

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1682

(1) I, Bob J. Mickelson, director of

Washington State Department of Agriculture

do promulgate and adopt at Olympia, WA

(place)

the annexed rules relating to:

Restricted use desiccants and defoliants in WAC 16-230-160, WAC 16-230-170, WAC 16-230-180 and WAC 16-230-190.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules. WSR 80-04-081

This action is taken pursuant to Notice No. WSR 80-02-169 & filed with the code reviser on February 6 and March 31, 1980. 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)¹ 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 and 15.58 RCW 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 April 4, 1980.

APR 4 1980

By Bob J. Mickelson

Director of Agriculture

Title

STATE OF WASHINGTON
FILED
CODE REVISER'S OFFICE
WSR 80-05-005



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. Rules pertaining to the use of desiccants and defoliants in Eastern Washington.
2. Amendments to restrictions on the use of desiccants and defoliants in Walla Walla county and throughout Eastern Washington.

3. Art G. Losey
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4. Proponents:

Paul Hammack
Harold Cochran
Don O'Neill
Cliff Lincoln, Jr.
Charles Sorrento
Kenneth Knowles
Bill Schwerin
Charles Buruchanan
Merrill Camp
Leonard Rizzuti
Rick Small
Ted E. Cowell

Opponents: None

5. Agency comments: Those individuals who testified regarding the proposed changes agreed that restrictions were necessary. Very few individuals agreed with the original proposal filed on February 6, 1980. The final amendments took into consideration all testimony given.

AMENDATORY SECTION - Order No. 1591, filed 1/29/79

WAC 16-230-160 GROUND EQUIPMENT--NOZZLE AND PRESSURE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER. (1) Nozzle Requirements - A minimum orifice diameter of 0.072 inches shall be used for application of all restricted use desiccants and defoliants: PROVIDED, That applications of Dinitro may use a minimum orifice diameter of 0.052 inches: PROVIDED FURTHER, That a RD-2 raindrop nozzle shall be allowed.

(2) Pressure requirements - Maximum pressure at the nozzles for all applications of restricted use desiccants and defoliants shall be 30 psi.

AMENDATORY SECTION - Order No. 1591, filed 1/29/79

WAC 16-230-170 AERIAL EQUIPMENT--BOOM LENGTH, PRESSURE, NOZZLE REQUIREMENT, NOZZLE HEIGHT OF DISCHARGE AND SMOKE DEVICE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER. (1) Boom length restrictions:

(a) Fixed wing: The working boom length shall not exceed 3/4 of the distance from center of aircraft to wing tip on each side of aircraft.

(b) Helicopters: The working boom length shall not exceed 6/7 of the distance from the center of rotor to rotor tip on each side of the aircraft for rotors 40 feet or under or 3/4 of the distance from the center of rotor to rotor tip on each side of the aircraft where the rotor exceeds 40 feet while applying restricted use desiccants and defoliants.

(2) Pressure restrictions: Maximum pressure at the nozzles for all aerial applications of restricted use desiccants and defoliants shall be 25 psi.

(3) Nozzle requirements for applications of restricted use desiccants and defoliants:

(a) Fixed wing ((~~applications of Diquat and Paraquat~~)): ((~~(i) -- Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.094 inches;~~ (ii) -- By written permit from Washington State Department of Agriculture, the Raindrop nozzle may be used with a minimum orifice diameter of 0.156 inches with a No. 46 core plate or larger.)

(b) -- Fixed wing applications of Endothal and Dinitro: (i) -- Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;

(ii) -- The Raindrop nozzle may be used with a minimum orifice diameter of 0.156 inches with a No. 46 core plate or larger.))

(i) Aircraft shall not be equipped with core plates or any device or mechanism which would cause a sheet, cone, fan or other dispersion of the discharged material. Nozzle orifices shall not be less than 0.094 inches: PROVIDED, That the RD8-46 raindrop nozzles may be used with a minimum orifice diameter of 0.156 inches;

(ii) Nozzles shall be directed downward and backward 135 degrees from the direction of flight.

((~~(e)~~)) (b) Helicopter ((~~applications of restricted use desiccants and defoliants~~)):

(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;

(ii) Straight stream jet nozzles with a minimum orifice diameter of 0.125 inches with No. 46 core plates or larger;

(iii) RD8-46 raindrop nozzles may be used with a minimum orifice diameter of 0.156 inches;

(iv) Nozzles shall be directed downward and backward 135 degrees from the direction of flight for applications over 50 miles per hour and 90 degrees downward and backward for applications under 50 miles per hour.

((~~(iii)~~)) -- By written permit from Washington State Department of Agriculture, the Raindrop nozzles may be used with a minimum orifice diameter of 0.156 inches with No. 46 core plates or larger;

(d) -- Nozzle direction:

(i) -- Nozzles shall be directed backward 180 degrees from the direction of flight while discharging restricted use desiccants or defoliants from any aircraft.)

(4) Height of discharge requirements by aircraft of restricted use desiccants and defoliant: ~~((No aircraft shall discharge restricted use desiccants and defoliant from the nozzles while either descending on to the target field or ascending from the target field))~~ The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet.

(5) Smoke device requirements: All aircraft applying restricted use desiccants and defoliant shall utilize a smoke device to determine wind directions and temperature inversion situations.

