

TRANSMITTAL OF RULES ADOPTED

FROM: AGRICULTURE  
(Name of Agency)

TO: CODE REVISER  
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)  
Olympia 98501

The enclosed Permanent rules  , being order No. 1079  
Emergency rules

relating to (Name of rules or description of subject matter)

REGULATIONS PERTAINING TO THE USE OF HERBICIDES  
IN GARFIELD COUNTY.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 1045 <sup>①</sup> filed with the code reviser  
on 12/18/67 <sup>②</sup> were regularly adopted as permanent rules of this  
(date)  
agency at Olympia, Wash. on 2/15/68 and are herewith  
(place) (date)  
filed in the office of the code reviser pursuant to chapter 34.04  
RCW. The effective date of such rules shall be 3/20/68 <sup>③</sup>

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of  
these rules is necessary for the preservation of the public  
health, safety, or general welfare and that observance of the  
requirements of notice and opportunity to present views on  
the proposed action would be contrary to the public interest,  
were regularly adopted as emergency rules of this agency at  
\_\_\_\_\_ on \_\_\_\_\_ and are herewith filed in  
(place) (date)  
the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

STATE OF WASHINGTON  
**FILED**  
FEB 16 1968  
CODE REVISER'S OFFICE  
DOCKET #1969 FILE # 19

Dept. of Agriculture  
(AGENCY)  
Arnold Johnson  
By  
Assistant Supervisor  
Title

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)  
② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)  
③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING:  
RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE  
OLYMPIA

ORDER NO. 1079

(Supersedes Order No. 1038)

EFFECTIVE MARCH 20, 1968

STATE OF WASHINGTON

**FILED**

FEB 16 1968

CODE REVISER'S OFFICE

DOCKET # 1369 FILE # 19

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN  
GARFIELD COUNTY

I, Donald W. Moos, Director of Agriculture of the State of Washington, by virtue of the authority vested in me under Chapters 15.57 and 17.21 RCW, after due notice and a public hearing held at Pomeroy, Washington on January 15, 1968, as provided under Chapters 42.32 and 34.04 RCW, do promulgate the following regulations relating to the use of growth regulating herbicides.

REGULATION 1. Area Under Order, Restricted Use Herbicides, Definitions, and Prohibited Formulations.

AREA UNDER ORDER: All lands within the boundaries of Garfield County.

RESTRICTED USE HERBICIDES: All formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T, and MCP are by this order declared to be restricted use herbicides.

DEFINITION: HIGH VOLATILE AND LOW VOLATILE ESTERS. High volatile and low volatile esters are those formulations labeled as high volatile and low volatile in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide and Rodenticide Act.

PROHIBITED FORMULATIONS: High volatile ester formulations and all dust formulations of restricted use herbicides are prohibited in the area under order. The use of more than one pint of all oil type carriers, emulsifiers, and spreader-stickers with restricted use herbicides is also prohibited.

REGULATION 2. AREA 1. An area starting at the intersection of the Snake River and the west boundary of Section 18, T14N, R43E; thence south to and along the Lambie Grade Road to and along the Casey Creek Road to the southeast corner of Section 8, T13N, R43E; thence along section lines one and one-half miles more or less to the Snake River.

AREA 1. (RESTRICTIONS). The application of low volatile formulations of restricted use herbicides shall be prohibited from April 15 to September 1. Ground application of restricted use herbicides shall be prohibited from 4:00 P.M. to 4:00 A.M. the following morning from April 15 to September 1.

Aerial application of restricted use herbicides shall be prohibited from April 15 to September 1. From September 1 to April 15 aerial applications shall be prohibited from 12:00 noon to 4:00 A.M. the following morning.

Refer to Regulations 6 and 7 for aerial and ground equipment restrictions.

REGULATION 3. AREA 2. All lands within the following described area of northern Garfield County: That portion of Sections 3, 9, 10, 15, and 16 lying north of the lower Deadman Road and east of State Highway #295 and that portion of Sections 2 and 11 lying north and west of School House Ridge, T13N, R40E; Sec. 23, 24, 25, 26, and 35, T14N, R40E; that portion of Sec. 15 through 23, 25 through 30, 35, and 36, T14N, R41E; that portion of Sec. 13, 14, 23, 27, 28, 29, and 30 and Sec. 24, 25, 26, and 31 through 36, T14N, R42E; Sec. 1, 2, and 3, T13N, R42E; that portion of T14N, R43E lying north and east of Casey Creek Road; Sec. 3, 4, 5, 6, 8, 9, 14, 15, 16, 21 through 28, 35, 36, and that portion of Sec. 7 lying northeast of the Kirby Mayview Road, T13N, R43E; Sec. 29 through 33, T13N, R44E; Sec. 2 through 6 and 11, T12N, R44E, excluding that portion of the Deadman Creek Watershed lying in the above described area.

