



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

- Permanent Rule
- Emergency Rule

Agency: Department of Agriculture

(1) Date of adoption: April 2, 1991

(2) Purpose: Amend area descriptions and restrictions, change permit requirements, housekeeping

(3) Citation of existing rules affected by this order:
Repealed:
Amended: WAC 16-230-150, 160, 170, 180 and 190
Suspended:

(4) Authority for adoption:
Statute: 15.58 and 17.21 RCW
Other Authority:

(5.1) PERMANENT RULE ONLY
Pursuant to notice filed as WSR 91-04-078 on February 6, 1991 (date).
Describe any changes other than editing from proposed to adopted version:
Delete reference to Area 3.

(5.2) EMERGENCY RULE ONLY
Pursuant to RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:
Permanent Rules Emergency Rules
 31 days after filing Immediately
 Other (specify) _____ * Later (specify) _____
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

APR 02 1991

TIME 3:03 PM
WSR 91-08-058

NAME (TYPE OR PRINT)
C. Alan Pettibone
SIGNATURE
C. Alan Pettibone
TITLE
Director
DATE
4/2/91

AMENDATORY SECTION (Amending Order 1598, filed 4/26/79)

WAC 16-230-150 AREA UNDER ORDER--RESTRICTED USE DESICCANTS AND DEFOLIANTS. (1) Area under order: All counties located east of the crest of the Cascade Mountains (~~including additional restrictions for Walla Walla County~~).

(2) Restricted use desiccants and defoliants: The following desiccants and defoliants are (~~by this order~~) declared to be restricted use desiccants and defoliants in the area under order: (~~(6,7-dihydrodipyrido-(1,2-a:2',1'-c)-pyrazidiinium-dibromide, herein and commonly referred to as) Diquat; Paraquat ((dichloride-(1,1'-dimethyl-4,4'-bipyridinium-dichloride, herein and commonly referred to as--Paraquat; --Mono--(N,N--dimethylalkylamine)--salt--of--7-oxabicyclo-(2,2,1)-heptane-2,3-dicarboxylic-acid, herein and commonly referred to--as--the-amine-salt-of)); and Endothall((1-and-Binoseb-(2-sec-Butyl-4,6-dinitrophenol), herein and commonly referred to as-Dinitro)~~).

(3) Additional restrictions shall apply for certain areas of Walla Walla County (see WAC 16-230-190).

AMENDATORY SECTION (Amending Order 1938, filed 7/2/87)

WAC 16-230-160 DESICCANTS AND DEFOLIANTS--GROUND EQUIPMENT--NOZZLE AND PRESSURE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER. The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Nozzle requirements - a minimum orifice diameter of ~~((0.072))~~ .052 inches shall be used for application of all restricted use desiccants and defoliants: PROVIDED, That ~~((applications of Dinitro may use a minimum orifice diameter of 0.052 inches; --PROVIDED FURTHER, That))~~ a RD-2 Raindrop nozzle shall be allowed.

(2) Pressure requirements - maximum pressure at the nozzles for all applications of restricted use desiccants and defoliants shall be 30 psi.

(3) The Washington state department of agriculture may issue a permit upon receipt of a written request to apply restricted use desiccants and defoliants within the area as described in WAC 16-230-150 with nozzles, nozzle type, drift control additives, 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.

(4) Diesel and other fuel oils are prohibited in all tank mixes with desiccants and defoliants.

AMENDATORY SECTION (Amending Order 1767, filed 7/6/82)

WAC 16-230-170 DESICCANTS AND DEFOLIANTS--AERIAL EQUIPMENT--BOOM LENGTH, PRESSURE, NOZZLE REQUIREMENT, NOZZLE HEIGHT OF DISCHARGE AND SMOKE DEVICE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER. The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(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 the 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 defoliants.

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

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

(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® 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® nozzles may be used with a minimum orifice diameter of ((0.156)) .075 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 defoliants: 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 defoliants 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 defoliants within the area under order as described in WAC 16-230-150 with nozzles, nozzle type, drift control additives 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.

(7) Diesel and other fuel oils are prohibited in all tank mixes with desiccants and defoliants.

