and must be identified on the first page of the report. Where multiple structures at a property may have the same basic address, a building letter, unit number, or other recognizable method must be used to identify the specific building inspected.

(e) Inspector: The name of the inspector and WSDA license number must be provided on the first page of the report.

(5) Report of findings: A complete WDO inspection report must detail the findings of the inspector. The following minimum conditions, where applicable, must be in the body of the report.

(a) Damage and/or infestation by WDOs: The report must identify any damage or infestation by WDOs on or in the structure.

(b) Conditions conducive to damage and/or infestation by WDOs must be explained in narrative form in accordance with the provisions of WAC 16-228-2025. When evidence of moisture ants, dampwood termites, wood infesting anobiids, or wood decay fungi is detected during a complete WDO inspection, the inspector must identify and report the condition(s) conducive to such infestations. It must be stated in the report that such infestations may be eliminated by removal of all infested wood and correction of any contributing conducive conditions.

(c) When reporting conducive conditions, the inspector must describe the condition and annotate the diagram with an approximate location of that condition. Provided that; if conducive conditions within the interior of the structure can be clearly described in the report findings, diagramed representation of such conditions is not required.

(d) Inaccessible areas will be fully identified in narrative form where such areas are annotated on the report diagram.

(e) Excluded areas: The report must list all excluded areas not already defined in WAC 16-228-2005 (2)(i) as inaccessible.

(6) Diagrams: A diagram must be prepared for each inspection report. Upon request, a copy must be provided to the person paying for and/or otherwise requesting the inspection.

(a) A diagram is not required when there are no findings as described in WAC 16-228-2015 and 16-228-2025.

(b) Scaled diagrams are not required; however, diagrams must reasonably resemble the perimeter or footprint of the building being inspected and legibly convey any information that is a required part of the diagram.

(c) Diagrams must identify the approximate location of inaccessible areas.

(d) Diagrams must identify the approximate location of WDOs, damage, and/or conducive conditions leading to an infestation of WDOs.

(e) Where abbreviations are used on a diagram, a legend must be provided to explain the abbreviations.

(f) When a diagram is not provided as part of the report, the following statement must appear in a prominent location. "WAC 16-228-2045 requires that a diagram be prepared for WDO inspection reports. A copy is available upon request."

(g) Locations for this statement include, but are not limited to, the following:

(i) Above or beneath the WSDA ICN;

(ii) On written documents such as preinspection agreements or attachments to the report.

(h) This statement must stand out by having larger print than the main body of the report, be highlighted, or be in bold print.

(7) Excluded areas must be annotated on the diagram.

(8) A record of all complete WDO inspection reports prepared for real estate transactions or resulting from telephone solicitation must be maintained on file by the inspecting firm for a period of four years. Upon written request, these records must be made available to the WSDA.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. WSR 02-24-025, § 16-228-2045, filed 11/27/02, effective 12/28/02.]

**WAC 16-228-2050 Specific wood destroying organism inspections.** (1) Specific WDO inspections must only be conducted by individuals in the category E (pest control operator structural) or PI (structural pest inspector). Such inspections will be conducted in accordance with the rules established by this section.

(2) A specific WDO inspection must be conducted in conjunction with any proposal or estimate for prevention or control of WDOs.

(3) When no evidence of infestation is observed and any proposed treatment is for preventative purposes only, a statement explaining such a situation must stand out by having larger print than the main body of the report, be highlighted, underlined, or be in bold print and be signed by the property owner or their designated representative.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. WSR 02-24-025, § 16-228-2050, filed 11/27/02, effective 12/28/02.]

**WAC 16-228-2060 Specific wood destroying organism inspection reports.** (1) A specific WDO inspection report must be completed in conjunction with any proposal or estimate for prevention or control of WDOs. Pest management activities performed under an existing warranty will not require the preparation of a specific WDO inspection report.

(2) A specific WDO inspection report must not be construed as a complete WDO inspection report or, in any case, be used in lieu of a complete WDO inspection report for the sale, exchange, or refinancing of real property. A statement explaining the restriction against use in real estate transactions must stand out by having larger print than the main body of the report, be highlighted, underlined, or be in bold print on all specific WDO inspection reports.

(3) Report form: A specific WDO inspection report may take any written form in presentation, provided that all elements of this section are identifiable.

(4) A specific WDO inspection report must be issued to the person requesting the inspection.

(5) Report contents: Specific WDO inspection reports will contain the information identified in this section, when and where applicable.

(a) The name of the owner (or their representative) requesting the inspection or estimate for pest management of WDOs must be provided on the first page of the report.

(b) Date: The date the inspection was conducted must be provided on the first page of the report.

(c) Address of structure inspected: The complete address will include, but is not limited to, building number, street name, city, and state and must be identified on the first page of the report. Where multiple buildings at a property may have the same basic address, a building letter, unit number, or other recognizable method must be used to identify the specific building inspected.

(d) Inspector: The name of the inspector and WSDA license number must be provided on the first page of the report.

(6) Report of findings: A specific WDO inspection report must detail the findings of the inspector. The following minimum conditions, where applicable, must be in the body of the report.

(a) The report must include a statement describing the presence of, or signs of, infestation by WDOs that were identified and resulted in the proposal or estimate. Approximate location(s) of the WDOs or signs of infestation(s) reported on or in the structure must be clearly identified on a diagram. If the proposed treatment is for preventative purposes only, the report must so state. All WDOs must be identified by their proper name as described in WAC 16-228-2005.

(b) When a proposal or estimate is prepared for the treatment of moisture ants, dampwood termites, wood infesting beetles, or wood decay fungi the inspector must, where possible, identify and report the condition(s) conducive to such infestations. It must be stated in the report that infestations of such WDOs may be eliminated by removal of all infested wood and correction of any contributing conducive conditions.

(7) Diagrams: A diagram must be prepared for each inspection report and must accompany that report.

(a) A diagram is not required when there are no findings as described in WAC 16-228-2015 and 16-228-2025.

(b) Scaled diagrams are not required however, diagrams must reasonably resemble the perimeter or footprint of the building being inspected and legibly convey any information that is a required part of the diagram.

(c) A diagram must identify the approximate location of WDOs and/or signs of infestation(s) by WDOs.

(d) Where abbreviations are used on a diagram, a legend must be provided to explain the abbreviations.

(8) A record of all specific WDO inspection reports must be maintained on file by the inspecting firm for a period of one year. Upon request, these records must be made available to the WSDA.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. WSR 02-24-025, § 16-228-2060, filed 11/27/02, effective 12/28/02.]