



Washington
State Department of
Agriculture

Washington Pesticide Laws and Related Regulations Handbook

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Washington State Department of Agriculture
Pesticide Management Division

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Contact WSDA at (360) 902-1976 or TTY Relay (800) 833-6388.

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 website where you can access your complete license record including your recertification credit report. The plastic card will come with a printout showing your current license status including license types, 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 license card to arrive in the mail.
- Dealers can easily verify that a pesticide license has been updated so that a pesticide sale 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 licensed equipment.
- Customers can easily find Commercial Applicators that perform specific types of pest control.
- Ability to renew and pay for your license online.

WHAT ELSE SHOULD I KNOW?

- There is a testing fee each time pesticide exams are taken. Keep this in mind if you decide to add additional categories in the future.
- 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 depend on the type of pest control work you perform (e.g. Ornamental Weed, Aquatic Pest Control, PCO Structural, etc.).
- Except for the five-year Limited and Rancher Private Applicator licenses, all pesticide and SPI licenses must be renewed annually. Each November, those holding an annual license with an expiration date of the current or previous year will receive a renewal notice by email or in the mail. Completed renewal applications and license fees must be submitted each year in order to maintain your license.
- All licensees must complete recertification requirements every five years. See the Recertification Section for more information.
- WSDA's website (agr.wa.gov) contains helpful information on complying with pesticides law. There are also useful links for the Pesticide Licensing, Compliance, and Waste Pesticide Disposal Programs.
- If you are a Commercial Applicator or Structural Pest Inspector, you need to ensure that WSDA has up-to-date proof of financial coverage. Information specific to these two license types is available on the Commercial Applicator and SPI webpage.
- Properly licensed SPIs can obtain WSDA Inspection Control Numbers (ICNs) at <https://fortress.wa.gov/agr/apps/ICNOnline>.

Recertification

Your pesticide license recertification period refers to the five-year period in which you must demonstrate a continuing level of competency in pest control or inspection. Your recertification period is printed on your license renewal packet and is also available on WSDA's website. You may fulfill WSDA's recertification requirement by one of two methods described below.

METHOD 1: Accumulating the Appropriate Number of Credits

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) you hold. At WSDA's website, you can search open WSDA-accredited courses by topic, language, location, date, and type.

Private Applicators

Private applicators must earn 20 hours of WSDA-approved recertification credits every five years with a maximum of 10 credits in any given year.

The five-year cycle begins January 1st of the year immediately following the year the license is initially obtained. For example, a new license obtained on May 1, 2018 will have a recertification period running from January 1, 2019 to December 31, 2023 (with recertification credits applicable from May 1, 2018). A licensee who successfully recertifies will begin a new five-year recertification period that runs January 1, 2024 to December 31, 2028.

Limited and Rancher Private Applicators

Limited Private Applicators must earn eight credits. Rancher Private Applicators must earn 12 credits. Neither license has restrictions on the number of credits earned each year. However, all credits for the Limited Private Applicator license must be directly or indirectly related to weed control.

Recertification cycles for Limited and Rancher Private Applicators begin as soon as they qualify for a license and expire on the license expiration date. For example, an individual who qualifies for one of these licenses on March 1, 2018 will have license and recertification periods that both expire on December 31, 2022.

All Other License Types

Licensees carrying any other license types must earn 40 hours of WSDA-approved recertification credits every five years, with a maximum of 15 credits in any given year.

The five-year recertification cycle is the same as that for Private Applicators.

METHOD 2: Retesting

If you do not have enough credits by the end of your five-year recertification period, you must retest in and pass each category in which you wish to remain licensed. **Note:** There is a testing fee each time exams are taken.

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

LICENSE TYPE	DIRECT SUPERVISION REQUIREMENTS
Private Applicator	Certified applicator is available if and when needed and does not have to be physically present for most uses. A few highly toxic restricted use pesticides require either on-site supervision or use by a certified applicator only, per label restrictions.
Commercial Applicator <i>(Non-Forestry)</i>	Certified applicator must be physically present and always within eye and earshot of the unlicensed person whenever an application occurs.
Commercial Applicator <i>(Forestry)</i>	These applications do not require constant voice and visual contact if the worker applies general use pesticides with non-power equipment. Certified applicator must be on site and readily available to directly observe the mixing and loading of the pesticide.
Public Operator	The unlicensed applicator must be supervised when applying a restricted use pesticide or any pesticide using power equipment. Certified applicator must be physically present and always within eye and earshot of the unlicensed person.

