

Proposed Rules on Pesticide License Classifications

Why is the Department changing the rules
and how will this affect me?

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License Requirements

- Requirements to obtain a license are in statute (Chapters 17.21 and 15.58 RCW).
- SO₂ is an RUP; requires a license of some type.
- Except for Private Applicator, all licensed persons must be certified, through examination, in all pest control classifications in which they operate, inspect or consult.

License Classifications

- There is no SO₂ Classification in rule.
- Under current rules, WSDA has two options:
 - (1) Make individuals fit into one of the existing classifications (eg – Fumigant)
 - or
 - (2) Create a new classification specifically for SO₂ fumigations (requires full rulemaking)

What the Proposed Rules Do

- Creates “Limited-Specialty” Classifications that will have sub-classifications
- Will not need to stick persons into a classification that doesn't fit
- Will no longer need to go through full rulemaking to address unique/specialized pest control operations
- Can create sub-classifications without going through the rulemaking process.

SO₂ Fumigations – Wine Barrels

You or your employer grow your own grapes and use only your own grapes to make your wine.

- **Must have a Private Applicator License**
- **No other certifications or endorsements are necessary**
- **Proposed rule changes do not affect you**

SO₂ Fumigations – Wine Barrels

All Other Scenarios:

- You must have either a Commercial Applicator or Commercial Operator license

...Or...

- You must have a Private-Commercial Applicator license

...And...

- You must have an endorsement (currently “fumigant”). The new endorsement will be “Limited-Specialty (Sulfur Dioxide Fumigations)”

What Else will the Changes Do?

- Move several existing classifications into the Limited-Specialty Classification:

Aquatic Anti-Fouling	Potato Sprout Inhibitor
Interior Landscaping	Livestock Pest Control
Sewer Root	Structural and Turf Demossing

- Eliminate the Soil Fumigation classification
- Alphabetize the existing classifications
- No new exams required for current licensees

Time Lines

- Adopt December 1, 2016
- Effective January 1, 2017

Questions???

Use-Restricted Herbicide Rules

- Have been around for almost 50 years
 - Several started in 1967
- Developed to protect sensitive areas and crops from herbicide damage (grapes)
- Statewide Rules – Cover all E. WA
- Individual Counties (County Orders)
 - Cover most counties
 - Over 50 defined Areas

Why Change the Rules Now?

Not prompted by Incidents

- Outdated, redundant and confusing
- Grape acreage has substantially expanded
- Improved sprayer and application technology
- Labels now have substantial drift restrictions
- Applicator education/training have improved
- Obligation to keep rules up-to-date

Nozzle/Pressure Requirements

Existing rules refer to minimum nozzle orifice diameter and maximum pressures.

- Good restrictions “back in the day”
- Sprayer technology has changed
 - Nozzle/equipment manufacturers and pesticide labels no longer refer to orifice size
 - Low pressure does not always create largest droplet
- Now refer to ASAE standards to create droplet size range (medium, coarse, very coarse, etc.)
- WSDA issues blanket permit every year allowing deviation from existing rules to make safe applications.

Example of Mandatory Language on Many 2,4-D Labels

Droplet Size

When applying sprays that contain 2,4-D as the sole active ingredient, or when applying sprays that contain 2,4-D mixed with active ingredients that require a Coarse or coarser spray, apply only as a Coarse or coarser spray (ASAE standard 572) or a volume mean diameter of 385 microns or greater for spinning atomizer nozzles.

