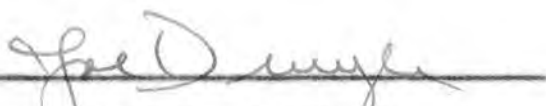


Order 830 superseded by Order No. 874. See

File 13, Docket 429, filed 12/4/61.

ORDER NUMBER 830 previously in effect, pursuant to a law repealed by the 1961 Legislature and pertaining to the use of agricultural pesticides, sprays and chemically treated materials in Garfield county is hereby adopted as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.



Emergency

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 830

Supersedes Order No. 806

Effective March 13, 1961

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

I, Joe Dwyer, Director of Agriculture, State of Washington, after public notice and hearing held at Pomeroy, Washington on October 26, 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. 806 to read as follows:

Regulation 1. Area Under Order

All lands lying within the boundaries of Garfield County.

Regulation 2. Type of Herbicides Prohibited

The use or application of the herbicides known as 2,4-D, 2,4,5-T and M.C.P. of the ester type or any formulations thereof with any other herbicides, chemicals, oils, salts or water on any crops, shrubs or lands except those ester formulations labeled as low volatile as authorized under the Federal Insecticide, Fungicide and Rodenticide Act, is prohibited in the area described in Regulation 1 of this order. Dust formulations of any and all of the materials or chemicals referred to in the above paragraphs are prohibited in the entire area under order (Regulation 1).

Regulation 3. Restricts Certain Application Techniques

Aircraft application 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 is prohibited between the dates of March 1 and September 1 each year within the following described area of Garfield County. That portion of Sections 3, 9, 10, 15 and 16 lying north of the Lower Deadman Road and East of State Highway No. 295 and that portion of Sections 2 and 11 lying north and west of School House Ridge, Township 13 North, Range 40 East.

Sections 23, 24, 25, 26 and 35, Township 14 North, Range 40 East, that portion of Sections 15 through 23, 25 through 30, 35 and 36, Township 14 North, Range 41 East; Those portions of Sections 13, 14, 23, 27, 28, 29 and 30 and Sections 24, 25, 26 and 31 through 36, Township 14 North, Range 42 East, Sections 1, 2 and 3, Township 13 North, Range 42 East, and excluding therefrom any and all portions of the above defined area that constitutes part of the Deadman Creek Watershed.

That portion of Township 14 North, Range 43 East lying North and east of Casey Creek Road, Sections 3, 4, 5, 6, 8, 9, 10, 14 through 16, 21 through 28, 35, 36 and that portion of Section 7 lying north and east of the Kirby Mayview Road, Township 13 North, Range 43 East, Sections 29 through 33, Township 13 North, Range 44 East; Sections 2 through 6 and 11, Township 12 North, Range 44 East.

The area defined in Regulation 2 includes only those lands lying in Garfield County, Washington.

Regulation 4.

Herbicides of any formulations whatever shall not be used or applied either by aircraft or ground equipment 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 herbicide during the application or through subsequent movement of vapor or contaminated dust in the wind, nor at any time when the form of herbicide, method of application, condition of surrounding crops, weather conditions, nature of terrain, temperature or any other circumstances, present risk of injury to crops or other valuable vegetation.

Regulation 5. Specification for Application Equipment

Aircraft carrying 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 is prohibited from releasing such herbicides while operating within one mile of incorporated cities except in Section 25, Township 12 North, Range 41 East and Section 29 and 30, Township 12 North, Range 42 East. Aircraft application in the above sections shall not be made when wind direction, velocity and weather conditions or other circumstances present risk of injury to crops or other valuable vegetation.

Aircraft carrying the above described herbicides are prohibited from turning or low flying over cities or towns, 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 crops is involved within the area under regulation. This prohibition shall also apply insofar as turning or low flying over the area described in Regulation 3, except that this restriction shall not be construed to prevent those allowable September to March applications under Regulation 3.

Ground equipment when used within the area described in Garfield County shall use a total per acre application of not less than 5 gallons including diluent, a pressure of 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 and shall use precautions in regard to other weather conditions and relationship to susceptible crops.

Regulation 6.

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 one mile of incorporated towns within the area described in Regulation 1 of this order, except that the air field lying approximately one mile north and east of the city center, city of Pomeroy, may be used as long as the traffic pattern of aircraft being used for application of herbicides does not cause the aircraft to fly over the town in violation of Regulation 5.

Injurious herbicides or empty containers thereof shall not be dumped or abandoned or stored 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 be cleaned so that no injurious residue remains before being used for any purpose whereby such residue might come in contact with susceptible crops or before being stored in any place where susceptible crops might be affected.

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 9, 1961