

TRANSMITTAL OF RULES ADOPTED

FROM: Agriculture
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 1129
Emergency rules
relating to (Name of rules or description of subject matter)

Regulations Pertaining to the use of Herbicides
in Whitman County.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 2461 ^① filed with the code reviser
on 11/12/69 ^② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Wa. on 12/17/69 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be 1/20/70 ^③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules 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 the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this 17th day of December 1969.

STATE OF WASHINGTON
FILED
DEC 17 1969
CODE REVISER'S OFFICE
KET #2716 FILE #21

AGRICULTURE
(AGENCY)
By Donald W. Moos
DONALD W. MOOS
Director
Title

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING:
RCW 4.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 1129

(Supersedes Order No. 1080)

EFFECTIVE January 20, 1970

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN
WHITMAN COUNTY

I, Donald W. Moos, Director of Agriculture of the state of Washington, by virtue of the authority vested in me under Chapters 15.57 and 17.21 RCW and after due notice and public hearings held at Colfax, Washington on December 3, 1969, as provided under Chapters 42.32 and 34.04 RCW, do hereby promulgate the following regulations relating to the use of growth regulating herbicides.

REGULATION 1. Area Under Order, Restricted Use Herbicides, Prohibited Formulations, and Definitions.

AREA UNDER ORDER: All lands lying within the borders of Whitman County.

RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T, MCP, and MCPA are by this order declared to be restricted use herbicides.

PROHIBITED FORMULATIONS: Dust formulations of all restricted use herbicides are prohibited in the area under order.

DEFINITION: HIGH VOLATILE AND LOW VOLATILE ESTERS: High volatile and low volatile esters are those formulations labeled as high volatile and low volatile in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide and Rodenticide Act.

REGULATION 2. AREA 1. (CITIES AND/OR TOWNS AND PULLMAN AND VICINITY). The areas within a distance of 2 miles of the city limits of any incorporated city or town and the same distance from the center of any unincorporated town comprised of 10 or more inhabited, closely grouped residences within Whitman County; PROVIDED, That the area under this regulation shall also include all of the lands in Sections 28 through 33, T15N, R45E; Sections 25, 26, 27, 34, 35, and 36, T15N, R44E; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, T14N, R45E; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T14N, R44E.

AREA 1. (RESTRICTIONS). The application of restricted use herbicides shall be restricted to the liquid form of the amine and sodium or solubilized acid formulations; PROVIDED, That low volatile formulations of MCPA shall be allowed from October 1 to April 15 of each year.

Ground applications shall be made with a minimum of 10 gallons of water per acre and ground equipment must be equipped with nozzles having a minimum orifice diameter of 0.031 inches. Pressure for ground rigs must not exceed 35 pounds per square inch at the nozzles.

Aircraft applications shall be made with a minimum of 5 gallons of water per acre and aircraft must be equipped with nozzles having a minimum orifice diameter of 0.156 inches and directed downward or backward 90 degrees or more from the direction of flight.

REGULATION 3. AREA 2. PROTECTIVE AREA BETWEEN WAWAWAI AND BISHOP. An area starting at the Snake River at Wawawai; thence southeasterly along County Road No. 512 to the east boundary line of Section 17, T13N, R44E; thence south along section lines one and one-half miles more or less to the Snake River, thence northwesterly along the Snake River to Wawawai.

AREA 2. (RESTRICTIONS). The application of high volatile and low volatile formulations of restricted use herbicides shall be prohibited from April 15 to November 1.

Ground applications shall be made with a minimum of 8 gallons of water per acre and ground equipment must be equipped with nozzles having a minimum orifice diameter of 0.026 inches. Pressure for ground rigs must not exceed 35 pounds per square inch at the nozzles.

Aircraft must be equipped with nozzles having a minimum orifice diameter of 0.125 inches and directed downward or backward 90 degrees or more from the direction of flight.

REGULATION 4. AREA 3. (EASTERN PORTION OF WHITMAN COUNTY). That portion of Whitman County lying between the eastern boundary of the county and the line comprised of State Highway 195 from the northern boundary of the county to the City of Colfax; thence southerly along County Roads No. 478 and No. 141 to the junction of County Roads No. 141 and No. 451, thence southerly on 451 to County Road 143; thence southerly along County Road No. 143 to Almota and the Snake River.

