

FROM: AGRICULTURE
(Name of Agency)

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

The enclosed Permanent rules , being order No. 1287
Emergency rules
relating to (Name of rules or description of subject matter)

the use of herbicides in Walla Walla County.

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

pursuant to Notice No. 3795 ① filed with the code reviser
on 12/15/72 ② 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 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.

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 # 4537 FILE # 25

AGRICULTURE
(AGENCY)
[Signature]
By
[Signature]
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. 1287
(Supersedes Order No. 1237)
Effective Date March 15, 1973

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN
WALLA WALLA COUNTY

I, Ivan C. Packard, Acting Director of Agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.58 and 17.21 RCW, after due notice and a public hearing held in Walla Walla, Washington on December 19, 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 Walla Walla 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: Ethyl and isopropyl liquid formulations and all dust formulations of restricted use herbicides are prohibited in the entire area under order.

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 possible to the date of bud break of grapes being grown in Walla Walla 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.

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.

REGULATION 2. AREA 1. (COLUMBIA RIVER BUFFER AREA). An area starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon state line, T6N, R32E, thence North nineteen miles more or less to the Snake River, thence Westerly along the Snake River and Southerly along the Columbia River to the Washington-Oregon state line, thence East to the point of beginning.

AREA 1. (RESTRICTIONS) High and low volatile ester formulations of restricted use herbicides are prohibited from the specified date to November 1 of the same year. Aerial applications of restricted use herbicides shall be prohibited within $\frac{1}{2}$ mile of susceptible crops from the specified date to November 1 of the same year.

Refer to Regulation 7 for ground and aerial equipment restrictions.

REGULATION 3. AREA 2. (WALLA WALLA AND IMMEDIATE VICINITY).

An area starting at the Washington-Oregon state line and the Southeast corner of S16, T6N, R36E, thence North one mile more or less to the Southwest corner of S3, T6N, R36E, thence East 2 miles to the Southeast corner of S2, T6N, R36E, thence North 3 miles to the Southwest corner of S24, T7N, R36E, thence East 1 mile to the Southeast corner of S24, T7N, R36E, thence North one mile to the Southwest corner of S18, T7N, R37E, thence East one mile to the Southeast corner of S18, T7N, R37E, thence North one mile to the Northeast corner of S18, T7N, R37E, thence West 2 miles to the Southeast corner of S11, T7N, R36E, thence North one mile to the Northeast corner of S11, T7N, R36E, thence West four miles more or less to Mud Creek, thence Southwesterly along Mud Creek to Pedigo, thence West to the Northwest corner of S21, T7N, R35E, thence South to State Road 410, thence Westerly along State Road 410 to the York Road and South along the York and Sayer Road to the Frog Hollow Road, thence East along the Frog Hollow Road to the Locker Road, thence South along the Locker Road to the Washington-Oregon state line, thence East along the state line to the point of beginning.

AREA 2. (RESTRICTIONS) The use or application of restricted use herbicides is restricted to the liquid amine, sodium or solubilized acid formulations by ground equipment only: PROVIDED, That low volatile esters may be applied from November 1 to April 15: PROVIDED FURTHER, That aerial application of amine formulations of restricted use herbicides shall be allowed in those portions of Section 7 through 11, T7N, R36E, and Sections 11,12,15,16, and 21, T7N, R35E, within Area 1.

Refer to Regulation 7 for ground and aerial equipment restrictions

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 2, except that the municipal airport located Northeast of Walla Walla shall not be subject to this provision. Turning and/or low flying over Area 2 is also prohibited when loaded with restricted use herbicides, or prior to thoroughly cleaning equipment following use of these herbicides.

REGULATION 4. AREA 3. (DIXIE, WAITSBURG, AND PRESCOTT AREAS). Those areas lying within a 2-mile radius from the center of the town of Dixie and within 2 miles of the city limits of the towns of Waitsburg and Prescott.

AREA 3. (RESTRICTIONS) The use or application of restricted use herbicides by ground or aerial equipment is restricted to the liquid amine and sodium or solubilized acid formulations: PROVIDED, That low volatile esters may be used from November 1 to April 15: PROVIDED FURTHER, That the application of permitted formulations shall be made by ground equipment only from April 15 to November 1 of each year: PROVIDED, FURTHER, That M.C.P.A. amine may be applied by air at any time.

Refer to Regulation 7 for ground and aerial equipment restrictions

Oil amine invert formulations may be applied by aircraft on a permit basis (See Regulation 12) at any time: PROVIDED, That these aerial applications shall be made with nozzles having a minimum orifice diameter of 0.156 inches and directed downward or backward 90 degrees or more from the direction of flight (approximately 5 gallons per acre).

