

Chapter 16-232 WAC

USE RESTRICTED HERBICIDES IN CERTAIN COUNTIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-232-001 Restrictions for pesticide use in Walla Walla County. [Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-001, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-001, filed 11/22/00, effective 12/23/00; WSR 91-06-019 (Order 2073), § 16-232-001, filed 2/26/91, effective 3/29/91; WSR 80-03-026 (Order 1665), § 16-232-001, filed 2/20/80.] Amended and decodified by WSR 19-02-039, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 15.58.040 and 17.21.030. Recodified as § 16-232-004.
16-232-030 What are the restrictions on aerial applications near vineyards? [Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. WSR 10-15-015, § 16-232-030, filed 7/8/10, effective 8/8/10; WSR 07-11-041A, § 16-232-030, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 80-03-026 (Order 1665), § 16-232-030, filed 2/20/80.] Repealed by WSR 19-02-039, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 15.58.040 and 17.21.030.
16-232-038 Restricted use herbicides—Application records—Walla Walla County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 88-05-033 (Order 1965), § 16-232-038, filed 2/12/88; WSR 87-18-060 (Order 1950), § 16-232-038, filed 9/1/87.] Repealed by WSR 00-24-002, filed 11/22/00, effective 12/23/00. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-232-040 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 80-03-026 (Order 1665), § 16-232-040, filed 2/20/80.] Repealed by WSR 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-050 When are oil-type carriers prohibited in Walla Walla County? [Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-050, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-050, filed 11/22/00, effective 12/23/00.] Repealed by WSR 19-02-039, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 15.58.040 and 17.21.030.
16-232-068 Application of pesticides in Walla Walla County—Areas 2B, 4, and 6—Use restricted herbicides ground apparatus nozzle requirements. [Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-068, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-068, filed 11/22/00, effective 12/23/00.] Repealed by WSR 19-02-039, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 15.58.040 and 17.21.030.
16-232-071 Application of pesticides in Walla Walla County—Areas 2B, 4, and 6—Use restricted herbicides, aircraft boom length, pressure, and nozzle requirements. [Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-071, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-071, filed 11/22/00, effective 12/23/00.] Repealed by WSR 19-02-039, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 15.58.040 and 17.21.030.
16-232-074 What are the restrictions on applications in Walla Walla County due to temperature? [Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-074, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-074, filed 11/22/00, effective 12/23/00.] Repealed by WSR 19-02-039, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 15.58.040 and 17.21.030.

- 16-232-110 When are oil-type carriers prohibited in Lincoln County? [Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-110, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 91-06-019 (Order 2073), § 16-232-110, filed 2/26/91, effective 3/29/91; WSR 80-03-030 (Order 1669), § 16-232-110, filed 2/20/80.] Repealed by WSR 19-02-039, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 15.58.040 and 17.21.030.
- 16-232-120 What are the boundaries and restrictions for Area 4? [Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-120, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 91-06-019 (Order 2073), § 16-232-120, filed 2/26/91, effective 3/29/91; WSR 80-03-030 (Order 1669), § 16-232-120, filed 2/20/80.] Repealed by WSR 19-02-039, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 15.58.040 and 17.21.030.
- 16-232-125 Wind conditions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 80-03-030 (Order 1669), § 16-232-125, filed 2/20/80.] Repealed by WSR 87-09-015 (Order 1923), filed 4/6/87. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-232-130 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 80-03-030 (Order 1669), § 16-232-130, filed 2/20/80.] Repealed by WSR 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-232-230 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 80-03-032 (Order 1671), § 16-232-230, filed 2/20/80.] Repealed by WSR 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-232-320 Distribution, use and application. [Statutory Authority: RCW 17.21.030. WSR 82-08-030 (Order 1754), § 16-232-320, filed 3/31/82.] Repealed by WSR 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-232-950 Restricted use herbicides—Distribution, use, and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 88-09-013 (Order 1973), § 16-232-950, filed 4/12/88.] Repealed by WSR 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.

WAC 16-232-0010 Adoption of national consensus code. Adoption of provisions under the American Society of Agricultural and Biological Engineers (ASABE) standards in this chapter is adoption of the provisions in the July 2018 version.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-0010, filed 12/26/18, effective 1/26/19.]

WAC 16-232-002 Order of precedence. If there is a conflict between the spray droplet spectrum size required in these rules and that which is required by the pesticide label, the applicator must use the largest droplet spectrum size required.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-002, filed 12/26/18, effective 1/26/19.]

