

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington
Department of Agriculture

(agency name)

Administrative Order No. 1598

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

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

Desiccants and defoliants in WAC 16-230-150 and WAC 16-230-190.

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

This action is taken pursuant to Notice No. WSR 79-03-082 filed with the code reviser on March 7, 1979. Such rules shall take effect:

- [X] 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) 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):

[X] (a) This rule is promulgated pursuant to RCW 17.21 and 15.58 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 April 26 19 79 FILED

APR 26 1979

By B. J. Mickelson Director

Title

CODE REVISER'S OFFICE WSR 79-03-043

[Form CR-7: Effective 12/1/77]

AMENDATORY SECTION (Amending Order No. 1591, filed January 29, 1979)

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: The following use desiccants and defoliants are by this order declared to be restricted use desiccants and defoliants: 6,7-dihydrodipyrido (1,2-a:2',1'c) pyrazidiinum dibromide, herein and commonly referred to as Diquat; Paraquat dichloride (1,1'-dimethyl-4,4'-bypyridinium dichloride, herein and commonly referred to as Paraquat; Mono (N,N dimethylalkylamine) salt of 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~~) and Dinoseb (2-sec-Butyl-4,6-dinitrophenol), herein and commonly referred to as Dinitro.

AMENDATORY SECTION (Amending Order No. 1591, filed January 29, 1979)

WAC 16-230-190 RESTRICTIONS ON THE USE OF DIQUAT ~~((7))~~ AND PARAQUAT ~~((AND-DINITRO))~~ IN WALLA WALLA COUNTY. ~~((1)--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))~~ (1) Area 1 description - 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 the point of beginning.

~~((3))~~ (2) Area 1 restrictions:

(a) The application of Paraquat or Diquat or any mix containing Paraquat or Diquat is hereby prohibited in Area 1. PROVIDED, That the department, upon written request, may issue a permit for the use of Paraquat for special weed control in the area lying northwest of Dry Creed in Area 1.

(b) The loading and/or mixing of Paraquat or Diquat for aerial application is prohibited on any airstrip, airfield or any location within Area 1 of Walla Walla county ((and)). Aerial application equipment used for Paraquat or Diquat applications ((in allowable areas in Eastern Washington)) must be decontaminated prior to bringing the application equipment back into Area 1 of Walla Walla county. PROVIDED, That the loading and/or mixing of Paraquat shall be allowed at the Walla Walla airport and those aircraft are restricted to exit and enter the airport to the north over Sections 10 and 11, T7N, R36E.

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

~~((4))~~ (3) Area 2 description: All lands in Walla Walla county excluding Area 1.

~~((5))~~ (4) Area 2 restrictions:

(a) The application of Paraquat or any mix containing Paraquat is hereby prohibited four hours prior to sunset to two hours after sunrise the following morning. PROVIDED, That this restriction shall not apply to ground applications during the months of November, December and January.

(b) Application of Diquat or any mix containing Diquat is hereby restricted to ground apparatus only upon obtaining a permit from the Washington State Department of Agriculture.

(i) Applications shall be limited to a total of 100 acres per day.

(ii) Prior to July 16 of each year, growers desiring to use Diquat must report their total number of acres of alfalfa seed to the Washington State Department of Agriculture on a form furnished by the department. By August 10 of each year, the department will allocate each grower the number of acres that Diquat may be used on.

(iii) Permits will be valid for only 24 hours and will be issued each day for the following day's application. If weather conditions are such to prevent diquat application, the department may renew the permits.

(iv) Visco elastic additives must be added to all Diquat applications and applicable label directions for that product must be followed.



STATE OF WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purpose of legislative review of agency rules, the following statement is submitted:

- (a) This rule relates to the use of desiccants and defoliants in Walla Walla County (statutory authority RCW 17.21 & 15.58)
- (b) The following changes were made in these regulations:
 - (1) To allow the use of the desiccant paraquat in Area 1 of Walla Walla County by permit only. The use of this material was prohibited in this area.
 - (2) To allow the use of the desiccant diquat by permit only in Area 2 of Walla Walla County. Application of diquat has been restricted to 100 acres per day. Diquat was previously prohibited in Area 2.
 - (3) To allow the aerial application of dinitro in Area 1. The previous order prohibited this, however, it was allowed up until March 1, 1979.
 - (4) To allow the ground application of restricted use desiccants during the evening hours and early morning hours during November, December and January. This was previously prohibited
 - (5) To allow the loading and unloading of desiccants and defoliants at the Walla Walla airport.

(c) Department of Agriculture
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(d) Proponents:

Department of Agriculture
 John Ray
 Virgil Criscola
 Howard Wilson
 Leonard Rizzuti

Bill Gluck
 Steve Huntington
 Cliff Lincoln
 Greg Bossini
 Francis Ponti

Opponents:

Ron Miller
 Mike Wagner
 Frank Soronto
 Bill Lands
 Dick Garbee
 Don O'Neill
 Claro Bergevin

Stan Wagner
 Chuck Soronto
 Charles Prusia
 Charles Burnham
 Henry Garbee
 Ben Merrill
 Amos Baurgo

- (e) In 1968, Diquat was prohibited in Walla Walla County because of severe damage to vegetable crops in the area from the drift of this material. The prohibition remained until 1978 when diquat was again allowed in the seed alfalfa areas of Walla Walla County in what was considered a good distance from the vegetable crop area. Severe spotting of the vegetable crops again occurred in 1978. The department then held a hearing in January 1979. This hearing resulted in the department prohibiting the use of diquat in Walla Walla County and putting restrictions on the use of paraquat.

The alfalfa and wheat growers in Walla Walla County were upset with the regulations and requested another hearing to reconsider the matter. An ad hoc committee was formed representing members of the concerned groups and recommendations were put to the department to be considered at the hearing. The present regulations adopted reflect most of the ad hoc committee's recommendations.

The enforcement of the permit system to allow 100 acres a day for diquat applications is going to be extremely difficult for the department to administer. There is considerable controversy concerning restricted acreage for the application of this material, however, the department is following the ad hoc committee's recommendations.