

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. 1201
 Emergency rules

relating to (Name of rules or description of subject matter)

Regulations pertaining to the use of herbicides in Grant, Adams, Douglas, and Chelan Counties. (Adams County portion of prior regulations has been deleted in these new regulations).

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

pursuant to Notice No. _____^① filed with the code reviser on _____^② were regularly adopted as permanent rules of this agency at _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be _____^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 the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this 7th day of May 1971.

STATE OF WASHINGTON
FILED
MAY 7 - 1971
CODE REVISER'S OFFICE
D KET.#3411 FILE #24

AGRICULTURE
(AGENCY)
BY [Signature]
Title Director

- 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

EMERGENCY ORDER NO. 1201
(Supersedes Order No. 1169)
EFFECTIVE MAY 7, 1971

REGULATIONS PERTAINING TO THE USE OF HERBICIDES
IN GRANT, DOUGLAS, & CHELAN COUNTIES

The adoption of these emergency regulations controlling the sale and/or use of phenoxy hormone-type herbicides is in the public interest and for the purpose of protecting the public health and welfare.

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 Ephrata, Washington on May 3, 1971, as provided under Chapters 42.32 and 34.04 RCW do hereby promulgate the following regulations relating to the use of phenoxy hormone-type herbicides.

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

AREA UNDER ORDER: All lands lying within the borders of Grant, Douglas, and Chelan Counties.

RESTRICTED USE HERBICIDES: All formulations of 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: The use of dust formulations of restricted use herbicides is 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 is possible to the date of bud break of fruit being grown in the counties under order. 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 Offices.

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. All of T21N, R21E; and that portion of Section 6, and Sections 7, 18, 19, 30, and 31, T21N, R22E lying in Chelan County. Sections 1 through 24 and 28 through 33, T21N, R23E lying in Douglas and Grant Counties.

AREA 1. RESTRICTIONS. The use or application of high volatile ester formulations of restricted use herbicides is prohibited. Ground and aerial applications shall be made in accordance with regulations 5, 6, and 10.

REGULATION 3. AREA 2. CHELAN COUNTY. An area starting at the southeast corner of Sec. 32, T21N, R22E; thence west one mile to the southwest corner of Sec. 32; thence north five miles more or less to the right-of-way of the Malaga Road; thence along and including the Malaga Road right-of-way to the city limits of Wenatchee; thence east to the Columbia River, and along the west bank of the Columbia River to the point of beginning.

DOUGLAS COUNTY. An area starting on the east bank of the Columbia River, at the southwest corner of Sec. 33, T21N, R22E; thence east one mile to the southeast corner of Section 33; thence north one mile to the southwest corner of Sec. 27; thence east one mile to the southeast corner of Sec. 27; thence north one mile to the southwest corner of Sec. 23; thence east one mile to the southeast corner of Sec. 23; thence north one mile to the northeast corner of Sec. 23; thence west one mile to the northwest corner of Sec. 23; thence north one mile to the northeast corner of Sec. 15; thence west one mile to the northwest corner of Sec. 15; thence north two miles to the northeast corner of Sec. 4; thence west one mile more or less to and including the right-of-way of State Road 28; thence northwest along the highway right-of-way to the east section line of Sec. 25, T22N, R21E; thence north five miles more or less to the northeast corner of Sec. 36, T23N, R21E; thence west eight miles more or less to the east bank of the Columbia River; thence southeasterly along the east bank of the Columbia River to the point of beginning.

AREA 2. RESTRICTIONS. Aerial application of all restricted use herbicides is prohibited. The use or application of all high and/or low volatile formulations of restricted use herbicides is prohibited. Turning and/or low flying over Area 2 is prohibited when loaded with restricted use herbicides or prior to thorough cleaning of the equipment following the use or application of restricted use herbicides. Ground applications shall be made in accordance with regulation 5.

AREA 2. RESTRICTIONS ON USE OF AIRSTRIPS. Loading and/or mixing of restricted use herbicides in aircraft and operation of such aircraft shall be allowed only on Fancher Field.

REGULATION 4. AREA 3. BUFFER AREA. Sections 1, 2, 3, 10, 11, 12, 13, 14, 24, 25, 26, 34, 35 and 36, T21N, R22E, and Sections 1, 2, 3, 4, 9, 10, 11, 12 and those portions of Sections 13, 14, 15, and 16, T20N, R22E lying in Douglas County; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, T20N, R23E lying in Grant County.

AREA 3. RESTRICTIONS. The use or application of high and/or low volatile formulations of restricted use herbicides is prohibited; PROVIDED, That low volatile formulations may be applied from November 1 to the specified date of the following year. Ground and aerial applications shall be made in accordance with regulations 5, 6, and 10.

REGULATION 5. GROUND EQUIPMENT RESTRICTIONS FOR AREAS 1, 2, 3, 5, and 6. 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.

REGULATION 6. AIRCRAFT EQUIPMENT RESTRICTIONS IN AREAS 1, 3, 5, and 6. Aerial applications of restricted use herbicides 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. Nozzles must be directed downward or backward 90 degrees or more from the direction of flight.

