



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

GUS R. DOUGLASS
COMMISSIONER

WILLIAM H. GILLESPIE
ADMINISTRATIVE ASSISTANT

March 7, 1978

FILED IN THE OFFICE OF
SECRETARY OF STATE
THIS DATE 3/8/78

Mr. William Harrington
Rules & Regulations Section
Secretary of State
Capitol Building
Charleston, WV 25305

Dear Mr. Harrington:

The West Virginia Pesticide Use & Application Act, Chapter 19, Article 16-B, Section 4c, of the Code of West Virginia, specifies that the Commissioner shall adopt the federal list of restricted use pesticides.

The first such list was promulgated on February 9, 1978, by EPA for 23 ingredients in approximately 2000 pesticide products. Consequently, Commissioner Douglass is adopting the federal regulations, effective November 6, 1978.

A public hearing will be held on Tuesday, April 25, 1978, at 2:00 P.M., in the John T. Johnson Conference Room, in the basement of the East Wing of the State Capitol Building for the purpose of receiving data, objections, suggested amendments, views, evidence and arguments orally or in writing relative to the adoption of the proposed regulation.

Sincerely,

William H. Gillespie
Administrative Assistant

WHG/rkd
Enc.

cc - Governor Rockefeller
Earl Vickers



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
 CHARLESTON 25305

A. JAMES MANCHIN
 SECRETARY OF STATE

STATE REGISTER FILING

I, Gus R. Douglass, Commissioner,
 Title or Position

W. Va. Department of Agriculture, hereby submit to record in
 Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify (Notice of public hearing on item 1 above.).

This filing pertains to

Chapter 19
 Article 16B
 Series _____
 Section 4c
 Page No. _____

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

March 7, 1978

Date Submitted

Gus R. Douglass
 Signature of Person Authorizing
 this Filing

WEST VIRGINIA PESTICIDE
USE AND APPLICATION ACT OF 1975
CHAPTER 19 ARTICLE 16B
REGULATIONS

SECTION 4 — RESTRICTED USE PESTICIDES

4.02 West Virginia Restricted Use Pesticide List
The following pesticides are hereby declared to be Restricted to use by applicators Certified to use Restricted Use Pesticides:

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION	CRITERIA INFLUENCING RESTRICTION
Acrolein	As sole active ingredient. No mixtures registered.	All uses	Restricted	Inhalation hazard to humans. Residue effects on avian species and aquatic organisms.
Acrylonitrile	In combination with carbon tetrachloride. No registrations as the sole active ingredient.	All uses	Restricted	Other hazards--accident history of both acrylonitrile and carbon tetrachloride products.
Aldicarb	As sole active ingredient. No mixtures registered.	Ornamental uses (indoor and outdoors). Agricultural crop uses	Restricted Under further evaluation	Other hazards - accident history
Allyl alcohol	All formulations.	All uses	Restricted	Acute dermal toxicity.

Aluminum phosphide	As sole active ingredient. No mixtures registered.	All uses	Restricted	Inhalation hazard to humans.
Azinphos methyl	All liquids with a concentration greater than 13.5 pct. All other formulations.	All uses	Restricted Under further evaluation.	Inhalation hazard to humans.
Calcium cyanide	As sole active ingredient. No mixture registered.	All uses	Restricted	Inhalation hazard to humans.
Demeton	1 pct fertilizer formulation, 1.985 pct. granular formulation. All granular formulations, emulsifiable concentrates and concentrated solutions.	All uses, including domestic uses. All uses	Restricted Restricted	Domestic uses: Acute oral toxicity. Acute dermal toxicity. Nondomestic outdoor uses. Residue effects on avian and mammalian species. Acute dermal toxicity. Residue effects on mammalian and avian species.
Endrin	All emulsions, dusts wettable powders, pastes, and granular formulations 2 pct. and above. All concentrations less than 2 pct.	All uses All uses	Restricted Restricted	Acute dermal toxicity. Hazard to nontarget organisms. Hazard to nontarget organisms.