WAC 16-232-003 Definitions. "Ready-to-use" means a pesticide that is applied directly from its original container consistent with label directions.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-003, filed 12/26/18, effective 1/26/19.]

WAC 16-232-004 Restrictions for pesticide use in Walla Walla County. (1) The area under order includes all lands lying within the boundaries of Walla Walla County.

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WAC 16-232-005 through 16-232-077 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to the use of use restricted herbicides in WAC 16-230-600 through 16-230-670.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, amended and recodified as § 16-232-004, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-001, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-001, filed 11/22/00, effective 12/23/00; WSR 91-06-019 (Order 2073), § 16-232-001, filed 2/26/91, effective 3/29/91; WSR 80-03-026 (Order 1665), § 16-232-001, filed 2/20/80.]

WAC 16-232-005 Use restricted herbicides in Walla Walla County. All formulations of phenoxy hormone-type herbicides, (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

(3) Ready-to-use liquid formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba distributed in quantities of five gallons or less.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-005, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-005, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-005, filed 11/22/00, effective 12/23/00; WSR 80-03-026 (Order 1665), § 16-232-005, filed 2/20/80.]

WAC 16-232-007 Use restricted pesticides in certain areas of Walla Walla County. The following pesticides are declared to be use restricted pesticides in areas 2B, 4, and 6:

(1) Use restricted herbicides*:

(a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort);

(b) Desiccants and defoliants (such as Paraquat, Diquat, Endothall);

(c) Glyphosate (such as Roundup, Landmaster);

(d) Phenoxy hormone-type herbicides (such as 2,4-D, MCPA);

(e) Dicamba (such as Banvel);

(f) Bromoxynil except that the cutoff dates of April 5th, April 15th and May 15th do not apply.

* This is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) All aerial applications of Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-007, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 09-21-006, § 16-232-007, filed 10/8/09, effective 11/8/09; WSR 07-11-041A, § 16-232-007, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-007, filed 11/22/00, effective 12/23/00.]

WAC 16-232-010 Boundaries and restrictions on use restricted herbicides in Walla Walla County Area 1. (1) Area 1 description. (Columbia River Buffer area.) An area starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines ten miles more or less to the southeast corner of Section 22, T8N, R32E; thence east along the section lines two miles to the southeast corner of Section 24, T8N, R32E; thence north along the section lines five miles more or less to the intersection with the Northern Pacific Railroad; thence northeasterly seven miles more or less along the railroad, including the right of way, to the intersection with State Route 124 and C.M. Rice Road at the northeast corner of Section 2, T9N, R33E; thence northerly along C.M. Rice Road, including the right of way, to the Snake River; thence southwesterly along the Snake River to a point near the east section line of Section 23 T9N, R31E; thence south approximately twelve miles to the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence southwesterly along the Columbia River approximately three and one-half miles to the intersection of the Washington-Oregon state line; thence east along the Washington-Oregon state line to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of use restricted herbicides is prohibited on and after April 5th through October 31st.

(b) On and after April 5th through October 31st, aerial applications of use restricted herbicides are prohibited except by written permit issued by the department.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-010, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-010, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-010, filed 11/22/00, effective 12/23/00; WSR 88-05-033 (Order 1965), § 16-232-010, filed 2/12/88; WSR 87-09-015 (Order 1923), § 16-232-010, filed 4/6/87; WSR 81-07-041 (Order 1724), § 16-232-010, filed 3/13/81; WSR 80-03-026 (Order 1665), § 16-232-010, filed 2/20/80.]

WAC 16-232-015 Boundaries and restrictions on use restricted herbicides in Walla Walla County Area 2. (1) Area 2 description. (Walla Walla and vicinity, Dixie, Waitsburg, and Prescott areas.) Those areas lying within a one mile radius from the center of the town of Dixie and within one mile of the city limits of the towns of Waitsburg and Prescott and an area starting at the intersection of the common boundary line between Sections 15 and 16, T6N, R36E and the Washington-Oregon state line; thence north along the section line one mile more or less to the southwest corner of Section 3, T6N, R36E; thence east along the section lines two miles to the southeast corner of Section 2, T6N, R36E; thence north along the section lines three miles to the southwest corner of Section 24, T7N, R36E; thence east along the section line one mile to the southeast corner of Section 24, T7N, R36E; thence north along the section line one mile to the southwest corner of Section 18, T7N, R37E; thence east along the section line one mile to the southeast corner of Section 18, T7N, R37E; thence north along the section line one mile to the northeast corner of Section 18, T7N, R37E; thence west

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along the section lines nine miles to the northwest corner of Section 14, T7N, R35E; thence south along the section line one mile to the northeast corner of Section 22, T7N, R35E; thence west along the section line one mile to the northwest corner of Section 22, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, including the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, including the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, including the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, including the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, including the right of way, one mile more or less to the Washington-Oregon state line; thence east along the state line eight miles more or less to the point of beginning.

