


Order 826 superseded by Order 876. See
File 13, Docket 432, filed 12/8/61.

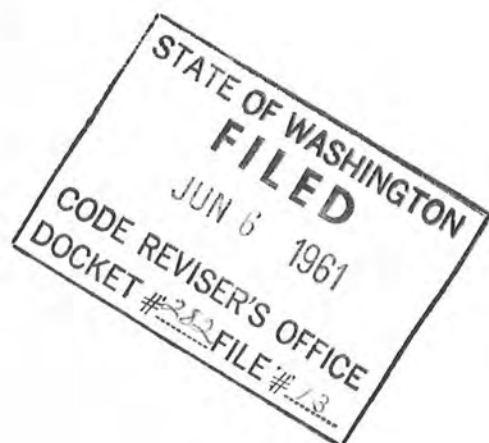
ORDER NUMBER 826 previously in effect, pursuant to a law repealed by the 1961 Legislature and pertaining to the use of agricultural pesticides, sprays and chemically treated materials in Whitman county is hereby adopted as an emergency order pursuant to those laws which shall become effective June 8, 1961; specifically Chapter 249, Laws of 1961 and which replace the laws under which this order previously existed. This is necessary for the immediate preservation of the economic health and general welfare. It is necessary that the order become effective immediately to provide the transition of the old and new laws in that Chapter 249 does not allow time for the usual hearing procedures for this order to become effective prior to the dates that the agricultural sprays will be applied.

I hereby certify that the attached order is a true and correct copy of that order adopted by the Department of Agriculture.



Joe Dwyer, Director.

Dated this 8th day of June, 1961.



16-290
Emergency

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 826

Supersedes Order No. 800

Effective March 10, 1961

A Regulation Relating to the Use of Chemicals and
Chemically Treated Materials in Whitman County

I, Joe Dwyer, Director of Agriculture, State of Washington, after public notice and hearing held at Colfax, Washington on October 27, 1960, by virtue of authority vested in me under Chapter 61, Session Laws of 1951, as amended by Chapter 261, Session Laws of 1953, Revised Code of Washington Chapter 17.20, do hereby amend Order No. 800 to read as follows:

Regulation 1. Area Under Order

All lands lying within the boundaries of Whitman County.

Regulation 2. Area of Restricted Use - Aircraft Application Prohibited

Aircraft application of the herbicides known as 2,4-D, 2,4,5-T, M.C.P. or any formulation thereof with any other herbicides, chemicals, oils, salts or water is prohibited within the following described area: That portion of Township 13 North, Range 40 East and Township 14 North, Range 40 East lying east of Primary State Highway No. 3 and that portion of Township 14 North, Range 41 East, all lying in Whitman County, Washington.

With ground equipment used within the area under Regulation 2, application of the herbicides known as 2,4-D, 2,4,5-T, M.C.P. or any formulation thereof with any herbicides, chemicals, oils, salts or water on any crops, lands or shrubs is restricted to the amine formulation or those ester formulations authorized to be labeled as low volatile under the Federal Insecticide, Fungicide and Rodenticide Act.

Ground equipment when used within the area described in Regulation 2 shall use a total per acre application of not less than 5 gallons per acre, a pressure not to exceed 35 pounds per square inch at the nozzle and shall not operate when the wind is over 5 miles per hour, and shall use precautions in regard to other weather conditions and other circumstances that may present risk of injury to adjacent crops.

Regulation 3. Area of Restricted Use

Sections 1, 2, 3, 10, 11, 12, 14, 15, 22, 23, Township 13 North, Range 39 East, and that portion of Township 14 North, Range 39 East lying east of County Road #33 and south and east of County Road #39, that portion of Township 13 North, Range 40 East lying west of Primary State Highway #3, that portion of Township 14 North, Range 40 East lying west of Primary State Highway #3 and south of County Road #39, that portion of Township 15 North, Range 40 East lying south and east of County Roads #39 and #382 and south and west of County Road #626. That portion of Township 15 North, Range 41 East lying south of County Road #384; Township 14 North, Range 42 East; That portion of Township 15 North, Range 42 East lying south of County Road #384 and west of County Road #386 and south of County Roads #145 and #398 and west of County Road #480 and south of County Road #143. Those portions of Townships 13, 14 and 15 North, Range 43 East lying South of County Road #400 and south and west of the line between the

junction of County Roads #400 and #551 and the junction of County Roads #462 and #466 and south and west of County Roads #466 and #459 and south of County Road #480.