(8) Aerial applications of desiccants and defoliants are prohibited within a distance of one mile of the city limits of any incorporated city or town and the same distance from the center of any unincorporated city or town comprised of ten or more inhabited, closely grouped residences.

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

WAC 16-230-180 DESICCANTS AND DEFOLIANTS--WEATHER AND EVENING CUTOFF REQUIREMENTS. The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Weather conditions: Restricted use desiccants and defoliants shall not be applied when there is a temperature inversion, or if wind or weather conditions are such that damage could result to susceptible crops or ornamentals: PROVIDED, That aircraft applications of Paraquat shall be prohibited until the temperature inversion ceiling at the site of application is 1,000 feet or greater. Aircraft must be equipped with thermometers to detect the height of the inversion.

(2) Evening cutoff: All applications of restricted use desiccants and defoliants shall be prohibited from three hours prior to sunset to one hour after sunrise the following morning ((except for applications of Paraquat in Area 2 and 3 of Walla Walla County (see WAC 16-230-190)): PROVIDED, That ground applications ((of Dinitro may begin at sunrise the following morning)) in Area 2 of Walla Walla County may begin at sunrise: PROVIDED FURTHER, That ground applications may be allowed at other times by obtaining a written permit from the department.

AMENDATORY SECTION (Amending Order 1938, filed 7/2/87)

WAC 16-230-190 RESTRICTIONS ON THE USE OF DESICCANTS AND DEFOLIANTS IN WALLA WALLA COUNTY. The following restrictions shall apply in Walla Walla County:

(1) Area 1 description - town of Walla Walla and vicinity: This area includes all lands lying within the town of Walla Walla and vicinity beginning at the Washington ((state line at the common boundary line between Sections 15 and 16, T6N, R34E, north along Moon Road and continuing north on McDonald Bridge Road; across U.P.R.R. and Highway 12; thence north four miles more or less to the northwest corner of Section 10, T7N, R34E; thence east twenty miles to the northeast corner of Section 11, T7N, R37E; thence south seven miles more or less to the Washington-Oregon state line; thence west)) Oregon border and the west section line of Section 15, T6N, R34E; thence north along section lines and McDonald Road approximately seven miles to the southwest corner of Section 3, T7N, R34E; thence east along section lines approximately twenty miles to the southeast corner of Section 2, T7N, R37E; thence south approximately seven miles to the Washington-Oregon border; thence west approximately twenty miles to point of beginning.

(2) Area 1 restrictions:

((a)) During the period of February 15 through November 1 of any year, any aerial or ground application of ((Paraquat or Diquat or any mixture containing Paraquat or Diquat)) restricted use desiccants and defoliants shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

((b) The loading and/or mixing of dinitro, Paraquat or Diquat for aerial application is prohibited on any airstrip, airfield or any location within Area 1 of Walla Walla County. Aerial application equipment used for dinitro, Paraquat or Diquat applications shall be decontaminated prior to bringing the application equipment back into Area 1 of Walla Walla County: PROVIDED, That the loading and/or mixing of Paraquat shall be allowed at the Walla Walla airport and those aircraft are restricted to exit and enter the airport to the north over Sections 10 and 11, T7N, R36E: PROVIDED FURTHER, That the department may issue a permit for loading and mixing of dinitro at a specified location and between specified dates upon receipt of a written request.

(c) Aerial applications of dinitro are prohibited during the period of August 25 through October 31 of any year.

(d) During the period of August 25 through October 31 of any year, diesel and other fuel oils shall be prohibited in dinitro tank mixes.

(e) During the period of August 25 through October 31 of any year, the ground application of dinitro or any mixture containing dinitro shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(f) During the period of August 1 through August 24 of any year, aerial applications of dinitro are prohibited within one-half mile of commercially grown alfalfa hay: PROVIDED, That the department may issue permits for aerial application within these areas.