(2) Area 2 restrictions.

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

(b) Aircraft applications shall be prohibited on and after April 15th through October 31st: Provided, That:

(i) The aerial application of MCPA shall be allowed.

(ii) Aerial applications of nonvolatile formulations of use restricted herbicides from one-half to one mile of the center of the town of Dixie and from the city limits of Waitsburg, Prescott and Walla Walla shall be considered through written request to the Washington state department of agriculture.

(iii) Those portions of the city of Walla Walla which fall within Sections 13, 14, 22, 23 and 24, T7N, R35E of Walla Walla County are not considered as part of the city limits of Walla Walla for purposes of issuing permits by the department for aerial application of nonvolatile formulations of restricted use pesticides.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-015, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-015, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 88-21-098 (Order 1989), § 16-232-015, filed 10/19/88; WSR 88-05-033 (Order 1965), § 16-232-015, filed 2/12/88; WSR 80-03-026 (Order 1665), § 16-232-015, filed 2/20/80.]

WAC 16-232-020 Boundaries and restrictions on use restricted herbicides in Walla Walla County Area 2A. (1) Area 2A description. (Buffer area surrounding Dixie and Walla Walla.) An area, excluding a one mile radius from the center of the town of Dixie, starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines six miles more or less to the northwest corner of Section 14, T7N, R32E; thence east along the section lines ten miles to the southwest corner of Section 9, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 9, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 2, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 2, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 31, T8N, R35E; thence north along the section lines

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six miles to the northwest corner of Section 6, T8N, R35E; thence east along the section lines and the Columbia-Walla Walla County line twenty-four miles to the northeast corner of Section 1, T8N, R38E; thence south along the Columbia-Walla Walla County line fourteen miles more or less to the Washington-Oregon state line; thence west along the state line fifteen miles to the common boundary line between Sections 15 and 16, T6N, R36E; thence north along the section line one mile more or less to the northwest corner of Section 10, T6N, R38E; thence east along the section lines two miles to the southwest corner of Section 1, T6N, R36E; thence north along the section lines three miles to the northwest corner of Section 25, T7N, R36E; thence east along the section line one mile to the southwest corner of Section 19, T7N, R37E; thence north along the section line one mile to the northwest corner of Section 19, T7N, R37E; thence east along the section line one mile to the northeast corner of Section 19, T7N, R37E; thence north along the section line one mile to the southwest corner of Section 8, T7N, R37E; thence west along the section lines nine miles to the northeast corner of Section 15, T7N, R35E; thence south along the section line one mile to the southeast corner of Section 15, T7N, R35E; thence west along the section line one mile to the southwest corner of Section 15, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, excluding the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, excluding the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, excluding the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, excluding the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, excluding the right of way, one mile more or less to the Washington-Oregon state line; thence west along the state line fifteen miles more or less to the point of beginning.

(2) Area 2A restrictions. The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15th through October 31st: Provided, That 2,4-DB is allowed on alfalfa seed crops at any time.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-020, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-020, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 88-05-033 (Order 1965), § 16-232-020, filed 2/12/88; WSR 80-03-026 (Order 1665), § 16-232-020, filed 2/20/80.]

WAC 16-232-025 Boundaries and restrictions on use restricted herbicides in Walla Walla County Area 3. (1) Area 3 description. All of the remaining lands within the border of Walla Walla County.

(2) Area 3 restrictions. The use and application of low volatile formulations of use restricted herbicides is prohibited on and after May 15th through October 31st.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-025, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-025, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 88-05-033 (Order 1965), § 16-232-025, filed 2/12/88; WSR 80-03-026 (Order 1665), § 16-232-025, filed 2/20/80.]