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

DIRECT SUPERVISION OF SAFE AND LEGAL PESTICIDE APPLICATIONS

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 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. However, fixing mistakes in the absence of direct supervision is difficult. This can be the case with direct supervision by Private Applicators.

Direct Supervision *(continued)*

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, you are responsible for maintaining control over the unlicensed employee's application. As the direct supervisor, you must 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 enough to make the application? A person who applies the pesticide 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 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 that 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.

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.

Restricted Use Pesticides

Certain pesticides are designated as restricted use because of their potential to cause unreasonable adverse effects on the environment and/or humans, 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 and 16-228-1235 of the General Pesticide Rules. Unless they are also federal RUPs, no designation of their restricted use status appears 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 five categories of state restricted pesticides:

- **Aquatic** – any product labeled for aquatic use.*
- **Groundwater** – products containing one or more of 12 specific chemicals because of their potential to contaminate groundwater, including atrazine, bromacil, DCPA, disulfoton, diuron, hexazinone, metolachlor, metribuzin, picloram, prometon, simazine, and tebuthiuron.
- **Strychnine** – any product containing strychnine.
- **Clopyralid** – any product containing clopyralid that is labeled for use on cereal grains, grass used for hay, lawns and turf (including golf courses).
- **Phenoxy hormone-type and dicamba** – most forms and container sizes of 2,4-D and dicamba are RUPs in Eastern Washington (east of the crest of the Cascade Mountains) due to volatility and drift potential to sensitive crops. High volatile ester formulations of 2,4-D are prohibited for use statewide.

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

For further information, contact the Pesticide Management Division
toll free at (877) 301-4555 or visit our website at agr.wa.gov.

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 application of the pesticide.
2. Applying at a greater dilution rate. For example, the label states one pound of product in 20 gallons of water per acre. An application of one pound of product in 200 gallons of water would be consistent with the label. An application of one pound of product in five gallons of water would not be permitted.
3. Making fewer applications.
4. Applications for a **pest** not listed on the label. Note: The **site** of application 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 through 1024. This rule sets additional supervision and equipment requirements that must be adhered to in order to legally apply pesticides by chemigation.

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

For further information, contact the Pesticide Management Division
toll free at (877) 301-4555 or visit our website at agr.wa.gov.

Recordkeeping Requirements

PESTICIDE DEALER RECORDKEEPING REQUIREMENTS

Under state law, pesticide dealers must keep records on the distribution (e.g., sale) 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 from the date of distribution. Refer to WAC 16-228-1300 of the General Pesticide Rules for more details.

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

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

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

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

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

PESTICIDE APPLICATOR RECORDKEEPING REQUIREMENTS

All licensed applicators who apply pesticides and all persons applying pesticides to more than one acre of agricultural land in a calendar year, including public entities engaging in roadside spraying of pesticides, must keep records of their pesticide applications. In addition, unlicensed pesticide users must maintain records when performing landscape application to sites including, but not limited to, schools, day cares, apartment complexes, shopping centers, golf courses, and parks. Sample forms are available from WSDA at agr.wa.gov/departments/pesticides-and-fertilizers/forms. **Please see page 12 for more information on pesticide applications made to schools and day cares.**

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.

