

Selling Pesticides Online

These are the legal requirements for selling pesticides online for distribution into Washington State.

The Washington State Department of Agriculture (WSDA) regulates pesticides in the state of Washington. All pesticides distributed in Washington must be registered with WSDA. If you distribute pesticides for other than “home and garden use only” as determined by WSDA per WAC 16-228-1410” into the state, you need a Pesticide Dealer license. “Distribute” includes “offer for sale (including online), hold for sale, sell, barter, or supply pesticides...” (RCW 15.58.030(10)). To buy federal or state Restricted Use Pesticides a person must be certified (licensed) by WSDA. Records of sales for pesticides other than those classified by WSDA for home and garden must be maintained for seven years.

What is a pesticide?

Pesticide means, but is not limited to:

- Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest.
- Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and
- Any spray adjuvant (a substance added to a spray tank to improve pesticide performance).

Examples of pesticides include:

- Cockroach sprays and baits
- Flea and tick sprays, powders, collars and wrist bands
- Kitchen, laundry, and bath disinfectants
- Insect repellants
- Products that kill or control mold or mildew
- Rodent poisons
- Some swimming pool chemicals
- Herbicides and fungicides

What are the legal requirements?

- Most businesses operating in Washington, including those operating from out of state, need some type of business registration or licensing. Normally that registration requires filing a Business License Application with the Department of Revenue’s (DOR) Business Licensing Service. For out-of-state businesses, visit dor.wa.gov/content/DoingBusiness and look under the out of state business link.
- As part of the business licensing process, any company that distributes pesticides for other than home and garden use must complete the Agricultural Addendum to become licensed as a Pesticide Dealer (bls.dor.wa.gov/pesticidedealer.aspx). Out-of-state Pesticide Dealers are exempt from the requirement to employ a licensed Dealer Manager.
 - Examples of pesticides for other than home and garden use only are products labeled for agricultural use (e.g. crops, range, and forestry), industrial areas, and roadsides.

- A pesticide is designated by WSDA as a home and garden use only pesticide if the packaging, labeling, and marketing clearly indicate the product is intended for personal use by the general public in and around a residence. If you have questions about the home and garden use only designation, please contact Shannon Lumsden, WSDA Pesticide Registration Specialist, at (360) 902-2032.
- A Pesticide Dealer may only distribute pesticides in Washington that are registered with WSDA. It is the responsibility of the Pesticide Dealer to ensure that products offered for sale in Washington are registered with WSDA.
- Pesticide Dealers must keep records on the distribution of pesticides for other than home and garden use only. Records must be kept for seven years and must contain:
 - Full name and address of purchaser
 - Full name and address of certified applicator
 - Certified applicator's pesticide license number (for RUPs) Full name of authorized agent for RUPs
 - Brand and specific pesticide name and EPA registration number
 - Number of pounds or gallons of the pesticide distributed
 - Date of distribution
 - Crop and/or site to which pesticide will be applied (for RUPs)
- It is unlawful for a Pesticide Dealer to distribute a RUP to any person who is not licensed to apply the product. Dealers can visit agr.wa.gov/PestFert/LicensingEd/Search to determine the licensing status of a prospective buyer. Dealers must also verify the identification of unknown purchasers of RUPs for telephone or electronic purchases either by fax (photo identification) or at the time of delivery.

Which pesticides in the state of Washington require a license to purchase and apply them?

- Federal Restricted Use Pesticides
- State Restricted Use Pesticides
 - Any pesticide for other than home and garden use only that contains any of the following ingredients is a Washington State RUP for the protection of groundwater:

- atrazine	- diuron	- picloram
- bromacil	- hexazinone	- prometon
- dcpa	- metolachlor	- simazine
- disulfoton	- metribuzin	- tebuthiuron
 - All formulations of phenoxy hormone-type herbicides [e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)] and dicamba when distributed in counties located east of the crest of the Cascade Mountains except as listed below:
 - Salt formulations, including amine and sodium, distributed in quantities of ≤ 1 gal;
 - Dry formulations of phenoxy hormone-type herbicides and dicamba labeled and intended only for home and garden use or for turf.

- The distribution, use and application of all high volatile ester and dust formulations of phenoxy herbicides shall be prohibited throughout the state.
 - ⇒ In counties east of the crest of the Cascade Mountains, pesticide dealers shall make available to the purchaser a copy of the rules pertaining to the use of dicamba and/or phenoxy hormone-type herbicides, including 2,4-D and MCPA, in the area in which the material will be applied. Visit agr.wa.gov/PestFert/Pesticides/LawsRules.aspx#WAC to review these rules
 - Strychnine and its salts
 - Aquatic pesticides with the exception of those that are not classified as federal RUPs and which are labeled and intended only for the following uses:
 - Swimming pools
 - Wholly impounded ornamental pools or fountains
 - Aquariums
 - Closed plumbing and sewage systems
 - Enclosed food processing systems
 - Air conditioners, humidifiers, and cooling towers
 - Industrial heat exchange, air washing and similar industrial systems
 - Disinfectants
 - Aquatic environments in states other than Washington
 - Animal pets
 - Use within wholly enclosed structures (with floors) or fumigation chambers.
 - Greenhouses are not considered as wholly enclosed structures for the purposes of this section
 - Home and garden control of mosquito larvae
- Note:** Pesticides that are not federal RUPs that are labeled for both aquatic and land uses can be distributed to an unlicensed person if they declare that they will only use the pesticide for its non-aquatic use (The dealer must record this on the sales slip or invoice).
- Pesticides containing the active ingredient clopyralid when labeled for use on cereal grains, grass used for hay, lawns and turf including golf courses (these pesticides 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).
 - All dry formulations (such as wettable powders or water dispersible granules) of ziram labeled for use on pears.

Who can I call if I have questions?

If you have a question on the Business License or Pesticide Dealer licenses, contact DOR's Business Licensing Service at (800) 451-7985. WSDA can be contacted at (877) 301-4555:

- Select "Licensing" for questions about pesticide licensing
- Select "Laws" for questions regarding recordkeeping or distribution of RUPs
- Select "Registration" for questions about registration of pesticides and classification as home and garden use only.