Ethyl parathion	All granular and dust formulations greater than 2 pct, fertilizer formulations, wettable powders, emulsifiable concentrates, concentrated suspensions concentrated solutions. Smoke fumigants. Dust and granular formulations 2 pct and below.	All uses	Restricted	Inhalation hazard to humans. Acute dermal toxicity. Residue effects on mammalian, aquatic, avian species.
Ethylene oxide	10% Ethylene oxide 90% Carbon Dioxide Under WVDA label OXICARB	Fumigation of disease infected bees and bee equipment.	Restricted Use restricted to certified WVDA employees only.	Inhalation hazard
Fluoroacetamide/ 1081	As sole active ingredient in baits. No mixtures registered.	All uses	Restricted	Acute oral toxicity.
Hydrocyanic acid	As sole active ingredient. No mixtures registered.	All uses	Restricted	Inhalation hazard to humans.

Methyl bromide (cont'd)	Containers with not more than 1.5 lb of methyl bromide with 0.25 pct to 2.0 pct chloropicrin as an indicator. Container with not more than 1.5 lb having no indicator.	Single applications (non-domestic use) for soil treatment in closed systems.	Unclassified	Other hazards--accident history.
Methyl parathion	All dust and granular formulations less than 5 pct. Microencapsulated All dust and granular formulations 5 pct and greater and all wettable powders and liquids.	All uses All uses All uses	Restricted Restricted Restricted	Other hazards--accident history. All foliar applications restricted based on residue effects on mammalian and avian species. Residue effects on avian species. Residue effects on bees. Hazard to bees. Acute dermal toxicity. Residue effects on mammalian and avian species.
Mevinphos	All emulsifiable concentrates and liquid concentrates Psychodid filter fly liquid formulations. 2 pct dusts	All uses All uses All uses	Restricted Restricted Restricted	Acute dermal toxicity. Residue effects on mammalian and avian species. Acute dermal toxicity. Residue effects on mammalian and avian species.

Methomy1	<p>As sole active ingredient in 1 pct to 2.5 baits (except 1 pct fly bait).</p> <p>All concentrated solution formulations. 90 pct wettable powder formulations (not in water soluble bags). 90 pct wettable powder formulation in water soluble bags. All granular formulations 25 pct wettable powder formulations. In 1.24 pct to 2.5 pct dusts as sole active ingredient and in mixtures with fungicides and chlorinated hydrocarbon, inorganic phosphate and biological insecticides.</p>	<p>Nondomestic outdoors-agricultural crops, ornamental and turf. All other registered uses.</p>	<p>Restricted</p> <p>Restricted</p> <p>Restricted</p> <p>Unclassified</p> <p>Unclassified</p> <p>Unclassified</p>	<p>Residue effects on mammalian species.</p> <p>Other hazards--accident history.</p> <p>Other hazards--accident history.</p> <p>Other hazards--accident history.</p>
Methyl bromide	<p>All formulations in containers greater than 1.5 lb.</p>	<p>All uses</p>	<p>Restricted</p>	<p>Other hazards--accident history.</p>

<p>Paraquat (dichloride) and paraquat bis(methyl sulfate)</p>	<p>All formulations and concentrations except those listed below. Pressurized spray formulations containing 0.44 pct Paraquat bis(methyl sulfate and 15 pct petrol-eum distillates as active ingredients. Liquid fertilizers containing concentrations of 0.025 pct paraquat dichloride and 0.03 percent atrazine; 0.03 pct paraquat dichloride and 0.37 pct atrazine, 0.04 pct paraquat dichloride and 0.49 pct atrazine.</p>	<p>All uses Spot weed and grass control</p>	<p>Restricted Unclassified</p>	<p>Other hazards, Use and accident history, human toxicological data.</p>
<p>Picloram</p>	<p>All formulations and concentrations except Tordon 101 R and other EPA Registered labels of the same formulation.</p>	<p>All uses</p>	<p>Restricted</p>	<p>Hazard to non-target organisms (specifically non-target plants both crop and non-crop; and aquatic organisms). It should be noted that in addition to the above criteria considerable emphasis for restriction was based on the existing stewardship program restricting certain uses by the principal registrant and recurring reports of phytotoxicity to such economically important crops as tomatoes, potatoes, tobacco, legumes and succulent ornamentals caused by contaminated water supplies (1 ppb range) from runoff and leaching.</p>

