

TRANSMITTAL OF RULES ADOPTED

FROM: AGRICULTURE
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 1130
Emergency rules
relating to (Name of rules or description of subject matter)

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN
WALLA WALLA COUNTY.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 2459 ^① filed with the code reviser
on 11/10/69 ^② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Wa. on 12/19/69 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be 1/20/70. ^③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules 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 the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this _____ 19th _____ day of December _____ 1969.

STATE OF WASHINGTON
FILED
DEC 19 1969
CODE REVISER'S OFFICE
KET #2712 FILE #21

AGRICULTURE
(AGENCY)
Donald W. Moos
BY DONALD W. MOOS
DIRECTOR
Title

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING:
RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 1130
(Supersedes Order No. 1037)
EFFECTIVE January 20, 1970

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN
WALLA WALLA COUNTY

I, Donald W. Moos, Director of Agriculture of the state of Washington, by virtue of the authority vested in me under Chapters 15.57 and 17.21 RCW after due notice and public hearing held at Walla Walla, Washington, on December 2, 1969, as provided under Chapters 42.32 and 34.04 RCW, do promulgate the following regulations relating to the use of growth regulating herbicides.

REGULATION 1. Area Under Order, Restricted Use Herbicides, Prohibited Formulations, and Definitions.

AREA UNDER ORDER: All the lands within the borders of Walla Walla County.

RESTRICTED USE HERBICIDES: All formulations of dicamba (Banvel) and phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T, and MCP are by this order declared to be restricted use herbicides.

PROHIBITED FORMULATIONS: Ethyl and isopropyl liquid formulations and all dust formulations of restricted use herbicides are prohibited in the entire area under order.

DEFINITION: SPECIFIED DATE. Specified date as referred to in this order is that date to be determined by the State Department of Agriculture in consultation with local authorities and shall be as near as possible to the date of bud break of grapes being grown in Benton County. Notification of this date, after which such operations that are applicable are so restricted, shall be made by mailing a notice to each of the known wheat growers and to each of the known commercial applicators working in the area and an announcement to the local newspapers, radio stations, and county extension office,

DEFINITION: High volatile and low volatile esters. High volatile and low volatile esters are those formulations labeled as high volatile and low volatile in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide and Rodenticide Act.

REGULATION 2. AREA 1. WALLA WALLA AND IMMEDIATE VICINITY. An area starting at the Washington-Oregon state line and the Southeast corner of S16, T6N, R36E, thence North one mile more or less to the Southwest corner of S3, T6N, R36E, thence East 2 miles to the Southeast corner of S2, T6N, R36E, thence North 3 miles to the Southwest corner of S24, T7N, R36E, thence East 1 mile to the Southeast corner of S24, T7N, R36E, thence North one mile to the Southwest corner of S18, T7N, R37E, thence East one mile to the Southeast corner S18, T7N, R37E, thence North one mile to the Northeast corner S18, T7N, R37E, thence West 2 miles to the Southeast corner S11, T7N, R36E, thence North one mile to the Northeast

corner of S11, T7N, R36E, thence West four miles more or less to Mud Creek, thence Southwesterly along Mud Creek to Pedigo, thence West to the Northwest corner of S21, T7N, R35E, thence South to State Road 410, thence Westerly along State Road 410 to the York Road and South along the York and Sayer 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.

AREA 1. (RESTRICTIONS) The use or application of restricted use herbicides is restricted to dicamba and the liquid amine and sodium or solubilized acid formulations and shall be applied by ground equipment only; PROVIDED, That low volatile esters may be applied from November 1 to April 15: PROVIDED FURTHER, That aerial application of amine formulations of restricted use herbicides shall be allowed in those portions of Sections 7 through 11, T7N, R36E, and Sections 11 and 12, T7N, R35E, within Area 1.

Refer to Regulation 7 for ground and aerial equipment restrictions.

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 1, except that the municipal airport located Northeast of Walla Walla shall not be subject to this provision. Turning and/or low flying over Area 1 is also prohibited when loaded with restricted use herbicides, or prior to thoroughly cleaning equipment following use of these herbicides.

REGULATION 3. AREA 2. (DIXIE, WAITSBURG, AND PRESCOTT AREAS) Those areas lying within a 2-mile radius from the center of the town of Dixie and within 2 miles of the city limits of the towns of Waitsburg and Prescott.

AREA 2. (RESTRICTIONS) The use or application of restricted use herbicides by ground or aerial equipment is restricted to the liquid amine and sodium or solubilized acid formulations: PROVIDED, That low volatile esters may be used from November 1 to April 15. PROVIDED FURTHER, That the application of permitted formulations shall be made by ground equipment only from April 15 to November 1 of each year: PROVIDED FURTHER, That MCP amine may be applied by air at any time.

