

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. 1168
Emergency rules

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

Regulations pertaining to the restricted use, sale, and application of herbicides in Garfield County.

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

pursuant to Notice No. 2816 ^① filed with the code reviser on 10/28/70 ^② were regularly adopted as permanent rules of this agency at Olympia, Wa. on 12/1/70 and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be 12/31/70 ^③

(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 _____ 1st _____ day of December 1970.

STATE OF WASHINGTON
FILED
DEC 1 1970
CODE REVISER'S OFFICE
KET # 3227 FILE # 23

AGRICULTURE
(AGENCY)
By *Cameron Adams*
CAMERON ADAMS
Deputy Director
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. 1168
(Supersedes Order No. 1131)
EFFECTIVE DECEMBER 31, 1970

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 November 18, 1970, 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 S18, T14N, R43E; thence south to and along the Lambie Grade Road to and along the Casey Creek Road to the southeast corner of S8, T13N, R43E; thence east along section lines one and one-half miles more or less to the Snake River; thence northwesterly along the Snake River to the point of beginning.

AREA 1. (RESTRICTIONS). The application of low volatile formulations of restricted use herbicides shall be prohibited from April 15 to September 1. Ground and aerial 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.

Refer to Regulations 4 and 5 for ground and aerial equipment restrictions.

REGULATION 3. AREA 2. The area within a distance of one mile of the city limits of Pomeroy.

AREA 2. (RESTRICTIONS). Aerial application of all restricted use herbicides is prohibited within Area 2; PROVIDED, That aircraft may apply restricted use herbicides, not prohibited by this order, on all lands in S25, T12N, R41E and Sections 29 and 30, T12N, R42E lying north of the city of Pomeroy. The 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.

Refer to Regulations 4 and 5 for ground and aerial equipment restrictions.

REGULATION 4. GROUND EQUIPMENT RESTRICTIONS IN AREAS 1 AND 2. 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 5. AERIAL EQUIPMENT RESTRICTIONS IN AREAS 1 AND 2. 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 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. RESTRICTIONS ON AIRCRAFT: Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying, during spraying operations, over cities and towns, unless authorized by the city or town in question pursuant to an agreement for pesticide applications; or over 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 7. 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 8. WIND AND WEATHER CONDITIONS. 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 (examples -- temperature inversion, high temperature) 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, Wa.

Date: December 1, 1970


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