PESTICIDE APPLICATOR RECORDKEEPING REQUIREMENTS (CONTINUED)

Records must 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 pesticide was applied, e.g., section/township/range, GPS coordinates, farm unit/block.
3. **Time** – The year, month, and day and the start and end times of the application.
4. **Pesticide** – The full product name that appears on the container or package label and the EPA registration number, if applicable, of the pesticide that was applied. If the pesticide or adjuvant has only a Washington State registration, record the Washington registration number.
5. **Weather conditions** – The direction from which the wind was blowing, the estimated wind speed (in miles per hour), and the temperature at time of pesticide application. This does not apply to applications of baits in bait stations, pesticide applications within structures, and drip or subsurface irrigation applicators.
6. **Amount** – The total amount of pesticide applied, such as pounds, gallons, ounces, etc.
7. **Rate** – The amount of pesticide applied (ounces, pounds, gallons) per acre or (or thousand square feet) or other appropriate measure.
 - For Pest Control Operators (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 must include the pounds of gas released per 1,000 cubic feet of space, the temperature, and the duration of the exposure period.
8. **Concentration** - Liquid applications may be recorded as the amount of product per volume of liquid spray (e.g., per 1 gallon, 100 gallons, or other unit of measure). For chemigation applications, record in “acre-inch of water applied” or other unit of measure.
9. **Pest(s)** – The pest(s) to be controlled (for PCO applications only).
10. **Site** – The crop or site to which the pesticide was applied.
11. **Apparatus** – Apparatus license plate number, if used to make application (Commercial applications only).
12. **Applicator’s name** – The licensed applicator’s full name, license number, address, and phone number as well as the full name of the individual(s) making the application.
13. **Area** – The number of acres, square feet, or other appropriate measure, to which the pesticide was applied.

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 state-accepted form. Agricultural applications of one or more acres must be diagrammed on a map included with the form. Five different application record forms are available on WSDA’s website.

PESTICIDE APPLICATOR RECORDKEEPING REQUIREMENTS (CONTINUED)

In addition to WSDA, pesticide application records must be available upon request to:

- The customer, if it was a commercial application. Commercial Applicators shall 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 employee or employee's designated representative and the Washington State Department of Labor & Industries in industrial insurance claim cases.

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 an SPI or Department of Licensing 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 or other real estate transaction and 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 when applicable. A site diagram must be kept with each report. These records must be kept for four years. All reports must include a WSDA Inspection Control Number (ICN). Licensed SPIs can get ICNs at fortress.wa.gov/agr/apps/ICNOnline/.

SPECIFIC WDO INSPECTION REPORTS

These reports must be completed before 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, when applicable, and a site diagram must be included in the report. These records must be maintained for one year from date of treatment. Note: A diagram is not required if there are no findings.

Rules governing WSDA's WDO inspections are in WAC 16-228-2005 through 2060. Additional information on Home Inspector licensing is available on the Department of Licensing website at dol.wa.gov/business/homeinspectors/.

For further information on recordkeeping, contact Compliance Services
toll free at (877) 301-4555 or visit agr.wa.gov.

Landscape and 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, right-of-way, and PCO applicators. Applicators are required to notify those on the list when making landscape or right-of-way applications adjacent to their property. Notification of the date and approximate time of the application must be made in writing, in person, or by phone. 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 application.

If a certified applicator is unable to provide prior notification because the individual was unreachable, the applicator must leave a written notice at the residence of the individual listed on the pesticide-sensitive list at the time of 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 instruct the property owner's representative to notify the person of the application.

The pesticide-sensitive individual is responsible for applying for inclusion on the WSDA list, to notify WSDA of any changes to their application, and to annually renew their listing.

The requirements for Pesticide-Sensitive Individuals can be found in RCW 17.21.420 and 17.21.430 of the Washington Pesticide Application Act.

APPARATUS DISPLAY SIGNS FOR LANDSCAPE AND RIGHT-OF-WAY APPLICATIONS

The General Pesticide Rules contain specific requirements related to apparatus display signs. This law requires that all certified applicators making a landscape application display the name and phone 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 phone 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 two inches high and printed in a color that contrasts with the background.

A further requirement of this section of the law is that certified applicators must provide information about their spray applications to individuals who request it in writing. This information must include the name of each pesticide applied and the Safety Data Sheet (SDS) for each pesticide.

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 the WSDA website at agr.wa.gov.

POSTING LANDSCAPE AND SCHOOL GROUNDS 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.

