



Washington
State Department of
Agriculture

WASHINGTON STATE DEPARTMENT OF AGRICULTURE
WASHINGTON PESTICIDE LAWS and RELATED REGULATIONS
Hand-Out Booklet

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Persons of disability should notify WSDA in advance at (360) 902-2015 [TTY Relay at (800) 833-6388] if accommodation is necessary.

What to Expect as a New Licensee

As a new pesticide or structural pest inspector (SPI) licensee, you will receive a plastic card identifying you as a license holder. The card will include your name, license number with barcode, and the Internet address (<http://agr.wa.gov/PestFert/LicensingEd/Search/>) where you can access your complete license record including your recertification credit report. The plastic card will be affixed to a printout, similar to what you will find on the Internet, showing your current license status (licenses, categories, expiration dates and recertification cycles). You will receive this printout or, if you prefer, an email confirmation, anytime your license record is updated.

What are the advantages of this system?

- ◆ Anytime access to your current license and recertification credit status.
- ◆ Next day access to license updates. No waiting for a paper card to arrive in the mail each time your license is updated.
- ◆ Dealers can easily verify that a pesticide license has been updated so that restricted use pesticide sales can be made.
- ◆ Ability to search for upcoming recertification courses by location, date and topic area.
- ◆ Commercial Applicators can ensure that WSDA has up-to-date information about employed Commercial Operators and registered equipment.
- ◆ Customers can easily find Commercial Applicators that perform specific types of pest control.
- ◆ Ability to renew and pay for your license on-line using an electronic check.

What else should I know?

- ◆ There is a \$25 testing fee each time pesticide exams are taken. Keep this in mind if you decide to add additional categories in the future.
- ◆ Except for the 5-year Limited and Rancher Private Applicator licenses, all pesticide and SPI licenses must be renewed annually. Each November, anyone holding an annual license with an expiration date of the current or previous year will receive a renewal packet. If you wish to continue performing work that requires the license, you will need to renew it via the form provided in your renewal packet or through the online renewal process.
- ◆ All licensees must complete recertification requirements every five years. The *Pesticide/Pest Inspector License Recertification Fact Sheet* at <http://agr.wa.gov/PestFert/docs/Form4222.pdf> details the program's requirements. You can search on open, WSDA accredited courses at <http://agr.wa.gov/PestFert/LicensingEd/Recert/> by topic, language, location, date and type.
- ◆ WSDA's website at <http://agr.wa.gov/PestFert/> contains helpful information on complying with pesticide law. Useful links include:
 - General licensing information: <http://agr.wa.gov/PestFert/LicensingEd/>
 - Compliance information: <http://agr.wa.gov/PestFert/Pesticides/ComplianceActivities.aspx>
 - Waste Pesticide Disposal: <http://agr.wa.gov/PestFert/Pesticides/WastePesticide.aspx>
- ◆ If you are a Commercial Applicator or Structural Pest Inspector, you need to notify WSDA prior to expiration of your financial coverage. Information specific to these two license types is available at <http://agr.wa.gov/PestFert/LicensingEd/CaSpiInfo.aspx>.
- ◆ Properly licensed SPIs can obtain Inspection Control Numbers (ICNs) through WSDA's automated phone system at (877) 301-4555. At the main menu, select option 8 and follow the instructions. A fact sheet on obtaining and properly using ICNs is at <http://agr.wa.gov/PestFert/docs/ObtainingUsingIcns.pdf>.

For further information, contact Pesticide Licensing at license@agr.wa.gov and Recertification at recertification@agr.wa.gov. Both programs can be reached toll free at (877) 301-4555.

Recertification

- The **type** of license you hold (e.g. Commercial Applicator, Public Operator, Private Applicator, etc.) is based on who your employer is while the **categories** are determined by the type of pest control work you perform (e.g. Ornamental Weed, Aquatic Pest Control, PCO Structural, etc.). Most licenses administered by WSDA expire **each** December 31st. The Limited and Rancher Private Applicator licenses are five-year licenses that expire the fifth Dec. 31st after issuance.
- Your **Pesticide License Recertification Period** refers to the **five-year** period in which you must demonstrate a continuing level of competency in your area of pest control or inspection. Your recertification period is printed on your license renewal packet and on-line license record at <http://agr.wa.gov/PestFert/LicensingEd/Search/>. You may fulfill WSDA's recertification requirement by one of two methods:

METHOD 1

Earn continuing education credits by attending WSDA accredited recertification courses. The amount of credits you need during your five-year cycle is based on the license type(s) held.

Limited and Rancher Private Applicators

~ Limited Private Applicators must earn 8 credits. Rancher Private Applicators must earn 12 credits. Neither license has restrictions on the number of credits earned/year although all the credits for the Limited Private Applicator license must be directly or indirectly related to weed control.

~ Recertification cycles for Limited & Rancher Private Applicators begin as soon as they qualify for a license and expire on the license expiration date. An individual who qualifies for one of these licenses on March 1, 2013 will have a license and recertification period that expire on December 31, 2017.

Private Applicators

~ Earn 20 hours of WSDA-approved recertification credits every five years, with no more than 10 credit hours in any given year.

~ The 5-year cycle begins January 1st of the year immediately following the year the license is obtained. For example, a new license obtained on May 1, 2013 will have a recertification period running from January 1, 2014 to December 31, 2018. If the licensee successfully recertifies, they begin a new 5-year recertification period that runs January 1, 2019 - December 31, 2023.

All Other License Types

~ Earn 40 hours of WSDA-approved recertification credits every five years, with no more than 15 credit hours in any given year.

~ Same cycle start and ending rule as for Private Applicators.

METHOD 2

Retest in each category that you wish to remain licensed. Note: There is a \$25 testing fee each time exams are taken.

Go to <http://agr.wa.gov/PestFert/LicensingEd/Recert/> to search on recertification courses.

Direct Supervision

A licensed person can supervise an unlicensed person's pesticide application if he or she holds the right type of license *and* provides the level of supervision required by law. The level of supervision depends on the type of license required and the site of the application.

Supervision and application types

An application that requires a Private Applicator license (application of a restricted use pesticide on your own or your employer's agricultural property) does not usually require the licensed applicator to be physically present. However, it does require the individual to be readily available if the unlicensed applicator has questions. On-site supervision is only required for a few highly toxic, restricted use pesticides including soil fumigants. Refer to the label to determine if this level of supervision is required.

