

FROM: AGRICULTURE
(Name of Agency)

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

The enclosed Permanent rules , being order No. 1286
Emergency rules

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

the use of herbicides in Franklin County.

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

pursuant to Notice No. 3796 ① filed with the code reviser on 12/15/72 ② were regularly adopted as permanent rules of this agency at Olympia, Wa. on 1/5/73 and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be 3/15/73 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 the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this 5th day of January 1973.

STATE OF WASHINGTON
FILED
JAN 5 1973
CODE REVISER'S OFFICE
DOCKET # 4536 FILE # 25

AGRICULTURE
(AGENCY)
[Signature]
By _____
[Signature]
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. 1286
(Supersedes Order 1236)
Effective Date March 15, 1973

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN FRANKLIN COUNTY

I, Ivan C. Packard, Acting Director of Agriculture of the state of Washington, by virtue of the authority vested in me under chapters 17.21 and 15.58 RCW, after due notice and a public hearing held in Pasco, Washington on December 21, 1972, as provided under chapters 42.32 and 34.04 RCW, do 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 border of Franklin County.

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

PROHIBITED FORMULATIONS: The use of dust formulations of restricted use herbicides are prohibited in the entire area under order. The use of all oil-type carriers, emulsifiers, and spreader stickers are also prohibited: PROVIDED, That oil-type emulsifiers and spreader stickers may be used when not in excess of one pint per acre; and from November 1 to the specified date of the following year, oil-type carriers may be used for brush control.

DEFINITION: HIGH 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 local authorities, and shall be as near as is possible to the date of bud break of grapes being grown in Franklin County and/or adjacent counties. 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 commercial applicators working in the area and an announcement to the local newspapers, radio stations, and county extension offices.

REGULATION 2. AREA 1. (LANDS GENERALLY WITHIN THE COLUMBIA BASIN IRRIGATION PROJECT). This area includes all lands lying within a boundary line starting at the Columbia River and the east boundary line of S25, T9N, R30E; thence north 15 miles more or less to the northeast corner of S12, T11N, R30E; thence west one mile more or less to State Highway 17;

thence northerly along State Highway 17, fourteen miles more or less to State Highway 260; thence east along State Highway 260, five miles more or less to the Moor Road; thence north two miles more or less to the Burlington Northern Railroad tracks; thence northwesterly four miles more or less along the Burlington Northern tracks to the Adams County line; thence west 19 miles more or less along the Adams and Grant County line to the northwest corner of S6, T14N, R28E; thence south four miles to the southwest corner of S19, T14N, R28E; thence west four miles more or less to the Columbia River; thence southerly and easterly along the Columbia River to the Snake River; thence northeasterly along the Snake River to the point of beginning.

AREA 1. (RESTRICTIONS) The use or application of restricted use herbicides is restricted to the liquid forms of amine, sodium, or solubilized acid formulations: PROVIDED, That low volatile esters may be applied from November 1 to the specified date of the following year by ground equipment only: and PROVIDED FURTHER, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops from November 1 to May 1 of the following year.

Ground applications shall be made using nozzles having a minimum orifice diameter of 0.036 inches (approximately 12 gallons per acre); PROVIDED, That ground applications of low volatile formulations allowed from November 1 to the specified date of the following year shall be made with ground equipment using nozzles having a minimum orifice diameter of 0.052 inches (approximately 20 gallons per acre).

REGULATION 3. AREA 2. (BUFFER AREA). This area includes all of the lands in Franklin County lying west and south of a line starting at the northeast corner of S34, T14N, R31E; thence south 15 miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road to the Brass Road; thence easterly along the Brass Road to the Bannenburg Road; thence southeasterly along the Bannenburg Road to the northwest corner of S6, T10N, R33E; thence south along the section line to the Snake River; thence southwesterly along the Snake River to the east boundary line of Area 1; thence northerly along the east boundary line of Area 1 to the point of beginning.

