

State of Washington
Department of Agriculture

(agency name)

Administrative Order No. 1591

(1) I, Bob J. Mickelson, director of
Washington State Department of Agriculture

do promulgate and adopt at Olympia, WA

(place)

the annexed rules relating to: The use of desiccants and defoliants in Eastern Washington in WAC 16-230-150; WAC 16-230-160; WAC 16-230-170; WAC 16-230-180; WAC 16-230-190; and, WAC 16-230-200.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 78-12-078 filed with the code reviser on 12-5-78. Such rules shall take effect: pursuant to RCW 34.04.040(2). at a later date, such date being _____.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, _____, find that an emergency exists and that the foregoing order 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 public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.____ (1977 c 19 § 2)¹ that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW 17.21 and 15.578 and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW _____ which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW _____

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON
APPROVED AND ADOPTED
FILED

January 29 19 79.

JAN 29 1979

By

Errett Deck, Deputy Director

Title

CODE REVISER'S OFFICE

WSR 79-02-046



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purposes of legislative review of agency rules, the following statement is submitted.

1. Rules pertaining to the use of desiccants and defoliants in Eastern Washington.
2. Amendments to reinstate restrictions on the use of desiccants and defoliants in Walla Walla County and throughout Eastern Washington.
3. Art Losey
406 General Admin. Bldg. AX-41
Olympia, WA 98504
753-5062
Clarke Brown
2015 So. 1st Street
Yakima, WA 98903
575-2746
4. Proponents:

Greg Bessini
Tony Lucarglli
Art Fanciullo
Joe Fanciullo

Opponents:

Robert Willoughby
Jim Small
Mike Bergevin
Burl D. Hanson
Joe J. Locati
Doug Flod
Bill Lyons
Bill Sewell
Amos B. Bourgo
Victor Ruh

Harold Cochran
David Dunham
Bob Plucker
Doug Bayne
Ronald Dunning
5. No agency comments.

WAC 16-230-150 AREA UNDER ORDER--RESTRICTED USE DESICCANTS AND DEFOLIANTS. (1) Area under order: All counties located east of the crest of the Cascade Mountains, including additional restrictions for Walla Walla county.

(2) Restricted use desiccants and defoliants: ~~((All))~~ The following desiccants and defoliants ~~((including-but-not-limited-to))~~ are by this order declared to be restricted use desiccants and defoliants: 6,7-dihydrodipyrido (1,2-a:2',1'c) pyrazidiinium dibromide, herein and commonly referred to as Diquat; Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride, herein and commonly referred to as Paraquat; ((Disodium-3,6-endoxhexahydrophthalate, herein and commonly referred to as Disodium Endothall;)) Mono (N,N dimethylalkylamine) salt of ((3,6-endoxhexahydrophthalate)) 7-oxabicyclo (2.2.1) heptane-2,3-dicarboxylic acid, herein and commonly referred to as the amine salt of Endothall; Dinitro-o-sec-butylphenol, herein and commonly referred to as Dinitro ((-are-by-this-order-declared-to-be-restricted-use-desiccants-and-defoliants)).

AMENDATORY SECTION (Amending Order 1545, Filed 11/30/77)

WAC 16-230-160 GROUND EQUIPMENT--NOZZLE AND PRESSURE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER. ~~((a-Ground-applications-of-restricted-use-desiccants-and-defoliants-shall-be-made-with-nozzles-having-a-minimum-orifice-diameter-of-0.52-inches. Pressure-for-ground-application-shall-not-exceed-35-psi-at-the-nozzles.))~~ (1) Nozzle requirements - A minimum orifice diameter of 0.072 inches shall be used for application of all restricted use desiccants and defoliants: PROVIDED, That applications of Dinitro may use a minimum orifice diameter of 0.052 inches.

(2) Pressure requirements - Maximum pressure at the nozzles for all applications of restricted use desiccants and defoliants shall be 30 psi.

Note to File: when codified, colon was taken out & after period x was put back in. per U.B. G.R.

AMENDATORY SECTION (Amending Order 1548, Filed 1/19/78)

WAC 16-230-170 AERIAL EQUIPMENT--BOOM LENGTH, PRESSURE ((AND)), NOZZLE HEIGHT OF DISCHARGE AND SMOKE DEVICE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER. (1) Boom length restrictions:

(a) Fixed Wing: The working boom length shall not exceed 3/4 of the ~~((wing-span))~~ distance from center of aircraft to wing tip on each side of aircraft.

(b) Helicopters: The working boom length shall not exceed 6/7 of the ~~((total))~~ distance from the center of rotor ~~((length-or-3/4-of-the-total-rotor-length-where-the-rotor-exceeds-40-feet))~~ to rotor tip on each side of the aircraft for rotors 40 feet or under or 3/4 of the distance from the center of rotor to rotor tip on each side of the aircraft where the rotor exceeds 40 feet while applying restricted use desiccants and defoliants.

(2) ~~((Aerial-equipment-pressure--Pressure-for-aerial-equipment shall-not-exceed-30-psi-at-the-nozzles))~~ Pressure restrictions: Maximum pressure at the nozzles for all aerial applications of restricted use desiccants and defoliants shall be 25 psi.