AREA 3. (RESTRICTIONS). The use or application of high volatile formulations of restricted use herbicides is prohibited from April 15 to November 1 of each year.

Ground applications shall be made with a minimum of 8 gallons of water per acre and ground equipment must be equipped with nozzles having a minimum orifice diameter of 0.026 inches. Pressure for ground rigs must not exceed 35 pounds per square inch at the nozzles.

Aircraft must be equipped with nozzles having a minimum orifice diameter of 0.125 inches and directed downward or backward 90 degrees or more from the direction of flight.

REGULATION 5. FARM OPERATOR TO NOTIFY. The landowner or person in charge of the farming operation shall notify the aerial applicator he hires, of any susceptible crops planted or to be planted bordering the field to which restricted use herbicides are to be applied.


REGULATION 6. RESTRICTIONS ON THE SALE OF CERTAIN FORMULATIONS OF RESTRICTED USE HERBICIDES. The sale of high volatile and low volatile ester formulations of restricted use herbicides in containers of less than one gallon is prohibited.

REGULATION 7. AIRCRAFT RESTRICTIONS. Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying, during spraying operation, 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.

REGULATION 8. DISPOSAL OF RESTRICTED USE HERBICIDES AND THEIR CONTAINERS. Restricted use herbicides or their emptied containers shall not be dumped or abandoned or allowed to remain at any place where plants of value are likely to be injured. Equipment used for restricted use herbicides shall not be stored or allowed to remain at any place where susceptible crops may be affected.

REGULATION 9. WIND AND WEATHER CONDITIONS. Spraying of restricted use herbicides by ground or aerial equipment shall not be allowed when the mean sustained wind velocity is over 10 miles per hour from any direction from October 1 to April 15, and over 7 miles per hour from April 15 to October 1. Even though wind velocity is within the limits allowable for spraying, restricted use herbicides shall not be applied if other weather conditions (examples--temperature inversion, high temperature) are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated by the Department of Agriculture.


DONALD W. MOOS, Director
Department of Agriculture
State of Washington

Signed at Olympia, Washington

Date: December 17, 1969

STATE OF WASHINGTON
FILED
DEC 17 1969
CODE REVISOR'S OFFICE
KET # FILE #

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 1129

(Supersedes Order No. 1080)

EFFECTIVE January 20, 1970

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN
WHITMAN COUNTY

I, Donald W. Moos, Director of Agriculture of the state of Washington, by virtue of the authority vested in me under Chapters 15.57 and 17.21 RCW and after due notice and public hearings held at Colfax, Washington on December 3, 1969, as provided under Chapters 42.32 and 34.04 RCW, do hereby promulgate the following regulations relating to the use of growth regulating herbicides.

REGULATION 1. Area Under Order, Restricted Use Herbicides, Prohibited Formulations, and Definitions.

AREA UNDER ORDER: All lands lying within the borders of Whitman County.

RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T, MCP, and MCPA are by this order declared to be restricted use herbicides.

PROHIBITED FORMULATIONS: Dust formulations of all restricted use herbicides are prohibited in the area under order.

DEFINITION: HIGH VOLATILE AND LOW VOLATILE ESTERS: High volatile and low volatile esters are those formulations labeled as high volatile and low volatile in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide and Rodenticide Act.

REGULATION 2. AREA 1. (CITIES AND/OR TOWNS AND PULLMAN AND VICINITY). The areas within a distance of 2 miles of the city limits of any incorporated city or town and the same distance from the center of any unincorporated town comprised of 10 or more inhabited, closely grouped residences within Whitman County; PROVIDED, That the area under this regulation shall also include all of the lands in Sections 28 through 33, T15N, R45E; Sections 25, 26, 27, 34, 35, and 36, T15N, R44E; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, T14N, R45E; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T14N, R44E.

AREA 1. (RESTRICTIONS). The application of restricted use herbicides shall be restricted to the liquid form of the amine and sodium or solubilized acid formulations; PROVIDED, That low volatile formulations of MCPA shall be allowed from October 1 to April 15 of each year.