AREA 2. (RESTRICTIONS) The use or application of restricted use herbicides is restricted to the liquid forms of the amine and sodium or solubilized acid formulations: PROVIDED, That the low volatile ester formulations may be applied from November 1 to May 1 of the following year.

Ground applications shall be made using nozzles having a minimum orifice diameter of 0.036 inches (approximately 12 gallons per acre).

Aircraft applications shall be made with a 3-gallon alternative (see Regulation 8).

REGULATION 4. AREA 3. (DRY LAND AREA SOUTH AND EAST OF CONNELL). An area beginning at the northeast corner of S3, T14N, R33E and the Reeder Road; thence south along the Reeder Road to and along the Black Road to the Swanson Road; thence east and south along the Swanson Road to State Highway 260; thence southerly along State Highway 260 to the Munt Road; thence south along the Munt Road to the Largent Road; thence

east along the Largent Road to the Pasco-Kahlotus Highway; thence east along the Pasco-Kahlotus Highway to the Walker Road; thence southerly along the Walker Road to the Snake River; thence southerly along the Snake River to the east boundary line of Area 2; thence northerly along the east boundary line of Area 2 and Area 1 to the Franklin-Adams County line; thence east 15 miles more or less along the county line to the point of beginning.

AREA 3. (RESTRICTIONS) From May 1 to November 1 of each year, the use or application of high volatile formulations of restricted use herbicides shall be prohibited. From May 15 to November 1 of each year, the use or application of low volatile formulations of restricted use herbicides shall be prohibited.

From May 1 to November 1, ground applications shall be made using nozzles having a minimum orifice diameter of 0.036 inches (approximately 12 gallons per acre).

From May 1 to November 1, aircraft applications shall be made with a 3-gallon alternative (see Regulation 8).

REGULATION 5. AREA 4. (DRY LAND AREA). All of the remaining lands in Franklin County east of Area 3.

AREA 4. (RESTRICTIONS) The use or application of high volatile formulations of restricted use herbicides shall be prohibited from May 1 to November 1 of each year.

From May 1 to November 1, ground applications shall be made using nozzles having a minimum orifice diameter of 0.031 inches (approximately 8 gallons per acre).

From May 1 to November 1, aircraft applications shall be made with a 2-gallon alternative (see Regulation 8).

REGULATION 6. RESTRICTIONS ON AIRSTRIPS. The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

REGULATION 7. RESTRICTIONS ON AIRCRAFT. 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 applications; or over 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. AIRCRAFT NOZZLE REQUIREMENTS FOR APPROXIMATE GALLONS PER ACRE.

2-GALLON ALTERNATIVES

1. Fixed Wing -

- (a) Minimum nozzle orifice 0.063 inches (less core plate).
Minimum of one operating nozzle per each 18 inches of effective swath width.
Nozzles directed downward and backward 135 degrees or more from direction of flight.
- (b) Minimum nozzle orifice 0.094 inches (may use No. 45 or larger core).
Minimum of one operating nozzle per each 18 inches of effective swath width.
Nozzles directed downward and backward 170 degrees or more from direction of flight.

2. Rotorcraft-Helicopter -

- (a) Minimum nozzle orifice 0.047 inches (less core plate).
Minimum of one operating nozzle per each 18 inches of effective swath width.
Nozzles directed downward and backward 90 degrees or more from direction of flight.
- (b) Minimum nozzle orifice 0.075 inches (may use No. 45 or larger core).
Minimum of one operating nozzle per each 20 inches of effective swath width.
Nozzles directed downward and backward 90 degrees or more from direction of flight.
- (c) Minimum nozzle orifice 0.094 inches (may use No. 45 or larger core).
Minimum of one operating nozzle per each 24 inches of effective swath width.
Nozzles directed downward and backward 90 degrees or more from direction of flight.