In the case of **non-forestry commercial** applications, the licensed applicator must be physically present and always within eye and earshot of the unlicensed person whenever an application occurs. **Commercial forestry** applications do not require constant voice and visual contact if the worker applies general use pesticides with non-power equipment. But the licensed applicator must be on site and readily available (immediate area) to directly observe the mixing and loading of pesticide. As for **public employee applications**, the unlicensed worker must be supervised when applying a restricted use pesticide, or any pesticide using power equipment. In these situations, the licensed applicator must be physically present and always within eye and earshot of the unlicensed person.

In all situations described above, a person who supervises the unlicensed applicator must be properly licensed to perform the application. That means maintaining a current license and holding any required license categories.

Practice safely and legally

A certified applicator who directly supervises an unlicensed person accepts responsibility for the safe and legal use of pesticides. Any violation committed by the unlicensed applicator directly implicates the licensed supervisor. If and when a violation occurs, you may face a fine or suspension, even if you – the direct supervisor – did not make the application.

For commercial and public operators, it is much easier for a licensed supervisor to maintain control of the operation since direct supervision occurs on-site. Mistakes can be corrected or prevented before significant harm is done. But fixing mistakes in the absence of direct observation is difficult. This can be the case with direct supervision by Private Applicators.

Many agricultural establishments employ both licensed and unlicensed applicators, assigning the role of direct supervision to their licensed employees. If you are placed in this role, be sure you and your employer understand that, as the licensed applicator in a supervisory role, it is your responsibility to maintain control over the unlicensed employee's application. As the direct supervisor, you possess the qualifications to make decisions and are accountable for mistakes.

Consider the following points if you provide direct supervision to an unlicensed applicator:

- **Competency.** Is the unlicensed applicator competent to make the application? A person that applies pesticides must be intelligent, conscientious, capable of following directions and able to pay attention to details.
- **Safety.** Is the applicator wearing all of the personal protective equipment (PPE) required by the label?
- **Knowledge.** Does the applicator know how to properly mix the pesticide at the correct concentration?
- **Skill Level.** Does the applicator know how to operate the equipment at the correct speed and pressure so as to apply the pesticide at the correct rate?
- **Complexity.** Will the applicator follow through on special instructions to prevent drift? Instructions include maintaining proper pressure, turning off the sprayer at row ends, leaving buffers near sensitive sites, and spraying only in a direction away from sensitive sites.
- **Decision Making.** Does the applicator know what to do if the wind picks up or shifts direction, or if other conditions occur that may contribute to drift? If necessary, does the applicator have the power to stop an application?
- **Communication.** Does a person supervised by a Private Applicator have a way to quickly contact the licensed supervisor if questions arise?

By directly supervising an unlicensed applicator, you have an even greater obligation to ensure worker, community and environmental safety. Take the time to fully understand your responsibilities before taking on this role.

The definition for Direct Supervision is found in RCW 17.21.020(13) of the Washington Pesticide Application Act. For further information, contact the Pesticide Management Division toll free at (877) 301-4555 or visit our website at <http://agr.wa.gov/PestFert>. To view copies of the regulations administered by the division, hit the "Pesticides" button on the left-hand menu and then choose "Laws & Rules." You can also submit the order form at the end of this booklet.

Restricted Use Pesticides

Certain pesticides are designated as restricted use because of their potential to cause unreasonable adverse effects on the environment and/or man, specifically the applicator.

There are both federal and state restricted use pesticides (RUPs). Federal RUPs are identified as such on product labels. State RUPs are listed in WAC 16-228-1231 of the **General Pesticide Rules** and unless they are also federal RUPs (which many are not) there will be no designation of their restricted use status on the product label. All federal RUPs are also state RUPs.

RUPs may only be distributed by licensed pesticide dealers to certified applicators or their authorized agents. Dealers are required to ask for positive identification of purchasers of RUPs if the person is unknown to the dealer. RUPs may only be applied by certified applicators or persons under their direct supervision and only for those uses covered by the certified applicator's license.

The General Pesticide Rules list 12 products as state restricted use because of their potential to contaminate groundwater. In addition, most aquatic pesticides* and many forms and sizes of 2,4-D and dicamba in eastern Washington are state restricted use pesticides. (High volatile ester formulations of 2,4-D are prohibited for use statewide.)

* There are some very limited exemptions to the state restricted use classification for pesticides applied to water. Refer to WAC 16-228-1231(2) for further details.

For your information, the pesticides contained in the "groundwater" rule are listed below.

Common Chemical Name

atrazine
bromacil
DCPA
disulfoton
diuron
hexazinone
metolachlor
metribuzin
picloram
prometon
simazine
tebuthiuron

For further information, contact the Pesticide Management Division toll free at (877) 301-4555 or visit our website at <http://agr.wa.gov/PestFert>. To view copies of the regulations administered by the division, hit the "Pesticides" button on the left-hand menu and then choose "Laws & Rules." You can also submit the order form at the end of this booklet.

Legal Label Deviations

Federal and state regulations require that any pesticide user obey the label. They also require that recommendations of consultants and dealers be consistent with the label. However, certain deviations from the label are permitted unless the label specifically forbids the deviation. These are:

1. Lowering the rate of the pesticide.
2. Applying a greater dilution (for instance, the label specifies 1 pound of product in 20 gallons of water per acre. An application of 1 pound of product in 200 gallons of water would be consistent with the label. An application of 1 pound of product in 5 gallons of water would not be permitted.)
3. Making fewer applications.
4. Applications for a pest not on the label. (The site must always be on the label.)
5. Changing the method of application. *
6. Tank mixing of two or more pesticides.
7. Adding fertilizer.

* This deviation does not apply to the application of pesticides through irrigation systems, referred to as chemigation. A pesticide label must specifically address chemigation in order for that to be a legal application method. If a label is silent on chemigation, the product may not be applied using this method. The chemigation user must comply with requirements under WAC 16-202-1001 thru 1024. This rule sets additional supervision and equipment requirements that must be adhered to in order to legally apply pesticides by chemigation. (Applications of spray adjuvants only are exempt from these requirements.)

These label deviations are specifically addressed in WAC 16-228-1225 of the General Pesticide Rules.

For information on complying with pesticide labels, contact the Registration Branch toll free at (877) 301-4555 or visit <http://agr.wa.gov/PestFert/>. For questions on chemigation, contact WSDA's Technical Assistance Program at 509-766-2574 or go to <http://agr.wa.gov/PestFert/ChemFert>.

Recordkeeping Requirements

Pesticide Dealer Recordkeeping Requirements

Pesticide dealers are required by Washington pesticide law to keep records on the distribution of all non-home and garden pesticides and to make these records available to WSDA upon request. These records must be maintained for a period of seven years. (Refer to WAC 16-228-1300 of the Rules Related to General Pesticide Use.)

