

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1725

(1) I, M. Keith Ellis, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Restricted use herbicides in Eastern Washington in WAC 16-230-660, WAC 16-230-670 and WAC 16-230-675.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on: 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, M. Keith Ellis, 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: in order to protect susceptible crops in Eastern Washington, the department believes it is necessary to issue this emergency order effective immediately to further protect such crops.

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) 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):

- [x] (a) This rule is promulgated pursuant to RCW 17.21 and 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.

STATE OF WASHINGTON

APPROVED AND ADOPTED March 30 19 81

MAR 30 1981

By M. Keith Ellis

Director of Agriculture

Title

CODE REVISER'S OFFICE WSR 81-08-036



STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

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RULE PURPOSE STATEMENT

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

1. These rules pertain to the aerial application equipment used for the application of restricted use herbicides. (Statutory Authority 17.21 RCW and 15.58 RCW)
2. These amendments regulate the boom length, location of boom on aircraft and nozzle size, type and location on aircraft.
3. Art G. Losey
406 General Administration Bldg.
Olympia, Washington 98504
753-5062
Clarke Brown
2015 So. 1st Street
Yakima, Washington 98903
575-2746
4. Proponents: Washington State Department of Agriculture
Aerial Applicator Industry

Opponents: Unknown
5. These amendments were based upon the latest research data produced during the last year. This new research shows that specific changes in nozzle sizes, location of booms and spray additives can effectively reduce the amount of spray drift.

In order to protect susceptible crops in Eastern Washington during the current spray season, the department believes it is necessary to promulgate this emergency regulation effective immediately to further protect such crops.

AMENDATORY SECTION (Amending Order No. 1680, filed February 20, 1980)

WAC 16-230-660 (~~(TURNING AND LOW FLYING OF AIRCRAFT)~~) RESTRICTIONS ON AIRCRAFT APPLICATION.

(1) 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.

(2) Height of discharge requirements by aircraft of restricted use herbicides: 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.

AMENDATORY SECTION (Amending Order No. 1680, filed February 20, 1980)

WAC 16-230-670 AIRCRAFT BOOM, (~~(LENGTH)~~) NOZZLE AND PRESSURE REQUIREMENTS.

(1) In all Areas 1 and 2, the working boom length on fixed wing aircraft shall not exceed 3/4 of the wing span and the working boom length on helicopters shall not exceed 6/7 of the total rotor length or 3/4 of the total rotor length where the rotor length exceeds forty feet.

(2) Round booms - should be attached to the lower wing with the center of the round boom even with the trailing edge (chord line) of the wing with no more than three inches between the trailing edge of the wing and leading surface of the boom.

(3) Airfoil booms - should be attached eight to ten inches below the trailing edge of the lower wing and three to five inches behind. Nipples should be tapped into the trailing edge of the airfoil boom.

(4) All nipples on the booms should be pointed straight back (relative to the air stream). Nozzles should be attached to the nipples using 45 degrees to 90 degrees street ells so that the point of pesticide release is approximately one and one half to three inches behind and slightly below the boom.

(5) Pressure for aerial equipment shall not exceed 25 psi at the nozzles: PROVIDED, That helicopters shall be allowed to use up to 35 psi in Area 3 and 4: PROVIDED FURTHER, That pressure up to 50 psi at the nozzle may be used with invert systems which are allowed by written permit only.

AMENDATORY SECTION (Amending Order No. 1680, filed February 20, 1980)

WAC 16-230-675 MINIMUM NOZZLE ORIFICE AND CORE PLATE SIZES FOR AIRCRAFT APPLICATION. Minimum nozzle orifice and core plate sizes shall be as listed in the Dormant Season, Caution, Warning, and Danger Area Restrictions. (1) DORMANT SEASON AREA. (Dormant season only - refer to specific county regulations.)

(a) Fixed wing -

~~((1))~~ (i) Minimum nozzle orifice of 0.063 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.075 inches (may use No. ~~(45))~~ 46 or larger core plate) and nozzles shall be directed downward and backward ~~((170))~~ 135 degrees or more from the direction of flight.

(b) Helicopter -

Minimum nozzle orifice of 0.047 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 90 degrees or more than the direction of flight. Pressure over 35 psi is prohibited.

(2) CAUTION AREA.

(a) Fixed wing -

~~((1))~~ Minimum nozzle orifice of 0.075 inches ~~((no core plate))~~ (may use No. 46 or larger core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

~~((ii) Minimum nozzle orifice of 0.125 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.)~~

(b) Helicopter -

(i) Area 2 -

Minimum nozzle orifice of 0.063 inches (may use No. 46 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Areas 3 and 4 -

Minimum nozzle orifice of 0.063 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(3) WARNING AREA

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.075 inches (no core plate): PROVIDED, That visco elastic additive must be used at labeled rate. Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of ~~((0.125))~~ 0.094 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County): PROVIDED, That visco elastic additive must be used at labeled rate. Nozzles shall be directed downward and backward ~~((170))~~ 135 degrees or more from the direction of flight ~~((PROVIDED, That))~~.

(iii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate): PROVIDED, That visco elastic additive must be used at labeled rate. Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(iv) RD8 nozzles with orifice size 0.125 inches and No. 45 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from direction of flight.

~~((iii))~~ (v) No flat fan nozzles shall be allowed.

(b) Helicopter -

(i) Minimum nozzle orifice of 0.047 inches for applications made under sixty miles per hour (no core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) ~~((and))~~ Minimum orifice of 0.063 inches for applications made over sixty miles per hour ~~((no core plate))~~ (may use No. 46 or larger core plate): PROVIDED, That visco elastic additive must be used at labeled rate. Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

~~((ii))~~ (iii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight ~~((PROVIDED, That))~~.

(iv) RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used. Nozzles shall be directed downward and

backward 90 degrees or more from the direction of flight.

((~~(iii)~~) (v) No flat fan nozzles shall be allowed.

(c) Flood jet and whirl jet nozzles must use visco elastic additive at labeled rate.

(4) DANGER AREA

(a) Fixed wing - ((~~minimum nozzle or~~))

(i) Minimum nozzle orifice of 0.075 inches (no core plate) ((~~PROVIDED, That~~)). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(ii) RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(iii) Minimum nozzle orifice of 0.094 inches (may use No. 46 or larger core plate): PROVIDED, That visco elastic additive must be used at labeled rate. Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

((~~(ii)~~) (iv) No flat fan nozzles shall be allowed.

(b) Helicopter -

(i) Minimum nozzle orifice of 0.063 inches ((~~no core plate~~)) (may use No. 46 or larger core plate): PROVIDED, That visco elastic additive must be used at labeled rate. Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) RD8 nozzles with orifice size of 0.125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

((~~(ii)~~) (iii) No flat fan nozzles shall be allowed.

(c) Flood jet and whirl jet nozzles must use visco elastic additive at labeled rate.