3-GALLON ALTERNATIVES

3. Fixed Wing -

- (a) Minimum nozzle orifice 0.075 inches (less core plate).
Minimum of one operating nozzle per each 14 inches of effective swath width.
Nozzles directed downward and backward 170 degrees or more from direction of flight.
- (b) Minimum nozzle orifice 0.094 inches (less core plate).
Minimum of one operating nozzle per each 20 inches of effective swath width.
Nozzles directed downward and backward 135 degrees or more from direction of flight.

4. Rotorcraft-Helicopter -

- (a) Minimum nozzle orifice 0.063 inches (less core plate).
Minimum of one operating nozzle per each 16 inches of effective swath width.
Nozzles directed downward and backward 90 degrees or more from direction of flight.
- (b) Minimum nozzle orifice 0.075 inches (less core plate).
Minimum of one operating nozzle per each 20 inches of effective swath width.
Nozzles directed downward and backward 90 degrees or more from direction of flight.
- (c) Minimum nozzle orifice 0.094 inches (may use No. 45 or larger core)
Minimum of one operating nozzle per each 16 inches of effective swath width.
Nozzles directed downward and backward 90 degrees or more from direction of flight.
Use recognized drift reducing system or additive.
- (d) Minimum nozzle orifice 0.125 inches (may use No. 45 or larger core)
Minimum of one operating nozzle per each 24 inches of effective swath width.
Nozzles directed downward and backward 90 degrees or more from direction of flight.
Use recognized drift reducing system or additive:

PROVIDED, That any person who has an aircraft which cannot be equipped to effectively comply with these specifications shall obtain a permit from the Department for variations prior to applications of restricted use herbicides.

REGULATION 9. WIND AND WEATHER CONDITIONS. The application of restricted use herbicides by ground or aerial equipment shall be prohibited when the mean sustained wind velocity is over 7 miles per hour during restricted dates for each area: PROVIDED, That the 7 miles per hour wind velocity restriction shall apply to Area 1 at all times. Even though wind velocity is within the limits allowable for spraying, restricted use herbicides shall not be applied from May 1 to November 1 when the temperature is 85 degrees F. or above at the point of application, if there is a temperature inversion, or if other 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 at the rate of 50 gallons or more per acre shall be exempt from the 85 degree F. temperature cut-off requirement.

REGULATION 10. RESTRICTIONS ON THE SALE OF CERTAIN FORMULATIONS OF RESTRICTED USE HERBICIDES. The sale of high and low volatile ester liquid formulations of restricted use herbicides in containers of less than one gallon is prohibited in the entire area under Order: PROVIDED, That containers of one gallon of high volatile ester liquid formulations may be sold only with the maintenance of a ledger as provided in WAC 16-222-145(2).

REGULATION 11. SPECIAL RESTRICTED USE HERBICIDE PERMITS. The Washington State Department of Agriculture may approve written requests to apply certain restricted use herbicides for purposes of critical weed control in the restricted areas under Order; the Director will consider recommendations of the 2,4-D Committee for Franklin County.

REGULATION 12. RESTRICTED EVENING APPLICATIONS IN THE AREA UNDER ORDER. The application of allowable formulations of restricted use herbicides shall be prohibited daily from two hours prior to sunset to sunrise the following morning, from the specified date to November 1; PROVIDED, That oil amine invert formulation applications shall be allowed at any time.

REGULATION 13. MAXIMUM PRESSURE FOR EQUIPMENT. INVERT AND FOAM SYSTEM RESTRICTIONS. Pressure for aerial and ground equipment, applying restricted use herbicides shall not exceed 35 pounds per square inch at the nozzles: PROVIDED, That pressures up to 55 pounds per square inch at the nozzle may be used when necessary for restricted use herbicides by drift reducing systems such as invert and foam systems and for ground equipment with hand guns.

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



IVAN C. PACKARD
Acting Director of Agriculture
State of Washington

Signed at Olympia, WA.

Date: January 5, 1973