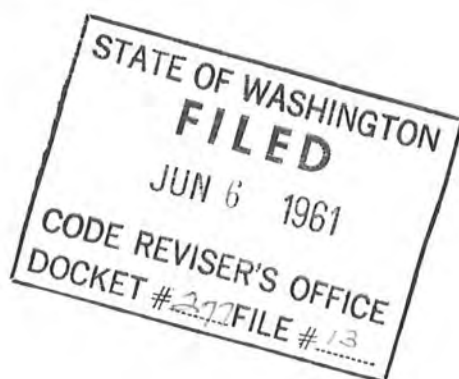


ORDER NUMBER 821 previously in effect, pursuant to a law repealed by the 1961 Legislature and pertaining to the use of agricultural pesticides, sprays and chemically treated materials in Benton County is hereby adopted as an emergency order pursuant to those laws which shall become effective June 8, 1961; specifically Chapter 249, Laws of 1961 and which replace the laws under which this order previously existed. This is necessary for the immediate preservation of the economic health and general welfare. It is necessary that the order become effective immediately to provide the transition of the old and new laws in that Chapter 249 does not allow time for the usual hearing procedures for this order to become effective prior to the dates that the agricultural sprays will be applied.

I hereby certify that the attached order is a true and correct copy of that order adopted by the Department of Agriculture.


Joe Dwyer, Director

Dated this 8th day of June, 1961.



STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 821

Supersedes Order No. 810

Effective March 3, 1961

A Regulation Relating to the Use of Chemicals and
Chemically Treated Materials in Benton County

I, Joe Dwyer, Director of Agriculture, State of Washington, after public notice and hearing held at Kennewick, Washington on November 16, 1960, by virtue of authority vested in me under Chapter 61, Session Laws of 1951, as amended by Chapter 261, Session Laws of 1953, Revised Code of Washington Chapter 17.20, do hereby amend Order No. 810 to read as follows:

Regulation 1. Area Under Order

All of Benton County except that portion lying within the boundaries of the Hanford Project.

Regulation 2. Type of Herbicides and Carriers Prohibited

The use or application of the herbicides known as 2,4-D, 2,4,5-T and M.C.P. or any formulations thereof with any other herbicides, chemicals, salts or water on any crops, shrubs or lands except the amine, sodium or solubilized acid formulations and those ester formulations labeled as low volatile as authorized under the Federal Insecticide, Fungicide and Rodenticide Act is prohibited in the area under order (Regulation 1), except for such purpose as specified in Regulation 8.

Dust formulations of any and all of the materials or chemicals referred to in the above paragraph are prohibited in the entire area under order.

The use of oil type carriers is prohibited in the area under order at all times except:

1. For brush control only between November 1 and March 1 of the following year.
2. Oil type emulsifiers and oil type spreader sticker may be used when not in excess of one (1) pint per acre.

Regulation 3. Area of Restricted Use

Sections 1 through 12 and 15 through 19, Township 8 North, Range 24 East; Sections 5, 6 and 7, Township 8 North, Range 25 East; All of Township 9 North, Range 24 East; Sections 1 through 34, Township 9 North, Range 25 East; Sections 1 through 24, Township 9 North, Range 26 East; All of Township 9 North, Range 27 East.

The application or use of the herbicides known as 2,4-D, 2,4,5-T and M.C.P. or any formulations thereof with any other herbicides, chemicals, oils, salts or water within the above described area is restricted to ground equipment only and to the amine, sodium or solubilized acid formulations or those ester formulations labeled as low volatile except that the low volatile formulation is also prohibited after a specified date each spring to November 1 of that year, except that a permit to apply the low volatile formulations may be issued by the State Department of Agriculture in conjunction with the County Extension Agent between these dates for application with

ground equipment and only for control of weeds along canal banks and roadsides.

Regulation 4. Area of Restricted Use

The use or application of the herbicides known as 2,4-D, 2,4,5-T and M.C.P. or any formulations thereof with any other herbicides, chemicals, oils, salts or water is restricted to the amine, sodium or solubilized acid formulations and by use of ground equipment only, on any crops, shrubs or lands in the following described area in Benton County, Sections 29 through 36, Township 9 North, Range 29 East; Sections 1 through 6, 10 through 13 and those portions of Sections 7, 8, 9, 14, 15, 23 and 24 lying north and east of the K.I.D. Canal, Township 8 North, Range 29 East. Sections 4 through 10, 14 through 28, 35, 36 and those portions of 29, 30, 32, 33 and 34 lying north and east of the K.I.D. Canal, Township 8 North, Range 30 East.

The use or application of the above described herbicides is prohibited in the above described area from a specified date each spring until November 1 of the same year, excluding therefrom all the lands within the present corporate limits of the city of Kennewick and that area north of West Metaline Place and east of North Volland Street and that area north of Highway 410.

The use of the amine form of the above described herbicides impregnated in a wax block and employed solely for control of weeds in grass, shall not be construed a violation of the above regulation.

Regulation 5. Specified Date or Dates

The specified date or dates such as referred to in this order is that date that is to be determined by the State Department of Agriculture in consultation with local authorities and shall be as near as is possible to the date of bud break of grapes being grown in Benton County. Notification of this date after which such operations that are applicable are so restricted shall be made by mailing a notice to each of the known wheat growers, and to each commercial operator working in the area, and announcement to the local newspaper, radio station and County Extension Agent.