Ground applications shall be made with a minimum of 10 gallons of water per acre and ground equipment must be equipped with nozzles having a minimum orifice diameter of 0.031 inches. Pressure for ground rigs must not exceed 35 pounds per square inch at the nozzles.

Aircraft applications shall be made with a minimum of 5 gallons of water per acre and aircraft must be equipped with nozzles having a minimum orifice diameter of 0.156 inches and directed downward or backward 90 degrees or more from the direction of flight.

REGULATION 3. AREA 2. PROTECTIVE AREA BETWEEN WAWAWAI AND BISHOP. An area starting at the Snake River at Wawawai; thence southeasterly along County Road No. 512 to the east boundary line of Section 17, T13N, R44E; thence south along section lines one and one-half miles more or less to the Snake River, thence northwesterly along the Snake River to Wawawai.

AREA 2. (RESTRICTIONS). The application of high volatile and low volatile formulations of restricted use herbicides shall be prohibited from April 15 to November 1.

Ground applications shall be made with a minimum of 8 gallons of water per acre and ground equipment must be equipped with nozzles having a minimum orifice diameter of 0.026 inches. Pressure for ground rigs must not exceed 35 pounds per square inch at the nozzles.

Aircraft must be equipped with nozzles having a minimum orifice diameter of 0.125 inches and directed downward or backward 90 degrees or more from the direction of flight.

REGULATION 4. AREA 3. (EASTERN PORTION OF WHITMAN COUNTY). That portion of Whitman County lying between the eastern boundary of the county and the line comprised of State Highway 195 from the northern boundary of the county to the City of Colfax; thence southerly along County Roads No. 478 and No. 141 to the junction of County Roads No. 141 and No. 451, thence southerly on 451 to County Road 143; thence southerly along County Road No. 143 to Almota and the Snake River.

AREA 3. (RESTRICTIONS). The use or application of high volatile formulations of restricted use herbicides is prohibited from April 15 to November 1 of each year.

Ground applications shall be made with a minimum of 8 gallons of water per acre and ground equipment must be equipped with nozzles having a minimum orifice diameter of 0.026 inches. Pressure for ground rigs must not exceed 35 pounds per square inch at the nozzles.

Aircraft must be equipped with nozzles having a minimum orifice diameter of 0.125 inches and directed downward or backward 90 degrees or more from the direction of flight.

REGULATION 5. FARM OPERATOR TO NOTIFY. The landowner or person in charge of the farming operation shall notify the aerial applicator he hires, of any susceptible crops planted or to be planted bordering the field to which restricted use herbicides are to be applied.


REGULATION 6. RESTRICTIONS ON THE SALE OF CERTAIN FORMULATIONS OF RESTRICTED USE HERBICIDES. The sale of high volatile and low volatile ester formulations of restricted use herbicides in containers of less than one gallon is prohibited.

REGULATION 7. AIRCRAFT RESTRICTIONS. Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying, during spraying operation, 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.

REGULATION 8. DISPOSAL OF RESTRICTED USE HERBICIDES AND THEIR CONTAINERS. Restricted use herbicides or their emptied containers shall not be dumped or abandoned or allowed to remain at any place where plants of value are likely to be injured. Equipment used for restricted use herbicides shall not be stored or allowed to remain at any place where susceptible crops may be affected.

REGULATION 9. WIND AND WEATHER CONDITIONS. Spraying of restricted use herbicides by ground or aerial equipment shall not be allowed when the mean sustained wind velocity is over 10 miles per hour from any direction from October 1 to April 15, and over 7 miles per hour from April 15 to October 1. Even though wind velocity is within the limits allowable for spraying, restricted use herbicides shall not be applied if other weather conditions (examples--temperature inversion, high temperature) are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated by the Department of Agriculture.


DONALD W. MOOS, Director
Department of Agriculture
State of Washington

Signed at Olympia, Washington

Date: December 17, 1969

STATE OF WASHINGTON
FILED
DEC 17 1969
CODE REVISER'S OFFICE
XET # FILE #