REGULATION 7. AREA 4. An area in Grant County starting at the intersection of the Columbia River and Highway 10; thence northeasterly along highways 10 and 283 to the north section line of Sec. 28, T21N, R26E; thence west along section lines 17 miles more or less to the northwest corner of Section 27, T21N, R23E; thence south 8 miles to the southwest corner of Sec. 34, T20N, R23E; thence west to the east bank of the Columbia River; thence southerly along the east bank of the Columbia River to the point of beginning.

AREA 4. RESTRICTIONS. The use or application of high and low volatile formulations of restricted use herbicides is prohibited.

AREA 4. AIRCRAFT EQUIPMENT RESTRICTIONS. Aerial applications of restricted use herbicides shall be made with a minimum of 5 gallons of water per acre and aircraft must be equipped with nozzles having a minimum orifice diameter of 0.156 inches. Nozzles must be directed downward or backward 90 degrees or more from the direction of flight.

AREA 4. GROUND EQUIPMENT RESTRICTIONS. Ground applications of restricted use herbicides shall be made with a minimum of 10 gallons of water per acre and ground equipment must be equipped with nozzles having a minimum orifice diameter of 0.036 inches. Pressure for ground equipment must not exceed 35 pounds per square inch at the nozzles.

AREA 4. GROUND AND AERIAL RESTRICTIONS. Ground and aerial applications shall be made in accordance with regulation 10.

AREA 4. DEPARTMENT NOTIFICATION. The State Department of Agriculture, Pesticide Branch, at Yakima, shall be notified at least 72 hours prior to any applications of restricted use herbicides by public road and/or railroad right-of-way maintenance personnel carrying out any program using restricted use herbicides in Area 4.

REGULATION 8. AREA 5. TRIANGULAR AREA SOUTH OF GEORGE. An area including Block 79 and those portions of Blocks 77 and 78 lying southeast of Interstate 90 and that portion of the Frenchman Hills bordered on the west by Interstate 90, on the south by Block 81, on the east by the Frenchman Hills Tunnel and on the north by Blocks 78 and 79.

AREA 5. RESTRICTIONS. The application of high volatile formulations of restricted use herbicides shall be prohibited from the specified date to November 1. Ground and aerial applications shall be made in accordance with regulations 5, 6, and 10.

REGULATION 9. AREA 6. SOUTHERN GRANT COUNTY. An area starting at the northeast corner of S36, T21N, R30E; thence west 28 miles more or less along section lines to State Highway 283; thence southwesterly along Highway 283 and Interstate 90 to the Columbia River; thence southerly, easterly, and northerly along the Grant County line to the point of beginning, excluding Area 5. (Regulation 8).

AREA 6. RESTRICTIONS. The application of high volatile formulations of restricted use herbicides shall be prohibited from May 15 to November 1. The application of allowable formulations of restricted use herbicides shall be prohibited from two hours prior to sunset to 4:00 A.M. the following morning from May 15 to November 1: PROVIDED, That oil soluble amine invert formulations of restricted use herbicides may be applied during these hours. Ground and aerial applications shall be made in accordance with regulations 5 and 6 beginning May 15 and ending November 1

REGULATION 10. The application of restricted use herbicides is prohibited from two hours prior to sunset to 4:00 A.M. in Areas 1, 2, 3, 4, and 5 from the specified date to November 1 of the same year: PROVIDED, That oil soluble amine invert formulations of restricted use herbicides may be applied during these hours.

REGULATION 11. SPECIAL RESTRICTED USE HERBICIDES PERMITS. The Washington State Department of Agriculture may approve written requests to apply restricted use herbicides for purposes of critical weed control in the restricted areas under order. Such requests shall contain information verifying the safety of the proposed application.

REGULATION 12. COMMERCIAL VINEYARD AND NURSERY NOTIFICATION. The owners of commercial vineyards and commercial nurseries located in Area 4 and 5 in Grant County shall be notified by aerial applicators in person or by certified mail at least 48 hours prior to the application of allowable restricted use herbicides to be applied within one mile of the above vineyards and nurseries.

REGULATION 13. RESTRICTIONS ON AIRCRAFT. The loading and/or mixing of restricted use herbicides in areas 1, 3, 4, 5, & 6 is restricted to the herbicides permitted in each area; PROVIDED, That the loading and/or mixing of those ester formulations labeled as low volatile shall be allowed on the Crater Canyon Airport, west of Quincy.

Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying over cities and towns; 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, within the areas under regulation.

REGULATION 14. DISPOSAL OF RESTRICTED USE HERBICIDES AND THEIR CONTAINERS. No person shall dispose of, discard, or store any restricted use pesticide or their containers in such a manner as may cause injury to humans, vegetation, crops, livestock, wildlife, pollinating insects or to pollute any water supply or waterway.

REGULATION 15. WIND AND WEATHER CONDITIONS. Application of herbicides permitted as set forth in this order by ground or aerial equipment shall not be allowed when the mean sustained wind velocity is over 7 miles per hour from any direction. Even though wind velocity is within the limits allowable for spraying, restricted use herbicides shall not be applied if other weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization.

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 of Agriculture
State of Washington

Signed at Olympia, Washington

Date May 7, 1971