

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1988

(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:

The restriction of aerial application of pesticides in Benton, Franklin and Walla Walla Counties in Chapter 16-232.

(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:

In response to repeated herbicide drift problems in the lower Yakima Valley and the tri-cities area, it is determined that emergency measures are necessary to more severely restrict the application of all pesticides by aircraft in Benton, Franklin and Walla Walla Counties for the remainder of the fall application season until the department can gather more information for a public hearing to be held later this year. 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:

(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 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 October 11 19 88

STATE OF WASHINGTON FILED

OCT 11 1988

CODE REVISER'S OFFICE WSR 82-1-030

By C. Alan Pettibone

Director

Title

NEW SECTION

**WAC 16-232-440 Area under order.** The area under order shall include:

- (1) All lands lying within the boundaries of Benton County.
- (2) Portions of Franklin and Walla Walla Counties as follows:  
Beginning at the Benton-Franklin County line in the vicinity of the northwest corner of Section 1, T10N, R28E; thence east approximately thirteen miles along section lines and a portion of Sagemore Road to the northeast corner of Section 1, T10N, R30E; thence south seven miles to the southeast corner of Section 1, T9N, R30E; thence east four miles along section lines and a portion of the Pasco-Kahlotus Road to the northeast corner of Section 10, T9N, R31E; thence approximately fourteen miles south across the Franklin-Walla Walla County line to the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

NEW SECTION

**WAC 16-232-450 Restricted use pesticides.** For purposes of WAC 16-232-440 through WAC 16-232-470, all pesticides are declared to be restricted use pesticides.

NEW SECTION

**WAC 16-232-460 Permits.** Aircraft application of restricted use pesticides as defined in WAC 16-232-450 is prohibited in areas designated in WAC 16-232-440: PROVIDED, That the Washington State Department of Agriculture may issue written permits for designated applications.

NEW SECTION

**WAC 16-232-470 Other rules.** Provisions of WAC 16-232-440 through WAC 16-232-470 shall take precedence over all existing, less restrictive rules of the department affecting the aerial application of pesticides in Benton, Franklin or Walla Walla Counties. No provision of WAC 16-232-440 through WAC 16-232-470 shall be construed as relieving any requirement of existing rules except those in direct conflict.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 16-232-400 Benton county--aerial application of herbicides--Area under order.

(2) WAC 16-232-410 Benton county--Restricted use herbicides.

(3) WAC 16-232-420 Benton county--Aerial application prohibited.

(4) WAC 16-232-430 Benton county--Other restrictions.