(3) ~~((Aerial-equipment-nozzle--Applications-shall-be-made-using the-following-minimum-nozzle-orifice-and-core-plate-sizes-as-listed))~~ Nozzle requirements:

(a) Fixed wing applications of Diquat or Paraquat:

(i) ~~((Nozzle-orifice-of-0.156-inches-to-0.188-inches-shall-not use-a-core-plate))~~ Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.094 inches;

(ii) ~~((Nozzle-orifice-of-0.188-inches-or-larger-(may-use-No.-46-or larger-core-plate)--PROVIDED, That-by-written-permit, RD8-nozzles-with orifice-size-of-0.125-inches-and-No.-45-core-plates-may-be-used.))~~ By written permit from Washington State Department of Agriculture, the Raindrop nozzle may be used with a minimum orifice diameter of 0.156 inches with a No. 46 core plate or larger.

~~((iii--Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight))~~

(b) ~~((Helicopters))~~ Fixed wing applications of Endothall and Dinitro:

(i) ~~((Nozzle orifice of 0.156 inches or larger (may use No. 46 core plate or larger).--PROVIDED, That by written permit, RD8 nozzles with orifice size of 0.125 inches and core plate No. 45 may be used))~~ Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;

(ii) ~~((Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight))~~ The Raindrop nozzle may be used with a minimum orifice diameter of 0.156 inches with a No. 46 core plate or larger.

(c) Helicopter applications of restricted use desiccants and defoliant:

(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;

(ii) Straight stream jet nozzles with a minimum orifice diameter of 0.125 inches with No. 46 core plates or larger;

(iii) By written permit from Washington State Department of Agriculture, the Raindrop nozzles may be used with a minimum orifice diameter of 0.156 inches with No. 46 core plates or larger.

(d) Nozzle direction:

(i) Nozzles shall be directed backward 180 degrees from the direction of flight while discharging restricted use desiccants or defoliant from any aircraft.

(4) ~~((A smoke device shall be required on each aircraft and shall be utilized during the application of restricted use desiccants and defoliant.))~~ Height of discharge requirements: No aircraft shall discharge restricted use desiccants and defoliant from the nozzles while either descending on to the target field or ascending from the target field.

(5) Smoke device requirements: All aircraft applying restricted use desiccants and defoliant shall utilize a smoke device to determine wind directions and temperature inversion situations.

AMENDATORY SECTION (Amending Order 1545, Filed 11/30/77)

WAC 16-230-180 WEATHER AND EVENING CUTOFF ((RESTRICTIONS)) REQUIREMENTS. (1) Weather conditions: Restricted use desiccants and defoliant shall not be applied when there is a temperature inversion, or if wind or weather conditions are such that damage could result to ~~((nearby towns))~~ susceptible crops ~~((and plantings))~~ or ornamentals.

(2) Evening cutoff: ~~((The))~~ All applications of restricted use desiccants and defoliant shall be prohibited ~~((daily))~~ from ~~((3))~~ three hours prior to sunset to one hour after sunrise the following morning: PROVIDED, That ~~((if there is a mean sustained legal wind velocity of not less than 5 mph, the application of restricted use desiccants and defoliant is allowed up to one hour prior to sunset in all counties under order except Walla Walla County))~~ ground applications of Dinitro may begin at sunrise the following morning.

AMENDATORY SECTION (Amending Order 1545, Filed 11/30/77)

WAC 16-230-190 RESTRICTIONS ON THE USE OF DIQUAT, PARAQUAT AND DINITRO IN WALLA WALLA COUNTY ((AREA-1)). (1) ~~((Town of Walla Walla and vicinity.--This area includes all lands lying within Walla Walla and vicinity beginning at the Washington state line at the common boundary line between sections 15 and 16, T6N, R34E, north along Heon Road and continuing north on McDonald Bridge Road, across U.P.R.R. and Highway 12, thence north 4 miles more or less to the northwest corner of Section 10, T7N, R37E, thence east 20 miles to the northeast corner of Section 11, T7N, R37E, thence south 7 miles more or less to the Washington-Oregon state line, thence west to point of beginning))~~

Applications of Diquat or any mix containing Diquat is hereby prohibited in Walla Walla county and application equipment used for Diquat applications in allowable areas in Eastern Washington must be decontaminated prior to bringing the application equipment into Walla Walla county.

(2) Area 1 (~~restrictions~~) description (~~(--The application of Diquat or any mix containing Diquat shall be prohibited,--The loading and/or mixing of Diquat is prohibited on any airstrip, airfield, or any location within Area 1--of Walla Walla county.--Application equipment used for Diquat application shall be clean prior to being brought into Area 1)~~) - Town of Walla Walla and vicinity: This area includes all lands lying within the Town of Walla Walla and vicinity beginning at the Washington state line at the common boundary line between Sections 15 and 16, T6N, R34E, north along Hoon Road and continuing north on McDonald Bridge Road; across U.P.R.R. and Highway 12; thence north 4 miles more or less to the northwest corner of Section 10, T7N, R34E; thence east 20 miles to the northeast corner of Section 11, T7N, R37E; thence south 7 miles more or less to the Washington-Oregon state line; thence west to point of beginning.

(3) Area 1 restrictions:

(a) The application of Paraquat or any mix containing Paraquat is hereby prohibited in Area 1.

(b) The loading and/or mixing of Paraquat is prohibited on any airstrip, airfield or any location within Area 1 of Walla Walla county and application equipment used for Paraquat applications in allowable areas in Eastern Washington must be decontaminated prior to bringing the application equipment back into Area 1 of Walla Walla county.

(c) Aerial applications of Dinitro or any mix containing Dinitro is hereby prohibited in Area 1 of Walla Walla county.

(4) Area 2 description: All lands in Walla Walla county excluding Area 1.

(5) Area 2 restriction: The application of Paraquat or mix containing Paraquat is hereby prohibited four hours prior to sunset to two hours after sunrise the following morning.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 16-230-200 WALLA WALLA COUNTY AREA 2