WAC 16-232-027 Boundaries and restrictions on use restricted herbicides in Walla Walla County Area 3A. (1) Area 3A description. An area beginning at the southwest corner of Section 11, T7N, R32E; thence east along the section lines six miles more or less to the intersection with the Touchet North Road at the southeast corner of Section 10, T7N, R33E; thence northerly along the Touchet North Road, including the right of way, to the intersection with State Route 124; thence west one-half mile more or less along State Route 124, excluding the right of way, to the intersection with the Northern Pacific Railroad at the northwest corner of Section 1, T9N, R33E; thence southwesterly seven miles more or less along the railroad, excluding the right of way, to the intersection with the common boundary line between Section 25, T9N, R32E and Section 30, T9N, R33E; thence south along the section lines five miles more or less to the northeast corner of Section 25, T8N, R32E; thence west along the section lines two miles to the northwest corner of Section 26, T8N, R32E; thence south along the section lines four miles to the point of beginning.

(2) Area 3A restrictions. The use and application of low volatile formulations of use restricted herbicides is prohibited on and after April 15th through October 31st.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-027, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-027, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 88-05-033 (Order 1965), § 16-232-027, filed 2/12/88.]

WAC 16-232-035 Restrictions on use restricted herbicides in Walla Walla County due to wind conditions. The use or application of use restricted herbicides is prohibited in Areas 1, 2, 2A, 3, and 3A when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications are prohibited in Areas 1 and 2 on and after April 1st through October 31st when the mean sustained wind velocity is over seven miles per hour.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-035, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-035, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 88-09-013 (Order 1973), § 16-232-035, filed 4/12/88; WSR 87-09-015 (Order 1923), § 16-232-035, filed 4/6/87; WSR 80-03-026 (Order 1665), § 16-232-035, filed 2/20/80.]

WAC 16-232-041 Boundaries and restrictions on use restricted herbicides in Walla Walla County Area 2B. (1) Area 2B description. An area including all lands lying within a boundary line beginning at the intersection of the Union Pacific Railroad and U.S. Highway 12 in Section 10, T7N, R31E; thence southerly along Highway 12 approximately three miles until its intersection with the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence northwesterly along the Columbia River approximately ten miles until its intersection with the Snake River; thence northeasterly along the Snake River until its intersection with Highway 12 in Section 35, T9N, R30E; thence southeasterly along Highway 12 to the point of beginning.

(2) Area 2B restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-232-007 is prohibited.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5th through October 31st of each year, applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre in conformance with the manufacturer's specified combination of nozzle type/size and pressure in pounds per square inch (psi) at the nozzle that produces a spray droplet size that falls within the very coarse (or larger) range as defined by the ASABE standards: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-041, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-041, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-041, filed 11/22/00, effective 12/23/00.]

WAC 16-232-044 Boundaries and restrictions on use restricted herbicides in Walla Walla County Area 4. (1) Area 4 description. An area including all lands lying within a boundary line beginning at the intersection of the Snake River and the Bonneville Power Administration power line near the east section line of Section 25, T9N, R30E; thence southeasterly along the Bonneville Power Administration power line until its intersection with SR 124 in Section 32, T9N, R31E; thence approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad until its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to the point of its intersection with the Snake River in Section 35, T9N, R30E; thence northeasterly along the Snake River to the point of beginning.

(2) Area 4 restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-232-007 may be made by written permit only.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5th through October 31st of each year, all applications of use restricted herbicides shall be prohibited daily from three hours prior to sunset until two hours

(12/26/18)

after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre in conformance with the manufacturer's specified combination of nozzle type/size and pressure in pounds per square inch (psi) at the nozzle that produces a spray droplet size that falls within the very coarse (or larger) range as defined by the ASABE standards: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of the use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-044, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-044, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-044, filed 11/22/00, effective 12/23/00.]

WAC 16-232-047 Boundaries and restrictions on use restricted herbicides in Walla Walla County Area 6. (1) Area 6 description. An area including all lands lying within a boundary line beginning at the Snake River and the east section line of Section 23, T9N, R31E; thence south approximately twelve miles along section lines to the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence northwesterly along the Columbia River approximately two miles to the southern section line of Section 8, T7N, R31E; thence east approximately two miles along the section line until its intersection with U.S. Highway 12 in Section 10, T7N, R31E; thence northwesterly along U.S. Highway 12, approximately three-quarters of a mile until its intersection with the Union Pacific Railroad; thence northerly approximately four miles along the railroad until its intersection with the southern section line in Section 15, T8N, R31E; thence east approximately one-quarter mile along the section line to the southeast corner of Section 15, T8N, R31E; thence north approximately three miles until its intersection with SR 124; thence west along SR 124 approximately two and one-half miles until its intersection with the Bonneville Power Administration power line in Section 32, T9N, R31E; thence northwesterly along the power line until its intersection with the Snake River in Section 25, T9N, R30E; thence northeasterly along the Snake River to the point of beginning.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of use restricted herbicides shall be prohibited on and after April 5th through October 31st of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5th through October 31st of each year, all applications of use restricted herbicides are prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre in conformance with the manufacturer's specified combination of nozzle type/size and pressure in pounds

