

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1632

(1) I, Errett Deck, acting director, hereby

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

prohibiting the use of picloram (Tordon) in certain parts of Spokane county.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on Such rules shall take effect:

pursuant to RCW 34.04.040(2). at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Errett Deck, find that

an emergency exists and that the foregoing order 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 public interest. A statement of the facts constituting such emergency is:

The Washington State Department of Agriculture, in cooperation with the Washington State Department of Social & Health Services, the Washington State Department of Ecology and the Spokane County Health District, has determined through intensive water sampling and analysis, that domestic and public wells in west-central Spokane county have become contaminated with the herbicide picloram (Tordon). For this reason, as acting director of agriculture, I have determined that the immediate prohibition of the use of picloram (Tordon) in certain parts of Spokane county is necessary to protect the public health, safety and welfare.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW 17.21 and 15.58 and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND REPORTED April 10 1979

FILED

By

[Signature]

Acting Director

Title

APR 11 1979

CODE REVISER'S OFFICE

[Form CR-7: Effective 12/1/77]

WSR 79-05-004



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purpose of legislative review of agency rules, the following statement is submitted:

- (a) This rule relates to the use and application of the herbicide picloram (Tordon) in the state of Washington (statutory authority 17.21 and 15.58 RCW).
- (b) This emergency regulation prohibits the use and application of the herbicide Tordon in certain portions of west-control Spokane as a result of investigation into contamination of public and private wells.
- (c) Department of Agriculture
Grain & Chemical Division
Art G. Losey
406 General Administration Bldg., Olympia
753-5062
- (d) Proponents: Department of Social & Health Services
Department of Ecology
Spokane County Health Department

Opponents: None
- (e) No agency comments.

NEW SECTION

WAC 16-230-510 DEFINITION. Picloram means all registered pesticide products containing 4-amino-3,5,6-trichloropicolinic acid as the potassium salt. This formulation may be known as Tordon.

NEW SECTION

WAC 16-230-520 USE AND APPLICATION. Picloram (Tordon) is hereby declared to be a restricted use pesticide and the use or application of any formulation of picloram shall be prohibited in the following portion of Spokane county: An area beginning at the intersection of Brooks Road and State Highway 902; thence northerly on Brooks Road four miles more or less to State Highway 2; thence easterly along State Highway 2 four miles more or less to the Craig Road; thence northerly on Craig Road for 1/2 mile more or less to the Airway Heights city limits; thence easterly one mile more or less along the north boundary of the Airway Heights city limits; thence southerly 1/2 mile more or less along the east boundary of the Airway Heights city limits to State Highway 2; thence easterly one mile along State Highway 2 to Hayford Road; thence southerly three miles more or less along the Hayford Road to State Highway 902; thence westerly along State Highway 902 to the point of beginning.