



When an Inanimate Object Requires an Identity

The Federal Insecticide, Fungicide, and Rodenticide Act and Washington Pesticide Control Act ([RCW 15.58.150](#)) require that product information be attached to a pesticide container. The Washington State Chemigation and Fertigation Rules require contact information be affixed to chemigation and fertigation application tanks. First responders (i.e., emergency response personnel) requested the contact information as a safeguard for themselves and for the injured.

The contact information required by the Chemigation and Fertigation Rules is identical, with one exception – the tank contents. The following tables list the information that must be displayed on each application tank. (Every tank in a manifolded system is deemed an individual tank.) Aside from the pesticide label (chemigation) and listing of primary contents (fertigation), the information must be on a contrasting background color (e.g., white on black) and must be, at a minimum, two inches in height.



| |
|---|
| Chemigation |
| <ul style="list-style-type: none"> Contact Name Contact Telephone Number Unique Identifier Net Capacity ▶ Full Pesticide Label |
| Fertigation |
| <ul style="list-style-type: none"> Contact Name Contact Telephone Number Unique Identifier Net Capacity ▶ List of Primary Contents |

Both rules require that the tank's net capacity be indicated, which is typically molded into the tank during the die-casting process.

When conducting a chemigation application, the Chemigation Rule requires that a full pesticide label be affixed to the application tank, not a partial label (Figure 1).

For fertigation, only the principal contents need to be posted on the tank. If concentrated urea-ammonium nitrate is the primary product, signage could reference "Solution 32" or "30-0-0." Also, a legible bill of lading, shipping order, or manifest would suffice as product labeling.

In addition to commercial fertilizer and plant nutrients, the fertigation rule also applies to soil amendments, such as Cal Pam, Gypsum, Soil Fix, Water Maxx II, Wet-Sol, Reclaim, and Recovery 212. Therefore, as fertigated materials, tank identification and product posting requirements apply to these materials, as well.



Figure 1. For chemigation, a partial label, as above, is unacceptable. A full pesticide label must be attached to the application tank.

A pesticide label or list of primary contents must be attached to the application tank so that the information remains legible throughout the application.

To facilitate contact, it is requested that application tanks be placed so that the information is visible from outside the treatment area. Site limitations may not always accommodate such placement. However, the information could be displayed at more than one location on the tank.

Aquatic Pesticide Applications . . . NPDES Permits and Exempt Activities

The Federal Clean Water Act (1972, as amended) established water quality goals for the navigable (surface) waters of the United States. One mechanism to realize the goals of the Clean Water Act is the National Pollutant Discharge Elimination System of permits (NPDES permits). A pesticide applied to surface water is a form of pollution, requiring the applicator to obtain a short-term modification of the surface water quality standards. The NPDES permit describes what the discharger (applicator) must do to protect the water and what types of monitoring and reporting the discharger must perform.

USEPA delegated responsibility for administering the NPDES permit program to the State of Washington. The State legislature assigned statutory authority to the Department of Ecology (Ecology). Ecology's statutory authority and obligations in administering the wastewater discharge permit program are defined in [RCW 90.48](#).

Accordingly, Ecology regulates the discharge of any material into waters of the state that has the potential either to pollute or to alter the biological or chemical characteristics of the water body (RCW 90.48.080). Ecology is further directed in [WAC 173-201A](#) to require any discharger to waters of the State to comply with the State's surface water quality standards. [Section 20: Definitions](#) defines surface waters of the State to include "lakes, rivers, ponds, streams, inland waters, saltwaters, wetlands and all other surface waters and water courses within the jurisdiction of the State of Washington." This includes irrigation laterals, wasteways, drainage ditches, and ponds (Figure 2).



Figure 2. Irrigation ponds are waters-of-the-state. Noxious or aquatic weed control in or near water may require an Ecology-issued permit.

Of the seven aquatic pesticide permits currently issued by Ecology, the two of relevance to this article are the [Aquatic Noxious Weed Control National Pollutant Discharge Elimination Systems \(NPDES\) and State Waste Discharge General Permit](#) and the state-issued [Aquatic Plant and Algae Management General Permit](#). (The Aquatic Pesticide Irrigation District General Permit applies only to irrigation districts.) The Aquatic Noxious Weed Control permit covers the discharge of pesticides used to control state-listed, noxious aquatic weeds and quarantine list weeds in and near surface waters. The Aquatic Plant and Algae Management permit governs the control of aquatic plants and algae in lakes, ponds, and wetlands.

The state noxious weed list may be viewed at the Washington State Noxious Weed Control Board website: http://www.nwcb.wa.gov/weed_list/weed_list.htm. Quarantined weeds are listed on the following WSDA webpage: <http://agr.wa.gov/PlantsInsects/PlantQuarantines/PlantQuarantines.htm>.

Herbicides, algacides, adjuvants, market dyes, shading products, and water clarification products are deemed potential pollutants. As such, the discharger must obtain a permit before these materials can be discharged to surface waters. Products authorized by Ecology for use in Washington State waters are listed at <http://www.ecy.wa.gov/programs/wq/pesticides/regpesticides.html>.



Figure 3. An exempt activity from the state-issued aquatic permit, outflow of treated water in the primary pond is wholly contained in a lower pond.

Individuals who wish to control noxious weeds or aquatic plants and algae in or around waters of the state have two options: 1) apply for the appropriate general permit or 2) restrict control practices to activities that are exempt from permit coverage (Figure 3). Control practices that are exempt from permit coverage follow.

- Constructed detention or retention ponds covered under a separate NPDES or state permit.
- Man-made stormwater or wastewater ponds that do not drain or can be kept from draining for two weeks following treatment.