Picloram cont'd	Tordon 101 R Forestry Herbicide containing 5.4% Picloram and 20.9% 2,4-D.	Control of unwanted trees by cut surface treatment.	Unclassified	
Sodium cyanidel	All capsules and ball formulations.	All uses	Restricted	Inhalation hazard to humans.
Sodium Fluoroacetate	All solutions and dry baits	All uses	Restricted	Acute oral toxicity. Hazard to nontarget organisms. Use and accident history.
Strychnine	All dry baits, pellets and powder formulations greater than 0.5 pct. All dry baits, pellets and powder formulations. All dry baits, pellets and powder formulations 0.5 pct and below. All dry baits, pellets and powder formulations 0.5 pct and below.	All uses calling for burrow builders. All uses except subsoil All subsoil uses	Restricted Restricted Unclassified	Hazard to nontarget organisms. Hazard to nontarget organisms. Hazard to nontarget organisms.
Sulfostepp	Sprays and smoke generators.	All uses	Restricted	Inhalation hazard to humans.

TEPP

concentrate
formulations.

hazard to humans. Residue effects on
mammalian and avian species.

1 (NOTE - M-44 sodium cyanide capsules may only be used by certified applicators who have also taken the required additional training.)



STATE OF WEST VIRGINIA
 OFFICE OF THE SECRETARY OF STATE
 CHARLESTON 25305

A. JAMES MANCHIN
 SECRETARY OF STATE

STATE REGISTER FILING

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W. Va. Department of Agriculture, hereby submit to record in
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Gus R. Douglass
 Signature of Person Authorizing
 this Filing

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 USE AND APPLICATION ACT OF 1975
 CHAPTER 19 ARTICLE 16B

REGULATIONS

FILED IN THE OFFICE OF

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THIS DATE 3/21/72

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Acrylonitrile	In combination with carbon tetrachloride. No registrations as the sole active ingredient.	All uses	Restricted	Other hazards-accident history of both acrylonitrile and carbon tetrachloride products.
Aldicarb	As sole active ingredient. No mixtures registered.	Ornamental uses (indoor and outdoors). Agricultural crop uses	Restricted Under further evaluation	Other hazards - accident history
Allyl alcohol	All formulations.	All uses	Restricted	Acute dermal toxicity.

Aluminum phosphide	As sole active ingredient. No mixtures registered.	All uses	Restricted	Inhalation hazard to humans.
Azinphos methyl	All liquids with a concentration greater than 13.5 pct. All other formulations.	All uses	Restricted Under further evaluation.	Inhalation hazard to humans.
Calcium cyanide	As sole active ingredient. No mixture registered.	All uses	Restricted	Inhalation hazard to humans.
Demeton	1 pct fertilizer formulation, 1.985 pct. granular formulation. All granular formulations, emulsifiable concentrates and concentrated solutions.	All uses, including domestic uses. All uses	Restricted Restricted	Domestic uses: Acute oral toxicity. Acute dermal toxicity. Nondomestic outdoor uses. Residue effects on avian and mammalian species. Acute dermal toxicity. Residue effects on mammalian and avian species.
Endrin	All emulsions, dusts wettable powders, pastes, and granular formulations 2 pct. and above. All concentrations less than 2 pct.	All uses All uses	Restricted Restricted	Acute dermal toxicity. Hazard to nontarget organisms. Hazard to nontarget organisms.

Ethyl parathion	All granular and dust formulations greater than 2 pct, fertilizer formulations, wettable powders, emulsifiable concentrates, concentrated suspensions concentrated solutions. Smoke fumigants. Dust and granular formulations 2 pct and below.	All uses	Restricted	Inhalation hazard to humans. Acute dermal toxicity. Residue effects on mammalian, aquatic, avian species.
Ethylene oxide	10% Ethylene oxide 90% Carbon Dioxide Under WVDA label OXICARB	Fumigation of disease infected bees and bee equipment.	Restricted Use restricted to certified WVDA employees only.	Inhalation hazard
Fluoroacetamide/ 1081	As sole active ingredient in baits. No mixtures registered.	All uses	Restricted	Acute oral toxicity.
Hydrocyanic acid	As sole active ingredient. No mixtures registered.	All uses	Restricted	Inhalation hazard to humans.

