

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1870

(1) I, C. Alan Pettibone, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

Chapter 16-230 desiccants and defoliants

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

This action is taken pursuant to Notice No. filed with the code reviser on These rules shall take effect:
[] thirty days after they are filed with the code reviser 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, C. Alan Pettibone, find that an emergency exists and that this 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 the emergency is:

This emergency is to cover the time period between the filing with the code reviser and effective date of adopted changes in WAC 16-230-190 Opportunity to present views was given at a recent hearing held on August 6, 1985 (WSR 85-14-092), regarding use of desiccants and defoliants in Walla Walla County.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 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 15.58 and 17.21 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 STATE OF WASHINGTON FILED

August 21

19 85

By C. Alan Pettibone

Director

Title

AUG 21 1985

CODE REVISER'S OFFICE WSR 85-17-065

AMENDATORY SECTION (Amending Order 1858, filed 5/24/85)

WAC 16-230-190 RESTRICTIONS ON THE USE OF DESICCANTS AND DEFOLIANTS 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 four miles more or less to the northwest corner of Section 10, T7N, R34E; thence east twenty miles to the northeast corner of Section 11, T7N, R37E; thence south seven miles more or less to the Washington-Oregon state line; thence west to point of beginning.

(2) Area 1 restrictions:

(a) Any 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 Creek in Area 1.

(b) The loading and/or mixing of dinitro, 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 dinitro, Paraquat or Diquat applications shall 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: PROVIDED FURTHER, That the department may issue a permit for loading and mixing of dinitro at a specified location and between specified dates upon receipt of a written request.

(c) Aerial applications of dinitro are prohibited ((throughout the)) during the period of August 25 through October 31 of any year.

(d) During the period of August 25 through October 31 of any year, diesel and other fuel oils shall be prohibited in dinitro tank mixes.

(e) During the period of August 25 through October 31 of any year, the ground application of dinitro or any mixture containing dinitro shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(f) During the period of August 1 through August 24 of any year, aerial applications of dinitro are prohibited within one-half mile of commercially grown alfalfa hay: PROVIDED, That the department may issue permits for aerial application within these areas.

(g) During the period of August 1 through October 31 of any year, any person applying dinitro shall keep records on forms prescribed by the director which shall include the following:

(i) The name and address of the person for whom the pesticide was applied;

(ii) The location of the land and number of acres where dinitro was applied;

(iii) The year, month, day, and time that dinitro was applied;

(iv) The product name of the dinitro applied;

(v) The direction and estimated velocity of the wind and temperature at the time the dinitro was applied;

(vi) The amount of dinitro applied per acre;

(vii) The type of carrier(s) and number of gallons per acre applied.

(h) The records required by (g) of this subsection shall be completed and available to the department the same day dinitro was applied. These records shall be kept for a period of one year from the date of application of dinitro. The director upon written request shall forthwith be furnished a copy of the records.

(i) Applications of dinitro by licensed commercial applicators shall be exempt from (g) and (h) of this subsection: PROVIDED, That the licensed applicator's records shall comply with RCW 17.21.100 and

WAC 16-228-190(1) through 16-228-190(4): PROVIDED FURTHER, That such records shall include the number of acres of application.

(3) Area 2 description - southern portion 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 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, any application of Paraquat or any mixture containing Paraquat shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

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

(b) Diquat restrictions:

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

(ii) Visco elastic additives shall be added to any Diquat application and applicable label directions for that product shall be followed.

(c) Dinitro restrictions:

(i) During the period of August ((25-through-October-31-of-any year, diesel-and-fuel-oils-are-prohibited-in-dinitro--tank--mixes)) 1 through August 24 of any year, aerial applications of dinitro are prohibited within one-half mile of commercially grown alfalfa hay: PROVIDED, That the department may issue permits for aerial application within these areas. The permits, if issued, may in addition to other application restrictions prohibit certain carriers or diluents for the dinitro.

(ii) During the period of August 25 through October 31 of any year, aerial applications of dinitro or any mixes containing dinitro are prohibited: PROVIDED, That the department may issue a written permit for such aerial applications.

(d) Records required by subsection (2)(g) through (i) of this section shall also apply to applications of dinitro in area 2.

(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 southwest 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, any application of Paraquat or any mixture containing Paraquat

shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

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

(b) Diquat restrictions:

(i) During the period of February 15 through November 1 of any year, any application 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 shall be added to any Diquat application and applicable label directions for that product shall be followed.

(c) Dinitro restrictions:

~~((i)-During-the-period-of-August-25-through-October--31--of--any year, diesel-and-other-fuel-oils-are-prohibited-in-dinitro-tank-mixes-~~

~~(ii))~~ During the period of August ~~((25))~~ 1 through October 31 of any year, aerial applications of dinitro are prohibited within one-half mile from the center of the town of Touchet, and within one-half mile of commercially grown alfalfa hay: PROVIDED, That the Washington state department of agriculture may issue permits for aerial applications within these areas.

(d) Records required by subsection (2) (g) through (i) of this section shall also apply to applications of dinitro in area 3.