AMENDATORY SECTION (Amending Order No. 1591, filed 1/29/79)

WAC 16-230-180 WEATHER AND EVENING CUTOFF REQUIREMENTS. (1) Weather conditions: Restricted use desiccants and defoliant shall not be applied when there is a temperature inversion, or if wind or weather conditions are such that damage could result to susceptible crops or ornamentals: PROVIDED, That aircraft applications of Paraquat shall be prohibited until the temperature inversion ceiling at the site of application is 1,000 feet or greater. Aircraft must be equipped with thermometers to detect the height of the inversion.

(2) Evening Cutoff: All applications of restricted use desiccants and defoliant shall be prohibited from three hours prior to sunset to one hour after sunrise the following morning except for applications of Paraquat in Area 2 and 3 of Walla Walla county (See WAC 16-230-190): PROVIDED, That ground applications of Dinitro may begin at sunrise the following morning.

AMENDATORY SECTION (Amending Order No. 1598, filed 4/26/79)

WAC 16-230-190 RESTRICTIONS ON THE USE OF DIQUAT AND PARAQUAT IN WALLA WALLA COUNTY. (1) Area 1 description - Town of Walla Walla and vicinity: This area includes all lands lying within the Town of Walla Walla and vicinity beginning at the Washington state line at the common boundary line between Sections 15 and 16, T6N, R34E, north along Hoon Road and continuing north on McDonald Bridge Road; across U.P.R.R. and Highway 12; thence north ((4)) four miles more or less to the northwest corner of Section 10, T7N, R34E; thence east ((20)) twenty miles to the northeast corner of Section 11, T7N, R37E; thence south ((7)) seven miles more or less to the Washington-Oregon state line; thence west to point of beginning.

(2) Area 1 restrictions:

(a) The application of Paraquat or Diquat or any mix containing Paraquat or Diquat is hereby prohibited in Area 1. PROVIDED, That the department, upon written request, may issue a permit for the use of Paraquat for special weed control in the area lying northwest of Dry ((Creed)) Creek in Area 1.

(b) The loading and/or mixing of Paraquat or Diquat for aerial application is prohibited on any airstrip, airfield or any location within Area 1 of Walla Walla county. Aerial application equipment used for Paraquat or Diquat applications must be decontaminated prior to bringing the application equipment back into Area 1 of Walla Walla county((-)): PROVIDED, That the loading and/or mixing of Paraquat shall be allowed at the Walla Walla airport and those aircraft are restricted to exit and enter the airport to the north over Sections 10 and 11, T7N, R36E.

(3) Area 2 description - southern portion of Walla Walla county: ((All lands in Walla Walla county excluding Area 1)) This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the west section line of Section 14, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence east along the Dodd Road to the Touchet River; thence northerly along the Touchet River to north section line of Section 6, T8N, R34E; thence east along section lines twenty-two miles more or less to the northeast corner of Section 2, T8N, R37E; thence

south along section lines seven miles more or less to the southeast corner of Section 2, T7N, R37E; thence west along section lines twenty miles more or less to the southwest corner of Section 3, T7N, R34E; thence south along section lines seven miles more or less to the Washington-Oregon border; thence west along the border five miles more or less to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, the application of Paraquat or any ((mix)) mixture containing Paraquat ((is-hereby-prohibited-four-hours-prior-to-sunset-to-two-hours-after-sunrise-the-following-morning;--PROVIDED;--That-this-restriction-shall-not-apply-to-ground-applications-during-the-months-of-November,-December-and-January)) must have prior approval by obtaining a written permit from the Washington State Department of Agriculture, and have a pesticide investigator on site at the time of any aerial application.

(ii) The application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature in the morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

(i) During a period of February 15 through November 1 of any year, the application of Diquat or any ((mix)) mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a permit from the Washington State Department of Agriculture.

((i)) (ii) Applications shall be limited to a total of ((100)) 150 acres per day.

((ii)) (iii) Prior to July 16 of each year, growers desiring to use Diquat must report their total number of acres of alfalfa seed to the Washington State Department of Agriculture on a form furnished by the department. By August 10 of each year, the department will allocate each grower the number of acres that Diquat may be used ((on)).

((iii)) (iv) Permits will be valid for only 24 hours and will be issued each day for the following day's application. If weather conditions are such to prevent Diquat application, the department may renew the permits.

((iv)) (v) Visco elastic additives must be added to all Diquat applications and applicable label directions for that product must be followed.

(5) Area 3 description - an area lying west of Area 2 in the southern part of Walla Walla county: This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the east section line of Section 15, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence south-west along the Dodd Road and Maxwell Road four miles more or less to its intersection with the western section line of Section 6, T7N, R33E; thence south along the section lines eight miles more or less to the Washington-Oregon border; thence east along the Washington-Oregon border four miles more or less to the point of beginning.

(6) Area 3 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, the application of Paraquat or any mixture containing Paraquat must have prior approval by obtaining a written permit from the Washington State Department of Agriculture, and have a pesticide investigator on site at the time of any aerial application.

(ii) The application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature in the morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

(i) During a period of February 15 through November 1 of any year, all applications of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a written permit from the Washington State Department of Agriculture.

(ii) Visco elastic additives must be added to all Diquat applications and applicable label directions for that product must be followed.