

FROM: AGRICULTURE  
(Name of Agency)

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

The enclosed Permanent rules  , being order No. 1285  
Emergency rules

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

the use of herbicides in Benton County.

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

pursuant to Notice No. 3794<sup>①</sup> filed with the code reviser  
on 12/15/72<sup>②</sup> were regularly adopted as permanent rules of this  
(date)  
agency at Olympia, WA. on 1/5/73 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 3/15/73.<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.

The undersigned hereby certifies that the requirements of chapter  
34.04 RCW and of the Open Public Meetings Act of 1971, chapter  
42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this 5th day of January 1973.

STATE OF WASHINGTON  
**FILED**  
JAN 5 1973  
CODE REVISER'S OFFICE  
DOCKET # 4535 FILE # 25

AGRICULTURE  
(AGENCY)  
Stewart Johnson  
By  
Carl Simpson  
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. 1285  
(Supersedes Order 1235)  
Effective Date March 15, 1973

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN BENTON COUNTY

I, Ivan C. Packard, Acting Director of Agriculture of the state of Washington, by virtue of the authority vested in me under chapters 17.21 and 15.58 RCW, after due notice and a public hearing held in Pasco, Washington on December 21, 1972, 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, PROHIBITED FORMULATIONS, AND DEFINITIONS.

AREA UNDER ORDER: All lands lying within the border of Benton County.

RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T, and M.C.P.A. are by this order declared to be restricted use herbicides.

PROHIBITED FORMULATIONS: Use of high volatile ester formulations and all dust formulations of restricted use herbicides are prohibited in the entire area under order. The use of all oil-type carriers, emulsifiers, and spreader stickers are also prohibited: PROVIDED, That oil-type emulsifiers and spreader stickers may be used when not in excess of 1 pint per acre; and from November 1 to the specified date of the following year oil-type carriers may be used for brush control.

DEFINITION: HIGH 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.

DEFINITION: SPECIFIED DATE. Specified date as referred to in this order is that date to be determined by the state Department of Agriculture, in consultation with local authorities, and shall be as near as is possible to the date of bud break of grapes being grown in Benton County and/or adjacent counties. Notification of this date, after which such operations that are applicable are so restricted, shall be made by mailing a notice to each of the known commercial applicators working in the area and an announcement to the local newspapers, radio stations, and county extension offices.

REGULATION 2. AREA 1. (PROSSER TO FINLEY AND VICINITY). This area includes all lands in Sections 1 through 12, and 15 through 19, T8N, R24E; Sections 5,6, and 7, T8N, R25E; all of T9N, R24E; Sections 1 through 34, T9N, R25E; Sections 1 through 24, T9N, R26E; all of T9N, R27E; that portion of T10N, R27E and R28E; and T9N, R28E, lying south of the Yakima

River; and that portion of T8N, R28E, lying north of the Burlington Northern Railroad tracks; Sections 29 through 36, T9N, R29E; Sections 1 through 6, 10 through 13 and those portions of Sections 7, 8, 9, 14, 15, 23, and 24, T8N, R29E, lying north and east of the K.I.D. Canal; Sections 4 through 10, 14 through 28, 35, 36 and those portions of 29, 30, 32, 33, and 34, T8N, R30E lying north and east of the K.I.D. Canal, and the Atomic Energy Commission reservation.

AREA 1. (RESTRICTIONS) The use or application of restricted use herbicides is restricted to the liquid forms of amine and sodium or solubilized acid formulations, by ground equipment only: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop. Ground application shall be made using nozzles having a minimum orifice diameter of 0.036 inches (approximately 12 gallons per acre).