The dealer records of restricted use pesticide sales shall contain the following information:

- (a) Full name and address of purchaser;
- (b) Full name and address of certified applicator;
- (c) Full name of authorized agent (if applicable);
- (d) Brand, specific pesticide name and EPA registration number of the pesticide distributed;
- (e) Number of pounds or gallons of the pesticide distributed;
- (f) Date of distribution;
- (g) Certified applicator's license number; and,
- (h) Crop or site to which the pesticide will be applied.

Important! Restricted Use Pesticides (RUPs) may only be distributed to currently licensed certified applicators whose license allows the use of the pesticide they are buying. (Products may also be distributed to the authorized agent of a properly licensed certified applicator.) Dealers are required to ask for positive identification of unknown customers who wish to purchase RUPs.

The dealer records of general use pesticide sales shall contain the following information:

- (a) Full name and address of purchaser;
- (b) Brand, specific pesticide name and EPA registration number of the pesticide distributed;
- (c) Number of pounds or gallons of the pesticide distributed; and,
- (d) Date of distribution.

Pesticide Applicator Recordkeeping Requirements

All certified applicators who apply pesticides and all persons applying pesticides to more than one acre of agricultural land in a calendar year, including public entities engaged in roadside spraying of pesticides, must keep records of their pesticide applications. In addition, unlicensed pesticide users must maintain records when performing landscape applications to sites including, but not limited to, schools, day cares, apartment complexes, shopping centers, golf courses and parks. Sample forms are available from WSDA. You can request them using the order form at the end of this booklet or on the Internet at <http://agr.wa.gov/PestFert/Pesticides/ComplianceActivities.aspx#Recordkeeping>. ***Please see page 12 for more information on pesticide applications made to schools and daycares.***

Requirements for application records are found in RCW 17.21.100 of the Washington Pesticide Application Act and WAC 16-228-1320 of the General Pesticide Rules.

Recordkeeping Requirements - continued

Records are to be updated on the same day that a pesticide is applied. The application records must include the following information:

1. **Name** - The full name and address of the person or agency for whom the pesticide was applied. (If you apply the pesticide to your own land, this would be your name.)
2. **Location** - The exact location and/or address of the land where the pesticide was applied.
3. **Time** - The year, month, day and starting and ending times of the application.
4. **Pesticide** - The product name used on the registered label and the U.S. Environmental Protection Agency registration number (EPA Reg. No.), if applicable, of the pesticide that was applied.
5. **Weather conditions** - The direction from which the wind was blowing and the estimated velocity of the wind and the temperature at the time the pesticide was applied. This does not apply to applications of baits in bait stations and pesticide applications within structures.
6. **Amount** - The total amount of pesticide applied such as pounds, gallons, ounces, etc.
7. **Rate** - The amount of pesticide applied (pounds or gallons) per acre or other appropriate measure.*

*For Pest Control Operator (PCO) 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.

*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.
8. **Concentration** - The concentration of pesticide that was applied. Liquid applications may be recorded as the amount of product per one hundred gallons of liquid spray or other appropriate measure.
9. **Pests** - The pests to be controlled (for PCO classification only).
10. **Site** - The crop or site to which the pesticide was applied.
11. **Apparatus** - Apparatus license plate number, if applicable.
12. **Applicator's name** - The licensed applicator's full name, license number, address, and telephone number and the name and license number(s) of the individual or individuals making the application.
13. **Area** - The number of acres, or other appropriate measure, to which the pesticide was applied.

Pesticide Applicator Recordkeeping – continued

Records must be kept for seven years from the application date. WSDA can request copies of application records and may require that the records be submitted on a prescribed form. Agricultural applications of one or more acres must be diagrammed on a map contained within the form. Five different application record forms are found in the General Pesticide Rules under WAC 16-228-1320.

In addition to WSDA, pesticide records are to be readily available (upon request) to:

- The customer (if the applicator is commercial). (Commercial applicators must automatically provide records to customers for applications to agricultural crops or lands.);
- Medical personnel treating a patient with a suspected case of pesticide poisoning;
- The Washington State Department of Health;
- The state Pesticide Incident Reporting and Tracking Review Panel (PIRT); and,
- The employee or the employee's designated representative and the Washington State Department of Labor and Industries in the case of a filed industrial insurance claim.

Recordkeeping Requirements for Wood Destroying Organism Inspection Reports

Only individuals licensed by WSDA as Structural Pest Inspectors (SPI) may conduct inspections for wood destroying insects or their damage. In order to conduct inspections for other types of wood destroying organisms (WDOs), such as rot, either a SPI or Department of Licensing (DOL) Home Inspector license is required. Whether self-employed or working for someone else, SPIs are responsible for completing and maintaining records of the inspections they perform.

Complete WDO inspection reports

These reports are usually completed prior to home sales, contain information about the presence of WDOs, damage, and conditions conducive to infestations. Additionally, details about the structure and alternative methods of treatment are required. All reports must contain an Inspection Control Number, issued to the Structural Pest Inspector by WSDA. A site diagram must be kept with each report. These records must be maintained for four years.

Specific WDO inspection reports

These reports must be completed before the treatment of **any** structural wood infesting pest. This type of report cannot be used for the sale of a home. Information about the structure, alternative methods of control, and a site diagram should be included in the report. These records must be maintained for one year.

Rules governing WSDA's WDO inspections are in WACs 16-228-2005 - 2060. These are available by contacting WSDA or going to <http://agr.wa.gov/PestFert/Pesticides/docs/WdoRules.pdf>. Additional information on Home Inspector licensing is available on the DOL website at <http://www.dol.wa.gov/business/homeinspectors/>.

For further information on recordkeeping, contact Compliance Services toll free at (877) 301-4555 or visit <http://agr.wa.gov/PestFert>. SPI licensing information, including the forms for reporting financial coverage, is at <http://agr.wa.gov/PestFert/LicensingEd/CaSpiInfo.aspx#spi>.

Ornamental & Right-of-Way Application Requirements

Notification of Pesticide-Sensitive Individuals

The law requires WSDA to maintain a list of physician certified pesticide-sensitive individuals and to distribute the list biannually to landscape and right-of-way applicators. Applicators are required to notify those on the list when making ornamental or right-of-way applications adjacent to their property. Notification of the date and approximate time of the application shall be made in writing, in person or by telephone. This notification must be at least two hours prior to the application except in the case of an immediate service call in which case notification can be made at the time of the application.

