

## PROPOSED PERMANENT RULES

**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.

**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.

**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.

**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 or WAC 16-228-1238.

**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.

**WAC 16-228-1238 Are there other situations in which I can apply pesticides containing the active ingredient clopyralid to lawns and turf?** (1) Applications of pesticides containing the active ingredient clopyralid labeled for lawns and turf may be applied to nonresidential lawns and turf including but not limited to schools, parks, businesses and cemeteries when approved in writing by the department. The department, in its sole discretion, may approve such applications upon receipt of a written request. The request shall be signed and certified by an individual who possesses physical authority over the site. The request must contain the following:

(a) The name of the individual responsible for the grounds maintenance, if different from the individual making the request.

(b) A statement certifying that no grass clippings, leaves or other vegetation will be removed from the site and placed in composting facilities that provide product to the public.

(c) The physical location (street address or legal description) of each application site.

(d) Any other information prescribed by the director

(2) The signed request must be sent to the department a minimum of seventy-two hours in advance. No application of the pesticide containing the active ingredient clopyralid shall be made before receipt of the department's written approval. All requests shall be sent to the Washington State Department of Agriculture, Pesticide Management Division P.O. Box 42589, Olympia, WA 98504-2589.

(3) The department's approval shall be valid from the date issued and shall terminate annually on December 31, or upon a change in the identity of the individual who signed and certified the original request in subsection (1) of this section, whichever shall occur first. The obligations in subsection (1) (b) of this section shall remain in effect following the expiration of this approval.

(4) In the event the department's approval terminates as a result of a change in the identity of the individual who signed and certified the original request, written notice regarding the obligations in subsection (1) (b) of this section shall be given by the individual in possession of the original approved request to the new individual who assumed physical authority over the site.