



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**

**(Implements RCW 34.05.310)**

Do NOT use for expedited rule making

**Agency:** Dept. of Agriculture

**Subject of possible rule making:** Chapter 16-228 WAC, General Pesticide Rules. The Department is considering:

1. Establishing a new licensing classification that can address various areas of specialty;
2. Moving some of the existing specialized licensing classifications that have few licensees into the new specialty classification; and
3. Revising the language to increase clarity and readability and to conform with current industry practices.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 15.58.040, RCW 17.21.030, and chapter 34.05 RCW

**Reasons why rules on this subject may be needed and what they might accomplish:** Licensing classifications are established to ensure individuals applying or overseeing the application of pesticides have the knowledge and training they need to safely apply pesticides. WAC 16-228-1545 requires that individuals be certified, through examination, in all pest control classifications in which they operate, inspect, or consult. Multiple classifications of licensing are established, however some individuals operate in specialized or unique areas of pest control for which there is no classification established in rule. The Department is considering establishing a "limited-specialty" licensing classification for pest control operations that, due to the low number of affected licensees, do not warrant a new classification in rule. Certain pest control operations are sometimes so specialized and unique that only a small number of individuals across the state perform the particular pesticide application. While these individuals need to be competent and become certified in their particular area of specialization, it doesn't make sense to create a new licensing classification in rule. Creating a limited-specialty classification would ensure the individual passes an examination specific to their area of specialization. The limited-specialty classification will encompass multiple areas of specialty, each with an exam tailored to the work performed by the applicant. The Department is also considering moving some of the existing specialized licensing classifications that have few licensees into the new limited-specialty classification.

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

No coordination with a federal or state agency is necessary to adopt these rule changes. Under the Federal Insecticide, Fungicide and Rodenticide Act the U.S. Environmental Protection Agency (EPA) requires that any individual who purchases or uses a federal restricted-use pesticide must be certified. EPA has a cooperative agreement with the Washington State Department of Agriculture (WSDA), which is the certifying agency in the state of Washington. This rule change will effectively allow WSDA to carry out applicable agreements with EPA.

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) Department staff will discuss any proposed amendments with affected stakeholders. Affected

stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

**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.)

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**DATE**

June 22, 2016

**NAME (TYPE OR PRINT)**

Brent Barnes

**SIGNATURE**

**TITLE**

Assistant Director

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FILED

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