LANDSCAPE SITES REQUIRING POSTING:	POSTING REQUIRED FOR APPLICATIONS MADE BY:
Residential Property	Licensed Applicators
Commercial Property (<i>apartments, malls, etc.</i>)	
Golf Courses	
Parks, Cemeteries, Rest Stops, etc.	
Schools	Both Licensed and Unlicensed Applicators
Nursery Schools	
Licensed Day Cares	

For marking “school grounds” applications at other required sites, the markers must be a minimum of four inches by five inches. The markers shall have the words “THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL” as the headline and “FOR MORE INFORMATION, PLEASE CALL” as the footer, and shall also contain the name and telephone number of a contact person at the school. The sign shall be placed at the location of the application at each primary point of entry to the school grounds. The sign must be printed in colors in contrast to the background and must remain in place for at least 24 hours. If the label requires a longer restricted entry interval (REI) than 24 hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label. The school is responsible for removing the marker according to the required schedule.

The requirements for landscape postings are found in RCW 17.21.410 and for schools in RCW 17.21.415 of the Washington Pesticide Application Act and WAC 16-228-1322 of the General Pesticide Rules.

Public Schools and Licensed Day Care Centers

POSTING AND NOTIFICATION REQUIREMENTS

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. These 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 provide parents or guardians and employees with written notification of the school's pest control policies and methods upon request. There must also be a system that, at a minimum, notifies interested parents, guardians, and employees at least 48 hours before a pesticide application.

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

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 available to anyone requesting them.

Further Information

WSDA's "Compliance Guide for the Use of Pesticides at Public Schools (K-12) and Licensed Day Care Centers" is available online at agr.wa.gov/departments/pesticides-and-fertilizers/publications.

Notes:

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

Storage Requirements

WSDA rules requires storage of unattended pesticides and their containers, unless the containers have been triple-rinsed. Refer to WAC 16-228-1220(6) and (7) of the General Pesticide Rules. The storage requirements vary depending on the signal word of the pesticide being stored. Please note: WSDA also has rules relating to the storage of bulk pesticides in WAC 16-229. Bulk pesticides are defined as registered pesticides that are transported or held in individual containers in undivided quantities of greater than 55 gallons liquid measure or 100 pounds net dry weight. Storage of greater than 500 gallons liquid or 2,000 pounds of undivided dry “bulk” pesticide triggers the Secondary and Operational Area Containment for Bulk Pesticides rules.

PESTICIDES WITH SIGNAL WORDS CAUTION, WARNING, OR DANGER

Pesticides with any of these signal words must be stored in secured storage out of the reach of children.

PESTICIDES WITH SIGNAL WORDS DANGER/POISON

Pesticides with the signal words of “Danger/Poison” (Category I pesticides) must be stored in an acceptable locked and posted enclosure (see below). This enclosure must be adequate to prevent children, unauthorized individuals, livestock, or other animals from gaining entry. There are stricter storage requirements for some rodent baits and fumigants. 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 read from 30 feet away. Refer to the following diagram as to placement of warning signs when posting storage areas containing “Danger/Poison” labeled pesticides or their unrinsed containers. See page 14 for more detail.

ACCEPTABLE ENCLOSURES FOR ALL SIGNAL WORDS

- Closed vehicle.
- Closed trailer.
- Building, room, or fenced area with a fence at least six feet high.
- Foot locker or other container that can be locked.
- Unattended truck or trailer that has solid side racks and a secured tailgate at least 6 feet above ground, ramp, or platform level.
- Bulk storage containers 50 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, 28 gallons and larger, with tight screw-type bungs and/or secured and locked valves.

PESTICIDE STORAGE (CONTINUED)