- Upland farm ponds, including irrigation ponds, with no discharge for two weeks following treatment.
- Any constructed water body five (5) acres or less in size that does not drain for two weeks following the treatment.
- Any noxious weed activities conducted on seasonally dry land surfaces (including seasonally dry wetlands) as long as the active ingredient is not biologically active when the water returns.
- Any research activities when pesticides or adjuvants are being applied to water bodies under a state experimental use permit. (Currently, treatment sites are restricted to less than one acre.)

For example: Algae is plugging the intake screen for a pump, and the grower is considering the application of a copper sulfate product to the irrigation pond. An Aquatic Plant and Algae Management permit would not be required, providing the following conditions are adhered to during the application.

- The irrigation pond has no outflow; that is, it is wholly contained.
- Overflow is diverted to another pond that is wholly contained.
- Overflow is retained on the field where the pond is located.
- Treated water is held in the pond by preventing outflow into the irrigation distribution system. This can be accomplished by capping the riser pipe or adding an extension onto the riser that extends the intake above the static pond level or by blocking the overflow weir.

The critical determination is whether treated water has the potential to leave the treatment site – the irrigation pond – or the grower’s property during the two-week period following treatment.

For additional information about Ecology-issued general permits, please contact:

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All aquatic pesticides in Washington State are restricted use products. Consequently, either the applicator or the person providing direct supervision of the application must be appropriately licensed.

“Low-Pressure Irrigation Systems” What Is Meant When no Definition Is Given?

Intended as an engineering control to minimize off-target movement during a chemigation application, the restriction “use only in low-pressure irrigation systems” has appeared in some labels (Figure 4). Since wind speed, release height, and particle size (a function of pressure and orifice size) are principal factors of drift, this is a prudent risk mitigation measure. However, what is meant by a low-pressure irrigation system?

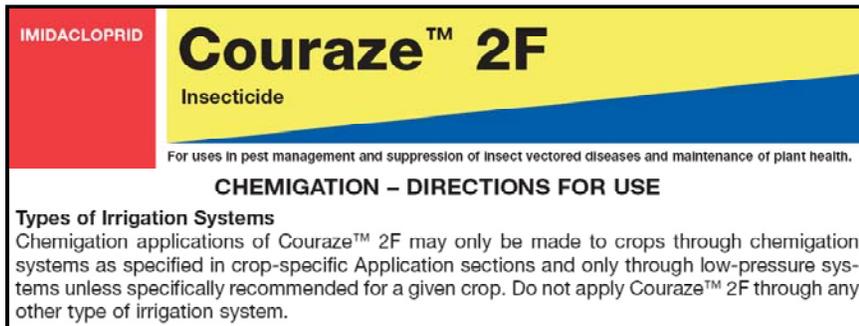


Figure 4. Provisions of pesticide labels are changing with increased frequency. Some provisions have become very explicit as to a product’s use.

With regard to irrigation practices, equipment performance, or design criteria, the Washington State Chemigation Rule ([WAC 16-202-1003\[14\]](#)) references established industry standards (international or national) or manufacturer’s specifications. Recognized industry standards include, but are not limited to, International Organization for Standardization (ISO), American Society of Agricultural and Biological

Engineers (ASABE), American National Standards Institute (ANSI), and the American Society of Civil Engineers (ASCE). When standards have not been officiated by professional societies or organizations, federal practice standards or accredited agency directives take effect.

As to low-pressure irrigation systems, WSDA will adhere to the definition in USDA Natural Resource Conservation Service (NRCS), [Conservation Practice Standard, Code 442: Irrigation System, Sprinkler](#) as the nationally recognized standard. Low-pressure is defined in the USDA-NRCS practice standard as an irrigation system with an operating pressure range of 2 to 35 psi. Pressure is measured at the point of water discharge, that is, the sprayhead or sprinkler. Therefore, it is a violation of the label to apply this product through an irrigation system that is not consistent with this practice standard.

Emergency Eyeflushing for Pesticide Handlers

[WAC 16-233-250\(5\)](#) of the Worker Protection Standards requires handler-employers to provide a plumbed or portable emergency eyewash at all pesticide mixing and loading stations or handler decontamination sites when a pesticide label requires protective eyewear.

In addition, all permanent mixing and loading stations must have an emergency eyewash regardless of whether a label requires protective eyewear. The rule requires that the eyewash must be capable of delivering at least 1.5 liters (0.4 gallons) of water per minute for 15 minutes.

In order to be consistent with Department of Labor and Industries’ agricultural safety rule requirements found in [WAC 296-307-03930](#), the WSDA requires the following for an emergency eyewash:

- It must be capable of irrigating and flushing both eyes simultaneously while the user holds their eyes open (Figure 5).
- It must have an on-off valve that activates in one second or less and remains on without user assistance until intentionally turned off.



Figure 5. Emergency eyewash device suitable for agricultural safety rule requirements.

A Level Playing Field . . . The Chemigation and Fertigation Rules

On occasion, fieldmen have asked, “Why do provisions in the chemigation and fertigation rules apply differently to a grower-performed application as opposed to a commercial-applied application. However, other than two exceptions in the Washington State Pesticide Application Act ([RCW 17.21.020\[13\]](#)) regarding pesticide licensing, there is no difference. These are the two exceptions: First, an unlicensed grower or grower employee can perform chemigation applications for general-use pesticides. Second, with regard to Restricted Use Products (RUPs), an unlicensed person may perform the application under the direct-supervision of a certified private applicator who is not physically on-site.

Whether it involves antipollution devices, posting, monitoring, tank identification, equipment installation or maintenance, or any other provision of the Chemigation or Fertigation Rules, the requirements apply equally, regardless of whom the applicator may be or what the application is.

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