per square inch (psi) at the nozzle that produces a spray droplet size that falls within the very coarse (or larger) range as defined by the ASABE standards: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset restrictions.

(c) On and after April 5th through October 31st of each year, aerial applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-047, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-047, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-047, filed 11/22/00, effective 12/23/00.]

WAC 16-232-053 Application of Paraquat or Diquat by air in Walla Walla County. Aerial application of Paraquat and Diquat is prohibited in areas 2B, 4, and 6.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-053, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-053, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-053, filed 11/22/00, effective 12/23/00.]

WAC 16-232-056 Application of sulfonylurea herbicides in Walla Walla County. Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited in areas 2B, 4, and 6.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-056, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-056, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-056, filed 11/22/00, effective 12/23/00.]

WAC 16-232-059 Conditions applying to permits in Walla Walla County. The following conditions will apply to all permits issued in areas 2B, 4, and 6.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 21 N. 1st Avenue Suite 236 Yakima, Washington 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit will be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-059, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-059, filed

5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-059, filed 11/22/00, effective 12/23/00.]

WAC 16-232-062 Application of use restricted pesticides in an emergency in Walla Walla County. In the event of an emergency, as declared by the director, the department may issue permits for the use of use restricted pesticides in variation of any restrictions contained in areas 2B, 4, and 6. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-062, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-062, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-062, filed 11/22/00, effective 12/23/00.]

WAC 16-232-065 Restrictions on applications in Walla Walla County due to wind. The use or application of all herbicides and class 1 and 2 insecticides are prohibited in areas 2B, 4, and 6 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications of granular and pellet formulations of use restricted pesticides defined in WAC 16-232-007 as well as applications made to structures are exempt from the wind restrictions.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-065, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-065, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-065, filed 11/22/00, effective 12/23/00.]

WAC 16-232-077 Restrictions on applications of pesticides in Walla Walla County due to weather conditions. Use restricted herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: Provided, That applications of use restricted herbicides shall be exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre and conforming to the manufacturer's specified combination of nozzle type/size and pressure in pounds per square inch (psi) at the nozzle that produces a spray droplet size that falls within the very coarse (or larger) range as defined by the ASABE standards.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-077, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-077, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. WSR 00-24-002, § 16-232-077, filed 11/22/00, effective 12/23/00.]

WAC 16-232-100 Restrictions for herbicide use in Lincoln County. (1) The area under order includes all lands lying within the boundaries of Lincoln County. WAC 16-232-105 through 16-232-115 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and

rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-670.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-100, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-100, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 91-06-019 (Order 2073), § 16-232-100, filed 2/26/91, effective 3/29/91; WSR 80-03-030 (Order 1669), § 16-232-100, filed 2/20/80.]

WAC 16-232-105 Use restricted herbicides in Lincoln County. All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

(3) Ready-to-use liquid formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba distributed in quantities of five gallons or less.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-105, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-105, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 91-06-019 (Order 2073), § 16-232-105, filed 2/26/91, effective 3/29/91; WSR 80-03-030 (Order 1669), § 16-232-105, filed 2/20/80.]

WAC 16-232-115 Boundaries and restrictions for Lincoln County Area 3. (1) Area 3 description. (Southwestern Lincoln County.) Beginning at the Grant-Lincoln County line and state Highway 2; thence northeasterly two and one-half miles more or less along state Highway 2 to the Almira South Road; thence south seven miles more or less along the Almira South Road to the Monson Road; thence east six miles more or less along the Monson Road to state Highway 21; thence south twenty-seven miles more or less along state Highway 21 to the Lincoln-Adams County line; thence west thirteen and one-half miles more or less along the common boundary line between Lincoln and Adams counties to the Grant County line; thence north twenty-nine and one-half miles more or less along the common boundary line between Grant County and Lincoln County to the point of beginning.

