

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. 1235
Emergency rules
relating to (Name of rules or description of subject matter)

the use and application of herbicides in
Benton County.

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

pursuant to Notice No. 3381 ① filed with the code reviser
on 2/29/72 ② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Wa. on 3/30/72 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 4/30/72 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.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this 30th day of March 19 72

STATE OF WASHINGTON
FILED
MAR 30 1972
CODE REVISER'S OFFICE
KET.#400 FILE #24

AGRICULTURE
(AGENCY)
Cameron S. Adams
By
Cameron S. Adams
Title Acting 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.

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STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 1235
(Supersedes Order No. 1191)

EFFECTIVE APRIL 30, 1972

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN BENTON COUNTY

I, Cameron S. Adams, Acting Director of Agriculture of the State of Washington, by virtue of the authority vested in me under Chapters 17.21 and 15.58 RCW, after due notice and public hearing held at Pasco, Washington, March 21, 1972 as provided under Chapters 42.32 and 34.04 RCW do hereby 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 of Benton County except that portion lying within the boundaries of the Hanford Project.

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

PROHIBITED FORMULATIONS: Use of high volatile ester formulations and all dust formulations of restricted use herbicides are prohibited in the entire area under Order. The use of all oil type carriers, emulsifiers and spreader stickers are also prohibited: PROVIDED, That oil type emulsifiers and spreader stickers may be used when not in excess of 1 pint per acre; and, from November 1 to the specified date of the following year, oil type carriers may be used for brush control.

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 and/or adjacent counties. 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. (THE CITY OF KENNEWICK AND VICINITY).

This area includes all the lands in Sections 29 through 36, Township 9 North, Range 29 East; Sections 1 through 6, 10 through 13 and those portions of Sections 7, 8, 9, 14, 15, 23, and 24 lying north and east of the K.I.D. Canal, T.8N., R.29E.; Sections 4 through 10, 14 through 28, 35, 36 and those portions of 29, 30, 32, 33, and 34 lying north and east of the K.I.D. Canal, T.8N., R.30E.

AREA 1. (RESTRICTIONS). The use or application of restricted use herbicides is restricted to the amine and sodium or solubilized acid formulations, by ground equipment only, on any crops, shrubs, or lands.

REGULATION 3. AREA 2. (PROSSER, BENTON CITY, AND KIONA AREA). This area includes all lands in Sections 1 through 12, and 15 through 19, T.8N., R.24E.; Sections 5, 6, and 7, T.8N., R.25E.; all of T.9N., R.24E.; Sections 1 through 34, T.9N., R.25E.; Sections 1 through 24, T.9N., R.26E.; all of T.9N., R.27E.; those portions of Sections 29, 30, 31, and 32, T.10N., R.28E., lying south of the Yakima River; that portion of T.9N., R.28E., lying south of the Yakima River; and that portion of T.8N., R.28E., lying north of the Northern Pacific Railroad tracks.

AREA 2. (RESTRICTIONS). The use or application of restricted use herbicides is restricted to the liquid form of the amine and sodium or solubilized acid formulations on any crops, shrubs, or lands by ground equipment only: PROVIDED, That low volatile esters may be used from November 1 to the specified date of the following year.

Oil amine invert formulations may be applied by aircraft on a permit basis (See Regulation 12) at any time: PROVIDED, That these aerial applications shall be made with a minimum of 5 gallons of water per acre, and aircraft shall be equipped with nozzles having a minimum orifice diameter of 0.156 inches and directed downward or backward 90 degrees or more from the direction of flight.

REGULATION 4. GROUND EQUIPMENT RESTRICTIONS, AREAS 1 AND 2. Ground application shall be made with a minimum of 10 gallons per acre. Spray 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.

REGULATION 5. AREA 3. (BUFFER ZONE SURROUNDING PROSSER, BENTON CITY, KIONA AND KENNEWICK AREAS). Sections 19 through 36, Township 10 North, Range 24 through 27 East; Sections 13, 14, and 20 through 36, T.8N., R.24E.; Sections 1 through 4, 8 through 12, 15 through 22, T.8N., R.25E.; Sections 1 through 12, T.8N., R.26E.; Sections 25 through 36, T.9N., R.26E.; Sections 1 through 16, 21 through 25, and 36, T.8N., R.27E.; Sections 1, 2, 11, and 12, T.7N., R.28E.; all of T.8N., R.28E.; that portion of T.8N., R.28E., lying south of the Northern Pacific Railroad tracks, Sections 1 through 12, T.7N., R.29E.; Sections 15 through 22, 25 through 36 and those portions of Sections 7, 8, 9, 14, 15, 23, and 24 lying south and west of the

K.I.D. Canal, T.8N., R.29E.; Sections 1 through 12, T.7N., R.30E.; Sections 31 and those portions of 29, 30, 32, 33, and 34 lying south and west of the K.I.D. Canal, T.8N., R.30E.; and those portions of Sections 5 through 8, T.7N., R.31E., lying in Benton County.

