



**PROPOSED RULE MAKING
(RCW 34.05.320)**

**CR-102 (7/22/01)
Do NOT use for expedited
rule making**

Agency: Agriculture

Preproposal Statement of Inquiry was filed as WSR 01-17-08 & 01-20-035; or
 Expedited Rule Making -- Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4).

Original Notice
 Supplemental Notice to WSR
 Continuance of WSR

(a) Title of rule: (Describe Subject) Rules relating to pesticides containing the active ingredient clopyralid, WAC 16-228-1235 through 16-228-1238.

Purpose: To restrict some uses of pesticides containing the active ingredient clopyralid. The restrictions are intended to prevent clopyralid residues in compost at levels that may be damaging to plants grown in or around compost.

Other identifying information:

(b) Statutory authority for adoption: Chapters 15.58, 17.21 & 34.05 RCW

Statute being implemented: Chapters 15.58 & 17.21 RCW

(c) Summary: Turf clippings and other plant materials including agricultural plant materials, are often recycled to composting facilities. There is evidence that finished compost that has incorporated turf clippings treated with clopyralid as a feedstock may contain residues harmful to sensitive plant species. The clopyralid residues on turf clippings and other plant materials are not breaking down as rapidly as anticipated during the composting process.

Reasons supporting proposal: The proposed restrictions are intended to prevent clopyralid residues in compost at levels that may be damaging to plants grown in or around compost.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Cliff Weed	1111 Washington Street	360-902-2036
2. Implementation.... Cliff Weed	Olympia, WA 98504	360-902-2036
3. Enforcement..... Cliff Weed		360-902-2036

(e) Name of proponent (person or organization): Department of Agriculture

Private
 Public
 Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation:
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION:
 Four DIS Interactive Technologies sites simultaneously via teleconference
 15 W. Yakima Ave., Suite 220, Yakima, WA 98902
 710 Sleater-Kinney Rd. SE, Ste. Q, Lacey, WA 98504
 1101 N. Argonne, Ste. 109, Spokane, WA 99201
 1107 SW Grady Way, Suite 112, Renton, WA 98055

Date: 4/23/02 Time: 6:00 pm

Assistance for persons with disabilities: Contact Laurie Mauerman by 4/16/02
 TDD (360) 902-1996 or ()

Submit written comments to:
 Laurie Mauerman
 Washington State Department of Agriculture
 PO Box 42560
 Olympia, WA 98504-2560
 FAX (360) 902-2093 By (date) 5:00 pm, 4/24/02

DATE OF INTENDED ADOPTION: 5/13/02

CODE REVISER USE ONLY

NAME (TYPE OR PRINT)
 Bob Arrington

SIGNATURE

TITLE
 Assistant Director

DATE

(j) Short explanation of rule, its purpose, and anticipated effects:

The proposed rule places restrictions on pesticides containing the active ingredient clopyralid when labeled for use on cereal grains, grass used for hay, lawns and turf including golf courses. The rules spell out the restrictions and requirements for the sale, distribution and use on lawns and turf including golf courses. The proposed restrictions are intended to prevent clopyralid residues in compost at levels that may be damaging to plants grown in or around compost.

Does proposal change existing rules? YES NO

If yes, describe changes:

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.
A copy of the statement may be obtained by writing to:

telephoning: ()
faxing: ()

No. Explain why no statement was prepared

The Department of Agriculture's Pesticide Management Division conducted an economic impact survey of all Washington State licensed pesticide dealers and commercial applicators licensed to apply pesticides to turf and ornamental weeds. Based upon the results of that survey, the department has concluded that any new compliance costs imposed by the proposed new rules are not "more than minor," therefore a small business economic impact statement (SBEIS) is not required.

(l) Does RCW 34.05.328 apply to this rule adoption? Yes No
Please explain: