



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Washington State Department of Agriculture

Subject of possible rule making:

Those sections of the following rules related to the nozzle requirements for air and ground may be amended. **16-230, 16-231, 16-232**

Statutes authorizing the agency to adopt rules on this subject: RCW 15.58 and RCW 17.21

Reasons why rules on this subject may be needed and what they might accomplish:

Since the adoption date of the current rules there has been significant advances in nozzles for both aerial and ground apparatus. The current nozzle requirements are significantly out dated and do not reflect the newer technology. The new nozzle technology allows for greater drift protection and ease of selection by users. Present rules allow a user to apply for a permit to use the newer technology nozzles, but creates additional work by the pesticide applicator and WSDA to obtain a permit. Amending the rules will aid in the reduction of drift, reduce the need for a permit and allow easier nozzle selection by pesticide users.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

No other state or federal agency regulate this subject.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) WSDA has already develop an advisory committee from key stakeholders. This committee consisted of ground applicators, cooperative extension, aerial industry, grape industry, nozzle manufacturers, and wheat growers from both dryland and irrigated production as well as others. WSDA has worked with these stakeholders to gain ideas on exactly what new nozzle language might be appropriate.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Send written comments to:

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DATE
5/27/09

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