



Emergency

STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

GUS R. DOUGLASS
COMMISSIONER

WILLIAM H. GILLESPIE
ADMINISTRATIVE ASSISTANT

January 2, 1985

Honorable A. James Manchin
West Virginia Secretary of State
Capitol Building
Charleston, WV 25305

Dear Secretary Manchin:

I am attaching two copies of West Virginia Administrative Regulations for the State Department of Agriculture which deal with the requirements for the use of Picloram products. These are filed in accordance with Chapter 29A, Article 3, Section 7(a). These regulations are promulgated and issued under authority of Chapter 19, Article 16B, Section 4, Code of West Virginia, amended. These are re-filed emergency regulations.

I hereby certify that these are the original regulations to be filed in the office of the Secretary of State on January 2, 1985.

With best regards, I am

Very truly yours,

Gus R. Douglass
Agriculture Commissioner

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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Enc.



Emergency

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

West Virginia 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 ()

This filing pertains to

Chapter 19
 Article 16B
 Series XIIa
 Section 4
 Page No. 1, 2, 3

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- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee; These are refiled EMERGENCY REGULATIONS.

January 2, 1985
 Date Submitted
Gus R. Douglass
 Signature of Person Authorizing
 this Filing
 Gus R. Douglass

Emergency

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 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 pesticide applicator's 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 specifically to agriculture and water resources.
- F. Proper application techniques and dosages, and
- 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 holder's certification card and be signed by the holder.

SECTION 35. Dealer Requirements.

35.01. All dealers in restricted use pesticides in West

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SECRETARY OF STATE

Virginia shall provide to the Commissioner 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, and
- 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, water wells, cisterns, lake, or other standing or running water.
- B. Do not apply pelletized or granulated products containing picloram within one hundred fifty (150) feet of gullies, ditches, creeks or other waterways

which may intermittently carry water into an established waterway.

- C. Do not apply pelletized or granulated products containing picloram within one hundred and fifty (150) feet of any area known to, or likely to flood in times of moderate or heavy rains.
- D. Do not apply pelletized or granular products containing picloram within three hundred (300) feet of areas underlain by cavernous limestone in near proximity to the surface as indicated by sinkholes, or cave openings.
- E. Pelletized or granulated products containing picloram shall not be applied within three hundred (300) feet of croplands either planted or to be planted, unless the drainage of the treated area is away from the planted area.