

FROM: Department of Agriculture
(Name of Agency)

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

The enclosed Permanent rules , being order No. 1347
Emergency rules
relating to (Name of rules or description of subject matter)
the use of herbicides in Eastern Washington.

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

4412, 4413, 4414 and
pursuant to Notice No. 4415 ① filed with the code reviser
on 12/13/73 ② were regularly adopted as permanent rules of this
(date)
agency at Director's Office on 2/5/74 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 3/7/74 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 5th day of February 1974.

STATE OF WASHINGTON
FILED
FEB 5 1974
CODE REVISER'S OFFICE
DOCKET # ~~808~~ FILE # 27

Department of Agriculture
(AGENCY)
[Signature]
By
Supervisor, Grain & Chemical Division
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. 1347
EFFECTIVE MARCH 7, 1974

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN
EASTERN WASHINGTON

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 public hearings held in Moses Lake, Wilbur, Pasco and Colfax, Washington on January 3, 4, 11 and 12, 1974, do hereby promulgate the following regulations relating to the use of growth regulating herbicides.

REGULATION 1. AREA UNDER ORDER, RESTRICTED USE PESTICIDES AND DEFINITIONS.

AREA UNDER ORDER: All counties located east of the crest of the Cascade Mountains.

RESTRICTED USE PESTICIDES: All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T and MCPA are hereby declared to be restricted use herbicides in this order.

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

DEFINITION: COMMERCIAL VINEYARD. A commercial vineyard is a parcel of land from which the grape crop is intended to be sold to a processor or for commercial fresh market.

REGULATION 2. HIGH VOLATILE ESTER FORMULATION SUSPENSION. The distribution, use and application of the high volatile ester formulations of restricted use herbicides shall be suspended on and after April 16, 1974.

REGULATION 3. WIND, WEATHER, AND TEMPERATURE CONDITIONS. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over 10 miles per hour on and after November 1 to and including April 30, and over 7 miles per hour on and after May 1 to and including October 31: PROVIDED, That in those counties that have a "specified date" the use and application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over 10 miles per hour on and after November 1 to but not including the "specified date" of the following year, and over 7 miles per hour on and after the "specified date" to and including October 31.

Restricted use herbicides shall not be applied on or after May 1 to and including October 31 of each year when there is a temperature inversion, or if weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization, or the temperature is 85° F. or above at the point of application: PROVIDED, That applications at the rate of 50 gallons or more per acre shall be exempt from the 85° F. temperature cutoff requirement.

REGULATION 4. EVENING CUTOFF. The application of restricted use herbicides shall be prohibited daily from one hour prior to sunset to sunrise the following morning and after May 1 to and including October 31 of each year.

REGULATION 5. APPLICATION PERMIT. The Washington state department of agriculture may approve written request and issue a permit to mix, load and apply certain restricted use herbicides for purposes of critical weed control when such activities are restricted in the area under order. The director will consider recommendations of the 2,4-D committee for the county in question.

REGULATION 6. TURNING AND LOW FLYING OR AIRCRAFT. 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 7. ONE GALLON APPLICATION MINIMUM FOR AIRCRAFT. All aerial application of restricted use herbicides shall be made at a minimum of one gallon alternative per acre throughout the year. (see Regulation 9).

REGULATION 8. AIRCRAFT RESTRICTIONS NEAR VINEYARDS. Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That aerial application of restricted use herbicides to lands located within 1/2 mile to 1 mile from commercial vineyards shall be allowed by written permit issued by the state department of agriculture.

REGULATION 9. AIRCRAFT AND NOZZLE REQUIREMENT FOR APPLICATION OF RESTRICTED USE HERBICIDES.

Boom length on fixed wing aircraft shall not exceed 2/3 of the wing span. Boom length on helicopters shall not exceed 6/7 of the rotor.

Pressure for aerial equipment applying restricted use herbicides shall not exceed 25 pounds per square inch at the nozzles: PROVIDED, That 35 pounds maximum pressure may be used for helicopters for one gallon alternative: PROVIDED FURTHER, That pressure up to 55 pounds per square inch at the nozzle may be used when necessary for restricted use herbicide application by drift reducing systems.

1-GALLON ALTERNATIVES

1. Fixed Wing -

- (a) Minimum nozzle orifice of 0.063 inches (no core plate) and nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.
- (b) Minimum nozzle orifice of 0.075 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

2. Helicopter -

Minimum nozzle orifice of 0.047 inches (may use No. 45 or larger core plate) and nozzles shall be directed down-

ward and backward 90 degrees or more from the direction of flight. Pressure over 35 psi is prohibited.

2-GALLON ALTERNATIVES

1. Fixed Wing -

- (a) Minimum nozzle orifice of 0.063 inches (no core plate) and nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.
- (b) Minimum nozzle orifice of 0.094 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

2. Helicopter -

Minimum nozzle orifice of 0.047 inches (no core plate) and nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

3-GALLON ALTERNATIVES

1. Fixed Wing -

- (a) Minimum nozzle orifice of 0.075 inches (no core plate) and nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.
- (b) Minimum nozzle orifice of 0.125 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

2. Helicopter -

Minimum nozzle orifice of 0.063 inches (no core plate) and nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

5-GALLON ALTERNATIVES

1. Fixed Wing -

- (a) Minimum nozzle orifice of 0.094 inches (no core plate) and nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.
- (b) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.
- (c) Minimum nozzle orifice of 0.156 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

2. Helicopter -

Minimum nozzle orifice 0.075 inches (no core plate) and nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

10-GALLON ALTERNATIVES
(Smoke device required)

1. Fixed Wing -

- (a) Minimum nozzle orifice of 0.138 inches (may use No. 46 or larger core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight. A drift reducing system shall be required.
- (b) Minimum nozzle orifice of 0.156 inches (no core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

2. Helicopter -

Minimum nozzle orifice of 0.156 inches (may use No. 46 core plate or larger) and nozzles shall be directed downward and backward 90 degrees or more from the direction of flight. A drift reducing system shall be required.

REGULATION 10. GROUND PRESSURE RESTRICTIONS. Pressure for ground equipment applying restricted use herbicides shall not exceed 35 pounds per square inch at the nozzles: PROVIDED, That pressure up to 55 pounds per square inch at the nozzle may be used when necessary for restricted use herbicide application by drift reducing systems such as invert and foam systems and for ground equipment with handguns.

REGULATION 11. SPECIFIC COUNTY ORDERS. The regulations in this order will not preclude any additional restrictions on the application of restricted use herbicides provided for in regulations for specific counties located east of the Cascade Mountains

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

Stewart Bledsoe

STEWART BLEDSOE
Director of Agriculture
State of Washington

Signed at Olympia, Washington

Date: 2/5/74