

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1670

(1) I, Bob J. Mickelson, director of agriculture of the State of Washington

do promulgate and adopt at Olympia, Washington (place) the annexed rules relating to:

The use of restricted use herbicides within Grant County in WAC 16-231-900; WAC 16-231-905; WAC 16-231-910; WAC 16-231-915; WAC 16-231-920; WAC 16-231-925; WAC 16-231-930; WAC 16-231-935; and WAC 16-231-940.

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

This action is taken pursuant to Notice No. 79-10-139 & 80-02-068 filed with the code reviser on Oct. 2, 1979 & Jan. 18, 1980. Such rules shall take effect:

- [X] 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, 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:

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):

- [X] (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.

APPROVED AND ADOPTED February 15 19 80

STATE OF WASHINGTON FILED

By Bob J. Mickelson

FEB 20 1980

Director of Agriculture Title

CODE REVISOR'S OFFICE WSR 80-03-031

NEW SECTION

WAC 16-231-900 AREA UNDER ORDER: All lands lying within the boundaries of Grant County.

NEW SECTION

WAC 16-231-905 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.

NEW SECTION

WAC 16-231-910 AREA 1. (1) Area 1 description. (Lands generally within the Columbia Basin Irrigation Project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along the county line four miles more or less to the southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County lines six miles more or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly, and westerly, encompassing Block 70, Soap Lake, and Block 701, to the West Main Canal; thence southwestward along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly and easterly along the Columbia River to the point of beginning.

(2) Area 1 restrictions. (a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the Danger Area Restrictions (see WAC 16-230-675).

(e) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 15 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April 15 through April 30 written request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

NEW SECTION

WAC 16-231-915 AREA 2. (1) Area 2 description. (Buffer area.) An area lying north and east of Area 1 starting at the junction of the Grant-Douglas County line and the Columbia River near Trinidad; thence north and easterly along the county line to the southwest corner of Section 35, T23N, R26E; thence east along section lines twelve miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks; thence east fourteen miles more or less to the Grant-Lincoln County line; thence south twenty-five miles more or less along the Grant-Lincoln and Grant-Adams County line to the northern boundary line of Area 1 (East Low Canal); thence northerly and westerly along the northern boundary line of Area 1 to the point of beginning; and also an area near Warden starting at the East Low Canal near the southeast corner of Section 13, T17N, R30E; thence westerly and southerly along the East Low Canal to the Grant-Adams County line near the corner of Section 32, T17N, R30E; thence east five miles and north three miles along the Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions. (a) On and after May 1 through October 31, the use or application of low volatile formulations of restricted use herbicides shall be prohibited.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Warning Area Restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-231-920 AREA 3. (1) Area 3 description. (Outlying area.) An area starting at the intersection of the Burlington Northern Railroad tracks near the northeast corner of Section 13, T22N, R30E; thence north nineteen miles more or less along the Grant County line to Highway 2; thence westerly along Highway 2 to the Douglas County line; thence southwesterly along the Douglas County line to the southwest corner of Section 35, T23N, R26E; thence east along section lines twelve miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks near Stratford; thence easterly along the Burlington Northern Railroad tracks fourteen miles more or less to the point of beginning.

(2) Area 3 restrictions. (a) On and after May 16 through October 31, the use and application of low volatile formulations of restricted use herbicides shall be prohibited.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-231-925 AREA 4. (1) Area 4 description. All remaining lands in Grant County lying north of Highway 2.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-231-930 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.

NEW SECTION

WAC 16-231-935 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through April 15 of the following year, and over ten miles per hour from April 16 through October 31: PROVIDED, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre.

NEW SECTION

WAC 16-231-940 DISTRIBUTION, USE AND APPLICATION. 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 WAC 16-228-165(1)(o) and (9), WAC 16-228-175, and WAC 16-230-600 through WAC 16-230-675.



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:

- (1) This rule relates to the use and application of restricted use herbicides in eastern Washington counties. Statutory authority is RCW 17.21 and RCW 15.58.
- (2) The sections codified under WAC Chapters 16-230, 16-231 and 16-232 are established to regulate the use of restricted use herbicides to protect susceptible crops from drift of these herbicides.
- (3) Department of Agriculture
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Phone: 753-5062
- (4) Proponents:

Department of Agriculture
- (5) No agency comments