

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. 1288
Emergency rules
relating to (Name of rules or description of subject matter)

the use of herbicides in Klickitat County.

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

pursuant to Notice No. 3831 ^① filed with the code reviser
on 1/23/73 ^② were regularly adopted as permanent rules of this
(date)
agency at Olympia, WA. on 1/31/73 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 31st day of January 1973.

STATE OF WASHINGTON
FILED
JAN 31 1973
CODE REVISER'S OFFICE
DOCKET # 4581 FILE # 25

AGRICULTURE
(AGENCY)
Steward Bledsoe
By STEWARD BLEDSOE
DIRECTOR
Title

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY RE-
VISER'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 REVIS-
ER'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. 1288
(Supersedes Order No. 1233)

EFFECTIVE MARCH 15, 1973

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN KLICKITAT COUNTY

I, Stewart Bledsoe, 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 public hearing held at Goldendale, Washington, January 17, 1973, as provided under Chapters 42.32 and 34.04 RCW, do hereby promulgate the following regulations relating to the use of growth regulating herbicides.

REGULATION 1. AREA UNDER ORDER, RESTRICTED USE HERBICIDES, PROHIBITED FORMULATIONS, AND DEFINITION.

AREA UNDER ORDER: All lands within the boundaries of Klickitat 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 MCPA are by this order declared to be restricted use herbicides.

PROHIBITED FORMULATIONS: Use of 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 October 1 to May 1 of the following year, oil-type carriers may be used for brush control.

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.

REGULATION 2. AREA 1. (BICKLETON AND SURROUNDING AREA). This area includes all lands in Townships 5 and 6, Ranges 19, 20, 21, and 22.

AREA 1. (RESTRICTIONS) The use or application by ground or aerial equipment of restricted use herbicides is restricted to the liquid forms of the amine, sodium, or solubilized acid formulations; PROVIDED, That all volatile formulations may only be applied from October 1 to May 1 of each year or by permit from May 1 to May 15 (refer to Regulation 9).

REGULATION 3. AREA 2. (ALL REMAINING LANDS WITHIN THE BOUNDARIES OF KLICKITAT COUNTY).

AREA 2. (RESTRICTIONS) The use or application by ground or aerial equipment of restricted use herbicides is restricted to the liquid forms of the amine, sodium, or solubilized acid formulations; PROVIDED, That all volatile formulations may only be applied from October 1 to May 1 of each year.

REGULATION 4. AERIAL AND GROUND EQUIPMENT RESTRICTIONS, AREAS 1 AND 2.
Ground application shall be made with a minimum of 8 gallons per acre from May 1 to October 1. Spray equipment must be equipped with nozzles having a minimum orifice diameter of 0.031 inches.

From May 1 to October 1 aircraft applications shall be made with a 3 gallon alternative; PROVIDED, That when a drift reducing agent is used, aircraft applications may be made with a 2 gallon alternative (see Regulation 5).

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

2-GALLON ALTERNATIVES

1. Fixed Wing -

- (a) Minimum nozzle orifice 0.063 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.
- (b) Minimum nozzle orifice 0.094 inches (may use No. 45 or larger core).
Minimum of one operating nozzle per each 18 inches of effective swath width.
Nozzles directed downward and backward 170 degrees or more from direction of flight.

2. Rotorcraft-Helicopter -

- (a) Minimum nozzle orifice 0.047 inches (less core plate).
Minimum of one operating nozzle per each 18 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 (may use No. 45 or larger core).
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 24 inches of effective swath width.
Nozzles directed downward and backward 90 degrees or more from direction of flight.

3-GALLON ALTERNATIVES

3. 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.

4. 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:

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. 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.


REGULATION 7. 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 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 October 1 to May 1, and over 7 miles per hour from May 1 to October 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 Area 1 and for forest and rangeland weed control in the area under order. The Director will consider recommendations of the 2,4-D Committee for Klickitat County.

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

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



STEWART BLEDSOE
Director of Agriculture
State of Washington

Signed at Olympia, Washington

Date: January 31, 1973

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

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(Supersedes Order No. 1233)

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PROHIBITED FORMULATIONS: Use of 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 October 1 to May 1 of the following year, oil-type carriers may be used for brush control.

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.

REGULATION 2. AREA 1. (BICKLETON AND SURROUNDING AREA). This area includes all lands in Townships 5 and 6, Ranges 19, 20, 21, and 22.

AREA 1. (RESTRICTIONS) The use or application by ground or aerial equipment of restricted use herbicides is restricted to the liquid forms of the amine, sodium, or solubilized acid formulations; PROVIDED, That all volatile formulations may only be applied from October 1 to May 1 of each year or by permit from May 1 to May 15 (refer to Regulation 9).

REGULATION 3. AREA 2. (ALL REMAINING LANDS WITHIN THE BOUNDARIES OF KLICKITAT COUNTY).