REGULATION 3. AREA 2. (BUFFER ZONE SURROUNDING PROSSER, BENTON CITY, KIONA AND KENNEWICK AREAS). Sections 19 through 36, T10N, R24 through 26E; those portions of Sections 30 and 31, T10N, R27E; Sections 13, 14, and 20 through 36, T8N, R24E; Sections 1 through 4, 8 through 12, 15 through 22, T8N, R25E; Sections 1 through 12, T8N, R26E; Sections 25 through 36, T9N, R26E; Sections 1 through 16, 21 through 25, and 36, T8N, R27E; Sections 1, 2, 11, and 12, T7N, R28E; all of T8N, R28E; that portion of T8N, R28E, lying south of the Burlington Northern Railroad tracks; Sections 1 through 12, T7N, R29E; Sections 15 through 22, 25 through 36 and those portions of Sections 7, 8, 9, 14, 15, 23, and 24 lying south and west of the K.I.D. Canal, T8N, R29E; Sections 1 through 12, T7N, R30E; Sections 31 and those portions of 29, 30, 32, 33, and 34 lying south and west of the K.I.D. Canal, T8N, R30E; and those portions of Sections 5 through 8, T7N, R31E, lying in Benton County.

AREA 2. (RESTRICTIONS) The use or application of restricted use herbicides is restricted to the liquid forms of amine and sodium or solubilized acid formulations: PROVIDED, That low volatile esters may be used from November 1 to the specified date of the following year.

From the specified date to November 1 of each year, ground applications shall be made using nozzles having a minimum orifice diameter of 0.036 inches (approximately 12 gallons per acre). From November 1 to the specified date of the following year ground applications shall be made using nozzles having a minimum orifice diameter of 0.031 inches (approximately 8 gallons per acre).

From the specified date to November 1 of each year, aircraft applications shall be made with a 5-gallon alternative (see Regulation 5). Aircraft applications shall be prohibited within one mile of commercial grape plantings and within  $\frac{1}{4}$  mile of other susceptible crops. From November 1 to the specified date of the following year aircraft applications shall be made with a 3-gallon alternative (see Regulation 5).

REGULATION 4. AREA 3. The remaining portions of Benton County---the Rattlesnake Hills and the Horse Heaven Hills.

AREA 3. (RESTRICTIONS) The use or application of restricted use herbicides is restricted to the liquid forms of the amine, sodium, or solubilized acid formulations: PROVIDED, That low volatile ester formulations may be applied from November 1 to May 1 of the following year.

Ground application shall be made using nozzles having a minimum orifice diameter of 0.031 inches (approximately 8 gallons per acre).

Aircraft applications shall be made with a 3-gallon alternative (see Regulation 5). From May 1 to November 1 of each year, aircraft applications of restricted use herbicides on other than growing crops shall only be allowed on a permit basis for equipment utilizing a drift reducing system approved by the Department.

REGULATION 5. AIRCRAFT NOZZLE REQUIREMENTS FOR APPROXIMATE GALLONS PER ACRE.

### 3-GALLON ALTERNATIVES

#### 1. Fixed Wing -

- (a) Minimum nozzle orifice 0.075 inches (less core plate).  
Minimum of one operating nozzle per each 14 inches of effective swath width.  
Nozzles directed downward and backward 170 degrees or more from direction of flight.
- (b) Minimum nozzle orifice 0.094 inches (less core plate).  
Minimum of one operating nozzle per each 20 inches of effective swath width.  
Nozzles directed downward and backward 135 degrees or more from direction of flight.

#### 2. Rotorcraft-Helicopter -

- (a) Minimum nozzle orifice 0.063 inches (less core plate).  
Minimum of one operating nozzle per each 16 inches of effective swath width.  
Nozzles directed downward and backward 90 degrees or more from direction of flight.
- (b) Minimum nozzle orifice 0.075 inches (less core plate).  
Minimum of one operating nozzle per each 20 inches of effective swath width.  
Nozzles directed downward and backward 90 degrees or more from direction of flight.
- (c) Minimum nozzle orifice 0.094 inches (may use No. 45 or larger core).  
Minimum of one operating nozzle per each 16 inches of effective swath width.  
Nozzles directed downward and backward 90 degrees or more from direction of flight.  
Use recognized drift reducing system or additive.
- (d) Minimum nozzle orifice 0.125 inches (may use No. 45 or larger core).  
Minimum of one operating nozzle per each 24 inches of effective swath width.  
Nozzles directed downward and backward 90 degrees or more from direction of flight.  
Use recognized drift reducing system or additive.