In the event a certified applicator is unable to provide prior notification because of the absence or inaccessibility of the individual, the applicator shall leave a written notice at the residence of the individual listed on the pesticide-sensitive list at the time of the application. If a person on the pesticide-sensitive list lives in a multi-family dwelling such as an apartment or condominium, the applicator shall notify the person on the list or shall advise the manager or other property owner's representative to notify the person on the list of the application.

It is the responsibility of the pesticide-sensitive individual to apply for inclusion on the WSDA list, to notify WSDA of any changes to their application, and to annually renew their position on the list.

The requirements for Pesticide Sensitive Individuals are contained within RCW 17.21.420 and 17.21.430 of the Washington Pesticide Application Act.

Apparatus Display Signs

The law contains specific requirements related to apparatus display signs. The law requires that all certified applicators making a landscape application display the name and telephone number of the applicator or applicator's employer on any power equipment (apparatus). The law further requires that all certified applicators making a right-of-way application shall display the name and telephone number of the applicator or the applicator's employer as well as the words "VEGETATION MANAGEMENT APPLICATION". The letters on the apparatus sign must be at least 2" in height and must be printed in a color contrasting to the background.

A further requirement of this section of the law is that certified applicators are required to provide information on their spray applications to requesting individuals. This information shall include the name of each pesticide applied and the Material Safety Data Sheet (MSDS) for each pesticide or another pesticide fact sheet approved by the department.

The requirements for Apparatus Display Signs are in RCW 17.21.400 of the Washington Pesticide Application Act and WAC 16-228-1550 of the General Pesticide Rules. For further information, contact the Pesticide Management Division toll free at (877) 301-4555 or visit our website at <http://agr.wa.gov/PestFert/>. To obtain copies of the regulations administered by the division, hit the "Pesticides" button and then choose "Laws & Rules" or submit the order form at the end of this booklet.

Posting Landscape Applications

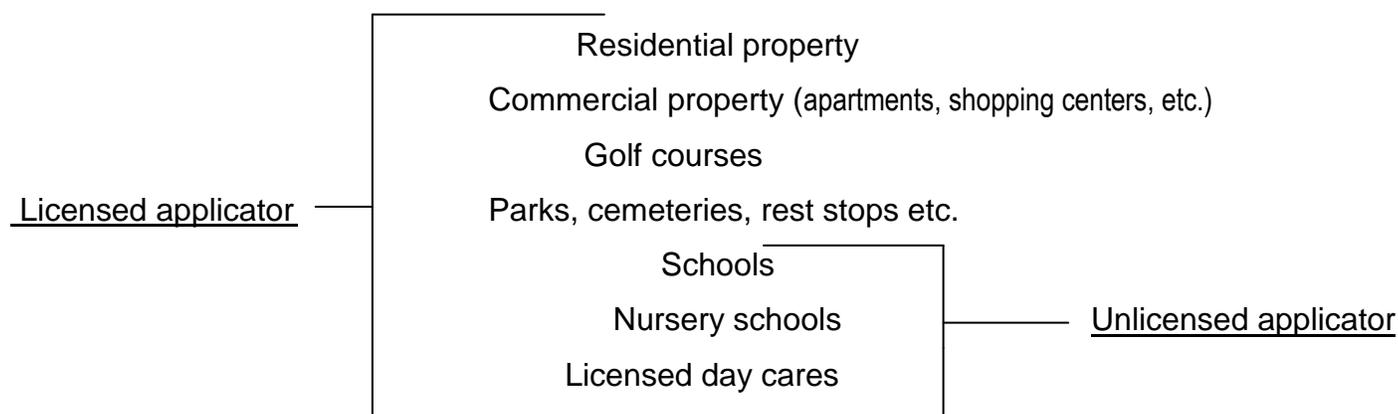
Certified applicators making landscape applications to the properties listed below are required to post the applications with a marker. Unlicensed applicators must post all landscape applications to schools, nursery schools and licensed day cares. Markers must be placed at the usual points of entry to the property. Landscape applications made to day cares and public schools by employees of these facilities must also be posted at the application site. If the application is in a fenced or otherwise isolated backyard, no marker is required. In the case of a golf course, markers must be placed at the first and tenth tee or application information may be posted in a conspicuous location such as on a central message board.

Marking Landscape Applications at Day Cares and Public Schools - see page 12

Marking landscape applications at other required sites. The marker must be a minimum of four inches by five inches. Larger size requirements may be established in rule for specific applications. The marker shall have the words: "**THIS LANDSCAPE HAS BEEN TREATED BY**" as the headline and "**FOR MORE INFORMATION PLEASE CALL**" as the footer. The company name, service mark and telephone number shall also be included on the marker. The property owner (or tenant) is responsible for removing the marker that must remain in place for at least 24 hours. If the label requires a longer restricted entry interval than 24 hours, the applicator must inform the property owner of the required waiting period.

The requirements for ornamental posting are found in RCW 17.21.410 and .415 (day care centers and public schools) of the Washington Pesticide Application Act and WAC 16-228-1322 of the General Pesticide Rules. See page 12 for non-ornamental posting requirements for pesticide applications made to day cares and schools.

LANDSCAPE SITES REQUIRING POSTING



For further information, contact the Pesticide Management Division toll free at (877) 301-4555 or <http://agr.wa.gov/PestFert>. Copies of the regulations administered by the division can be obtained by submitting the order form on pages 20-21 or at <http://agr.wa.gov/PestFert/Pesticides/LawsRules.aspx>.

Posting and Notification Requirements for Public Schools and Day Care Centers

Pesticide law requires public schools and licensed day care centers to post most pesticide applications and establish a system to notify interested parents and staff of planned pesticide use*. **The requirements do not apply to private schools or colleges.**

Notification of pesticide use to parents and staff

The law requires all public schools and day care centers to annually provide parents and employees with written notification of the school's pest control policies and methods. There must also be a system that, at a minimum, notifies **interested** parents and employees at least 48 hours before a pesticide application.

Notifications must state the location and intended date and time of the application, the pest to be controlled, and the name and number of a contact person at the school or day care center.

Posting of Applications to Day Cares and Public Schools

Pesticide applications made to **school grounds** by employees of the facility must be posted at the location of the application and at each primary point of entry to the school grounds. The signs must be at least 4" x 5" in size, must state: "This Landscape Has Been Recently Sprayed Or Treated With Pesticides By Your School," and must include who to call for more information. Applications made to school grounds by Commercial Applicators should follow the posting requirements detailed under the "Ornamental Posting" section on page 11.

Pesticide applications made to school structures and other facilities must be posted at the location of the application with signs at least 8-1/2" x 11" in size. The signs must include the name of the pesticide applied, the date, time and location of the application, the pest to be controlled, and a contact name and telephone number.