AREA 2. (RESTRICTIONS). The application of low volatile formulations of restricted use herbicides shall be prohibited from May 1 to September 1. The application of restricted use herbicides shall be prohibited from 4:00 P.M. to 4:00 A.M. the following morning from May 1 to September 1.

Refer to Regulations 6 and 7 for aerial and ground equipment restrictions.

REGULATION 4. AREA 3. The area within a distance of 1 mile of the city limits of Pomeroy.

AREA 3. (RESTRICTIONS). Aerial application of all restricted use herbicides is prohibited within Area 3; Provided, That aircraft may apply restricted use herbicides, not prohibited by this order, on all lands in Sec. 25, T12N, R41E and Sec. 29 and 30, T12N, R42E lying north of the city of Pomeroy.

Refer to Regulations 6 and 7 for aerial and ground equipment restrictions.

REGULATION 5. AREA 4. REMAINING PORTION OF GARFIELD COUNTY. This area includes all lands in Garfield County except those areas described in Areas 1, 2, and 3 of this order.

AREA 4. (RESTRICTIONS). Aerial applications shall be made with a minimum of one gallon of water per acre and aircraft must be equipped with nozzles having a minimum orifice diameter of 0.063 inches with core plates removed and directed downward and backward 90 degrees or more from the direction of flight; Provided, That core plates may be used when nozzles are directed downward and backward 135 degrees or more from the direction of flight.

REGULATION 6. GROUND EQUIPMENT RESTRICTIONS IN AREAS 1, 2, AND 3. Ground applications shall be made with a minimum of 8 gallons of water per acre and ground equipment must be equipped with nozzles having a minimum orifice diameter of 0.031 inches. Pressure for ground rigs must not exceed 35 pounds per square inch at the nozzles.

REGULATION 7. AERIAL EQUIPMENT RESTRICTIONS IN AREAS 1, 2, AND 3. Aerial applications shall be made with a minimum of 3 gallons of water per acre and aircraft must be equipped with nozzles having a minimum orifice diameter of 0.125 inches, with core plates removed, and directed downward or backward 90 degrees or more from the direction of flight; Provided, That core plates may be used when nozzles are directed downward and backward 135 degrees or more from the direction of flight.

REGULATION 8. RESTRICTIONS ON AIRCRAFT: Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying during spraying operations over towns and cities, unless authorized by the city or town in question pursuant to an agreement for pesticide applications; or residences, windbreaks, orchards, or susceptible crops belonging to any persons other than the owner of the property being treated, except by permission of the person whose residence, windbreak, orchard, or susceptible crop is involved.

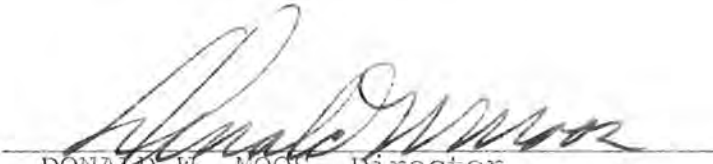
REGULATION 9. DISPOSAL OF RESTRICTED USE HERBICIDES AND THEIR CONTAINERS. Restricted use herbicides or their emptied containers shall not be dumped or abandoned or allowed to remain at any place where plants of value are likely to be injured. Equipment used for restricted use herbicides shall not be stored or allowed to remain at any place where susceptible crops may be affected.

REGULATION 10. WIND AND WEATHER CONDITIONS. The application of restricted use herbicides from April 15 to September 1 by ground or aerial equipment shall not be allowed when the prevailing wind velocity is over seven miles per hour from any direction; Provided, That from September 1 to April 15 the application of restricted use herbicides by ground or aerial equipment shall not be allowed when the prevailing wind velocity is over ten miles per hour from any direction. Even though wind velocity is within the limits allowable for spraying, restricted use herbicides shall not be applied if other weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization in the entire area under order.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated by the Department of Agriculture.

Signed at Olympia, Wash.

Date: February 15, 1968

  
DONALD W. MOOS, Director  
Department of Agriculture  
State of Washington