

FROM: Department of Agriculture
(Name of Agency)

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

The enclosed Permanent rules , being order No. 1340
Emergency rules
relating to (Name of rules or description of subject matter)

the use of herbicides in Yakima County.

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

pursuant to Notice No. 4414 ^① filed with the code reviser
on 12/13/73 ^② were regularly adopted as permanent rules of this
(date)
agency at Director's Office on 2/5/74 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 3/7/74 ^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 5th day of February 1974.

STATE OF WASHINGTON
FILED
FEB 5 1974
CODE REVISER'S OFFICE
DOCKET #502 FILE #27

Department of Agriculture
(AGENCY)
Donald J. Pearson
By
Supervisor, Grain & Chemical Division
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. 1340
(Supersedes Order No. 1284)

EFFECTIVE MARCH 7, 1974

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN
YAKIMA 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, after due notice and public hearing held in Pasco, Washington on January 11, 1974, 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 DEFINITIONS.

AREA UNDER ORDER: All lands lying within the border of Yakima 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: Use of high volatile ester formulations and all 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 1 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: 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 Yakima 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 commercial applicator working in the area, and an announcement to the local newspapers, radio stations, and county extension offices.

REGULATION 2. AREA 1. (An area south of the Yakima firing center including the upper and lower Yakima Valley). An area starting at the Yakima-Benton County line and the northeast corner of Section 12, T12N, R23E; thence west along section lines 15 miles more or less to the southeast corner of Section 4, T12N, R21E; thence north 3 miles along section lines to the northeast corner of Section 28, T13N, R21E; thence west along section lines 13 miles to the Yakima River; thence northwesterly along the

Yakima River four miles more or less to the junction of the Yakima and Naches Rivers; thence northwesterly along the Naches River for seven miles more or less to the Northwest corner of Section 31, T14N, R18E; thence south one mile along the section line to the southwest corner of Section 31, T14N, R18E; thence west along section lines 6 miles to the northwest corner of Section 6, T13N, R17E; thence south 24 miles along section lines to the southwest corner of Section 31, T10N, R17E, thence east 24 miles along section lines to the southeast corner of Section 36, T10N, R20E; thence south 6 miles along section lines to the southwest corner of Section 31, T9N, R21E; thence east 6 miles along section lines to the northwest corner of Section 6, T8N, R22E; thence south 6 miles along section lines to the southwest corner of Section 31, T8N, R22E; thence east 12 miles along section lines to the Benton County line; thence north 29 miles to the point of beginning.

AREA 1. (Restrictions). The use or application of low volatile formulations of restricted use herbicides is prohibited on and after the specified date to and including October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops at any time.

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 on and after November 1 to but not including 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).

Aircraft applications of restricted use herbicides shall be allowed only on non-irrigated lands on and after November 1 to but not including the specified date of the following year and shall be made with a 3-gallon alternative. (see Order 1347 Regulation 9) Aircraft applications of restricted use herbicides shall be prohibited on and after the specified date to and including October 31: PROVIDED, That aircraft applications shall be allowed with a 3-gallon alternative in those dry land wheat growing areas east of Moxee and on the Rattlesnake Ridge up to within one mile of commercial grape plantings and to within 1/4 mile of other susceptible crops: PROVIDED FURTHER, That hormone sprays may be applied to orchards to prevent fruit drop.

REGULATION 3. AREA 1A. (Tieton-Naches Area) That portion of T14N, R17E, and those portions of Sections 31, 32, and 33, T15N, R17E, lying southwest of the Naches-Selah Canal; and that portion of T14N, R16E, and those portions of Sections 35 and 36 lying southeast of the Tieton and Naches rivers.

AREA 1A. (Restrictions). Area 1 restrictions shall apply to Area 1A: PROVIDED, That the specified date for Area 1A shall be bud break of fruit trees in the area, as determined by interested fruit and wheat growers: and PROVIDED FURTHER, That aircraft applications shall be allowed on and after the specified date to and including October 31 using the 5-gallon alternative (see Order 1347 Regulation 9) on dry land wheat up to within 1/4 mile of susceptible crops.

REGULATION 4. AREA 2. All remaining lands in Yakima County.

AREA 2. (Restrictions). The use or application of low volatile formulations of restricted use herbicides is prohibited on and after May 1 to and including October 31.

On and after May 1 to and including October 31 ground applications shall be made using nozzles having a minimum orifice diameter of 0.031 inches (approximately 8 gallons per acre).

On and after May 1 to and including October 31 aircraft applications shall be made with a 3-gallon alternative. (see Order 1347 Regulation 9).

REGULATION 5. RESTRICTIONS ON MIXING AND LOADING. The mixing and/or loading of restricted use herbicides is limited to those formulations which may be applied in that area. The loading of aircraft is prohibited in any area where aerial application of restricted use herbicides is prohibited.

REGULATION 6. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in Order 1347 and 1346, WAC 16-222-160(1)(n) and (9) and WAC 16-222-190.

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 of Agriculture
State of Washington

Signed at Olympia, Washington

Date:

2/5/74