REGULATION 4. AREA 3. 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 five miles more or less to Reese, thence Northeast along the Maxwell Road to the North section line of S13, T7N, R32E, thence East nine miles more or less to the Southwest corner of S9, T7N, R34E, thence North one mile to the Northwest corner of S9, T7N, R34E, thence East two miles to the Southwest corner of S2, T7N, R34E, thence North one mile to the Northwest corner of S2, T7N, R34E, thence East two miles to the Southwest corner S31, T8N, R35E, thence North 6 miles to the Northwest corner of S6, T8N, R35E, thence East 24 miles to and along the Columbia-Walla Walla County line to the Northeast corner of S1, T8N, R38E, thence South 14 miles more or less to the Washington-Oregon state line and West to the point of beginning.

AREA 3. (RESTRICTIONS) The use or application, by ground or aerial equipment, of restricted use herbicides is restricted to the liquid amine and sodium or solubilized acid formulations: PROVIDED, That low volatile formulations of 2,4-DB may be applied from 4:00 A.M. to sunset of the same day: and, PROVIDED FURTHER, That other low volatile ester formulations of restricted use herbicides may be applied from November 1 to April 15. The use of oil-type emulsifiers and oil-type spreader stickers is restricted to one pint or less per acre.

Refer to Regulation 7 for ground and aerial equipment restrictions

REGULATION 5. AREA 4. COLUMBIA RIVER BUFFER AREA. An area starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon line, T6N, R32E, thence North five miles more or less to Reese, thence along the Maxwell Road to the North section line at S13, T7N, R32E, thence West five miles more or less to the Northwest corner of S18, T7N, R32E, thence North ten 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.

AREA 4. (RESTRICTIONS) High and low volatile ester formulations of restricted use herbicides are prohibited from the specified date to November 1 of the same year.

REGULATION 6. AREA 5. All of the remaining lands within the borders of Walla Walla County.

AREA 5. (RESTRICTIONS) The use or application of Butyl ester formulations of restricted use herbicides is prohibited from May 1 to November 1, from sunset to 4:00 A.M.

REGULATION 7. GROUND EQUIPMENT RESTRICTIONS IN AREAS 1, 2, and 3. Ground applications shall be made with a minimum of 8 gallons of water per acre, and ground equipment must be equipped with nozzles having a minimum orifice diameter of 0.031 inches. Pressure for ground equipment must not exceed 35 pounds per square inch at the nozzles.

Aerial applications shall be made with a minimum of 3 gallons of water per acre, and aircraft must be equipped with nozzles having a minimum orifice diameter of 0.125 inches, with core plates removed, and directed downward and backward more than 90 degrees from the direction of flight: PROVIDED, That core plates may be used when nozzles are directed downward and backward more than 135 degrees from the direction of flight.

REGULATION 8. AIRCRAFT RESTRICTIONS. Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying, during spraying operations, over cities and towns, unless authorized by the city or town in question pursuant to an agreement for pesticide applications; or residences, windbreaks, orchards or susceptible crops belonging to any person other than the owner of the property being treated, except by permission of the person whose residence, windbreak, orchard, or susceptible crop is involved.

REGULATION 9. DISPOSAL OF RESTRICTED USE HERBICIDES AND THEIR CONTAINERS. Restricted use herbicides or their emptied containers shall not be dumped or abandoned or allowed to remain at any place where plants of value are likely to be injured. Equipment used for restricted use herbicides shall not be stored or allowed to remain at any place where susceptible crops might be affected.

REGULATION 10. WIND AND WEATHER CONDITIONS. (1) Application of herbicides permitted as set forth in this order by ground equipment shall not be allowed in Area 1 when the mean sustained wind velocity is over 7 miles per hour from any direction.

(2) Application of herbicides permitted as set forth in this order by ground or aerial equipment shall not be allowed in Areas 2 and 3 when the mean sustained wind velocity is over 10 miles per hour from any direction from November 1 to April 15, and over 7 miles per hour from April 15 to November 1.


Application of restricted use herbicides by ground or aerial equipment shall not be allowed in Areas 4 and 5 when the mean sustained wind velocity is over 10 miles per hour from any direction from November 1 to May 1, and over 7 miles per hour from any direction from May 1 to November 1.

Even though wind velocity is within the limits allowable for application, restricted use herbicides shall not be applied if other weather conditions (example -- temperature inversion, high temperature) are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization in the area under order.

REGULATION 11. RESTRICTIONS ON THE SALE OF CERTAIN FORMULATIONS OF RESTRICTED USE HERBICIDES. The sale of permitted high and low volatile ester formulations of restricted use herbicides in containers of one gallon or less is prohibited in the entire area under order: PROVIDED, That low volatile formulations of 2,4-DB may be sold in gallon containers: and, PROVIDED FURTHER, That the sale of permitted high and low volatile ester formulations in unbroken case lots of one gallon containers may be made to commercial producers or for commercial applications.

REGULATION 12. EXPERIMENTAL PERMITS. The Director of Agriculture may approve written requests to apply certain restricted use herbicides for experimental purposes in the restricted areas under order.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated by the Department of Agriculture.


DONALD W. MOOS, Director
Department of Agriculture
State of Washington

Signed at Olympia, Washington

Date December 19, 1969