Regulation 6. Ground Equipment

Ground equipment when used within the area described in Regulations 3 and 4 shall use a total per acre application of not less than 5 gallons per acre, a pressure not to exceed 35 pounds per square inch at the nozzle and shall not operate when the wind is over 5 miles per hour or in a direction that would create a hazard to adjacent crops or plantings, and shall use precautions in regard to other weather conditions and other circumstances present risk of injury to crops.

Regulation 7. Area of Specified Use and Technique

Sections 19 through 36, Township 10 North, Ranges 24, 25, 26 and 27 East, Sections 13, 14 and 20 through 36, Township 8 North, Range 24 East, Sections 1 through 4, 8 through 12, 15 through 22, Township 8 North, Range 25 East, Sections 1 through 12, Township 8 North, Range 26 East, Sections 25 through 36, Township 9 North, Range 26 East, Sections 1 through 16, 21 through 25 and 36, Township 8 North, Range 27 East, Sections 1, 2, 11 and 12, Township 7 North, Range 28 East, all of Township 8 North, Range 28 East, those portions of Township 8 and 9 North, Range 28 East lying south and west of the Yakima River, Sections 1 through 12, Township 7 North, Range 29 East, Sections 15 through 22, 25 through 36 and those portions of Sections 7, 8, 9, 14, 15, 23 and 24 lying south and west of the K.I.D. Canal, Township 8 North, Range 29 East, Sections 1 through 12, Township 7 North, Range 30 East, Sections 31 and those portions of

29, 30, 32, 33 and 34 lying south and west of K.I.D. Canal, Township 8 North, Range 30 East, and those portions of Sections 5 through 8, Township 7 North, Range 31 East lying in Benton County.

In the area described above, the use or application of 2,4-D, 2,4,5-T and M.C.P. or any formulations thereof with any other herbicides, chemicals, salts or water is restricted to the amine, sodium or solubilized acid formulations or those ester formulations labeled low volatile except that after a specified date each year to November 1 of the same year, the low volatile shall also be prohibited, except a permit to apply the low volatile formulations within this area may be issued by the Department of Agriculture on the recommendations of the committee composed of the representatives of the National Grape Growers Association and that of the Benton County Wheat Growers Association in the event of a specific weed problem that may exist during the growing season. The recommendations shall specify the area or areas involved, the applicator or applicators and the approximate date of application inasfar as possible.

Aircraft application of the above mentioned herbicides shall be made with a minimum of 3 gallons of water or with appropriate gallonage of any approved carrier other than oil. Such application shall be made only under such weather conditions and other circumstances that preclude any damage, either through physical drift of the herbicide or through volatilization, to adjacent crops or valuable plantings.

Ground equipment used in these area or areas and during the time specified, shall use a total per acre application of not less than 5 gallons of water per acre, a pressure not to exceed 35 pounds per square inch at the nozzle and shall not operate when the wind velocity is over 5 miles per hour.

Regulation 8. Use of Certain Formulations

In that area south of the line common to Township 6 and 7 North, and including only those lands lying in Benton County, a permit to use and apply the high volatile formulations of 2,4-D, 2,4,5-T or M.C.P. may be issued by the State Department of Agriculture on the recommendations of the committee composed of representatives of the National Grape Growers Association and that of the Benton County Wheat Growers Association in the event of a specific weed problem which may exist during the growing season.

The recommendations made by the committee shall specify the area or areas involved, the applicator or applicators and the approximate date of the application inasfar as possible.

Aircraft application of the above mentioned herbicides shall be made with a minimum of 3 gallons of water or the appropriate gallonage of any approved carrier other than oil. Such application shall be made only under those weather conditions and any other circumstances that preclude damage, either through physical drift of the herbicides or through volatilization, to adjacent crops or valuable plantings.

Ground equipment used in the area or areas and in the time specified, shall use a total per acre application of not less than 5 gallons of water per acre, a pressure not to exceed 35 pounds per square inch at the nozzle and shall not operate when the wind velocity is over 5 miles per hour.

Regulation 9. Restricts the Use of Airstrips

The loading and/or mixing of the herbicides known as 2,4-D, 2,4,5-T and M.C.P. or any formulation thereof with any other herbicides, chemicals, oils, salts or water in aircraft for use and application is prohibited on any air strip, air field,

or any location within the area described in Regulations 3 and 4 and turning and/or low flying over this area is also prohibited when loaded with these chemicals, or prior to thoroughly cleaning equipment following use of these chemicals.

Aircraft carrying herbicides as described in the above paragraph are prohibited from turning and/or low flying over farmsteads, windbreaks, orchards or cultivated crops belonging to any person other than the owner of the property being treated, except by permission of the person whose farmstead, windbreak, orchard or cultivated crop is involved, within the area under regulation.

Regulation 10.

Injurious herbicides or emptied containers thereof shall not be dumped or abandoned or allowed to remain at any place where plants of value are likely to be injured by the vapor or by water flowing through or over the material. Equipment used for injurious herbicides shall not be stored or allowed to remain at any place where susceptible crops might be affected.

Regulation 11.

No herbicides shall be used under circumstances where injury is likely to result to plants of value on property other than the property to be treated, either through drift of the herbicides during applications or through subsequent movement of vapor or contaminated dust in the wind, nor at any time when the form of herbicides, method of application, condition of surrounding crops, wind directions or wind velocity, nature of terrain or other circumstances, present risk of injury to crops or other valuable vegetation.

This order will remain in effect until superseded or amended.

/s/ JOE DWYER

Joe Dwyer
Director of Agriculture
State of Washington

Dated at Olympia, Washington

February 1, 1961

11-110-11-11-11