



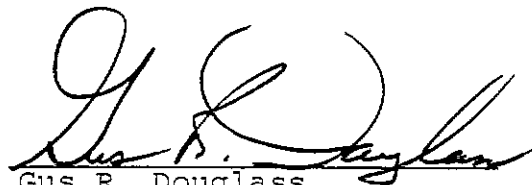
STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

GUS R. DOUGLASS
COMMISSIONER

Executive Order

On October 6, 1983, I, Gus R. Douglass, Commissioner of Agriculture for the State of West Virginia, convened a public hearing for the purpose of hearing testimony concerning the use and misuse of the herbicide picloram. As a result of the hearing and the evidence presented therein, I, under the authority vested in me by Article 16-A, Section 4-E of the Code of West Virginia, do hereby order the cancellation of the West Virginia registration of all pelletized or granular formulations containing picloram (4-amino-3,5,6-trichloropicolinic acid). Until such regulations are in effect it will be a violation of West Virginia State Law to sell or apply these cancelled products in the State of West Virginia.

A hearing is scheduled for December 13, 1983 to consider regulations to establish stricter guidelines for purchasing and applying pelletized or granular formulations of herbicides containing picloram.


Gus R. Douglass
Agriculture Commissioner

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE OCT. 28, 1983
Administrative Law Division

October 26, 1983

SALE OF GRANULAR PICLORAM STOPPED UNTIL NEW
REGULATIONS ARE PROMULGATED

CHARLESTON, W. VA.--Agriculture Commissioner Gus R. Douglass says that the hearing held on October 6, 1983, to consider the banning of the granular herbicide picloram resulted in the presentation of a significant amount of pertinent information.

He says that the manufacturer, as well as concerned citizens, have recommended additional safeguards, that he has evaluated all of the suggestions and that he is going to propose new regulations to guide the use of the chemical. In addition, he says he will, by Executive order, stop the sale of the material in West Virginia until regulations can be promulgated.

Douglass says the proposed new regulations will include provisions to retrain and recertify applicators, further restrict the use near water and make dealer reports on sales mandatory.

A public hearing to consider the proposed regulations will be held in Charleston of December 13, 1983, at 1 p.m. Copies of the proposed regulations are available from the Plant Pest Control Division, West Virginia Department of Agriculture, Charleston, WV, 25305. The telephone number is 348-2212.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE Oct. 28, 1983
Administrative Law Division



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

GUS R. DOUGLASS
COMMISSIONER

October 27, 1983

The Honorable A. James Manchin
Secretary of State
State Capitol, Suite 157-K
Executive Office
Charleston, WV 25305

Dear Secretary Manchin:

Enclosed is notice of a public hearing to consider additions to the Pesticide Use and Application Act of 1975 and two copies of the proposed regulations. These additions are numbered Sections 34 through 36 and as they are strictly additions, the usual introductory material has been deleted.

These are legislative regulations.

With best regards. I am

Very truly yours,

Gus R. Douglass
Agriculture Commissioner

GRD/kdm

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE Oct. 28, 1983
Administrative Law Division

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

STATE DEPARTMENT OF AGRICULTURE

CHAPTER 19
Series XIIa

SECTION 34. APPLICATOR CERTIFICATION REQUIRED TO USE
CERTAIN PICLORAM PRODUCTS

34.01. From the effective date of these regulations, no person shall use pelletized or granulated picloram products (i.e. Tordon 10K Pellets, Amdon 10K Pellets, Tordon 22K Pellets, Tordon 2K Pellets, Tordon Beads, or others) for any purpose until such persons have attended a specific training course and demonstrated the understanding of the safe use of this chemical in addition to a private applicators certification. The specialized training shall be on subject matter approved by the Commissioner and shall include, but not be limited to:

- a) special regulations
- b) toxicity of the product
- c) persistence
- d) mobility
- e) threats to the environment and West Virginia agriculture
- f) proper application techniques and dosages
- g) container disposal

34.02. Upon satisfactory completion of the training, the Commissioner shall issue a special certification for the use of granular or pelletized formulations of picloram herbicides. To be valid, such special certification must be permanently attached to the holders certification card and be signed by the holder.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE Oct. 28, 1983
Administrative Law Division

SECTION 35. DEALER REQUIREMENTS

35.01. All dealers in restricted use pesticides shall provide to the Commissioner of Agriculture on a monthly basis, by the 15th of the following month, records of all sales of granular or pelletized herbicides containing picloram. This record shall be on a form provided by the Commissioner and shall contain, but not be limited to:

- a) the name and address of the purchaser
- b) certification number of the purchaser, if the purchaser is not the intended user, then a signed statement for purchase must accompany the transaction along with the name and address of the certified user.
- c) quantity and formulation purchased
- d) date of purchase
- e) place of intended use

SECTION 36. RESTRICTIONS FOR THE USE OF CERTAIN PICLORAM PRODUCTS

36.01. In addition to all of the restrictions for the use of picloram specifically detailed on the federally approved product labels, and in other sections of these regulations, the following additional restrictions are imposed:

- a) Do not apply pelletized or granulated products containing picloram within three hundred (300) feet of any stream, spring, seep, pond, well, cistern, lake, or other standing or running water.
- b) Do not apply pelletized or granulated products containing picloram within three hundred (300) feet of gullies, ditches, creeks or other waterways which may intermittently carry water.
- c) Do not apply pelletized or granulated products containing picloram within three hundred (300) feet of any area known to, or likely to, flood in times of moderate or heavy rains.
- d) Do not apply pelletized or granulated products containing picloram in karst areas.
- e) Do not apply pelletized or granulated products containing picloram within three hundred (300) feet of any area growing, or known to be used for growing, garden type vegetables, tobacco, ornamental perennial plants, ornamental annual plants, nursery stock, greenhouse plants or other desirable broadleaf plants.



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

GUS R. DOUGLASS
COMMISSIONER

October 27, 1983

The Honorable A. James Manchin
Secretary of State
State Capitol, Suite 157-K
Executive Office
Charleston, WV 25305

Dear Secretary Manchin:

Enclosed is an Executive order in which I am stopping the sale of pelletized or granular formulations of picloram (4-amino-3,5,6-trichloropicolinic acid). I am taking this action under the authority granted me by Article 16-A, Section 4-E of the Code of West Virginia.

With best regards. I am

Very truly yours,

A handwritten signature in cursive script that reads "Gus R. Douglass".

Gus R. Douglass
Agriculture Commissioner

GRD/kdm

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE Oct. 28, 1983
Administrative Law Division

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE

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- a) special regulations
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FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE OCT. 28, 1983
Administrative Law Division

SECTION 35. DEALER REQUIREMENTS

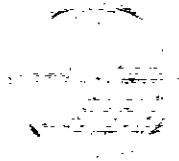
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STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

GUS R. DOUGLASS
COMMISSIONER

October 27, 1983

The Honorable A. James Manchin
Secretary of State
State Capitol
Charleston, WV 25305

Dear Mr. Manchin:

I'm enclosing a news release calling a public hearing to consider proposed regulations to guide the use of granular formulations of the herbicide picloram. Will you please include this in the next edition of the State Register.

Very truly yours,

Gus R. Douglass
Agriculture Commissioner

GRD:sah

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE Oct. 28, 1983
Administrative Law Division