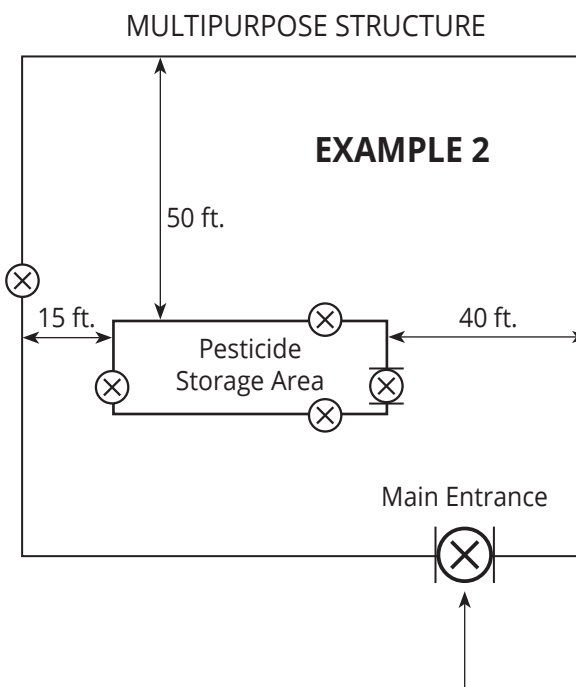
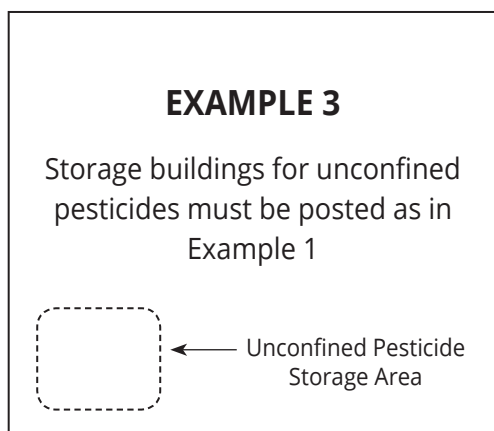
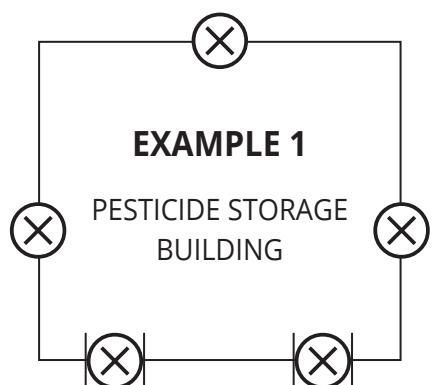
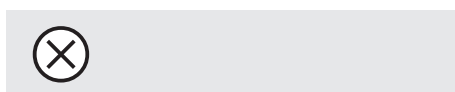
PLACEMENT OF WARNING SIGNS

Posting of Category 1 (Danger/Poison) Pesticides

The type of storage facility determines placement of warning signs:

- **Example 1** – The storage unit itself must have a sign on each exterior wall and at each exit and entrance.
- **Example 2** – If the storage unit is contained within a larger, multipurpose structure, it again must have the signs as illustrated. There must also 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.
- **Example 3** – A multipurpose structure which houses an unconfined pesticide storage area 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 (e.g. ABC Pest Control).



Example: ABC Pest Control

Warning Sign not required if another sign is visible which identifies possibility of pesticide storage

Hazardous Material Transportation

Individuals involved with pesticide use must also consider laws involving hazardous materials transportation. On the federal level, the U.S. Department of Transportation (USDOT) regulates the transportation of hazardous materials. USDOT regulations list which materials are considered hazardous for the purpose of transport, require specific labeling, paperwork (e.g., shipping papers), placarding, and training requirements. Many individuals involved with transporting hazardous materials must also maintain a commercial driver's license. Note: There are agricultural exemptions. These USDOT regulations also govern the transportation of hazardous waste.

Vehicles that transport certain types and amounts of hazardous materials are required to display placards identifying the specific dangers of the hazardous materials being transported. USDOT regulations specify the use of numbers and symbols identifying the hazardous materials on the placards. In addition, Washington State Department of Labor and Industries (L&I) regulations require employers to train their employees who deal with hazardous materials. This training must be specific to the duties the employee performs in regard to hazardous materials.

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

A commercial driver's license with a hazardous materials endorsement is required on a license for certain individuals transporting a placarded hazardous material. This endorsement can be obtained by examination from the Washington State Department of Licensing (DOL). Farmers may be exempt from this requirement if they are transporting placarded hazardous material within 150 miles of their farm. Further information is available from DOL's website at dol.wa.gov/driverslicense/cdlspecial.html.

