

State of Washington  
Department of Agriculture  
(agency name)

Administrative Order No. 1677

(1) I, Bob J. Mickelson, director of  
The Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

The use of restricted use herbicides within Benton County in  
WAC 16-231-001; WAC 16-231-005; WAC 16-231-010; WAC 16-231-015;  
WAC 16-231-020; WAC 16-231-025; WAC 16-231-030; WAC 16-231-035.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules. WSR 80-02-066 and  
This action is taken pursuant to Notice No. WSR 79-10-143 filed with the code reviser  
on 10/2/79 & 1/18/80. Such rules shall take effect:  
 pursuant to RCW 34.04.040(2).  
 at a later date, such date being \_\_\_\_\_

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.  
I, \_\_\_\_\_, find that  
an emergency exists and that the foregoing order 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 public interest. A statement of the facts constituting such emergency is:  
  
Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.\_\_\_\_ (1977 c 19 § 2)<sup>1</sup> that "every agency shall incorporate the  
most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in  
statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW 17.21 & 15.58  
and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW \_\_\_\_\_  
which directs that the

\_\_\_\_\_ (agency)  
has authority to implement the provisions of \_\_\_\_\_  
(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the  
\_\_\_\_\_ (agency)  
as authorized in RCW \_\_\_\_\_

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act  
(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education  
Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08  
RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code  
Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED February 15, 19 80

STATE OF WASHINGTON  
FILED  
FEB 20 1980  
CODE REVISOR'S OFFICE  
80-03-038

By Bob J. Mickelson  
Director, Department of Agriculture  
Title

NEW SECTION

WAC 16-231-001 AREA UNDER ORDER: All lands lying within the boundaries of Benton County.

NEW SECTION

WAC 16-231-005 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.

NEW SECTION

WAC 16-231-010 OIL-TYPE CARRIERS. On and after April 5 through October 31, oil-type carriers are prohibited for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

NEW SECTION

WAC 16-231-015 AREA 1. (1) Area 1 description. (Prosser to Finley and vicinity.) This area includes all lands in Sections 1 through 12, and 15 through 19, T8N, R24E; Sections 5, 6 and 7, T8N, R25E; all of T9N, R24E; Sections 1 through 34, T9N, R25E; Sections 1 through 24, T9N, R26E; all of T9N, R27E; that portion of T10N, R27E and R28E and T8N, R28E, lying south of the Yakima River, and that portion of T8N, R28E, lying north of the Burlington Northern Railroad tracks; Sections 29 through 36, T9N, R29E; Sections 1 through 6, 10 through 13, and those portions of Sections 7, 8, 9, 14, 15, 23, and 24, T8N, R29E, lying north and east of the K.I.D. Canal; Sections 4 through 10, 14 through 28, 35, 36, and those portions of 29, 30, 32, 33 and 34, T8N, R30E lying north and east of the K.I.D. Canal, and the Atomic Energy Commission reservation.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides are prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(d) The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield, or any location within Area 1, and turning and/or low flying over Area 1 is also prohibited when loaded with restricted use herbicides or prior to cleaning equipment following use of these herbicides.

NEW SECTION

WAC 16-231-020 AREA 2. (1) Area 2 description. (Buffer zone surrounding Prosser, Benton City, Kiona and Kennewick areas.) Section 19

through 36, T10N, R24E, R25E and R26E; those portions of Sections 30 and 31, T10N, R27E, lying west of the Yakima River; Sections 13, 14, and 20 through 36, T8N, R24E; Sections 1 through 4, 8 through 12, 15 through 22, T8N, R25E; Sections 35 and 36, T9N, R25E; Sections 1 through 12, T8N, R26E; Sections 25 through 36, T9N, R26E; Sections 1 through 16, Sections 21 through 25, and Section 36, T8N, R27E; Sections 1, 2, 11, and 12, T7N, R28E; that portion of T8N, R28E lying south of the Burlington Northern Railroad tracks; Sections 1 through 12, T7N, R29E; Sections 15 through 22, Sections 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, T8N, R29E; Sections 1 through 12, T7N, R30E; Sections 31 and those portions of Sections 29, 30, 32, 33 and 34 lying south and west of the K.I.D. Canal, T8N, R30E; and those portions of Sections 5 through 8, T7N, R31E, lying in Benton County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be made using Danger Area Restrictions (see WAC 16-230-675): PROVIDED, That aircraft applications of restricted use herbicides on other than growing crops shall be considered through written request to the Washington State department of agriculture. Aircraft applications shall be prohibited within one mile of commercial vineyards and within one-quarter mile of other susceptible crops. On and after November 1 through April 4 of the following year, aircraft applications shall be made using Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-231-025 AREA 3. (1) Area 3 description. The remaining portions of Benton County - the Rattlesnake Hills and the Horse Heaven Hills.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using Warning Area Restrictions (see WAC 16-230-675), and aircraft applications of restricted use herbicides on other than growing crops shall be considered through written request to the Washington State department of agriculture.

#### NEW SECTION

WAC 16-231-030 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, and 3 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Area 1 on and after April 5 through October 31 when the mean sustained wind velocity is over ten miles per hour.

NEW SECTION

WAC 16-231-035 DISTRIBUTION, USE AND APPLICATION. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165(1)(o) and (9), WAC 16-228-175, and WAC 16-230-600 through WAC 16-230-675.



STATE OF  
WASHINGTON

Dixy Lee Ray  
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purpose of legislative review of agency rules, the following statement is submitted:

- (1) This rule relates to the use and application of restricted use herbicides in eastern Washington counties. Statutory authority is RCW 17.21 and RCW 15.58.
- (2) The sections codified under WAC Chapters 16-230, 16-231 and 16-232 are established to regulate the use of restricted use herbicides to protect susceptible crops from drift of these herbicides.
- (3) Department of Agriculture  
Grain and Chemical Division  
Art G. Losey  
406 General Administration Bldg. AX-41  
Olympia, WA 98504  
Phone: 753-5062
- (4) Proponents:  
  
Department of Agriculture
- (5) No agency comments