Markers for all applications must be left in place for at least 24 hours from the time the application is completed. If the reentry time listed on the pesticide label exceeds 24 hours, the marker shall remain in place until the expiration of the reentry period.

Access to Pesticide Application Records

Public schools and licensed day care centers must make pesticide application records, including an annual summary of the records, readily accessible to interested persons.

Further Information

WSDA's *Compliance Guide for the use of Pesticides at Public Schools (K-12) and Licensed Day-Care Centers* is available by calling WSDA toll free at (877) 301-4555 or on the Internet at <http://agr.wa.gov/PestFert/Pesticides/docs/ComplGuidePub075.pdf>. A companion "How to Comply" slideshow is available at <http://agr.wa.gov/PestFert/Pesticides/Schools.aspx> along with additional information for schools and daycares.

Notes:

- These requirements do not apply to antimicrobial pesticides or to insect and rodent baits that are not accessible to children. Prenotification is not required for emergency applications to control pests that pose an immediate human health or safety threat, such as an application to control stinging insects.

Storage Requirements

WSDA rules set forth requirements for storage of unattended pesticides and their containers, unless the containers have been triple-rinsed (WAC 16-228-1220 (6) & (7)). The storage requirements vary depending on the signal word of the pesticide(s) being stored. **Please note** - WSDA also has rules relating to the storage of bulk pesticides (Chapter 16-229 WAC). Bulk pesticides are defined as registered pesticides that are transported or held in individual containers in undivided quantities of greater than fifty-five U.S. gallons liquid measure or one hundred pounds net dry weight. Storage of greater than 500 gallons liquid or 2,000 pounds of dry "**bulk**" pesticide triggers the Secondary Containment rules. (To obtain a copy of these rules, use the order form on the last page.)

PESTICIDES WITH SIGNAL WORDS DANGER, WARNING OR CAUTION

Pesticides with the signal words of "Danger," "Warning" or "Caution" must be stored in **secured** storage out of the reach of children in an acceptable enclosure (see below).

PESTICIDES WITH SIGNAL WORDS DANGER/POISON

Pesticides with the signal words of "Danger/Poison" must be stored in an acceptable **locked and posted** enclosure (see below) adequate to prevent children, unauthorized persons, livestock, or other animals from gaining entry. There are special, more stringent storage requirements for some rodent baits. The warning signs for storage areas containing pesticides with the signal words "Danger/Poison" 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 from thirty feet. Refer to the diagram on the next page for a discussion of where to place warning signs when posting storage areas containing Danger/Poison labeled pesticides or their unrinsed containers.

ACCEPTABLE ENCLOSURES FOR ALL SIGNAL WORDS

- 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 that can be locked
- v. Unattended trucks or trailers that 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.

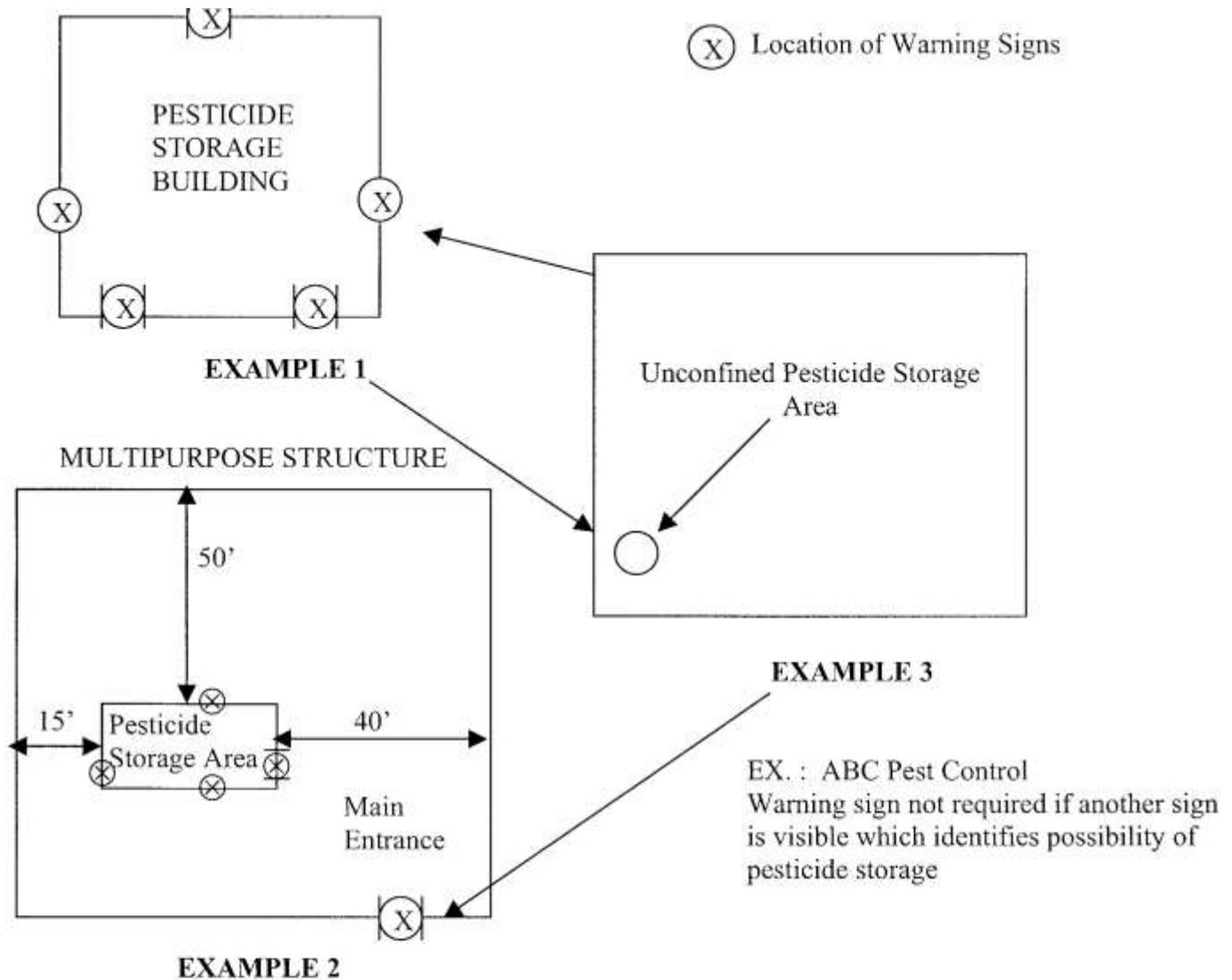
Other Acceptable Enclosures for Danger, Warning or Caution Labeled Pesticides

Metal containers, twenty-eight gallons and larger, with tight screw-type bungs and/or secured and locked valves and sealed five gallon containers (requiring a tool to unseal).