Not all pesticides are regulated as hazardous materials by USDOT. Pesticides become hazardous when their transport can pose an unreasonable risk to health, safety, and property. USDOT regulations list pesticides considered hazardous materials by proper shipping name. 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 USDOT shipping name, a specific identification number, and designated USDOT markings. In order to legally transport a hazardous material, carriers must have proper shipping papers in their possession. The shipping papers must list all hazardous materials being transported, a 24-hour emergency response phone number, and other information required by USDOT. The carrier must also carry a copy of, or information equivalent to, USDOT's Emergency Response Guidebook. The guidebook can be obtained from USDOT at phmsa.dot.gov/hazmat/erg/emergency-response-guidebook-erg.

HAZARDOUS MATERIAL TRANSPORTATION (CONTINUED)

A person who ships or transports 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 fmcsa.dot.gov/regulations/hazardous-materials/hazardous-materials-security or call toll free (800) 467-4922.

In addition to USDOT's regulations for hazardous materials transportation, WSDA enforces rules related to the transportation of all pesticides, regardless of their USDOT status. Carriers are required to secure pesticide containers during transport. Pesticides must not be transported in such a way as to endanger humans, the environment, water, food, feed, or land. The rules forbid transportation of highly toxic (Category 1) pesticides in the same compartment as clothes, food, feed, or any other material intended for consumption by humans or animals. The rules also require inspection of vehicles for any contamination following transport and 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 those pesticides regulated as hazardous materials is much more complex. In Washington State, hazardous material transportation is the responsibility of the Washington Utilities and 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.

Waste Pesticide Disposal Program

WSDA rules and statutes allow for the establishment of a waste pesticide disposal program to help residents, farmers, small businesses, and public agencies dispose of unwanted or unusable pesticides free of charge. These regulations can be found in RCW 15.58.045 of the Washington Pesticide Control Act and WAC 16-228-1370 of the General Pesticide Rules. This program collects only unusable/unwanted agricultural and commercial grade pesticides, including herbicides, insecticides, fungicides, rodenticides, etc. Materials such as fertilizers, micronutrients, motor oil, and Household Hazardous Wastes (HHW) are not accepted.

The goal of the WSDA Waste Pesticide Identification and Disposal Program is to properly dispose of unused or unusable pesticides to prevent human and animal exposure, use of cancelled pesticides on crops, and environmental contamination.

Collection events are primarily based on customer interest. Individuals can apply for pesticide disposal by submitting a completed inventory form to the Waste Pesticide Identification and Disposal Program. Forms are available from WSDA's website at agr.wa.gov/wastepesticide. At a collection event, WSDA takes ownership of the pesticide and, as the waste generator, becomes the responsible party. The waste pesticides are then turned over to a hazardous waste company for transport and disposal. Customer's names are not listed on hazardous waste disposal documents and lists of previous customers are not maintained. Additionally, inventory forms provided by customers are shredded when no longer needed.

Upon request, the Waste Pesticide Identification and Disposal Program can provide on-site assistance at no charge. The program will help individuals identify and safely inventory unwanted pesticides and over-pack dangerous items and containers in poor condition (cracked, corroded, or leaking).

To participate in a collection event, download the inventory form and instructions document from the agency website. Completed forms can be emailed (WastePesticide@agr.wa.gov), faxed (360-902-2093), or mailed to the address on the form. Individuals who submit a disposal inventory will be notified by program staff when a collection event is scheduled in their area and provided information about the collection event, time, and location.

WORKER PROTECTION STANDARD

The Worker Protection Standard (WPS) for agricultural pesticides that was established by the EPA in 1992 has recently changed. This section explains WPS requirements in a general manner including some of the key changes WSDA adopted into rule in December 2017.

The purpose of the WPS is to reduce the risk of illness or injury to agricultural employees resulting from occupational exposures to pesticides in the production of agricultural plants on agricultural establishments. WPS also provides protections to other people from risks of pesticides used in agricultural production.