AREA 3. (RESTRICTIONS). The use or application by ground or aircraft equipment of restricted use herbicides is restricted to the liquid forms of the amine and sodium or solubilized acid formulations: PROVIDED, That low volatile esters may be used from November 1 to the specified date of the following year.

Ground applications shall be made with a minimum of 8 gallons of water per acre, and ground equipment shall be equipped with nozzles having a minimum orifice diameter of 0.031 inches from November 1 to the specified date of the following year. From the specified date to November 1 of each year, ground applications shall be made with a minimum of 10 gallons of water per acre, and ground equipment shall be equipped with nozzles having a minimum orifice diameter of 0.036 inches. Pressure from ground equipment shall not exceed 35 pounds per square inch at the nozzles.

Aircraft applications shall be made with a minimum of 3 gallons of water per acre, and aircraft shall be equipped with nozzles having a minimum orifice diameter of 0.125 inches, directed downward or backward 90 degrees or more from the direction of flight, from November 1 to the specified date of the following year. From the specified date to November 1 of each year, aircraft application shall be made with a minimum of 5 gallons of water per acre, and aircraft shall be equipped with nozzles having a minimum orifice diameter of 0.156 inches, directed downward or backward 90 degrees or more from the direction of flight.

REGULATION 6. AREA 4. The remainder of Benton County including the area north of the buffer zone and the Horse Heaven Hills.

AREA 4. (RESTRICTIONS). The use or application by ground or aerial equipment of restricted use herbicides is restricted to the liquid forms of the amine, sodium, or solubilized acid formulations, and those ester formulations labeled as low volatile.

Ground application shall be made with a minimum of 8 gallons per acre. Spray equipment shall be equipped with nozzles having a minimum orifice diameter of 0.031 inches. Pressure for ground equipment shall not exceed 35 pounds per square inch at the nozzles.

Aircraft application shall be made with a minimum of 3 gallons of water per acre, and aircraft shall be equipped with nozzles having a minimum orifice diameter of 0.125 inches, and directed downward or backward 90 degrees or more from the direction of flight.

REGULATION 7. 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 areas 1 and 2 and turning and/or low flying over areas 1 and 2 is also prohibited when loaded with restricted use herbicides, or prior to thoroughly cleaning equipment following use of these herbicides.

REGULATION 8. RESTRICTIONS ON AIRCRAFT: Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying, during spray operations, over cities and towns, unless authorized by the city or town in question pursuant to an agreement for pesticide applications; or over residences, windbreaks, orchards, or susceptible crops belonging to any persons 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. 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 10. WIND AND WEATHER CONDITIONS. Spraying of restricted use herbicides by ground or aerial equipment shall not be allowed when the mean sustained wind velocity is over 10 miles per hour from any direction from November 1 to the specified date and over 7 miles per hour from the specified date to November 1. Even though wind velocity is within the limits allowable for spraying, restricted use herbicides shall not be applied if other weather conditions (examples--temperature inversion, high temperature) are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization.

REGULATION 11. RESTRICTIONS ON THE SALE OF CERTAIN FORMULATIONS OF RESTRICTED USE HERBICIDES. The sale of high and low volatile ester formulations of restricted use herbicides in containers of less than one gallon is prohibited in the entire area under Order; PROVIDED, That containers of one gallon of high volatile ester liquid formulations may be sold only with the maintenance of a ledger as provided in state-wide Order No. 1222, WAC 16-222-145(2).

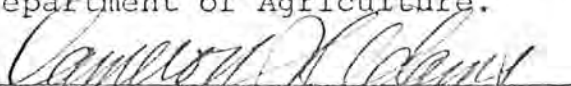
REGULATION 12. SPECIAL RESTRICTED USE HERBICIDE PERMITS. The Washington State Department of Agriculture may approve written requests to apply certain restricted use herbicides for purposes of critical weed control in the restricted areas under Order; the Director will consider recommendations of the 2,4-D Committee for Benton County.

REGULATION 13. RESTRICTED EVENING APPLICATIONS IN THE AREA UNDER ORDER. The application of allowable formulations of restricted use herbicides shall be prohibited daily from two hours prior to sunset to daylight the following morning, from the specified date to November 1.

REGULATION 14. 85 DEGREE TEMPERATURE CUTOFF. From May 1 to November 1, the application of all volatile formulations of restricted use herbicides shall be prohibited when the temperature is above 85 degrees.

REGULATION 15. INVERT AND FOAM SYSTEM RESTRICTIONS. Pressure for aerial and ground equipment, applying restricted use herbicides through invert and foam systems and ground equipment with hand guns, shall not exceed 55 pounds per square inch at the nozzles.

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


CAMERON S. ADAMS
Acting Director of Agriculture
State of Washington

Signed at Olympia, Wa
Date: March 30, 1972