That portion of Township 13 North, Range 44 East lying south of County Road #480 and south and west of County Roads #219 and #516, that portion of Township 13 North, Range 45 East lying south and west of County Roads #516 and #512 and west of the power line, and those portions of Township 12 North, Ranges 44 and 45 East lying north and west of Nisqually John Canyon, and including only those lands lying in Whitman County, Washington.

Within the area described in this regulation, the use or application of the herbicides known as 2,4-D, 2,4,5-T and M.C.P. of the ester type or any formulation thereof with any other chemicals, oils, salts or water on any crops, shrubs or lands except those liquid ester formulations authorized to be labeled as low volatile under the Federal Insecticide, Fungicide and Rodenticide Act is prohibited except that the low volatile ester formulation shall also be prohibited in that portion of the area lying east of Range 41 East on and after the 10th day of April of each year.

Regulation 4. Area of Restricted Use

In that portion of Whitman County lying between the eastern boundary of the county and the line comprised of S. H. 195 from the northern boundary of the county to the city of Colfax, thence south along County Roads #479 and #141 to the junction of County Roads #141 and #451, thence along the section line to the Snake River, and excepting therefrom that portion described in Regulation 3 above, the use or application of the herbicides known as 2,4-D, 2,4,5-T and M.C.P. of the ester type or any formulation thereof with any other herbicides, chemicals, oils, salts or water, on any crops, shrubs or lands, except those ester formulations authorized to be labeled as low volatile under the Federal Insecticide, Fungicide and Rodenticide Act, is prohibited after April 15 to and including July 31 of each year except that a permit to apply the formulations of herbicides herein prohibited may be obtained from and issued at the discretion of the Whitman County Weed Supervisor under the jurisdiction of the Whitman County Commissioners between these dates for application with ground equipment and only for morning glory control.

Dust formulations of any and all the materials or chemicals referred to in the above paragraphs are prohibited in the entire area under order (Regulation 1).

Regulation 5.

The applications of the herbicides known as 2,4-D, 2,4,5-T and M.C.P. shall be restricted to the amine formulations within a distance of two miles of the city limits of any incorporated city and town and the same distance from the center of any unincorporated town or community within the area under order (Regulation 1).

Regulation 6. Restricts Application Techniques

Aircraft application of the materials or chemicals and in the area referred to in Regulation 5 shall be made with not less than 3 gallons of water per acre including diluent and shall be made with due regard to relationship to weather conditions and relation to susceptible crops or valuable vegetation within the area.

Ground equipment used within the area described in Regulation 5 shall use a total per acre application of not less than 7 1/2 gallons of water per acre including diluent, a pressure not to exceed 35 lbs. per square inch at the nozzle and with a wind velocity of not over 5 miles per hour and using precautions in regard to weather conditions and relation to susceptible crops or valuable vegetation.

Regulation 7.

The loading and/or mixing of the herbicides known as 2,4-D, 2,4,5-T and M.C.P. of the amine, sodium salt or ester type or any formulation thereof with any other herbicides, chemicals, oils, salts or water, in aircraft for use and application is prohibited on any air strip, air field or any location within two miles of any city, town, village or community within the area under regulation.

The loading and/or mixing of the herbicides known as 2,4-D, 2,4,5-T and M.C.P. or any formulations thereof with any herbicides, chemicals, oils, salts or water in ground equipment for use and application is prohibited in any area other than that to be treated.

Aircraft carrying herbicides as described in the preceding paragraph are prohibited from turning and/or low flying over farmstead, windbreak, orchard or cultivated crops belonging to any persons other than the owner of the property being treated, except by permission of the person whose farmstead, windbreak, orchard or cultivated crops is involved, within the area under regulation.

No herbicides shall be used, either by aircraft or ground equipment, under circumstances where injury is likely to result to plants of value or property other than the property to be treated, either through drift of the herbicides during applications or through subsequent movement of vapor or contaminated dust in the wind; nor at any time when the form of herbicides, method of application, the condition of surrounding crops, weather conditions, or other circumstances present exceptional risk of injury to crops.

Regulation 8. Procedure for Disposal of Emptied Containers

Injurious herbicides or emptied containers thereof shall not be dumped or abandoned or allowed to remain at any place where plants of value are likely to be injured by the vapor or by water flowing through or over the material or where contaminated soil is likely to be transported or used in proximity to susceptible crops, and equipment used for injurious herbicides shall not be stored or allowed to remain at any place where susceptible crops might be affected.

This order will remain in effect until superseded or amended.

/s/ JOE DWYER

Joe Dwyer
Director of Agriculture
State of Washington

Dated at Olympia, Washington

February 8, 1961

16-230