

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. 1291
Emergency rules
relating to (Name of rules or description of subject matter)

the use of herbicides in Whitman County.

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

pursuant to Notice No. 3815 ^① filed with the code reviser
on 1/3/73 ^② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Wa. on 2/7/73 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 3/15/73 ^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
(place) (date)
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 7th day of February 19 73.

STATE OF WASHINGTON
FILED
FEB 7 1973
CODE REVISER'S OFFICE
DOCKET # 4540 FILE # 25

AGRICULTURE
(AGENCY)
Stewart Bledsoe
By Stewart Bledsoe
Director
Title _____

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY RE-
VISER'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 REVIS-
ER'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. 1291

(Supersedes Order No. 1129)

EFFECTIVE MARCH 15, 1973

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN
WHITMAN COUNTY

I, Stewart Bledsoe, Director of Agriculture of the state of Washington, by virtue of the authority vested in me under Chapters 15.58 and 17.21 RCW and after due notice and public hearings held at Colfax, Washington on January 26, 1973, 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 DEFINITION.

AREA UNDER ORDER: All lands lying within the borders of Whitman 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 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 November 1 to April 15 of each 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 5 gallon alternative (See Regulation 6).

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.

From April 15 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 April 15 to November 1, aircraft applications shall be made with a 3-gallon alternative (See Regulation 6).

REGULATION 4. AREA 3. OUTLYING AREA WEST OF AREA 4 (ROSALIA, COLFAX, AND ALMOTA). All remaining lands in Whitman County west of Area 4.

AREA 3. (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.

Restricted evening applications in Area 3: The application of allowable formulations of restricted use herbicides shall be prohibited daily from sunset to daylight the following morning from May 1 to November 1.

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 6).

REGULATION 5. AREA 4. (EASTERN PORTION OF WHITMAN COUNTY). An area east of a north-south line starting at the Whitman-Spokane county line and State Highway 195; thence southerly along Highway 195 to 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 County Road No. 451 to County Road No. 143; thence southerly along County Road No. 143 to Almota and the Snake River.

AREA 4. (RESTRICTIONS). The use or application of high volatile formulations of restricted use herbicides is prohibited from April 15 to November 1 of each year.

From April 15 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 April 15 to November 1, aircraft applications shall be made with a 3-gallon alternative (See Regulation 6).

REGULATION 6. 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.

5-GALLON ALTERNATIVES

5. Fixed Wing -

- (a) Minimum nozzle orifice 0.094 inches (less core plate).
Minimum of one operating nozzle per each 12 inches of effective swath width.
Nozzles directed downward and backward 170 degrees or more from direction of flight.
- (b) Minimum nozzle orifice 0.125 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.

6. Rotorcraft-Helicopter -

- (a) Minimum nozzle orifice 0.075 inches (less core plate).
Minimum of one operating nozzle per each 16 inches of effective swath width.
Nozzle directed downward and backward 90 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 90 degrees or more from direction of flight.
- (c) Minimum nozzle orifice 0.156 inches (may use No. 45 or larger core).
Minimum of one operating nozzle per each 20 inches of effective swath width.
Nozzle 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 7. 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 8. 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 9. 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.

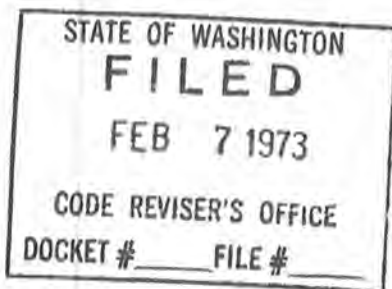
REGULATION 10. WIND AND WEATHER CONDITIONS. The application of restricted use herbicides by ground or aerial equipment shall be prohibited in the area under order when the mean sustained wind velocity is over 10 miles per hour: PROVIDED, That the 7 miles per hour wind velocity restriction shall apply to Areas 1, 2 and 4 from April 15 to November 1. Even though wind velocity is within the limits allowable for spraying, restricted use herbicides shall not be applied 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.

REGULATION 11. 85 DEGREE TEMPERATURE CUTOFF IN AREA 3. 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: PROVIDED, That applications at the rate of 50 gallons or more per acre shall be exempt from the 85 degree F. temperature cutoff requirement.

REGULATION 12. 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.

REGULATION 13. 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 Whitman County.

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



Stewart Bledsoe
STEWART BLEDSOE, Director
Department of Agriculture
State of Washington

Signed at Olympia, Washington

Date: 2/7/73