

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. 1293  
Emergency rules

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

the use of herbicides in Lincoln County.

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

pursuant to Notice No. 3812 <sup>①</sup> filed with the code reviser  
on 12/28/72 <sup>②</sup> were regularly adopted as permanent rules of this  
(date)  
agency at Olympia, WA. on 2/7/73 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 3/15/73 <sup>③</sup>

(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 7th day of February 1973.

STATE OF WASHINGTON  
**FILED**  
FEB 7 1973  
CODE REVISER'S OFFICE  
DOCKET # 4892 FILE # 25

AGRICULTURE  
(AGENCY)  
Stewart Bledsoe  
By Stewart Bledsoe  
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. 1293

EFFECTIVE MARCH 15, 1973

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN LINCOLN COUNTY

I, Stewart Bledsoe, 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 as provided under Chapters 34.04 and 42.32 RCW and a public hearing held in Harrington, Washington, on January 25, 1973, 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 lands lying within the borders of Lincoln County.

RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and 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: The use of 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 one pint per acre; and from November 1 to May 15 of the following year, oil-type carriers may be used for brush control.

DEFINITION: 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. (AN OUTLYING AREA SOUTHWEST OF ALMIRA AND ODESSA). An area west of a line starting at the Grant-Lincoln county line and State Highway 2; thence northeasterly two miles more or less to the intersection of County Road No. 9115 and Almira; thence southerly seven miles more or less along County Road No. 9115 to County Road No. 1536; thence east along County Road No. 1536 six miles more or less to State Highway 21; thence southerly along State Highway 21 twenty-two miles more or less to Odessa; thence south along State Highway 21 five miles more or less to the Lincoln-Adams county line.

AREA 1. (RESTRICTIONS). The use or application of high volatile formulations of restricted use herbicides shall be prohibited from May 15 to November 1 of each year.

From May 15 to November 1, ground applications shall be made using nozzles having a minimum orifice diameter of 0.031 inches (approximately 8 gallons per acre).

From May 15 to November 1, aircraft applications shall be made with a 1-gallon alternative (see Regulation 4).

REGULATION 3. AREA 2. (ALL REMAINING LANDS IN LINCOLN COUNTY). Area 2 (Restriction). From May 15 to November 1, aircraft applications shall be made with a 1-gallon alternative (see Regulation 4).

REGULATION 4. AIRCRAFT NOZZLE REQUIREMENTS FOR APPROXIMATE GALLONS PER ACRE.

#### 1-GALLON ALTERNATIVES

##### 1. Fixed Wing -

- (a) Minimum nozzle orifice 0.075 inches (may use No. 45 or larger core). Minimum of one operating nozzle per each 23 inches of effective swath width. Nozzles directed downward and backward 170 degrees or more from direction of flight.
- (b) Minimum nozzle orifice 0.094 inches (may use No. 45 or larger core). Minimum of one operating nozzle per each 28 inches of effective swath width. Nozzles directed downward and backward 170 degrees or more from direction of flight.

##### 2. Rotorcraft-Helicopter -

- (a) Minimum nozzle orifice 0.047 inches (less core plate). Minimum of one operating nozzle per each 26 inches of effective swath width. Nozzles directed downward and backward 90 degrees or more from direction of flight.
- (b) Minimum nozzle orifice 0.063 inches (may use No. 45 or larger core). Minimum of one operating nozzle per each 26 inches of effective swath width. Nozzles directed downward and backward 90 degrees or more from direction of flight.
- (c) Minimum nozzle orifice 0.075 inches (may use No. 45 or larger core). Minimum of one operating nozzle per each 34 inches of effective swath width. Nozzles directed downward and backward 90 degrees or more from direction of flight;

PROVIDED, That any person who has an aircraft which cannot be equipped to effectively comply with these specifications shall obtain a permit from the Department for variations prior to applications of restricted use herbicides.

REGULATION 5. AIRCRAFT RESTRICTION. 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 application; 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 6. 85 DEGREE TEMPERATURE CUTOFF IN AREA 1. Restricted use herbicides shall not be applied from May 15 to November 1 when the temperature is 85 degrees F. or above at the point of application, if there is a temperature inversion, or if other weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization: PROVIDED, That applications at the rate of 50 gallons or more per acre shall be exempt from the 85 degree F. temperature cutoff requirement.

REGULATION 7. RESTRICTED EVENING APPLICATIONS IN AREA 1. The application of allowable formulations of restricted use herbicides shall be prohibited daily from sunset to sunrise the following morning, from May 15 to November 1.

REGULATION 8. MAXIMUM PRESSURE FOR EQUIPMENT. INVERT AND FOAM SYSTEM RESTRICTIONS. Pressure for aerial and ground equipment, applying restricted use herbicides shall not exceed 35 pounds per square inch at the nozzles: PROVIDED, That pressures up to 55 pounds per square inch at the nozzle may be used when necessary for restricted use herbicides by drift reducing systems such as invert and foam systems and for ground equipment with hand guns.

REGULATION 9. 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 Lincoln County.

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



STEWART BLEDSOE, Director  
Department of Agriculture  
State of Washington

Signed at Olympia, Washington

Date: 2/7/73