(2) Area 3 restrictions. The use or application of low volatile formulations of use restricted herbicides shall be prohibited on and after May 16th through October 31st of each year.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-115, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-115, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 80-03-030 (Order 1669), § 16-232-115, filed 2/20/80.]

WAC 16-232-200 Restrictions for use restricted herbicides in Garfield County. (1) The area under order includes all lands lying within the boundaries of Garfield County. WAC 16-232-205 through 16-232-225 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and

(12/26/18)

rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-670.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-200, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-200, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 91-06-019 (Order 2073), § 16-232-200, filed 2/26/91, effective 3/29/91; WSR 80-03-032 (Order 1671), § 16-232-200, filed 2/20/80.]

WAC 16-232-205 Use restricted herbicides in Garfield County. All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

(3) Ready-to-use liquid formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba distributed in quantities of five gallons or less.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-205, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-205, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 91-06-019 (Order 2073), § 16-232-205, filed 2/26/91, effective 3/29/91; WSR 80-03-032 (Order 1671), § 16-232-205, filed 2/20/80.]

WAC 16-232-210 Boundaries and restrictions for Garfield County Area 2. (1) Area 2 description. The city of Pomeroy and those sections and partial sections lying within one mile east, one mile south and one mile west of the city limits of Pomeroy.

(2) Area 2 restrictions. Aerial applications of use restricted herbicides are prohibited.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-210, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-210, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 80-03-032 (Order 1671), § 16-232-210, filed 2/20/80.]

WAC 16-232-215 Boundaries and restrictions for Garfield County Area 3. (1) Area 3 description. An area starting at the intersection of the Snake River and the west boundary of Section 18, T14N, R43E; thence south to and along the Lambie Grade Road to and along the Casey Creek Road to the southeast corner of Section 8, T13N, R43E; thence east along section lines one and one-half miles more or less to the Snake River; thence northwesterly along the Snake River to the point of beginning.

(2) Area 3 restrictions. The use and application of low volatile formulations of use restricted herbicides is prohibited on and after April 16th through August 31st.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-215, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-215, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 80-03-032 (Order 1671), § 16-232-215, filed 2/20/80.]

WAC 16-232-220 Boundaries for use restricted herbicides in Garfield County Area 4. Area 4 description. This area includes all remaining lands in Garfield County not included in WAC 16-232-210 and 16-232-215.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-220, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-220, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 91-06-019 (Order 2073), § 16-232-220, filed 2/26/91, effective 3/29/91; WSR 80-03-032 (Order 1671), § 16-232-220, filed 2/20/80.]

WAC 16-232-225 Restrictions on applications of use restricted herbicides in Garfield County due to wind conditions. The use or application of use restricted herbicides are prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications are prohibited in Areas 2 and 3 on and after May 1st through October 31st when the mean sustained wind velocity is over seven miles per hour.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-225, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-225, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 91-06-019 (Order 2073), § 16-232-225, filed 2/26/91, effective 3/29/91; WSR 87-09-015 (Order 1923), § 16-232-225, filed 4/6/87; WSR 80-03-032 (Order 1671), § 16-232-225, filed 2/20/80.]

WAC 16-232-300 Restrictions for use restricted herbicides in Kittitas County. (1) The area under order includes all lands lying within the boundaries of Kittitas County. WAC 16-232-305 through 16-232-315 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-670.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-300, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-300, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 91-06-019 (Order 2073), § 16-232-300, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 17.21.030. WSR 82-08-030 (Order 1754), § 16-232-300, filed 3/31/82.]

WAC 16-232-305 Use restricted herbicides in Kittitas County. All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

(3) Ready-to-use liquid formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba distributed in quantities of five gallons or less.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-305, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-305, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21

RCW. WSR 91-06-019 (Order 2073), § 16-232-305, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 17.21.030. WSR 82-08-030 (Order 1754), § 16-232-305, filed 3/31/82.]