REGULATION 5. AREA 4. (BUFFER AREA SURROUNDING WALLA WALLA). An area starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon state line, T6N, R32E, thence North six miles more or less to the Northwest corner of Section 14, T7N, R32E, thence East ten miles more or less to the Southwest corner of S9, T7N, R34E, thence North one mile to the Northwest corner of S9, T7N, R34E, thence East two miles to the Southwest corner of S2, T7N, R34E, thence North one mile to the corner of S31, T8N, R35E, thence North 6 miles to the Northwest corner of S6, T8N, R35E, thence East 24 miles to and along the Columbia-Walla Walla County line to the Northeast corner of S1, T8N, R38E, thence South 14 miles more or less to the Washington-Oregon state line and West to the point of beginning.

AREA 4. (RESTRICTIONS) The use or application, by ground or aerial equipment, of restricted use herbicides is restricted to the liquid amine and sodium or solubilized acid formulations: PROVIDED, That low volatile formulations of 2,4-DB may be applied to alfalfa seed crops at any time: and, PROVIDED FURTHER, That other low volatile ester formulations of restricted use herbicides may be applied from November 1 to April 15. The use of oil-type emulsifiers and oil-type spreader stickers is restricted to one pint or less per acre.

Refer to Regulation 7 for ground and aerial equipment restrictions.

REGULATION 6. AREA 5. All of the remaining lands within the border of Walla Walla County.

AREA 5. (RESTRICTIONS) The use or application of high volatile ester formulations of restricted use herbicides is prohibited from May 1 to November 1.

REGULATION 7. EQUIPMENT RESTRICTIONS IN AREAS 1,2,3, and 4. From May 1 to November 1 ground applications shall be made using nozzles having a minimum orifice diameter of 0.031 inches (approximately 8 gallons per acre).

Aerial applications shall be made with nozzles having a minimum orifice diameter of 0.125 inches, with core plates removed, and directed downward and backward more than 90 degrees from the direction of flight (approximately 3 gallons per acre): PROVIDED, That a number 45 or larger core plate shall be used when nozzles are directed downward and backward more than 135 degrees from the direction of flight.

REGULATION 8. AIRCRAFT RESTRICTIONS. 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 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 9. DISPOSAL OF RESTRICTED USE HERBICIDES AND THEIR CONTAINERS. No person shall dispose of, discard, or store any restricted use pesticide or their containers in such a manner as may cause injury to humans, vegetation, crops, livestock, wildlife, pollinating insects or to pollute any water supply or waterway.

REGULATION 10. WIND AND WEATHER CONDITIONS. (1) Application of herbicides permitted as set forth in this order by ground equipment shall not be allowed in Area 2 when the mean sustained wind velocity is over 7 miles per hour from any direction.

(2) Application of herbicides permitted as set forth in this order by ground or aerial equipment shall not be allowed in Areas 3 and 4 when the mean sustained wind velocity is over 10 miles per hour from any direction from November 1 to April 15, and over 7 miles per hour from April 15 to November 1.

Application of restricted use herbicides by ground or aerial equipment shall not be allowed in Areas 1 and 5 when the mean sustained wind velocity is over 10 miles per hour from any direction from November 1 to May 1, and over 7 miles per hour from any direction from May 1 to November 1.

Even though wind velocity is within the limits allowable for application, restricted use herbicides shall not be applied from May 1 to November 1 when the temperature is 85° 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 in the area under order: PROVIDED, That applications at the rate of 50 gallons or more per acre shall be exempt from the 85° F. temperature cutoff requirement.


REGULATION 11. RESTRICTIONS ON THE SALE OF CERTAIN FORMULATIONS OF RESTRICTED USE HERBICIDES. The sale of permitted high and low volatile ester formulations of restricted use herbicides in containers of one gallon or less is prohibited in the entire area under order: PROVIDED, That low volatile formulations of 2,4-DB may be sold in gallon containers: and, PROVIDED FURTHER, That the sale of permitted high and low volatile ester formulations in unbroken case lots of one gallon containers may be made to commercial producers or for commercial applications.

REGULATION 12. SPECIAL RESTRICTED USE HERBICIDE PERMITS. The Department may approve written requests to apply 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 Walla Walla County.

REGULATION 13. RESTRICTED EVENING APPLICATIONS IN THE AREA UNDER ORDER. The application of allowable formulations of restricted use herbicides shall be prohibited daily, from sunset to sunrise the following morning, from the effective dates to November 1.

REGULATION 14. 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 regulations promulgated by the Department of Agriculture.



IVAN C. PACKARD
Acting Director of Agriculture
State of Washington

Signed at Olympia, WA.

DATE: January 5, 1973