

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1986

(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:

Aerial application of herbicides prohibited in Benton County in Chapter 16-232 WAC.

(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: The department has found evidence of widespread air contamination with herbicides in the Badger Canyon area of Benton County. Preliminary findings have confirmed that herbicide drift has occurred onto commercial crops and home gardens in residential areas near Kennewick.

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 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 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 August 22 19 88

STATE OF WASHINGTON FILED

By C. Alan Pettibone Director

AUG 22 1988

Title

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

CODE REVISER'S OFFICE WSR 88-17-079

NEW SECTION

**WAC 16-232-400 Benton county--aerial application of herbicides--Area under order.** Area description: All lands lying within the boundaries of Benton County and located north of a boundary defined by the following: Beginning at the Yakima-Benton County line at the southwest corner of Section 31, T8N, R24E; thence approximately twenty-three miles east along section lines and Sellards Road to the northwest corner of Section 1, T7N, R27E; thence south four miles along section lines to the southwest corner of Section 24, T7N, R27E; thence east along section lines eight miles to the southeast corner of Section 19, T7N, R29E; thence south one-half mile along the section line to the intersection with Beck Road; thence east approximately five and one-half miles along Beck Road to the intersection with Nine Canyon Road; thence north approximately one-half mile along Nine Canyon Road to the intersection with Kirk Road; thence east seven and one-half miles along Kirk Road and section lines to the Columbia River.

NEW SECTION

**WAC 16-232-410 Benton county--Restricted use herbicides.** For purposes of WAC 16-232-400 through WAC 16-232-430 all herbicides, including desiccants and defoliant, are declared to be restricted use herbicides, except all formulations of dicamba and all formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T and MCPA.

NEW SECTION

**WAC 16-232-420 Benton county--Aerial application prohibited.** Aircraft application of restricted use herbicides is prohibited in the area defined in WAC 16-232-400: PROVIDED, That the Washington State Department of Agriculture may issue written permits for designated applications.

NEW SECTION

**WAC 16-232-430 Benton county--Other restrictions.** No provision of WAC 16-232-420, shall be construed as relieving any requirement of WAC 16-230-150 through WAC 16-230-180, Rules Relating to Desiccants and Defoliant.