For further information, contact the Pesticide Management Division's Compliance Branch toll free at (877) 301-4555 or visit our website at <http://agr.wa.gov/PestFert>.

Pesticide Storage - continued

Posting of Category I Pesticides



PLACEMENT OF WARNING SIGNS

The type of storage facility determines placement of warning signs. The storage unit itself must have a sign on each exterior wall and at each exit and entrance (see example 1). If the storage unit is contained within a larger, multipurpose structure it again must have the signs as indicated above plus there must be a sign at the main entrance of the building (*see note below) and on each exterior wall of the multipurpose structure that is within 30 feet of the pesticide storage unit (see example 2). A multipurpose structure which houses an unconfined pesticide storage area (see example 3) must be posted as in example 1.

*Note: Posting of the main entrance is not required if a sign is visible from the entrance which clearly identifies the possibility that pesticides may be stored on the premises (i.e. ABC Pest Control).

Hazardous Material Transportation

An area of law, which may affect individuals involved with pesticide use, is that of hazardous materials transportation. On the federal level, the US Department of Transportation or USDOT regulates the transportation of hazardous materials. USDOT regulations list which materials are considered hazardous for the purpose of transportation, dictate specific labeling, manifesting, placarding and training requirements, and require certain individuals involved with transporting hazardous materials to maintain a commercial driver's license. These DOT regulations also govern the transportation of hazardous waste.

Not all pesticides are regulated by USDOT as hazardous materials. Pesticides become hazardous materials when their transport can pose an unreasonable risk to health, safety and property. Those pesticides that are regulated as hazardous materials are listed by proper shipping name in USDOT's regulations. Except in limited situations, these regulated pesticides must be properly packaged and bear a USDOT specified warning label on both their immediate container and outer packaging. The warning label must contain the proper DOT shipping name, a specific identification number and designated DOT markings. In order to legally transport a hazardous material, the carrier must have the proper shipping papers in their possession. The shipping papers must list all hazardous materials being distributed, a 24-hour emergency response telephone number, as well as other information required by USDOT. The carrier must also carry a copy of, or information equivalent to, DOT's Emergency Response Guidebook. The guidebook is available from USDOT at <http://phmsa.dot.gov/hazmat/library/erg> and from a number of commercial sources.

Vehicles transported some types and amounts of hazardous materials are required to bear specific placards identifying the specific danger(s) of the hazardous material(s) being transported. USDOT regulations specify the use of numbers in addition to the symbol representations on the placards. The numbers serve to identify different types of hazardous materials. In addition, WSDOT regulations require employers to train their employees who deal with hazardous materials. The training must be specific to the duties the employee performs in regard to the hazardous material(s).

The person who offers the hazardous material for shipment is responsible for ensuring that the material is properly labeled and that the proper shipping papers are issued. The registrant or manufacturer will normally label a pesticide with any required DOT warning labels but regardless of this, the pesticide dealer is ultimately responsible for ensuring that the products he/she distributes are properly labeled and manifested and that any required placards are issued.

A commercial driver's license with a hazardous materials endorsement is required on a license for individuals transporting placarded, hazardous materials. This endorsement can be obtained by examination from the Washington State Department of Licensing. Farmers are exempt from this regulation if they are transporting placarded, hazardous material within 150 miles of the farm. Contact the Department of Licensing for further information.

Persons who ship or transport hazardous materials, including pesticides and fertilizers in amounts that require placarding, may be required to develop and implement security plans. For further information, view the USDOT Security website at <http://www.phmsa.dot.gov/security> or call 1-(800) HMR-4922.

Hazardous Material Transportation - continued

In addition to USDOT'S regulations for hazardous material transportation, WSDA enforces rules related to the transportation of all pesticides, regardless of their USDOT status. These rules enforce common sense practices. For instance, they require that pesticide containers be secured during transport. They forbid transportation of pesticides in such a way as to endanger man, his environment, water, food, feed or land. The rules forbid transportation of highly toxic pesticides in the same compartment as clothes, food, feed, or any other material intended for consumption by humans or animals. The rules require inspection of vehicles for any contamination following transport and they require decontamination of equipment before reuse after a spill or leakage.

Although the WSDA rules indicate a common sense approach to transportation of all pesticides, the transportation of pesticides which are regulated hazardous materials is much more complex. In Washington State, hazardous material transportation is the responsibility of the Washington Utilities & Transportation Commission and the Washington State Patrol.

For further information about the U.S. Department of Transportation regulations, contact USDOT at (360) 753-9875 or the Washington Utilities and Transportation Commission at (360) 664-1160 or toll free at (800)-562-6150.

Worker Protection Standard

In 1992, the Environmental Protection Agency (EPA) implemented the Worker Protection Standard (WPS) for Agricultural Pesticides. The purpose of the regulation is to protect agricultural employees from pesticides and their residues. The regulation requires **agricultural employers** to: notify their employees when pesticide applications occur; ensure that employees have received training specific to their potential exposure to pesticides; provide adequate protective equipment and decontamination facilities to employees exposed to pesticides; monitor employees using highly toxic (Category I) pesticides; and, facilitate medical treatment for any employee who exhibits signs of a pesticide poisoning. Agricultural employers include owners or managers of farms, forests, greenhouses or nurseries where pesticides are used in the production of agricultural plants. They are also commercial applicators that apply pesticides to these sites.

As part of the WPS, EPA is reducing the potential for pesticide exposure through more restrictive labeling requirements. WPS labels have expanded directions for use and personal protective equipment (PPE) requirements and longer waiting periods (Restricted Entry Interval - REI) before reentry onto treated sites by unprotected employees is allowed. Except in very limited situations, no entry is allowed onto a treated site for four hours following a pesticide application. Because all of the WPS requirements cannot be addressed on pesticide labels, they contain a statement that requires compliance with the federal regulation (40 CFR Part 170).

There are two major groups of agricultural employees addressed in the WPS - handlers and workers. **Handlers** are those individuals who deal directly with pesticides or their residues. They include mixers, loaders and applicators. In addition, employees who repair pesticide contaminated equipment are considered handlers. **Workers** are those individuals who do hand labor tasks (weeding, planting, cultivating and harvesting) or other tasks involved in the production of agricultural plants. Many duties that employers must perform under the WPS are the same for handlers and workers. There are, however, unique requirements for each group due to their different potential exposure to pesticides.