(g) During the period of August 1 through October 31 of any year, any person applying dinitro shall keep records on forms prescribed by the director which shall include the following:

- (i) The name and address of the person for whom the pesticide was applied;
- (ii) The location of the land and number of acres where dinitro was applied;
- (iii) The year, month, day, and time that dinitro was applied;
- (iv) The product name of the dinitro applied;
- (v) The direction and estimated velocity of the wind and temperature at the time the dinitro was applied;
- (vi) The amount of dinitro applied per acre;
- (vii) The type of carrier(s) and number of gallons per acre applied;

(h) The records required by (g) of this subsection shall be completed and available to the department the same day dinitro was applied. These records shall be kept for a period of one year from the date of application of dinitro. The director upon written request shall forthwith be furnished a copy of the records.

(i) Applications of dinitro by licensed commercial applicators shall be exempt from (g) and (h) of this subsection: PROVIDED, That the licensed applicator's records shall comply with RCW 17.27.100 and WAC 16-228-190(1) through 16-228-190(4): PROVIDED FURTHER, That such records shall include the number of acres of application.)

(3) Area 2 description - southern portion of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the west section line of Section ((14, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence east along the Dodd Road to the Touchet River; thence northerly along the Touchet River to north section line of Section 6, T8N, R34E; thence east along section lines twenty-two miles more or less to the northeast corner of Section 2, T8N, R37E; thence south along section lines seven miles more or less to the southeast corner of Section 2, T7N, R37E; thence west along section lines twenty miles more or less to the southwest corner of Section 3, T7N, R34E; thence south along section lines seven miles more or less to the Washington-Oregon border; thence west along the border five miles more or less) 18, T6N, R33E; thence north along section lines approximately eight miles to the intersection with Nine Mile Road in Section 6, T7N, R33E; thence northeast along Nine Mile Road and Dodd Road approximately four miles to the intersection with the Touchet North Road in Section 23, T8N, R33E; thence northerly along the Touchet North Road approximately two miles to the Touchet River near the southeast corner of Section 11, T8N, R33E; thence northeasterly along the Touchet River approximately three miles to the north section line of Section 6, T8N, R34E; thence east along section lines approximately twenty-two miles to the northeast corner of Section 2, T8N, R37E; thence south along section lines approximately seven miles to the southeast corner of Section 2, T7N, R37E; thence west along section lines approximately twenty miles to the southwest corner of Section 3, T7N, R34E; thence south along section lines approximately seven miles to the Washington-Oregon border; thence west along the border approximately nine miles to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, any aerial application of Paraquat or any mixture containing Paraquat shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(ii) Any application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature the following morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only ((upon obtaining a permit from the Washington state department of agriculture.

(c) Dinitro restrictions:

(i) During the period of August 1 through August 24 of any year, aerial applications of dinitro are prohibited within one-half mile of commercially grown alfalfa hay: PROVIDED, That the department may issue permits for aerial application within these areas. The permits, if issued, may in addition to other application restrictions prohibit certain carriers or diluents for the dinitro.

(ii) During the period of August 25 through October 31 of any year, aerial applications of dinitro or any mixes containing dinitro are prohibited: PROVIDED, That the department may issue a written permit for such aerial applications.

(d) Records required by subsection (2)(g) through (i) of this section shall also apply to applications of dinitro in Area 2.

(5) Area 3 description -- an area lying west of Area 2 in the southern part of Walla Walla County. This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the east section line of Section 15, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence southwest along the Dodd Road and Maxwell Road four miles more or less to its intersection with the western section line of Section 6, T7N, R33E; thence south along the section lines eight miles more or less to the Washington-Oregon border; thence east along the Washington-Oregon border four miles more or less to the point of beginning.

(6) Area 3 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, any application of Paraquat or any mixture containing Paraquat shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(ii) Any application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature the following morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a written permit from the Washington state department of agriculture.

(c) Dinitro restrictions:

During the period of August 1 through October 31 of any year, aerial applications of dinitro are prohibited within one-half mile from the center of the town of Touchet, and within one-half mile of commercially grown alfalfa hay: PROVIDED, That the Washington state department of agriculture may issue permits for aerial applications within these areas.

(d) Records required by subsection (2)(g) through (i) of this section shall also apply to applications of dinitro in Area 3).