

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1922

(1) I, C. Alan Pettibone, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

Restrictions on the use of restricted use herbicides in Chapter WAC 16-230, WAC 16-231 and WAC 16-232.

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

This action is taken pursuant to Notice No. filed with the code reviser on These rules shall take effect:
| | thirty days after they are filed with the code reviser 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, C. Alan Pettibone, find that an emergency exists and that this 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 the emergency is:

due to substantial damage to grape vineyards during the last spray season caused by drift of restricted use herbicides and data provided through the hearing process, additional restrictions on the application of restricted use herbicides are necessary. The 1987 spray season begins April 1.

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

(3) Pursuant to the requirements of RCW 34.04.026 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 15.58 and 17.21 RCW and is intended to administratively implement that statute.

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

has authority to implement the provisions of (agency)

(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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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.

APPROVED AND ADOPTED April 1 19 87

STATE OF WASHINGTON FILED

By C. Alan Pettibone

Director

Title

APR 1 1987

[Form CR-7: Rev. 7/23/82]

CODE REVISER'S OFFICE WSR 87-08-072

AMENDATORY SECTION (Amending Order 1585, filed 12/20/78)

WAC 16-230-470 RESTRICTED USE HERBICIDES--SPOKANE COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over ((+2)) twelve miles per hour throughout the year: PROVIDED, That applica-
tions of restricted use herbicides shall be allowed in winds up to and
including twenty miles per hour when an approved hooded boom sprayer
is used. Hooded boom sprayers shall be approved by the department of
agriculture. The department shall consider the recommendations of the
pesticide advisory board 2,4-D ad hoc committee in determining the
criteria of what constitutes an approved hooded boom sprayer.
Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-615 RESTRICTED USE HERBICIDES--EASTERN WASHINGTON--
SALE AND DISTRIBUTION. Liquid formulations of restricted use herbi-
cides distributed in packages of one gallon ((and)) or larger in coun-
ties located east of the crest of the Cascade Mountains shall be sold
and distributed only by licensed pesticide dealers to certified appli-
cators or their duly authorized representatives except for liquid
amine formulations of ready-to-use products, or liquid amine formula-
tions containing fifteen percent or less of restricted use herbicides,
labeled for consumer use in containers up to and including one gallon
in size.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-640 RESTRICTED USE HERBICIDES--EASTERN WASHINGTON--
WEATHER AND TEMPERATURE CONDITIONS. Restricted use herbicides shall
not be applied on and after ((May)) April 1 through October 31 of each
year when there is a temperature inversion; or throughout the year if
weather conditions are such that damage could result to adjacent and
nearby towns, susceptible crops and plantings through physical drift
or volatilization, or the temperature is 85°F. or above at the point
of application: PROVIDED, That application at the rate of fifty
gallons or more per acre by use of handgun spray equipment only shall
be exempt from the 85°F. temperature cutoff requirement: PROVIDED
FURTHER, That when using the invert system, applications may continue
up to 95°F. with a maximum wind velocity of fifteen miles per hour and
with water carrier at fifteen or more gallons per acre. No applica-
tion is to be made within one mile of any commercial grape vineyard.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-645 RESTRICTED USE HERBICIDES--EASTERN WASHINGTON--
EVENING CUTOFF. On and after May 1 through October 31 of each year,
the application of restricted use herbicides shall be prohibited daily
from three hours prior to sunset to sunrise the following morning:
PROVIDED, That if there is a mean sustained legal wind velocity of not
less than five miles per hour the application of restricted use herbi-
cides shall be allowed in Areas 3 and 4 up to one hour prior to sunset
in all counties ((under-order)) as restricted by rule except Benton,
Franklin, Yakima, and Walla Walla counties.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-650 RESTRICTED USE HERBICIDES--EASTERN WASHINGTON--APPLICATION PERMIT. The Washington state department of agriculture may issue a permit, upon receipt of a written request, to mix, load and apply certain restricted use herbicides for purposes of critical weed control when such activities are restricted (~~((in-the-area-under order))~~) by rule. The director (~~((will))~~) may consider recommendations of the 2,4-D committee for the county in question: PROVIDED, That the 2,4-D committee is kept current for each county.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-655 RESTRICTED USE HERBICIDES--EASTERN WASHINGTON--GROUND EQUIPMENT PRESSURE REQUIREMENTS. Pressure shall not exceed (~~((25--psi))~~) twenty-five pounds per square inch at the nozzles: PROVIDED, That pressure up to ((50-psi)) fifty pounds per square inch at the nozzle may be used for (~~((an-invert-system-and-for))~~) equipment with handguns, up to ninety pounds per square inch at the nozzle manifold for an invert system.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-665 RESTRICTED USE HERBICIDES--EASTERN WASHINGTON--AIRCRAFT RESTRICTIONS NEAR VINEYARDS. Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That the Washington state department of agriculture may approve written requests and issue permit for aerial application of restricted use herbicides that may be applied to lands located one-half to one mile from commercial vineyards: PROVIDED FURTHER, That no distance restrictions shall apply to aerial applications of restricted use herbicides near vineyards during the grape dormant season if written permission of the vineyard owner/manager is obtained. EXCEPTIONS are found in Franklin and Grant County (~~((orders))~~) restrictions.

