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FILED

1985 JUN -7 PM 2:30

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(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA
SECRETARY OF STATE
Charleston 25305

PROPOSED RULES

STATE REGISTER FILING

=====

AGENCY West Virginia Department of Agriculture

CONTACT PERSON William H. Gillespie PHONE 348-2201 or 3550

TYPE OF RULE Legislative

TITLE OF RULE Regulations for Use of Certain Picloram Products

CHAPTER 19 ARTICLE 16B SERIES XIIc

AUTHORITY 19-16B-4

CHECK APPLICABLE ITEMS BELOW TO SHOW KIND OF ACTION BEING TAKEN

NEW RULE

NOTICE OF HEARING

AMENDMENTS TO EXISTING RULE

NOTICE OF AGENCY APPROVAL
(legislative rules only)

REPEAL OF EXISTING RULE

NOTICE OF AGENCY ADOPTION
(interpretive & procedural
rules only)

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STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

FILED
1995 JUN -7 PM 2:30


STATE OF WEST VIRGINIA
SECRETARY OF STATE

Gus R. Douglass
Commissioner

NOTICE OF FINAL FILING - LEGISLATIVE RULE

LEGISLATIVE RULE: Regulations for Use of Certain Picloram Products

The attached legislative rule is hereby final filed with the Secretary of State
by the West Virginia Department of Agriculture as authorized by Senate
Bill 399 Section 64-2-19(16b)(4)


Gus R. Douglass
Agriculture Commissioner

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.

1 SENATE BILL NO. 379

2 (By Mr. R. Williams

3)
4 [Introduced March 6, 1985

5 referred to the Committee on Agriculture; then to the

6 Committee on the Judiciary

7
8
9
10 A BILL to amend article two, chapter sixty-four of the code
11 of West Virginia, one thousand nine hundred thirty-one,
12 as amended, by adding thereto a new section, designated
13 section nineteen (sixteen-b)(four), relating to
14 authorizing the commissioner of agriculture to
15 promulgate legislative rules relating to the use of
16 certain picloram products.

17 Be it enacted by the Legislature of West Virginia:

18 That article two, chapter sixty-four of the code of West
19 Virginia, one thousand nine hundred thirty-one, as amended,
20 be amended by adding thereto a new section, designated
21 section nineteen (sixteen-b)(four), to read as follows:

22 ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE
23 LEGISLATIVE RULES.

24 §64-2-19(16b)(4). Commissioner of agriculture.

25 The legislative rules filed in the state register on the
26 fifth day of January, one thousand nine hundred eighty-four,

1 relating to the commissioner of agriculture (use of certain
2 picloram products)) are authorized.

3

4 NOTE: The purpose of this bill is to authorize the
5 commissioner of agriculture to promulgate legislative rules
6 relating to the use of certain picloram products.

7 This section is new; therefore, strike-throughs and
8 underscoring have been omitted.

H. B. 1628

(By Delegate Casey)

(Introduced March 5, 1985; referred to the

Committee on Agriculture and Natural Resources with)

the direction that it later be referred to

the ~~Committee~~ on the Judiciary.)

A BILL to amend article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nineteen (sixteen-b)(four), relating to authorizing the commissioner of agriculture to promulgate legislative rules relating to the use of certain picloram products.

Be it enacted by the Legislature of West Virginia:

That article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section nineteen (sixteen-b)(four), to read as follows:

ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE LEGISLATIVE RULES.

§64-2-19(16b)(4). Commissioner of agriculture.

The legislative rules filed in the state register on the fifth day of January, one thousand nine hundred eighty-four,

1 relating to the commissioner of agriculture (use of certain
2 picloram products)) are authorized.

3

4 NOTE: The purpose of this bill is to authorize the
5 commissioner of agriculture to promulgate legislative rules
6 relating to the use of certain picloram products.

7 This section is new; therefore, strike-throughs and
8 underscoring have been omitted.

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee



NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Nov. 13, 1984

TO: A. James Manchin, Secretary of State; State Register
And

TO: Department of Agriculture

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Picloram Rules; Chapter 19, Series XIIa, (1984)

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

1984 NOV 14 AM 9:36

FILED

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule XXX
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the state register and with the agency proposing the rule.