Training is a key element of the WPS for both handlers and workers. An agricultural employer must determine that his handler and worker employees have received the prescribed training or he/she must provide the training for them. The regulation details specific information that must be included in handler and worker training. The training must be conducted in a language and manner understood by the employees and the trainer must respond to all questions. Employees must be trained prior to performing any worker or handler activities. Handler and worker employees must be trained every five years. Licensed applicators do not need to receive the basic WPS training but they do need to receive training specific to any pesticides they will be handling and any application equipment they will be using. A number of EPA-approved training materials are available from the National Ag Compliance Center (<http://www.epa.gov/agriculture/awor.html>) and Gemplers (<http://www.gemplers.com/wps-resources>).

Crop advisors who hold a Washington State Department of Agriculture consultant's license and individuals they directly supervise are exempt from some provisions of the WPS. Requirements for training, personal protection and decontamination supplies and emergency medical assistance do not apply when these individuals are performing crop advising tasks. They may not enter a site that is being treated with a pesticide but they may enter it during the REI. The WPS dictates who may perform the worker and handler training. For example, the federal regulations require that handler trainers must: be a certified applicator (such as a private or commercial applicator); be a designated

Worker Protection Standard - continued

certified applicator trainer; or, have attended a WSDA approved train-the-trainer program. To qualify as a worker trainer, a person must meet the requirements for a handler trainer (above) or they must be a trained handler.

Trainers may choose to issue WSDA Worker Protection Standard training verification cards. Regardless of whether cards are issued, training records are strongly encouraged. They should include the name, address and signature of the employee along with a record of the materials used to conduct training and the name of the trainer. Employers may honor a WPS training verification card from another source as long as he/she has no reason to believe that the card is fraudulent.

In Washington State, WSDA and the Department of Labor & Industries jointly enforce the WPS (Refer to Chapter 16-233 WAC and Chapter 296-306A WAC, respectively.). For the most part, L&I enforces those portions of the rule relative to the employer-employee relationship and WSDA enforces the remainder. This primarily involves those requirements of the WPS that are detailed on pesticide labels.

There are a few sections of the state rule that are more restrictive than the federal rule. The state rule details more specific requirements for the amount of water at the decontamination sites where early entry workers and handlers remove their PPE and where handlers mix and load pesticides. In addition, the state rule does not allow for a 5-day grace period for training workers as allowed in the federal rule and does require that L&I Worker Right-to-Know training be conducted at the same time as the required WPS training.

In order to help employers understand their requirements under the WPS, EPA developed the reference manual, "The Worker Protection Standard for Agricultural Pesticides - How to Comply." A revision to this manual, which includes changes to the standard made in 1995 and 1996, was released late in 2005. A WSDA manual insert that addresses the more restrictive state requirements for training and decontamination supplies is available on-line at <http://agr.wa.gov/PestFert/Pesticides/docs/HowToComplyInsert.pdf>.

There are a number of tools available for training workers and handlers. These include videos, booklets and a flip chart. WSU county extension offices have loaner copies of the "How to Comply" manual and extension produced videos. A list of training materials is provided on the next page.

WPS Contact Information

Federal WPS	EPA	Region 10, Derrick Terada	(206) 553-4768
State WPS	WSDA	Toll Free	(877) 301-4555
		General Training Questions	(360) 902-2015
		Farmworker Education	(509) 249-6925
	Compliance	(360) 902-2040	
	Dept. of Labor & Industries (L&I) (or contact your local L&I Office)		(360) 902-5426
	Dept. of Health (DOH)		(360) 236-3360



**PESTICIDE, FEED & FERTILIZER
LAWS & RULES ORDER FORM**

PLEASE PRINT

NAME: _____
 ADDRESS: _____
 CITY/STATE/ZIP: _____

Mail your order to:

WSDA, Pesticide Management Division
 Attn: Laws/Rules Order
 P.O. Box 42560
 Olympia, WA 98504-2560

The laws and rules enforced by the Washington State Department of Agriculture, Pesticide Management Division, are listed below according to subject. Please indicate which items you wish to have mailed to you and return this form to the Pesticide Management Division.

PRIMARY PESTICIDE LAWS & RULES: The Washington Pesticide Control Act deals with the registration and distribution of pesticides, including dealer and consultant licensing. The Washington Application Act deals with pesticide use requirements, including applicator recordkeeping and licensing, landscape posting and the pesticide sensitive registry. The General Pesticide Rules deal with many aspects of pesticide use, including recordkeeping, storage, registration, licensing, vertebrate pest control, and Wood Destroying Organism (WDO) inspection requirements.

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|--|--------------|
| Washington Pesticide Control Act (RCW 15.58)..... | (No. Copies) |
| Washington Pesticide Application Act (RCW 17.21)..... | _____ |
| General Pesticide Rules (WAC 16-228, includes recordkeeping forms) | _____ |
| WDO Inspection Rules (WAC 16-228-2005 thru 2060)..... | _____ |

HERBICIDE RULES: Rules were enacted to minimize herbicide injury to susceptible plants. The use of dicamba and phenoxy herbicides is restricted throughout eastern Washington, with additional restrictions in fourteen counties. The use of desiccants and defoliant is restricted throughout eastern Washington, with additional restrictions in Walla Walla County. The use of most herbicides and desiccants (and some insecticides) is restricted in Benton County and portions of Franklin and Walla Walla counties. The use of picloram is prohibited in portions of Spokane County.

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|---|-------|
| Desiccants and Defoliant - Eastern Washington (WAC 16-230-150 thru 190) | _____ |
| Restricted Use Herbicides - Statewide (WAC 16-230-600 thru 675) | _____ |
| Restricted Use Herbicides by County: | |
| Adams County (WAC 16-231-300 thru 340) | _____ |
| Benton County (WAC 16-230-800 thru 868) | _____ |
| Columbia County (WAC 16-231-400 thru 425) | _____ |
| Douglas/Chelan Counties (WAC 16-231-800 thru 840) | _____ |
| Franklin County (WAC 16-231-100 thru 183) | _____ |
| Garfield County (WAC 16-232-200 thru 225) | _____ |
| Grant County (WAC 16-231-900 thru 935) | _____ |
| Kittitas County (WAC 16-232-300 thru 315) | _____ |
| Klickitat County (WAC 16-231-600 thru 620) | _____ |
| Lincoln County (WAC 16-232-100 thru 120) | _____ |
| Okanogan County (WAC 16-231-700 thru 725) | _____ |
| Spokane County (WAC 16-230-400 thru 470) | _____ |
| Walla Walla County (WAC 16-232-001 thru 077) | _____ |
| Whitman County (WAC 16-231-500 thru 530) | _____ |
| Yakima County (WAC 16-231-200 thru 235) | _____ |
| Picloram (Tordon) - Spokane County (WAC 16-230-510 thru 520) | _____ |

POLLINATOR PROTECTION RULES: Rules were enacted to protect pollinators by restricting the application of certain insecticides when used on blossoming alfalfa, clover, and mint; orchards; and pollen shedding corn.