Methyl bromide (cont'd)	Containers with not more than 1.5 lb of methyl bromide with 0.25 pct to 2.0 pct chloropicrin as an indicator.	Single applications (non-domestic use) for soil treatment in closed systems.	Unclassified	Other hazards-accident history.
Methyl parathion	All dust and granular formulations less than 5 pct. Microencapsulated All dust and granular formulations 5 pct and greater and all wettable powders and liquids.	All uses All uses All uses	Restricted Restricted Restricted	Other hazards-accident history. All foliar applications restricted based on residue effects on mammalian and avian species. Residue effects on avian species. Residue effects on avian species. Residue effects on avian species. Residue effects on avian species. Residue effects on avian species. Residue effects on avian species.
Mevinphos	All emulsifiable concentrates and liquid concentrates Psycodid filter fly liquid formulations. 2 pct dusts	All uses All uses All uses	Restricted Restricted Restricted	Acute dermal toxicity. Residue effects on mammalian and avian species. Acute dermal toxicity. Residue effects on mammalian and avian species.

Methomyl	As sole active ingredient in 1 pct to 2.5 baits (except 1 pct fly bait).	Nondomestic outdoors-agricultural crops, ornamental and turf. All other registered uses.	Restricted	Residue effects on mammalian species.
Methyl bromide	All concentrated solution formulations.		Restricted	Other hazards--accident history.
	90 pct wettable powder formulations (not in water soluble bags).		Restricted	Other hazards--accident history.
	90 pct wettable powder formulation in water soluble bags.		Unclassified	Other hazards--accident history.
	All granular formulations		Unclassified	
	25 pct wettable powder formulations. In 1.24 pct to 2.5 pct dusts as sole active ingredient and in mixtures with fungicides and chlorinated hydrocarbon, inorganic phosphate and biological insecticides.		Unclassified	
Methyl bromide	All formulations in containers greater than 1.5 lb.	All uses	Restricted	Other hazards--accident history.

<p>Paraquat (dichloride) and paraquat bis(methyl sulfate)</p>	<p>All formulations and concentrations except those listed below. Pressurized spray formulations containing 0.44 pct Paraquat bis(methyl sulfate and 15 pct petroleum distillates as active ingredients. Liquid fertilizers containing concentrations of 0.025 pct paraquat dichloride and 0.03 percent atrazine; 0.03 pct paraquat dichloride and 0.37 pct atrazine, 0.04 pct paraquat dichloride and 0.49 pct atrazine.</p>	<p>All uses</p> <p>Spot weed and grass control</p>	<p>Restricted</p> <p>Unclassified</p>	<p>Other hazards. Use and accident history, human toxicological data.</p>
<p>Picloram</p>	<p>All formulations and concentrations except Tordon 101 R and other EPA Registered labels of the same formulation.</p>	<p>All uses</p>	<p>Restricted</p>	<p>Hazard to non-target organisms (specifically non-target plants both crop and non-crop; and aquatic organisms). It should be noted that in addition to the above criteria considerable emphasis for restriction was based on the <u>existing</u> stewardship program restricting certain uses by the principal registrant and recurring reports of phytotoxicity to such economically important crops as tomatoes, potatoes, tobacco, legumes and succulent ornamentals caused by contaminated water supplies (1 ppb range) from runoff and leaching.</p>

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Sodium cyanide ¹	All capsules and ball formulations.	All uses	Restricted	Inhalation hazard to humans.
Sodium Fluoroacetate	All solutions and dry baits	All uses	Restricted	Acute oral toxicity. Hazard to nontarget organisms. Use and accident history.
Strychnine	All dry baits, pellets and powder formulations greater than 0.5 pct.	All uses calling for burrow builders.	Restricted	Acute oral toxicity. Hazard to nontarget avian species. Use and accident history.
	All dry baits, pellets and powder formulations 0.5 pct and below.	All uses except subsoil	Restricted	Hazard to nontarget organisms.
	All dry baits, pellets and powder formulations 0.5 pct and below.	All subsoil uses	Unclassified	Hazard to nontarget organisms.
Sulfostepp	Sprays and smoke generators.	All uses	Restricted	Inhalation hazard to humans.

Tepp	Emulsifiable concentrate formulations.	All uses	Restricted	Inhalation hazard to humans. Dermal hazard to humans. Residue effects on mammalian and avian species.
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1 (NOTE - M-44 sodium cyanide capsules may only be used by certified applicators who have also taken the required additional training.)