The regulations require agricultural employers to:

- Notify their employees when pesticide applications occur.
- Ensure that employees have received training specific to their potential exposure to pesticides.
- Provide WPS training, label-required adequate protective equipment, and decontamination supplies and facilities to employees who may come into contact with pesticide residues, use pesticides, or are exposed to pesticides.
- Monitor employees using highly toxic (Category 1, Danger/Poison) pesticides.
- Facilitate emergency assistance and medical treatment for any employee who exhibits signs of pesticide poisoning.
- Maintain employee WPS training records and, if applicable, records for respirator medical evaluation, fit testing, and use/maintenance training.

Agricultural employers include owners or managers of farms, forests, greenhouses, nurseries, enclosed structures, and greenhouses that grow plants where pesticides are used. Commercial Applicators that apply pesticides to these sites also fall under the WPS requirements as “Commercial Pesticide Handler Employers.”

As part of the WPS, EPA is reducing the potential for pesticide exposure through restrictive labeling requirements. For example, except in very limited situations, no entry is allowed onto a treated site for at least the first 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.

Two major groups of agricultural employees are addressed in the WPS – pesticide handlers and agricultural workers. **Pesticide handlers** are those individuals who deal directly with pesticides or their residues. This includes, in part, mixers, loaders, flaggers, and applicators. Employees who repair pesticide contaminated equipment are also considered handlers. **Workers** are those individuals who do hand labor tasks such as weeding, planting, pruning, and harvesting or other tasks involved in the production of agricultural plants. Under the WPS, many duties that employers must perform are the same for both handlers and workers. However, there are unique requirements for each group due to their different potential exposure to pesticides.

Mandatory training is a key element of the WPS for both handlers and workers. An agricultural employer must determine if the handler and worker employees have received the required annual training or if the employer must provide the training for them. The regulation describes the information that must be included in handler and worker training. The training must be conducted in a language and manner understood by the employees,

WORKER PROTECTION STANDARD (CONTINUED)

and the trainer must respond to all questions. Employees must be trained prior to performing any worker or handler activities and only EPA-approved training materials can be used. Handler and worker employees must be trained at least once every 12 months. Certified pesticide applicators do not need to receive basic WPS training, but they do need training specific to any pesticide they will be handling and any application equipment they will be using.

Crop advisors who hold a Washington State Department of Agriculture consultant's license are exempt from some provisions of the WPS. Requirements for training, personal protective equipment, 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. Both handler and worker trainers must be either a certified applicator (such as a Private Applicator), be designated as a trainer by WSDA, have attended a WSDA Train-the-Trainer program, or have become a trainer using EPA-authorized training materials available from the EPA PERC website (pesticideresources.org).

Trainers may choose to issue WSDA Worker Protection Standard training verification cards. Regardless of whether cards are issued, training records must be kept for two years. Records must include:

- Printed name and signature of the worker or handler.
- Date of the training.
- Information identifying EPA-approved training materials used (EPA document or EPA approval number).
- Trainer's name and qualifications.
- Employer's name.

The WSDA training verification cards may serve as the employer's record of training as long as the employer keeps a copy of the card (front and back) for the required two years. Employers must provide a worker or handler a copy of the training record upon request. Employers may honor a WPS training verification card from another agricultural employer as long as they have no reason to believe that the card is fake. The current agricultural employer is responsible for ensuring that the employee has been trained properly.

In Washington State, WSDA and the Department of Labor and Industries (L&I) jointly enforce the WPS. Refer to WAC 16-233 The Worker Protection Standard and WAC 296-307 Safety Standards for Agriculture, respectively. Both agencies can conduct WPS inspections. However, the two agencies have a Memorandum of Understanding on handling incidents involving the WPS. For the most part, L&I takes the lead in investigating incidents that involve an employer-employee relationship. WSDA is the lead on all other investigations.

A few sections of the state rule are more restrictive than the federal rule. The state rule has 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. Additionally, L&I Worker Right-to-Know training must be conducted in addition to the required WPS training.

EPA reviews and approves training materials for worker and handler training. A number of training resources can be found on the Pesticide Educational Resources Collaborative (PERC) website pesticideresources.org. WSDA's Technical Services and Education Program (TSEP) staff can provide technical assistance upon request.