WAC 16-232-310 Boundaries and restrictions for Kittitas County Area 1. (1) Area 1 description. An area starting at the intersection of Canyon Road and Thrall Road on the south line of Section 30, T17 N, R19E, thence east along Thrall Road three and one-half miles more or less to Denmark Road; thence south approximately one-half mile and follow the curve in Denmark Road to the point where the road continues in an easterly direction; thence continue east approximately one and one-half miles until this line intersects Badger Pocket Road; thence south on Badger Pocket Road for one-half mile to intersection of Fourth Parallel Road; thence east on Fourth Parallel Road for approximately three-fourths mile to Lawrence Road; thence south on Lawrence Road for one-half mile more or less to E. Kern Road; thence east on E. Kern Road for approximately one-half mile; thence south approximately one and one-half miles to the north boundary of Section 18, T16, R20; thence west for two and one-half miles to intersection of 182; thence northwest for approximately one and one-half miles to the southeast corner of Section 4, T16, R19; thence west for two and one-half miles more or less to the Canyon Road; thence north for two and one-half miles more or less on the Canyon Road to the point of beginning.

(2) Area 1 restrictions.

(a) On and after April 15th through October 31st, aircraft applications are prohibited within 500 feet of all orchards: Provided, That aircraft applications may be allowed when written permission is received from the owner of the orchard.

(b) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15th through October 31st of each year on all lands within 500 feet of all orchards: Provided, That low volatile ester formulations may be used when written permission is received from the owner of the orchard.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-310, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-310, filed 5/9/07, effective 6/9/07. Statutory Authority: RCW 17.21.030. WSR 82-08-030 (Order 1754), § 16-232-310, filed 3/31/82.]

WAC 16-232-315 Restrictions on applications of use restricted herbicides in Kittitas County due to wind conditions. The use or application of use restricted herbicides is prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15th through October 31st: Provided, That applications of allowable use restricted herbicides are exempt from these wind restrictions when applying fifty gallons or more per acre in conformance with the manufacturer's specified combination of nozzle type/size and pressure in pounds per square inch (psi) at the nozzle that produces a spray droplet size that falls within the very coarse (or larger) range as defined by the ASABE standards.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-315, filed 12/26/18, effective 1/26/19. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. WSR 07-11-041A, § 16-232-315, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. WSR 91-06-019 (Order 2073), § 16-232-315, filed 2/26/91, effective 3/29/91; WSR 87-09-015 (Order 1923), § 16-232-315, filed 4/6/87. Statu-

tory Authority: RCW 17.21.030. WSR 82-08-030 (Order 1754), § 16-232-315, filed 3/31/82.]

WAC 16-232-400 Grays Harbor and Pacific counties areas under order for use restricted pesticides. The area under order shall include all lands in Grays Harbor and Pacific counties lying within Township 15 North, Range 11 West, Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 32; Township 16 North, Range 11 West, Sections 19, 30, 31, and 32; and Township 16 North, Range 12 West, Sections 24 and 25.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-400, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 17.21.030 and chapter 34.05 RCW. WSR 13-01-034, § 16-232-400, filed 12/11/12, effective 1/1/14.]

WAC 16-232-410 Use restricted pesticides in Grays Harbor and Pacific counties. All formulations containing the active ingredient O,O-diethyl O-(3,5,6-trichloro-2-pyridinyl) phosphorothioate, commonly known as chlorpyrifos (CAS Number 2921-88-2) or the active ingredient O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate, commonly known as diazinon (CAS Number 333-41-5) are use restricted pesticides when applied to cranberries in the area under order.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-410, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 17.21.030 and chapter 34.05 RCW. WSR 13-21-040, § 16-232-410, filed 10/9/13, effective 1/1/14; WSR 13-01-034, § 16-232-410, filed 12/11/12, effective 1/1/14.]

WAC 16-232-420 Standards adopted by WSDA. (1) The department adopts the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Practices Standards "Drainage Water Management" CODE 554 (Nov. 2011); "SubSurface Drain" CODE 606 (Sept. 2011); "Surface Drain, Main or Lateral" CODE 608 (Nov. 2010); and "Underground Outlet" CODE 620 (Nov. 2010) as requirements for and restrictions on the use of pesticides containing chlorpyrifos or diazinon when applied to cranberries in the area under order.

(2) Copies of the adopted USDA NRCS Practice Standards can be requested by mail from: U.S. Department of Agriculture, 1400 Independence Ave., S.W., Washington, D.C. 20250 or from your local NRCS Office or can be found on the WSDA web site at: <http://agr.wa.gov/pestfert/>.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-420, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 17.21.030 and chapter 34.05 RCW. WSR 13-21-040, § 16-232-420, filed 10/9/13, effective 1/1/14; WSR 13-01-034, § 16-232-420, filed 12/11/12, effective 1/1/14.]