5-GALLON ALTERNATIVES

3. Fixed Wing -

- (a) Minimum nozzle orifice 0.094 inches (less core plate).  
Minimum of one operating nozzle per each 12 inches of effective swath width.  
Nozzles directed downward and backward 170 degrees or more from direction of flight.
- (b) Minimum nozzle orifice 0.125 inches (less core plate).  
Minimum of one operating nozzle per each 18 inches of effective swath width.  
Nozzles directed downward and backward 135 degrees or more from direction of flight.

4. Rotorcraft-Helicopter -

- (a) Minimum nozzle orifice 0.075 inches (less core plate).  
Minimum of one operating nozzle per each 16 inches of effective swath width.  
Nozzle directed downward and backward 90 degrees or more from direction of flight.
- (b) Minimum nozzle orifice 0.094 inches (less core plate).  
Minimum of one operating nozzle per each 20 inches of effective swath width.  
Nozzles directed downward and backward 90 degrees or more from direction of flight.
- (c) Minimum nozzle orifice 0.156 inches (may use No. 45 or larger core)  
Minimum of one operating nozzle per each 20 inches of effective swath width.  
Nozzle directed downward and backward 90 degrees or more from direction of flight.  
Use recognized drift reducing system or additive:

PROVIDED, That any person who has an aircraft which cannot be equipped to effectively comply with these specifications shall obtain a permit from the Department for variations prior to applications of restricted use herbicides.

REGULATION 6. RESTRICTIONS ON THE USE OF AIRSTRIPS. The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield, or any location within area 1 and turning and/or low flying over area 1 is also prohibited when loaded with restricted use herbicides or prior to thoroughly cleaning equipment following use of these herbicides.

REGULATION 7. RESTRICTIONS ON AIRCRAFT. Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying, during spray 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 person 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 8. WIND AND WEATHER CONDITIONS. Spraying of restricted use herbicides by ground or aerial equipment shall not be allowed when the mean sustained wind velocity is over 10 miles per hour from any direction

from November 1 to the specified date and over 7 miles per hour from the specified date to November 1. Even though wind velocity is within the limits allowable for spraying, restricted use herbicides shall not be applied from May 1 to November 1, when the temperature is 85 degrees F. or above at the point of application, if there is a temperature inversion or if other weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: PROVIDED, That applications at the rate of 50 gallons or more per acre shall be exempt from the 85 degree F. temperature cut-off requirement.

REGULATION 9. SPECIAL RESTRICTED USE HERBICIDE PERMITS. The Washington State Department of Agriculture may approve written requests to apply certain restricted use herbicides for purposes of critical weed control in the restricted areas under Order; the Director will consider recommendations of the 2,4-D Committee for Benton County.

REGULATION 10. RESTRICTED EVENING APPLICATIONS IN THE AREA UNDER ORDER. The application of allowable formulations of restricted use herbicides shall be prohibited daily from two hours prior to sunset to sunrise the following morning, from the specified date to November 1.

REGULATION 11. MAXIMUM PRESSURE FOR EQUIPMENT. INVERT AND FOAM SYSTEM RESTRICTIONS. Pressure for aerial and ground equipment applying restricted use herbicides shall not exceed 35 pounds per square inch at the nozzles: PROVIDED, That pressure up to 55 pounds per square inch at the nozzle may be used when necessary for applying restricted use herbicides by drift reducing systems such as invert and foam systems and for ground equipment with hand guns.

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



IVAN C. PACKARD  
Acting Director of Agriculture  
State of Washington

Signed at Olympia, WA.

Date: January 5, 1973