WORKER PROTECTION STANDARD (CONTINUED)

KEY NEW REQUIREMENTS IN THE WPS RULES (EFFECTIVE JANUARY 2018):

- **Training:** Training now covers additional topics; 23 topics for workers and 36 for pesticide handlers. Workers and handlers must be trained every 12 months. A record of that training must be kept for two years and provided to the worker or handler upon request.
- **Information and Posting:** Safety Data Sheets (SDS) must be made available, along with pesticide application information and safety information (EPA-approved safety poster or equivalent). This information must be posted at a location where workers and handlers have clear access and are likely to pass or gather (e.g., central notification area). Additional safety information must also be posted at permanent decontamination sites, permanent mixing and loading sites, and where decontamination supplies are provided for 11 or more workers or handlers. The SDS and pesticide application information must be kept at the agricultural establishment for two years after the restricted entry interval (REI) expires and must be provided to a worker or handler, or their authorized representative within 15 days of a written request.
- **Posting and Oral Notification:** Posting of WPS no-entry signs is required for outdoor pesticide applications that have an REI of more than 48 hours. If the REI is 48 hours or less, the agricultural employer has the option of either posting signs or providing oral notification, except when double notification is required (posting and oral) by the pesticide label. If the label requires both, the agricultural employer must do both.
- **Decontamination Requirements:** The federal rule requires three gallons of decontamination water for every handler and early-entry worker. However, WSDA was granted an equivalency to maintain the existing requirements of 10 gallons for one employee and 20 gallons for two or more employees. Every agricultural worker not performing an early-entry task must be provided with one gallon of decontamination water at the beginning of the work period.
- **Application Exclusion Zone:** The Application Exclusion Zone (AEZ) is an area that surrounds the application equipment as the application is occurring. For outdoor applications, the AEZ is:
 - » **100 feet** when the pesticide is applied:
 - By air (fixed wing or helicopter).
 - By air blast.
 - As a spray smaller than medium droplet spectrum (e.g., fine, very fine, or extra fine).
 - As a fumigant, smoke, mist, or fog.
 - » **25 feet** when the pesticide is:
 - Not applied in a manner that would require a 100-foot AEZ.
 - Sprayed from a height greater than 12 inches from the planting medium using a spray droplet that is medium or larger.
 - » **No AEZ** is required for any other type of application.

WORKER PROTECTION STANDARD (CONTINUED)

Agricultural employers must keep all people, except properly trained and equipped pesticide handlers involved in the application, out of the application exclusion zone within the property boundaries. Handlers must temporarily suspend application if workers or other individuals (other than appropriately trained and equipped handler involved in the application) are in the AEZ (including areas that extend beyond the boundary of the establishment). Handlers may continue the application when they are sure any worker or other individuals within the AEZ or treated area will not be exposed to drift.

- **Information Exchange between the Handler Employers and Agricultural Employers:** If a commercial pesticide handler employer plans to make changes to the information they are required to provide the agricultural employer, they must notify the agricultural employer.
 - » **Changes to the following must be provided PRIOR to application:**
 - Location of area to be treated.
 - REI.
 - Method of notification.
 - Labeling requirements to protect workers or other people.
 - Start time originally forecast or scheduled.

The commercial pesticide handler employer must notify the agricultural employer within two hours of the end of the application for all other changes. If the change to the estimated end time of the application is less than one hour, no report of the change is required.

WPS CONTACT INFORMATION			
Federal WPS:	EPA	Region 10	(206) 553-1192
State WPS:	WSDA	WSDA Toll Free (English and Spanish) General Training Questions Technical Services and Education Compliance	(844) 388-2020 (509) 423-0242 (509) 249-6939 (360) 902-2040
Department of Labor & Industries (L&I) (or contact your local L&I office)			(360) 902-5426
Department of Health			(877) 485-7316



Washington
State Department of
Agriculture

PESTICIDE MANAGEMENT DIVISION

Statewide toll free: 1-877-301-4555

Website: agr.wa.gov

Division Contacts: agr.wa.gov/departments/pesticides-and-fertilizers