NEW SECTION

WAC 16-230-673 RESTRICTED USE HERBICIDES--EASTERN WASHINGTON--APPLICATION THROUGH IRRIGATIONS SYSTEMS. Restricted use herbicides applied through irrigation systems shall be subject to the same requirements as ground applications of restricted use herbicides except for nozzle size and pressure requirements.

AMENDATORY SECTION (Amending Order 1677, filed 2/20/80)WAC 16-231-015 RESTRICTED USE HERBICIDES--BENTON COUNTY--AREA 1.

(1) Area 1 description. (a) (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 T8N, 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.

(b) An area near Patterson starting at the southeast corner of Section 7, T5N, R26E following section lines north eight miles to the northeast corner of Section 6, T6N, R26E; thence west one mile to the northwest corner of Section 6, T6N, R26E; thence south three miles to the southwest corner of Section 18, T6N, R26E; thence east six miles to the northwest corner of Section 19, T6N, R25E; thence south three miles to the southwest corner of Section 31, T6N, R25E; thence east three miles to the southeast corner of Section 33, T6N, R25E; thence south three miles to the southwest corner of Section 15, T5N, R25E; thence west one mile to the northwest corner of Section 21, T5N, R25E; thence south one mile to the southwest corner of Section 21, T5N, R25E; thence east two miles to the southeast corner of Section 22, T5N, R25E; thence north one mile to the northwest corner of Section 22, T5N, R25E; thence east two miles to the southeast corner of Section 13, T5N, R25E; thence one mile north to the northeast corner of Section 13, T5N, R25E; thence east one mile to the point of origin.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited.

(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 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides are prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(d) 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 cleaning equipment following use of these herbicides.

AMENDATORY SECTION (Amending Order 1677, filed 2/20/80)WAC 16-231-020 RESTRICTED USE HERBICIDES--BENTON COUNTY--AREA 2.

(1) Area 2 description. (a) (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, Sections 21 through 25, and Section 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, Sections 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 Sections 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.

(b) Also including an area beginning at the boundary of (Yakima and Benton Counties in Benton County at the northwest corner of) Section 19, T13N, R24E; thence east three miles to the northeast corner of Section 21, T13N, R24E; thence south one mile to the southeast corner of Section 21, T13N, R24E; thence east one mile to the northeast corner of Section 27, T13N, R24E; thence south four miles to the southeast corner of Section 10, T12N, R24E; thence west to the southwest corner (Yakima-Benton County line) of Section 7, T12N, R24E; thence north to the point of beginning.

(c) An area near Patterson bordering Area 1. A two-mile border around Area 1 beginning at the southwest corner of Section 10, T5N, R26E; thence following section lines north ten miles to the northeast corner of Section 28, T7N, R26E; thence five miles west to the northwest corner of Section 26, T7N, R25E; thence south three miles to the southwest corner of Section 2, T6N, R25E; thence west six miles to the northwest corner of Section 11, T6N, R24E; thence south seven miles to the southwest corner of Section 11, T5N, R24E; thence two miles east to the northwest corner of Section 18, T5N, R25E; thence four miles south to the southwest corner of Section 31, T5N, R25E; thence east along section lines to the Columbia River; thence northeasterly along the shore of Blalock Island to the point of origin.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April ((5)) 1 through October 31.

