

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1709

(1) I. Bob J. Mickelson, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to: Application of desiccants and defoliant in WAC 16-230-170.

(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. Bob J. Mickelson 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: In order to protect susceptible crops in Eastern Washington from the application of desiccants and defoliant, the department promulgated Order 1682, effective May 5, 1980. Since that time, information has been presented to the department that there are fields in Eastern Washington isolated from susceptible crops. Because of the isolation of these fields, a permit system to allow applicators the use of less restrictive equipment to desiccate their fields would not present problems. Spraying of fields will begin approximately July 1 and this Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

Cont'd.

(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 ADOPTED June 30 19 80

JUN 30 1980

By Bob J. Mickelson Director of Agriculture

CODE REVISER'S OFFICE WSR 80-08-047

emergency regulation will be a considerable savings to the grower and applicator. The department will review each request carefully in regard to safety factors and the possible exposure to susceptible crops.



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 restrictions on the use and application of desiccants and defoliant in Eastern Washington (statutory authority RCW 17.21 and 15.58).
- (b) The emergency regulation would allow a permit system for the use of less restrictive equipment for the application of desiccants and defoliant on fields that are isolated from susceptible crops.
- (c) Art G. Losey
Department of Agriculture
406 General Administration Bldg. AX-41
Olympia, WA 98504
753-5062
- (d) Proponents: Department of Agriculture
Opponents: None
- (e) No agency comments.

AMENDATORY SECTION (Amending Order 1682, filed 4/4/80)

WAC 16-230-170 AERIAL EQUIPMENT--BOOM LENGTH, PRESSURE NOZZLE REQUIREMENT, NOZZLE HEIGHT OF DISCHARGE AND SMOKE DEVICE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER. (1) Boom length restrictions:

(a) Fixed wing: The working boom length shall not exceed 3/4 of the distance from the center of aircraft to wing tip on each side of aircraft.

(b) Helicopters: The working boom length shall not exceed 6/7 of the distance from the center of rotor to rotor tip on each side of aircraft for rotors 40 feet or under or 3/4 of the distance from the center of rotor to rotor tip on each side of the aircraft where the rotor exceeds 40 feet while applying restricted use desiccants and defoliant.

(2) Pressure restrictions: Maximum pressure at the nozzles for all aerial applications of restricted use desiccants and defoliant shall be 25 psi.

(3) Nozzle requirements for applications of restricted use desiccants and defoliant:

(a) Fixed wing:

(i) Aircraft shall not be equipped with core plates or any device or mechanism which would cause a sheet, cone, fan or other dispersion of the discharged material. Nozzle orifices shall not be less than 0.094 inches: PROVIDED, That the RD8-46 (~~raindrop~~) Raindrop® nozzles may be used with a minimum orifice diameter of 0.156 inches;

(ii) Nozzles shall be directed downward and backward 135 degrees from the direction of flight.

(b) Helicopter:

(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;

(ii) Straight stream jet nozzles with a minimum orifice diameter of 0.125 inches with No. 46 core plates or larger;

(iii) RD8-46 (~~raindrop~~) Raindrop® nozzles may be used with a minimum orifice diameter of 0.156 inches;

(iv) Nozzles shall be directed downward and backward 135 degrees from the direction of flight for applications over 50 miles per hour and 90 degrees downward and backward for applications under 50 miles per hour.

(4) Height of discharge requirements by aircraft of restricted use desiccants and defoliant: The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet.

(5) Smoke device requirements: All aircraft applying restricted use desiccants and defoliant shall utilize a smoke device to determine wind directions and temperature inversion situations.

(6) The Washington State department of agriculture may issue a permit upon receipt of a written request to apply restricted use desiccants and defoliant within the area under order as described in WAC 16-230-150 with nozzles, nozzle type and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued.