

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1672

(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 Whitman County in WAC 16-231-500; WAC 16-231-505; WAC 16-231-510; WAC 16-231-515; WAC 16-231-520; WAC 16-231-525; WAC 16-231-530; WAC 16-231-535.

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

This action is taken pursuant to Notice No. 79-10-140 & 80-02-069 filed with the code reviser on Oct. 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 19 80

FEB 20 1980

By Bob J. Mickelson

Director of Agriculture

Title

OFFICE WSR 80-03-033

NEW SECTION

WAC 16-231-500 AREA UNDER ORDER: All lands lying within the boundaries of Whitman County.

NEW SECTION

WAC 16-231-505 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 16-231-510 AREA 1. (1) Area 1 description. (Cities and/or towns and Pullman vicinity.) The areas within a distance of one mile of the city limits of any incorporated city or town and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Whitman County: PROVIDED, That the area under this regulation shall also include all of the lands in Section 28 through 33, T15N, R45E; Sections 25, 26, 27, 34, 35, and 36, T15N, R44E; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, T14N, R45E; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T14N, R44E.

(2) Area 1 restrictions. (a) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited throughout the year: PROVIDED, That the low volatile formulation of MCPA shall be allowed on and after November 1 through April 15 of each year.

(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 0.036 inches.

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

NEW SECTION

WAC 16-231-515 AREA 3. (1) Area 3 description. (Eastern portion of Whitman County.) An area east of a north-south line starting at the Whitman-Spokane County line and State Highway 195; thence southerly along Highway 195 to Colfax; thence southerly along County Roads No. 478 and No. 141 to the junction of County Roads No. 141 and No. 451; thence southerly on County Road No. 451 to County Road No. 143; thence southerly along County Road No. 143 to Almota and the Snake River.

(2) Area 3 restrictions.

(a) 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.

(b) 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 16-231-520 AREA 4. (1) Area 4 description. (Outlying area west of Area 3.) All remaining lands in Whitman County west of Area 3.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 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 16-231-525 FARM OPERATOR TO NOTIFY. The landowner or person in charge of farming operations shall notify the aerial applicator he hires of any susceptible crops planted or to be planted bordering the field to which restricted use herbicides are to be applied.

NEW SECTION

WAC 16-231-530 WIND CONDITIONS. (1) Areas 1 and 3.

(a) On and after April 15 through October 31, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over seven miles per hour.

(b) On and after November 1 through April 14 the following year, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour.

(2) Area 4. The use or application of restricted use herbicides is prohibited when the mean sustained wind velocity is over twelve miles per hour: PROVIDED, That ground applications of restricted use herbicides are allowed when using No. 2RD or No. 2RA raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less.

NEW SECTION

WAC 16-231-535 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 16-230-660 through WAC 16-230-675).



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:

- (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
Grain and Chemical Division
Art G. Losey
406 General Administration Bldg. AX-41
Olympia, WA 98504
Phone: 753-5062
- (4) Proponents:

Department of Agriculture
- (5) No agency comments