(b) On and after April ((5)) 1 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 ((5)) 1 through October 31, aircraft applications of restricted use herbicides shall be ~~((made-using-danger area--restrictions--(see--WAC--16-230-675);--PROVIDED;--That--aircraft applications--of--restricted--use--herbicides--on--other--than--growing--crops shall--be--considered--through--written--request--to))~~ prohibited except by written permit issued by the Washington state department of agriculture. Aircraft applications shall be prohibited within one mile of commercial vineyards and within one-quarter mile of other susceptible crops. On and after November 1 through ((April-4)) March 31 of the following year, aircraft applications shall be made using caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1677, filed 2/20/80)

WAC 16-231-030 RESTRICTED USE HERBICIDES--BENTON COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, and 3 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Area 1 on and after April ((5)) 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-231-033 RESTRICTED USE HERBICIDES--APPLICATION RECORDS--BENTON COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Benton County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1726, filed 3/16/81)

WAC 16-231-115 RESTRICTED USE HERBICIDES--FRANKLIN COUNTY--AREA 1. (1) Area 1 description. (~~{lands generally within the Columbia Basin irrigation project.} This area includes all lands lying within a boundary line starting at the Columbia River and the south section line of Section 24, T13N, R27E; thence east along the section lines and the Basin Hill Road seventeen miles more or less to State Highway 47; thence northerly along State Highway 47, five miles more or less to State Highway 260; thence east along State Highway 260 five miles more or less to the Moor Road; thence north two miles more or less to the Burlington Northern Railroad tracks; thence northwesterly four miles more or less along the Burlington Northern tracks to the Adams County line; thence west nineteen miles more or less along the Adams County line to the northwest corner of Section 6, T14N, R28E; thence south four miles along the Grant County line to the southwest corner of Section 49, T14N, R28E; thence west four miles more or less to the Columbia River; thence southerly and easterly along the Columbia River six miles more or less to the south section line of Section 24, T13N, R27E)~~ (a) This area includes all lands lying within a boundary line starting at the northwest corner of Section 6, T14N, R28E; thence east along section lines nineteen miles to the Burlington Northern Railroad tracks; thence southeasterly approximately four miles to Moon Road; thence south two miles to State Highway 260; thence west along State Highway 260 approximately five miles to its intersection with State Highway 17; thence south along State Highway 17 approximately fourteen miles to its intersection with Highway 395; thence east one mile more or less to the northeast corner of Section 12, T11N, R30E; thence south fifteen miles more or less along the section lines to the junction of the east section line of Section 25, T9N, R30E, and the Snake River; thence southwesterly along the Snake River to its confluence with the Columbia River; thence following the Columbia River westerly and northerly to the north section line of Section 28, T14N, R27E; thence east along the Grant County line four miles more or less to the

northeast corner of Section 25, T14N, R27E; thence north along the Grant County border four miles to the point of origin.

(b) Also including (Ice Harbor Dam area) Levey: This area includes all lands lying within a two-mile radius of Levey within Franklin County.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ~~((5))~~ 1 through October 31 of each year: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April ~~((5))~~ 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after ~~((November 1 through April 4 of the following year; aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675). On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be allowed using the danger))~~ April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the department: PROVIDED, That on and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675).

~~((1) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April 5 through April 30 written requests to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered:))~~

AMENDATORY SECTION (Amending Order 1726, filed 3/16/81)

WAC 16-231-125 RESTRICTED USE HERBICIDES--FRANKLIN COUNTY--AREA

(1) Area 2 description. This area includes all of the lands in Franklin County lying west and south of a line starting at the northwest corner of Section 36, T14N, R30E; thence east along the Hendricks Road five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road to the Brass Road; thence easterly along the Brass Road to the Bannenburg Road; thence southeasterly along the Bannenburg Road to the northwest corner of Section 6, T10N, R33E; thence south along the section line to the Snake River; thence southwesterly along the Snake River to the east section line of Section 25, T9N, R30E; thence north fifteen miles more or less along the section lines to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to state Highway 17; thence northerly along state Highway 17 fourteen miles more or less to the northwest corner of Section 36, T14N, R30E excluding lands in Franklin County within a two-mile radius of the town of Levey.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ~~((5))~~ 1 through October 31 of each year ~~((: PROVIDED, That ground applications of low volatile formulations of restricted use herbicides may be made from April 5 through April 30 using nozzles having a minimum orifice diameter of 0.036 inches))~~.

(b) On and after (~~May~~) April 1 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 ((5)) 1 through October 31, aircraft applications of restricted use herbicides shall be ~~((made--using--the danger--area--restrictions--(see--WAC--16--230--675))~~ prohibited except by written permit issued by the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 1676, filed 2/20/80)

WAC 16-231-145 RESTRICTED USE HERBICIDES--FRANKLIN COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Area 1 and 1A on and after April ((5)) 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: PROVIDED FURTHER, That applica-tions of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-231-148 RESTRICTED USE HERBICIDES--APPLICATION RECORDS--FRANKLIN COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Franklin County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)WAC 16-231-215 RESTRICTED USE HERBICIDES--YAKIMA COUNTY--AREA 1.