WAC 16-232-430 Restrictions in Grays Harbor and Pacific counties on the use of pesticides containing chlorpyrifos or diazinon for protection of ditches. (1) Chlorpyrifos or diazinon shall not be applied to cranberries unless all ditches immediately adjacent to the application and all other ditches that will be contacted by the application are adequately protected to prevent entry of chlorpyrifos or diazinon at the time of application.

(12/26/18)

(2) For the purpose of subsection (1) of this section, "adequately protected" means:

(a) Ditches are cribbed and covered according to USDA NRCS Practice Standards "Drainage Water Management" CODE 554 (Nov. 2011); "SubSurface Drain" CODE 606 (Sept. 2011); "Surface Drain, Main or Lateral" CODE 608 (Nov. 2010); and "Underground Outlet" CODE 620 (Nov. 2010), or one of the functional equivalents below.

(i) A functional equivalent for ditch side walls is the installation of side walls with rigid material capable of maintaining ditch integrity for a period of no less than ten years.

(ii) A functional equivalent for ditch coverings is the installation of ditch coverings using rigid material capable of preventing entry of chlorpyrifos or diazinon either through chemigation activities or run-off from irrigation activities into ditches as described in subsection (1) of this section.

(b) Drainage culverts are installed and constructed according to USDA NRCS Practice Standard "Underground Outlet" CODE 620 (Nov. 2010).

(3) All ditches and culverts shall be maintained and kept in good repair as needed in order to achieve the requirements of subsection (1) of this section.

(4) Upon request, the department shall be provided with all available information related to the design, construction, and materials used to protect the ditch as described in subsection (2) of this section.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-430, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 17.21.030 and chapter 34.05 RCW. WSR 13-21-040, § 16-232-430, filed 10/9/13, effective 1/1/14; WSR 13-01-034, § 16-232-430, filed 12/11/12, effective 1/1/14.]

WAC 16-232-440 Restrictions in Grays Harbor and Pacific counties on the use of pesticides containing chlorpyrifos or diazinon near source water. (1) All source water used for chemigation including, but not limited to, open reservoirs, ponds, or sumps must be protected from contact with chlorpyrifos or diazinon during an application unless the source water is demonstrated to have no hydraulic connection with drainage ditches or culverts.

(2) For the purpose of subsection (1) of this section, "hydraulic connection" means, water can flow between one source (either ground or surface water) to another source (either ground or surface water). Connection can be natural or manmade.

(3) For the purpose of subsection (1) of this section, "protected" means:

(a) Placement of a barrier or covering system over the source water in a manner that ensures spray from the nozzles do not contact the source water; or

(b) Design, placement, operation, and maintenance of irrigation sprayheads or nozzles in a manner that ensures spray from the nozzles does not contact the source water.

(4) Hydraulic connections will be determined as needed, by the department upon review of the source water system design.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-440, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 17.21.030 and chapter 34.05 RCW. WSR 13-01-034, § 16-232-440, filed 12/11/12, effective 1/1/14.]

WAC 16-232-450 Obtaining a variance to the requirements of this order in an emergency in Grays Harbor or Pacific counties. (1) In the event of an emergency, as determined by the director, the department may issue permits for the use of chlorpyrifos or diazinon in the use restricted area in variation of any restrictions as defined in WAC 16-232-430 or 16-232-440. An emergency under this section may be declared if the director determines that the situation is:

(a) Urgent and unexpected; and
(b) The risk and amount of economic harm to the crop substantially outweighs the risk and amount of damage likely to occur to the environment if a variance permit is issued.

(2) Application for a permit may be made by email to compliance@agr.wa.gov or by mail, fax, or in person to the Washington State Department of Agriculture, Pesticide Management Division, Natural Resources Building (NRB), Second Floor, 1111 Washington St. S.E., P.O. Box 42560, Olympia, WA 98504-2560, FAX: 360-902-2093. Permits will not be granted by telephone.

(3) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk. In determining whether the situation at the application site creates an unreasonable risk, the representative may consider all relevant factors such as temperature, tides, precipitation, application type, pesticide formulation and application equipment, ditch cover condition, endangered species restrictions, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

[Statutory Authority: RCW 15.58.040 and 17.21.030. WSR 19-02-039, § 16-232-450, filed 12/26/18, effective 1/26/19. Statutory Authority: RCW 17.21.030 and chapter 34.05 RCW. WSR 13-21-040, § 16-232-450, filed 10/9/13, effective 1/1/14; WSR 13-01-034, § 16-232-450, filed 12/11/12, effective 1/1/14.]