Blossoming Alfalfa, Clover, and Mint (WAC 16-230-010 thru 079)

Pollen Shedding Corn (WAC 16-230-082 thru 088)

SECONDARY CONTAINMENT, MIXING/LOADING PAD AND CHEMIGATION/FERTIGATION RULES:

Rules to protect the environment, set standards for storage of bulk pesticides and fertilizers, and operational area containment of pesticides.

Fertilizer Bulk Storage and Operational Area Containment Rules (WAC 16-201-010 thru 290 ..

Secondary and Operational Area Containment for Bulk Pesticides (WAC 16-229 010) thru 040)

Chemigation (WAC 16-202-1001 thru 1024)

Fertigation (WAC 16-202-2001 thru 2021).....

WORKER PROTECTION RULES: The Worker Protection Standard (WPS) was enacted to protect workers and handlers employed by agricultural employers (farms, forests, nurseries, and greenhouses). WPS requirements are intended to reduce or eliminate workplace exposure to pesticides, and establish procedures for responding to exposure-related emergencies.

Worker Protection Standard - Agricultural Workers (WAC 16-233).....

PESTICIDE APPLICATION RECORDKEEPING FORMS: Pesticide application records must be kept by all certified applicators, persons applying pesticides to more than one acre of agricultural land, public agencies engaged in roadside spraying, and persons making certain landscape applications (refer to RCW 17.21.100 and WAC 16-228-1320). Forms are used to submit records to WSDA (when requested).

Version 1 - Ag/Non-Ag, single application

Version 2 - Ag, multiple applications (different tank-mix)

Version 3 - Ag, multiple applications (same tank-mix)

Version 4 - Ornamental/Lawn, multiple applications

Version 5 - PCO, multiple applications

FERTILIZER LAWS & RULES: Enacted to protect producers, consumers, the public and the environment. Requirements include product registration, distribution, and recordkeeping.

Washington Commercial Fertilizer Act (RCW 15.54)

Fertilizers, Minerals & Limes (WAC 16-200-600 thru 739, includes Standards for Heavy Metals in Fertilizers)

Determination of Penalties for Violations of the Fertilizer Regulation Act (WAC 16-200-7401 thru 7407)

DAIRY NUTRIENT: Dairy Nutrient Management is a water quality program that requires all licensed cow dairies to register with WSDA, develop and implement a nutrient management plan and participate in regular inspections and compliance. Additionally, all dairies must maintain land application records of all nutrients (refer to WAC 16-611).

Dairy Nutrient Management Act (RCW 90.64)

Water Pollution Control Act (RCW 90.48)

Nutrient Management (WAC 16-611)

Statewide toll-free phone number: 1-877-301-4555

On the web at <http://agr.wa.gov/pestfert>

Oregon Department of Agriculture (503) 986-4635

Idaho Department of Agriculture (208) 332-8500

OLYMPIA OFFICES PO BOX 42560, 1111 Washington St. SE Fax (360) 902-2093
Olympia, WA 98504-2560

ADMINISTRATION.....(360) 902-2010 / pmdweb@agr.wa.gov

Ted Maxwell, Maryann Connell, Cliff Weed, Robin Bourgois

REGISTRATION SERVICES

Program Manager Vacant, Kathleen Bernard (Administration).....(360) 902-2027 / kbernard@agr.wa.gov

Waste Pesticide Disposal Program (360) 902-2056 / wastepesticide@agr.wa.gov

Joe Hoffman, Matt Densley

Pesticide Registration..... (360) 902-2030 / pestreg@agr.wa.gov

Fertilizer Registration (360) 902-2025 / fertreg@agr.wa.gov

Fertilizer Tonnage (360) 902-2025 / fertreg@agr.wa.gov

Fertilizer Compliance (509) 533-2689 / bperry@agr.wa.gov

Brent Perry

DAIRY NUTRIENT MANAGEMENT(360) 902-2894 / vprest@agr.wa.gov

Virginia "Ginny" Prest, Chery Sullivan (Administration)

Field Inspectors: Western WA: Michael Isensee, Cara McKinnon / Eastern WA: Daniel McCarty

PESTICIDE COMPLIANCE.....(360) 902-2040 / compliance@agr.wa.gov

Joel Kangiser, Catherine Bowman, Kathi Matherly, (Administration)

Val Davis, Paul Figueroa, Rusty Sauls, Robin Schoen-Nessa (Compliance Investigations)

LICENSING & RECERTIFICATION..... toll free 1-877-301-4555

Lois Hagen, Margaret Tucker (Administration)

Licensing..... license@agr.wa.gov

Rickie Lehto, Julie Gubbe, Christa Stevens

Recertification..... recertification@agr.wa.gov

Irene Beckman, Haydee Pingol

YAKIMA BRANCH 21 North 1st Ave, Suite 236 Fax (509) 575-2210
Yakima, WA 98902-2663

Compliance: Gary Buckner, Gail Amos, Chris Sutherland
Licensing & Farmworker Education: Ofelio Borges, Jorge Lobos, Veronica Segura
Waste Pesticide Disposal: Mike McCormick

gbuckner@agr.wa.gov
vhsegura@agr.wa.gov
mccormick@agr.wa.gov

WENATCHEE BRANCH 270 9th Street NE Fax (509) 664-3170
East Wenatchee, WA 98802

Compliance: Matt West, David Zamora, Bruce Olson
Licensing & Farmworker Education: Flor Servin

gbuckner@agr.wa.gov
fservin@agr.wa.gov

SPOKANE BRANCH 222 N. Havana, Suite 203 Fax (509) 533-2621
Spokane, WA 99202-4776

Compliance: Aaron Brown, Tim Schultz, Scott Nielsen, Jeff Zeller
Secondary Containment/Fertilizer Compliance: Brent Perry

snielsen@agr.wa.gov
bperry@agr.wa.gov

MOSES LAKE BRANCH 821 E. Broadway Ave, Suite 4 Fax (509) 766-2576
Moses Lake, WA 98837

Chemigation/Fertigation Technical Assistance Program: Tom Hoffmann
Compliance: David Bryson, Luis Martinez

thoffmann@agr.wa.gov
dbryson@agr.wa.gov

User Notes

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