

FROM: Department of Agriculture
(Name of Agency)

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

The enclosed Permanent rules , being order No. 1342
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. 4414 ① filed with the code reviser
on 12/13/73 ② were regularly adopted as permanent rules of this
(date)
agency at Director's Office on 2/5/74 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 3/7/74 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
(place) on (date) and are herewith filed in
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 February 1974.

STATE OF WASHINGTON
FILED
FEB 5 1974
CODE REVISER'S OFFICE
DOCKET # 504 FILE # 27

Department of Agriculture
(AGENCY)

Donald R. Roberts
By
Supervisor, Grain & Chemical Division
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. 1342
(Supersedes Order No. 1285)
EFFECTIVE MARCH 7, 1974

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN
BENTON 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 a public hearing held in Pasco, Washington on January 11, 1974, 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 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 MCPA 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 on and after November 1 to but not including the specified date of the following year oil-type carriers may be used for brush control.

DEFINITION: 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 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 low volatile ester formulations of restricted use herbicides is prohibited. Aircraft applications of restricted use herbicides shall be prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

Ground applications shall be made using nozzles having a minimum orifice diameter of 0.036 inches (approximately 12 gallons per acre).

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 3. AREA 2. (Buffer zone surrounding Prosser, Benton City, Kiona and Kennewick areas). Section 19 through 36, T10N, R24E, R25E and R26E; those portions of Sections 30 and 31, T10N, R27E, lying west of the Yakima River; Sections 13, 14, and 20 through 36, T8N, R24E; Sections 1 through 4, 8 through 12, 15 through 22, T8N, R25E; Sections 35 and 36, T9N, 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; 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 low volatile formulations of restricted use herbicides shall be prohibited on and after the specified date to and including October 31.

On and after the specified date to and including October 31, ground applications shall be made using nozzles having a minimum orifice diameter of 0.036 inches (approximately 12 gallons per acre). On and after November 1 to but not including the specified date, ground applications shall be made using nozzles having a minimum orifice diameter of 0.031 inches (approximately 8 gallons per acre).

On and after the specified date to and including October 31, aircraft applications shall be made with a 5-gallon alternative (see Order 1347, Regulation 9). Aircraft applications shall be prohibited within one mile of commercial vineyards and within 1/4 mile of other susceptible crops. On and after November 1 to but not including the "specified date", aircraft applications shall be made with a 3-gallon alternative (see Order 1347, Regulation 9).

REGULATION 4. AREA 3. The remaining portions of Benton

County--the Rattlesnake Hills and the Horse Heaven Hills.

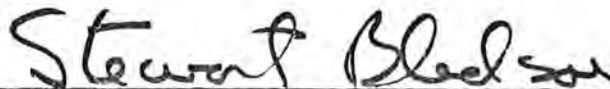
AREA 3. (Restrictions). The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 1 to and including October 31.

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 Order 1347, Regulation 9). On and after May 1 to and including October 31, aircraft applications of restricted use herbicides on other than growing crops shall only be allowed by permit issued by the department.

REGULATION 5. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the applicable restrictions in Order 1347 and Order 1346, WAC 16-222-160(1)(n) and (9) and WAC 16-222-190.

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



STEWART BLEDSOE

Director of Agriculture
State of Washington

Signed at Olympia, Washington

Date: Feb 5, 1944