

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. 1179  
 Emergency rules

relating to (Name of rules or description of subject matter)

Regulations pertaining to the use of herbicides in  
Spokane County.

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

pursuant to Notice No. 2922 <sup>①</sup> filed with the code reviser  
on 1/28/71 <sup>②</sup> were regularly adopted as permanent rules of this  
(date)  
agency at Olympia, Wa. on 3/1/71 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 3/31/71 <sup>③</sup>

(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 \_\_\_\_\_ 1st \_\_\_\_\_ day of March 19 71

STATE OF WASHINGTON  
**FILED**  
MAR 1 1971  
CODE REVISER'S OFFICE  
DOCKET # 3309 FILE # 23

AGRICULTURE  
(AGENCY)  
*[Signature]*  
By \_\_\_\_\_  
Deputy 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 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE  
OLYMPIA

ORDER NO. 1179  
(Supersedes Order No. 1108)  
Effective March 31, 1971

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN SPOKANE COUNTY

I, Donald W. Moos, Director of Agriculture of the state of Washington, by virtue of the authority vested in me under Chapters 17.21 and 15.57 RCW, after due notice as provided under Chapters 34.04 and 42.32 RCW, and a public hearing held in Spokane, Washington on February 17, 1971, 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 Spokane County.

RESTRICTED USE HERBICIDES: All formulations of phenoxy hormone type herbicides, including 2,4-D, 2,4,5-T, 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.

DEFINITION: SPECIFIED DATE. Specified date as referred to in this order is that date to be determined by the State Department of Agriculture in consultation with the chairman of the Spokane County Weed Committee, the chairman of the Spokane County Grain Growers Association and the Spokane County Extension Weed Specialist and shall be as near as possible to the date of emergence of peas and lentils grown in areas one, two, and three of Spokane County. Notification of this date, after which such operations that are applicable are so restricted, shall be made by announcements to the local newspapers, radio and television stations and the Spokane County Extension office.

REGULATION 2. AREA 1. That portion of Spokane County lying south and east of a line starting from the Whitman-Spokane County line at approximately the southwest corner of Section 32, T21N, R41E; thence northeasterly along Rock Lake Road and Cheney-Plaza Road, to its junction with State Highway No. 904; thence north and east along State Highway 904 to its junction with the Cheney-Spokane Road; thence northeasterly along the Cheney-Spokane Road to approximately the southwest corner of Section 33, T24N, R42E; thence north 13 miles more or less along the section lines to the northwest corner of Section 33, T26N, R42E; thence east to and along the northern Spokane city limits to the northeast corner of Section 34, T26N, R43E; thence east 15 miles more or less along the section lines

to the Idaho border.

AREA 1. RESTRICTIONS. The application of high volatile formulations of restricted use herbicides shall be prohibited. (Refer to Regulation 5).

REGULATION 3. AREA 2. That portion of Spokane County lying west and south of a line starting from the Whitman-Spokane County line at approximately the southwest corner of Section 32, T21N, R41E; thence northeasterly along Rock Lake Road and Cheney-Plaza Road to its junction with State Highway No. 904; thence north and east along State Highway 904 to its junction with the Cheney-Spokane Road; thence northeasterly along the Cheney-Spokane Road to approximately the southeast corner of Section 32, T24N, R42E; thence north eight miles more or less along section lines to State Highway No. 2; thence westerly along Highway No. 2 approximately fourteen miles to the Lincoln-Spokane County line.

AREA 2. RESTRICTIONS. The application of high volatile formulations of restricted use herbicides shall be prohibited from the specified date to August 1. (Refer to Regulation 5).

REGULATION 4. AREA 3. An area contiguous with a portion of the southern city limits of Spokane which includes sections 9, 10, 11 and that portion of section 8 lying east of the Hatch Road, T24N, R43E and those incorporated cities and towns and areas within a distance of one mile of the city limits of incorporated cities or towns and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Area 1, and only Cheney and Medical Lake in Area 2.

AREA 3. RESTRICTIONS. The application of high volatile formulations of restricted use herbicides shall be prohibited throughout the year. The aerial application of restricted use herbicides is prohibited within area 3: PROVIDED, That aerial applications of oil amine invert formulations of restricted use herbicides shall be allowed when complying with Regulation 7.

Ground application shall be made with a minimum of eight 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 nozzle.

REGULATION 5. AREAS 1, 2, & 3. RESTRICTED EVENING APPLICATIONS. The application of allowable formulations of restricted use herbicides shall be prohibited daily between the hours of 5:00 P.M. and 4:00 A.M. the following morning, from the specified date to October 1: PROVIDED, That allowable formulations of restricted use herbicides for residential spraying shall be prohibited daily between the hours of 7:00 P.M. and 4:00 A.M. the following morning within the Spokane city limits: and PROVIDED FURTHER, That ground applications of amine formulations of MCPA shall be allowed on peas at any time when such ground equipment is equipped with nozzles having a minimum orifice diameter of 0.043 inches (8003) which will deliver 20 gallons of spray material per acre.

REGULATION 6. WIND AND WEATHER CONDITIONS. Spraying of herbicides permitted as set forth in this order by ground or aerial equipment shall not be allowed when the mean sustained wind velocity is over ten miles per hour from any direction from the specified date to

October 1 of each year. 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, etc.) are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization.

REGULATION 7. AIRCRAFT RESTRICTION. Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying during spraying operations over cities and towns unless authorized by the city or town in question pursuant to an agreement for pesticide application; 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. No person shall dispose of, discard, or store any pesticide or pesticide containers in such a manner as may cause injury to humans, vegetation, crops, livestock, wildlife, pollinating insects or to pollute any water supply or waterway.

REGULATION 9. 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 10. 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 11. COMMERCIAL GREENHOUSE NOTIFICATION. The owners of commercial greenhouses located in the area under order shall be notified by aerial applicators and public operators in person or by certified mail at least 48 hours prior to the application of allowable restricted use herbicides to be applied within one-half mile of the above greenhouses.

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

  
DONALD W. MOOS  
Director  
Department of Agriculture

Signed at Olympia, Wa.

Date: March 1, 1971