(1) Area 1 description. (An area south of the Yakima firing center including the upper and lower Yakima Valley.) An area starting at the Yakima-Benton County line and the northeast corner of Section 1, T11N, R23E; thence west along section lines seventeen miles more or less to the southeast corner of Section 31, T12N, R21E; thence north eight miles along section lines to the northeast corner of Section 30, T13N, R21E; thence west along section lines eleven miles to the Yakima River; thence northwesterly along the Yakima River four miles more or less to the junction of the Yakima and Naches Rivers; thence northwesterly along the Naches River for seven miles more or less to the northwest corner of Section 31, T14N, R18E; thence south one mile along the section line to the southwest corner of Section 31, T14N, R18E; thence west along section lines six miles to the northwest corner of Section 6, T13N, R17E; thence south twenty-four miles along section lines to the southwest corner of Section 31, T10N, R17E; thence east twenty-four miles along section lines to the southeast corner of Section 36, T10N, R20E; thence south six miles along section lines to the southwest corner of Section 31, T9N, R21E; thence east six miles along section lines to the northwest corner of Section 6, T8N, R22E; thence south six miles along section lines to the southwest corner of Section 31, T8N, R22E; thence east twelve miles along section lines to the Benton County line; thence north twenty-four miles to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops at any time.

(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 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

At April 4
 (c) Aircraft applications of restricted use herbicides shall be allowed only on nonirrigated lands on and after November 1 through ~~((April 4))~~ March 31 of the following year and shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications of restricted use herbicides shall be prohibited on and after April 5 through October 31: PROVIDED, That ~~((aircraft-applications-shall-be-allowed-using-the-warning-area-restrictions))~~ hormone sprays may be applied to orchards to prevent fruit drop: PROVIDED FURTHER, That aircraft applications shall be allowed by written permit issued by the Washington state department of agriculture in those dry land wheat growing areas east of Moxee and on the Rattlesnake Ridge and the area south of Horse Heaven Hills Ridge contained in Sections 25, 26, 27, 28, 32, 33, 34, 35, and 36, T8N, R23E up to within one mile of commercial grape plantings and to within one-quarter mile of other susceptible crops ~~((--PROVIDED,--That-hormone-sprays-may-be-applied-to-orchards-to-prevent-fruit-drop))~~.

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)WAC 16-231-225 RESTRICTED USE HERBICIDES--YAKIMA COUNTY--AREA 2.

(1) Area 2 descriptions. All remaining lands in Yakima County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ((5)) 1 through October 31.

(b) On and after April ((5)) 1 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)) 1 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)

WAC 16-231-235 RESTRICTED USE HERBICIDES--YAKIMA COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 1A and 2 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Areas 1 and 1A on and after April ((5)) 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-231-238 RESTRICTED USE HERBICIDES--APPLICATION RECORDS--YAKIMA COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 below Union Gap of Yakima County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1674, filed 2/20/80)

WAC 16-231-340 RESTRICTED USE HERBICIDES--ADAMS COUNTY--WIND CONDITIONS. (1) Area 1 and 2. (a) The use or application of restricted use herbicides shall be prohibited on and after April 16 through October 31 when the mean sustained wind velocity is over ten miles per hour.

(b) The use or application of restricted use herbicides shall be prohibited on and after November 1 through April 15 of the following year when the mean sustained wind velocity is over twelve miles per hour: PROVIDED, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre.

(2) Area 3 and 4. The use or application of restricted use herbicides shall be 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 2RA rain-drop nozzles when the mean sustained wind velocity is fifteen miles per hour or less: PROVIDED FURTHER, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre; AND PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-231-343 RESTRICTED USE HERBICIDES--APPLICATION RECORDS--ADAMS COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Adams County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1673, filed 2/20/80)

WAC 16-231-425 RESTRICTED USE HERBICIDES--COLUMBIA COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Area 2 and 4 when the mean sustained velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Area 2 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1672, filed 2/20/80)

WAC 16-231-530 RESTRICTED USE HERBICIDES--WHITMAN COUNTY--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.

