

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1665

(1) I, Bob J. Mickelson, director of agriculture of the State of Washington

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

The use of restricted use herbicides within Walla Walla County in WAC 16-232-001; WAC 16-232-005; WAC 16-232-010; WAC 16-232-015; WAC 16-232-020; WAC 16-232-025; WAC 16-232-030; WAC 16-232-035; WAC 16-232-040.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules. This action is taken pursuant to Notice No. WSR 79-10-135 & 80-02-074 filed with the code reviser on October 2, 1979 & Jan. 18, 1980 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

February 15 1980

FEB 20 1980

By Bob J. Mickelson

Director of Agriculture

Title

CODE REVISER'S OFFICE WSR 80-03-026

NEW SECTION

WAC 16-232-001 AREA UNDER ORDER: All lands lying within the boundaries of Walla Walla County.

NEW SECTION

WAC 16-232-005 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.

NEW SECTION

WAC 16-232-010 AREA 1. (1) Area 1 description. (Columbia River Buffer Area.) An area starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon state line, T6N, R32E; thence north nineteen miles more or less to the Snake River; thence westerly along the Snake River and southerly along the Columbia River to the Washington-Oregon state line; thence east to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 5 through October 31, aerial applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-232-015 AREA 2. (1) Area 2 description. (Walla Walla and vicinity, Dixie, Waitsburg, and Prescott areas). Those areas lying within a one mile radius from the center of the town of Dixie and within one mile of the city limits of the towns of Waitsburg and Prescott and an area starting at the Washington-Oregon state line and the southeast corner of Section 16, T6N, R36E; thence north one mile more or less to the southwest corner of Section 3, T6N, R36E; thence east two miles to the southeast corner of Section 2, T6N, R36E; thence north three miles to the southwest corner of Section 24, T7N, R36E; thence east one mile to the southeast corner of Section 24, T7N, R36E; thence north one mile to the southwest corner of Section 18, T7N, R37E; thence east one mile to the southeast corner of Section 18, T7N, R37E; thence north one mile to the northeast corner of Section 18, T7N, R37E; thence west nine miles to the northwest corner of Section 14, T7N, R35E; thence south one mile to the northwest corner of Section 23, T7N, R35E; thence west one mile to the northwest corner of Section 22, T7N, R35E; thence south to State Road 410; thence westerly along State Road 410 to the York Road and south along the York Road and Saver Road to the Frog Hollow Road; thence east along the Frog Hollow Road to the Locker Road; thence south along the Locker Road to the Washington-Oregon state line; thence east along the state line to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675). Aircraft applications shall be prohibited on and after April 15 through October 31: PROVIDED, That the aerial application of MCPA shall be allowed using Warning Area Restrictions (see WAC 16-230-675): PROVIDED FURTHER, That aerial applications of non-volatile formulations of restricted use herbicides from one-half to one mile of the center of the town of Dixie and from the city limits of Waitsburg, Prescott and Walla Walla shall be considered through written request to the Washington State Department of Agriculture.

(d) Restrictions on the use of airstrips. The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield or any location within Area 2: PROVIDED, That the municipal airport located northeast of Walla Walla shall not be subject to this provision.

NEW SECTION

WAC 16-232-020 AREA 2A. (1) Area 2A description. (Buffer area surrounding Walla Walla.) An area starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon state line, T6N, R32E; thence north six miles more or less to the northwest corner of Section 14, T7N, R32E; thence east ten miles more or less to the southwest corner of Section 9, T7N, R34E; thence north one mile to the northwest corner of Section 9, T7N, R34E; thence east two miles to the southwest corner of Section 2, T7N, R34E; thence north one mile to the northwest corner of Section 2, T7N, R34E; thence east two miles to the southwest corner of Section 31, T8N, R35E; thence north six miles to the northwest corner of Section 6, T8N, R35E; thence east twenty-four miles to and along the Columbia-Walla Walla county line to the northeast corner of Section 1, T8N, R38E; thence south fourteen miles more or less to the Washington-Oregon state line and west to the point of beginning.

(2) Area 2A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: PROVIDED, That 2,4-DB shall be allowed on alfalfa seed crops at any time.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-232-025 AREA 3. (1) Area 3 description. All of the remaining lands within the border of Walla Walla County.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 15 through October 31.

(b) On and after May 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 15 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-232-030 AERIAL APPLICATION NEAR VINEYARDS. Aerial applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That aerial application of restricted use herbicides to lands located within one-half to one mile from commercial vineyards shall be considered through written request of the Washington State Department of Agriculture.

NEW SECTION

WAC 16-232-035 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 2A and 3 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Areas 1 and 2 on and after April 5 through October 31 when the mean sustained wind velocity is over seven miles per hour.

NEW SECTION

WAC 16-232-040 DISTRIBUTION, USE AND APPLICATION. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165(1)(o) and (9), WAC 16-228-175, and WAC 16-230-600 through WAC 16-230-675.



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

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

- (1) This rule relates to the use and application of restricted use herbicides in eastern Washington counties. Statutory authority is RCW 17.21 and RCW 15.58.
- (2) The sections codified under WAC Chapters 16-230, 16-231 and 16-232 are established to regulate the use of restricted use herbicides to protect susceptible crops from drift of these herbicides.
- (3) Department of Agriculture
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Phone: 753-5062
- (4) Proponents:
Department of Agriculture
- (5) No agency comments