

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Washington State Department of Agriculture
(agency name)

Administrative Order No. 1966

(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:

Rules relating to 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:

Recent adopted changes to these sections make it necessary to make some changes in other sections relating to the ones amended which are effective March 13, 1988.

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:

[] (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

(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 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 March 11 1988

STATE OF WASHINGTON FILED

MAR 11 1988

By

[Signature]

Director

Title

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

CODE REVISER'S OFFICE WSR 88.07.038

NEW SECTION

WAC 16-230-475 RESTRICTED USE HERBICIDES--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 rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

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

WAC 16-231-130 RESTRICTED USE HERBICIDES--FRANKLIN COUNTY--AREA 3. (1) Area 3 description. (Dry land area south and east of Connell.) An area beginning at the northeast corner of Section 3, T14N, R33E and the Reeder Road; thence south along the Reeder Road to and along the Black Road to the Swanson Road; thence east and south along the Swanson Road to state Highway 260; thence southerly along state Highway 260 to the Munt Road; thence south along the Munt Road to the Largent Road; thence east along the Largent Road to the Pasco-Kahlotus Highway to the Walker Road; thence southerly along the Walker Road to the Snake River; thence southerly along the Snake River to the east boundary line of Area 2; thence northerly along the east boundary line of Area 2 and Area 1A to the Franklin-Adams County line; thence east fifteen miles more or less along the county line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 16 through October 31 of each year.

(b) 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 0.036 inches.

(c) 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).

AMENDATORY SECTION (Amending Order 1950, filed 9/1/87)

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, 1A, 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 on and after April 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 16-231-950 RESTRICTED USE HERBICIDES--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 rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-231-035	DISTRIBUTION, USE AND APPLICATION.
WAC 16-231-150	DISTRIBUTION, USE AND APPLICATION.
WAC 16-231-240	DISTRIBUTION, USE AND APPLICATION.
WAC 16-231-345	DISTRIBUTION, USE AND APPLICATION.
WAC 16-231-430	DISTRIBUTION, USE AND APPLICATION.
WAC 16-231-535	DISTRIBUTION, USE AND APPLICATION.
WAC 16-231-625	DISTRIBUTION, USE AND APPLICATION.
WAC 16-231-730	DISTRIBUTION, USE AND APPLICATION.
WAC 16-231-845	DISTRIBUTION, USE AND APPLICATION.
WAC 16-231-940	DISTRIBUTION, USE AND APPLICATION.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

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, and 3A 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 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 16-232-950 RESTRICTED USE HERBICIDES--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 rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

REPEALER

The following sections of the Washington Administrative Code are repealed:

16-232-040 DISTRIBUTION, USE AND APPLICATION.
 16-232-130 DISTRIBUTION, USE AND APPLICATION.
 16-232-230 DISTRIBUTION, USE AND APPLICATION.
 16-232-320 DISTRIBUTION, USE AND APPLICATION.