

FROM: AGRICULTURE
(Name of Agency)

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

The enclosed Permanent rules , being order No. 1295
Emergency rules
relating to (Name of rules or description of subject matter)

the use of herbicides in Douglas and Chelan Counties.

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

pursuant to Notice No. 3878 ① filed with the code reviser
on 2/13/73 ② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Wa. on 2/23/73 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 3/25/73 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 23rd day of February 1973.

STATE OF WASHINGTON
FILED
FEB 23 1973
CODE REVISER'S OFFICE
DOCKET # 4015 FILE # 2

AGRICULTURE
(AGENCY)
Stewart Bledsoe
By Stewart Bledsoe
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. 1295

(Supersedes Order No. 1241)

EFFECTIVE MARCH 25, 1973

REGULATIONS PERTAINING TO THE USE OF HERBICIDES
IN DOUGLAS AND CHELAN COUNTIES

I, Stewart Bledsoe, 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 public hearing held at Waterville, Washington on February 8, 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 DEFINITIONS.

AREA UNDER ORDER: All lands lying within the borders of Douglas and Chelan counties.

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: The use of dust formulations of restricted use herbicides is 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 is possible to the date of bud break of fruit being grown in the area under Order. 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 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. CHELAN COUNTY. An area starting at the southeast corner of Section 32, T21N, R22E; thence west one mile to the southwest corner of Section 32; thence north five miles more or less to the right-of-way of the Malaga Road; thence along and including the Malaga Road right-of-way to the city limits of Wenatchee; thence east to the Columbia River, and along the west bank of the Columbia River to the point of beginning.

DOUGLAS COUNTY. An area starting on the east bank of the Columbia River, at the southwest corner of Section 33, T21N, R22E; thence east one mile to the southeast corner of Section 33; thence north one mile to the southwest corner of Section 27; thence east one mile to the southeast corner of Section 27; thence north one mile to the southwest corner of Section 23; thence east one mile to the southeast corner of Section 23; thence north one mile to the northeast corner of Section 23; thence west one mile to the northwest corner of Section 23; thence north one mile to the northeast corner of Section 15; thence west one mile to the northwest corner of Section 15; thence north two miles to the northeast corner of Section 4; thence west one mile more or less to and including the right-of-way of State Road 28; thence northwest along the highway right-of-way to the east section line of Section 25, T22N, R21E; thence north five miles more or less to the northeast corner of Section 36, T23N, R21E; thence west eight miles more or less to the east bank of the Columbia River; thence southeasterly along the east bank of the Columbia River to the point of beginning.

AREA 1. (RESTRICTIONS). The use or application of restricted use herbicides is restricted to the liquid forms of amine, sodium, or solubilized acid formulations by ground equipment only.

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

AREA 1. RESTRICTIONS ON AIRCRAFT. Loading and/or mixing of restricted use herbicides in aircraft and operation of such aircraft shall be allowed only on Fancher Field. Turning and/or low flying over Area 1 is prohibited when loaded with restricted use herbicides or prior to thorough cleaning of the equipment following the use or application of restricted use herbicides.

REGULATION 3. AREA 2. (BUFFER AREA SURROUNDING THE MOUTH OF MOSES COULEE). Sections 1, 2, 3, 10, 11, 12, 13, 14, 24, 25, 26, 34, 35 and 36, T21N, R22E, and Sections 1, 2, 3, 4, 9, 10, 11, 12 and those portions of Sections 13, 14, 15, and 16, T20N, R22E, lying in Douglas County.

AREA 2. (RESTRICTIONS). The use or application of restricted use herbicides is restricted to the liquid forms of the 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, ground applications shall be made using nozzles having a minimum orifice diameter of 0.036 inches (approximately 12 gallons per acre).

From the specified date to November 1, aircraft applications shall be made with a 3-gallon alternative (see Regulation 5).

REGULATION 4. AREA 3. (BUFFER AREA BETWEEN ROCK ISLAND AND PALISADES). An area starting at the northwest corner of Section 6, T22N, R22E; thence east along the township line twelve miles to the Douglas-Grant county line; thence southwesterly along the county line to the east boundary line of Area 2; thence north and west along the Area 2 boundary line to the Area 1 boundary line; thence northerly along the Area 1 boundary line to the point of beginning.

AREA 3. (RESTRICTIONS). From May 1 to November 1 of each year, the use or application of high volatile formulations of restricted use herbicides shall be

prohibited. From May 15 to November 1 of each year, the use or application of low volatile formulations of restricted use herbicides shall be prohibited.

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).

From May 1 to November 1, aircraft applications shall be made with a 2-gallon alternative (see Regulation 5).

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

1-GALLON ALTERNATIVES

1. Fixed Wing -

- (a) Minimum nozzle orifice 0.075 inches (may use No. 45 or larger core).
Minimum of one operating nozzle per each 23 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 (may use No. 45 or larger core).
Minimum of one operating nozzle per each 28 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 26 inches of effective swath width.
Nozzles directed downward and backward 90 degrees or more from direction of flight.
- (b) Minimum nozzle orifice 0.063 inches (may use No. 45 or larger core).
Minimum of one operating nozzle per each 26 inches of effective swath width.
Nozzles directed downward and backward 90 degrees or more from direction of flight.
- (c) Minimum nozzle orifice 0.075 inches (may use No. 45 or larger core).
Minimum of one operating nozzle per each 34 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 apply for a permit from the Department for variations prior to applications of restricted use herbicides.

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 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 7. WIND AND WEATHER CONDITIONS. The application of restricted use herbicides by ground or aerial equipment shall be prohibited when the mean sustained wind velocity is over 10 miles per hour during restricted dates for each area: PROVIDED, That the 7 miles per hour wind velocity restriction shall apply to Area 1 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 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 8. SPECIAL RESTRICTED USE HERBICIDES PERMITS. The Washington State Department of Agriculture may approve written requests to apply restricted use herbicides for purposes of critical weed control in the restricted areas under order. Such requests shall contain information verifying the safety of the proposed application.

REGULATION 9. RESTRICTED EVENING APPLICATIONS. The application of allowable formulations of restricted use herbicides shall be prohibited daily from two hours prior to sunset to sunrise the following morning in Areas 1, 2, and 3, from the specified date to November 1.

REGULATION 10. 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 pressures 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. The necessary nozzle design for drift reducing systems shall be allowed only when maintaining orifice diameter requirements.

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

Stewart Bledsoe

STEWART BLEDSOE
Director of Agriculture
State of Washington

Signed at Olympia, WA.

Date: February 23, 1973