FILED

1985 JUN -7 PM 2:30

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CHAPTER 19 ARTICLE 16B SERIES XIic

AUTHORITY 19-16B-4

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CHARLESTON
25305

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Commissioner

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OFFICE OF THE SECRETARY OF STATE

PROMULGATION HISTORY ABSTRACT

RULE TITLE: Regulations for Use of Certain Picloram Products
RULE TYPE: Legislative
FILED NOTICE OF 1st PUBLIC HEARING: August 16, 1983
FIRST PUBLIC HEARING HELD: October 6, 1983
FILED EXECUTIVE ORDER: Stopping Sale of Picloram Products, October 27, 1983
FILED NOTICE OF 2nd PUBLIC HEARING: October 27, 1983
SECOND PUBLIC HEARING HELD: December 13, 1983
FILED AGENCY APPROVED REGULATIONS: January 5, 1984
FILED NOTICE OF 3rd PUBLIC HEARING: October 3, 1984
THIRD PUBLIC HEARING HELD: November 15, 1985
NOTICE OF ACTION TAKEN BY LRMRC: Authorized the Agency to promulgate
the Legislative rule.
FILED SECOND EMERGENCY RULES: January 4, 1985
LEGISLATIVE ACTION: Rules Approved April 13, 1985, §64-2-19(16b)(4)
FINAL RULE FILED WITH SECRETARY OF STATE: June 7, 1985
EFFECTIVE DATE: June 7, 1985


Gus R. Douglass
Agriculture Commissioner

ENTERED



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

FILED
1985 JUN -7 PM 2:31

OFFICE OF THE SECRETARY OF STATE

Gus R. Douglass
Commissioner

NOTICE OF FINAL FILING - LEGISLATIVE RULE

LEGISLATIVE RULE: Regulations for Use of Certain Picloram Products

The attached legislative rule is hereby final filed with the Secretary of State
by the West Virginia Department of Agriculture as authorized by Senate

Bill 399 Section 64-2-19(16b)(4)

Gus R. Douglass
Agriculture Commissioner

WEST VIRGINIA LEGISLATIVE RULES
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-16B

FILED
1985 JUN -7 PM 2:31
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SECRETARY OF STATE

GENERAL INDEX FOR

SERIES XIIc

Title: Regulations for Use of Certain Picloram Products

SECTION 1. General

2. Applicator Certification Required To Use Certain Picloram Products
3. Dealer Requirements
4. Restrictions for the Use of Certain Picloram Products

WEST VIRGINIA LEGISLATIVE RULES
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-16B
SERIES XIIc

FILED
1985 JUN -7 PM 2:31
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Title: Regulations for Use of Certain Picloram Products

Section 1. General

1.1 Scope - These legislative regulations establish requirements for the use and sale of certain picloram products.

1.2 Authority - W. Va. Code 19-16B-4

1.3 Filing Date - June 7, 1985

1.4 Effective Date - June 7, 1985

Section 2. Applicator Certification Required To Use Certain Picloram Products

2.1 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 pesticide applicator's certification. The specialized training shall be on subject matter approved by the Commissioner and shall include, but not be limited to:

2.1.1 Special regulations,

2.1.2 Toxicity of the product,

2.1.3 Persistence

2.1.4 Mobility

2.1.5 Threats to the environment, and specifically to agriculture and water resources

2.1.6 Proper application techniques and dosages, and

2.1.7 Container disposal.

2.2 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 3. Dealer Requirements

3.1 All dealers in restricted use pesticides in West 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 picloral.

This record shall be on a form provided by the Commissioner and shall contain, but not be limited to:

- 3.1.1 The name and address of the purchaser,
- 3.1.2 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.
- 3.1.3 Quantity and formulation purchased,
- 3.1.4 Date of purchase, and
- 3.1.5 Place of intended use.

Section 4. Restrictions For The Use Of Certain Picloram Products

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

- 4.1.1 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.
- 4.1.2 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.
- 4.1.3 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.
- 4.1.4 Do not apply pelletized or granulated products containing picloram within three hundred feet (300) of areas underlain by cavernous limestone in near proximity to the surface as indicated by sink holes, or cave openings.
- 3.1.5 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 planting area.