When applying sprays that contain 2,4-D mixed with other active ingredients that require a Medium or more fine spray, apply only as a Medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

AI TeeJet® (AI) and AIC TeeJet® (AIC)

	PSI											
	30	35	40	45	50	55	60	70	80	90	100	115
AI110015	VC	VC	VC	VC	VC	C	C	C	C	C	C	C
AI11002	VC	VC	VC	VC	VC	VC	VC	C	C	C	C	C
AI110025	VC	VC	VC	VC	VC	VC	VC	VC	C	C	C	C
AI11003	XC	XC	VC	VC	VC	VC	VC	VC	VC	C	C	C
AI11004	XC	XC	XC	VC	VC	VC	VC	VC	VC	C	C	C
AI11005	XC	XC	XC	VC	VC	VC	VC	VC	VC	VC	C	C
AI11006	XC	XC	XC	XC	VC	VC	VC	VC	VC	VC	C	C
AI11008	XC	XC	XC	XC	XC	VC	VC	VC	VC	VC	VC	C
AI11010	XC	XC	XC	XC	XC	VC	VC	VC	VC	VC	VC	C

Possible Rule Language

Applications shall conform to the manufacturers specified combination of nozzle type/size and pressure in pounds per square inch, (psi) at the nozzle that produces a spray droplet size that falls within the Coarse, or Very Coarse range as defined by American Society of Agricultural and Biological Engineers (ASABE) S572.1 “droplet classification performance standards”

85° Temperature Cut-Off

Statewide rules prohibit application when temperature hits 85° F.

- Exceptions allowed for high volume and large orifice nozzles.

Benton, Franklin and Walla Walla Counties have same prohibition with same exceptions.

Statewide covers all E WA Counties. No need to duplicate in individual counties.

Wind Restrictions

Most Counties – Max wind speed 10 or 12 mph

Max wind speed 7 mph in a few sensitive areas.

Considerations:

- Meaningless without context (isn't always helpful)
- Most incidents occur at less than 10 mph
- Labels have drift restrictions
- Other WSDA rules account for wind
- 7 mph might be ideal conditions to prevent incidents.

Wind Speed (cont'd)

**Suggest maximum of 15 mph in Statewide
Eliminate Individual Restrictions**

- Consistent with many labels
- Poor application uniformity at higher speeds
- Reduces poor public perception
- Promotes good stewardship

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Oil Carrier and Adjuvant Restrictions

Oil carriers and adjuvants limited to one pint/acre
(Statewide Rules)

Oil carriers prohibited for brush control (April – Oct)
(Various County Rules)

Considerations

- Adjuvant restrictions conflict w/current BMPs
- Has not been concern for many years
- No longer a common practice?
- Can address incidents with other rules
- Seeking further input

Mix/Load Restrictions

Statewide Rules: prohibit mixing, loading, equipment decontamination (also aircraft takeoff and landing) that can cause damage.

Counties/Areas: limit mixing/loading aircraft to formulations that can be applied in airstrip area

Considerations

- Risk very low, limited to adjacent crops
- Incidents can be addressed by other rules.
- Onerous especially for aerial applicators

Storage of Use-Restricted Herbicides

Statewide Rules: Prohibit storing use-restricted herbicides in areas where use is prohibited unless in sealed container that is not contaminated.

Considerations

- Risk very low, limited to adjacent crops
- Incidents can be addressed by other rules.

Low Flying Aircraft

Statewide Rules: Prohibit turning or flying low over cities, towns, residences and other sensitive sites.

Considerations:

- Regulates aircraft when booms are off
- Very few complaints over the years
- Refer complaints to FAA

Application through Irrigation

Statewide Rules: application through irrigation subject to same requirements as ground applications except for nozzle size and pressure requirements.

Considerations

- Redundant and unnecessary

LV Ester Restrictions

**Keep Benton, Franklin & Walla Walla Restrictions
and Focus on Other Counties**

Considerations:

- How to consolidate with varying cut-off dates
- Area boundaries for grape protection need updating
- Base restrictions on temperature & proximity to grapes
- What is protective enough?
- Need further input

What Direction from Here?

WSDA is committed to ensuring that any changes resulting from this process will not increase the risk of injury to sensitive crops, or impose any substantial regulatory burden.

As we consider concepts for possible changes, we want all affected groups to have input on the process.