AREA 2. (RESTRICTIONS) The use or application by ground or aerial equipment of restricted use herbicides is restricted to the liquid forms of the amine, sodium, or solubilized acid formulations; PROVIDED, That all volatile formulations may only be applied from October 1 to May 1 of each year.

REGULATION 4. AERIAL AND GROUND EQUIPMENT RESTRICTIONS, AREAS 1 AND 2.
Ground application shall be made with a minimum of 8 gallons per acre from May 1 to October 1. Spray equipment must be equipped with nozzles having a minimum orifice diameter of 0.031 inches.

From May 1 to October 1 aircraft applications shall be made with a 3 gallon alternative; PROVIDED, That when a drift reducing agent is used, aircraft applications may be made with a 2 gallon alternative (see Regulation 5).

REGULATION 5. AIRCRAFT NOZZLE REQUIREMENTS FOR APPROXIMATE GALLONS PER ACRE

2-GALLON ALTERNATIVES

1. Fixed Wing -

- (a) Minimum nozzle orifice 0.063 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.
- (b) Minimum nozzle orifice 0.094 inches (may use No. 45 or larger core).
Minimum of one operating nozzle per each 18 inches of effective swath width.
Nozzles directed downward and backward 170 degrees or more from direction of flight.

2. Rotorcraft-Helicopter -

- (a) Minimum nozzle orifice 0.047 inches (less core plate).
Minimum of one operating nozzle per each 18 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 (may use No. 45 or larger core).
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3-GALLON ALTERNATIVES

3. Fixed Wing -

- (a) Minimum nozzle orifice 0.075 inches (less core plate).
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Nozzles directed downward and backward 170 degrees or more from direction of flight.
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4. Rotorcraft-Helicopter -

- (a) Minimum nozzle orifice 0.063 inches (less core plate).
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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).
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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).
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Nozzles directed downward and backward 90 degrees or more from direction of flight.
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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.

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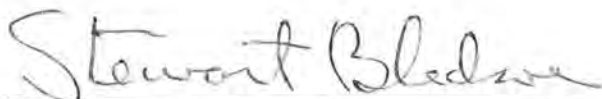
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REGULATION 8. WIND AND WEATHER CONDITIONS. Spraying of restricted use herbicides by ground or aerial equipment shall not be allowed when the mean sustained wind velocity is over 10 miles per hour from any direction from October 1 to May 1, and over 7 miles per hour from May 1 to October 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.

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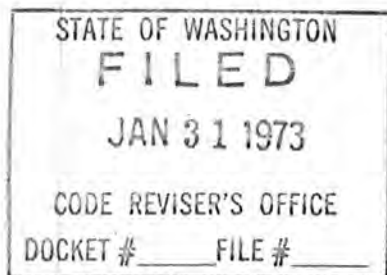
I hereby certify that the foregoing is a true and correct copy of the regulation promulgated by the Department of Agriculture.



STEWART BLEDSOE
Director of Agriculture
State of Washington

Signed at Olympia, Washington

Date: January 31, 1973



STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

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Nozzles directed downward and backward 170 degrees or more from direction of flight.

2. Rotorcraft-Helicopter -

- (a) Minimum nozzle orifice 0.047 inches (less core plate).
Minimum of one operating nozzle per each 18 inches of effective swath width.
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Use recognized drift reducing system or additive.
- (d) Minimum nozzle orifice 0.125 inches (may use No. 45 or larger core).
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Director of Agriculture
State of Washington

Signed at Olympia, Washington

Date: January 31, 1973

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- (a) Minimum nozzle orifice 0.063 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.
- (b) Minimum nozzle orifice 0.094 inches (may use No. 45 or larger core).
Minimum of one operating nozzle per each 18 inches of effective swath width. Nozzles directed downward and backward 170 degrees or more from direction of flight.

2. Rotorcraft-Helicopter -

- (a) Minimum nozzle orifice 0.047 inches (less core plate).
Minimum of one operating nozzle per each 18 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 (may use No. 45 or larger core).
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 24 inches of effective swath width. Nozzles directed downward and backward 90 degrees or more from direction of flight.

3-GALLON ALTERNATIVES

3. 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.

4. 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:

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. 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.

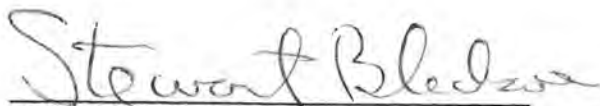
REGULATION 7. RESTRICTIONS ON AIRCRAFT. Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying, during spraying operations, over cities and towns, unless authorized by the city or town in question pursuant to an agreement for pesticide applications; or over residences, 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 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 October 1 to May 1, and over 7 miles per hour from May 1 to October 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 Area 1 and for forest and rangeland weed control in the area under order. The Director will consider recommendations of the 2,4-D Committee for Klickitat County.

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

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



STEWART BLEDSOE
Director of Agriculture
State of Washington

Signed at Olympia, Washington

Date: January 31, 1973

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