(3) All Areas. Applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1668, filed 2/20/80)

WAC 16-231-620 RESTRICTED USE HERBICIDES--Klickitat County--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1666, filed 2/20/80)

WAC 16-231-720 RESTRICTED USE HERBICIDES--OKANOGAN COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour throughout the year; PROVIDED, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1667, filed 2/20/80)

WAC 16-231-840 RESTRICTED USE HERBICIDES--DOUGLAS AND CHELAN COUNTIES--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through April 15 of the following year, and over seven miles per hour from April 16 through October 31; PROVIDED, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1670, filed 2/20/80)

WAC 16-231-910 RESTRICTED USE HERBICIDES--GRANT COUNTY--AREA 1.
 (1) Area 1 description. (Lands generally within the Columbia Basin irrigation project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along the county line four miles more or less to the southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County lines six miles more or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly, and westerly, encompassing Block 70, Soap Lake and Block 701, to the West Main Canal; thence southwesterly along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly (~~and easterly~~) along the Columbia River to the south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence south and east along Highway 24 to Vernita Bridge; thence easterly along the Columbia River to the point of beginning.

(2) Area 1 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 low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following 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 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 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).

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

(e) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 15 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April 15 through April 30 written request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

NEW SECTION

WAC 16-231-912 RESTRICTED USE HERBICIDES--GRANT COUNTY--AREA 1A.

(1) Area 1A description. Lands generally in the Mattawa area in the southwestern part of the county starting at the west end of the crest of Saddle Mountain at the Columbia River, south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence following Highway 24 to the Vernita Bridge at the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 1A restrictions. (a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 1 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having a minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through March 31 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675.)

(d) On and after April 1 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 1670, filed 2/20/80)

WAC 16-231-935 RESTRICTED USE HERBICIDES--GRANT COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall

be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 and 1A when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through (~~April-15~~) March 31 of the following year, and over ten miles per hour from April (~~1~~) 1 through October 31: PROVIDED, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-231-938 RESTRICTED USE HERBICIDES--APPLICATION RECORDS--GRANT COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1, 1A and 2 of Grant County. Application records shall include the following information:

- (a) Applicator's name, address and name of the individual making the application;
 - (b) The address or location of the land where the chemical was applied;
 - (c) The year, month, day, and time the chemical was applied;
 - (d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;
 - (e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;
 - (f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;
 - (g) Specific crop or site to which the chemical was applied.
- (2) Application records shall be completed and available to the department the same day the chemicals were applied.
- (3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-231-120 AREA 1A.

AMENDATORY SECTION (Amending Order 1724, filed 3/13/81)

WAC 16-232-010 RESTRICTED USE HERBICIDES--WALLA WALLA COUNTY--
 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, (~~[[Section-45,]]~~) Section 15, T6N, R32E; thence north ((nineteen-miles-more-or-less-to-the--Snake--River; thence-westerly-along-the-Snake-River-and)) to the northeast corner of Section 15, T7N, R32E; thence east to the intersection of Section 10, T7N, R33E; thence 14 sections north with a portion of the north to south boundary being the Touchet River Road to its intersection with State Route 124; thence west approximately one-half mile to the intersection of State Route 124 and G.M. Rice Road; thence northerly along G.M. Rice Road to the Snake River; thence southwesterly along the Snake River to the Columbia River; thence 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)) 1 through October 31.

(b) On and after April ((5)) 1 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-April-30,-aerial-applications-of-restricted-use-herbicides-shall-be-made-using-the-danger-area restrictions-(see-WAC-16-230-675)-~~

~~(i))~~ On and after ((May)) April 1 through October 31, aerial applications shall be prohibited except by written permit issued by the department.

AMENDATORY SECTION (Amending Order 1665, filed 2/20/80)

WAC 16-232-035 RESTRICTED USE HERBICIDES--WALLA WALLA COUNTY--
 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)) 1 through October 31 when the mean sustained wind velocity is over seven miles per hour; PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-232-038 RESTRICTED USE HERBICIDES--APPLICATION RECORDS--
 WALLA WALLA COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Walla Walla County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

- (b) The address or location of the land where the chemical was applied;
- (c) The year, month, day, and time the chemical was applied;
- (d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;
- (e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;
- (f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;
- (g) Specific crop or site to which the chemical was applied.
- (2) Application records shall be completed and available to the department the same day the chemicals were applied.
- (3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1671, filed 2/20/80)

WAC 16-232-225 RESTRICTED USE HERBICIDES--GARFIELD COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Areas 2 and 3 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1754, filed 3/31/82)

WAC 16-232-315 RESTRICTED USE HERBICIDES--KITITAS COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15 through October 31: PROVIDED, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-232-125 WIND CONDITIONS.