



RULE-MAKING ORDER
(RCW 34.05.360)

5007

CR-103 (10/1/89)

Agency: **Washington State Department of Agriculture**

- Permanent Rule
- Emergency Rule

(1) Date of adoption: September 9, 1993

(2) Purpose:
Includes notice of intent to apply pesticides in the rules restricting the application of pesticides in Benton County and portions of Franklin and Walla Walla County.

(3) Citation of existing rules affected by this order:
Repealed: N/A
Amended:
Suspended:

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

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR _____ on _____ (date).
Describe any changes other than editing from proposed to adopted version:

(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:

Due to continued concerns of allegations of pesticide drift in the Benton County area, this rule is necessary to better determine pesticide use patterns. They will also provide the department with better tools to more accurately determine violations and deter illegal pesticide applications.

(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
<input type="checkbox"/> 31 days after filing	<input checked="" type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____ *	<input type="checkbox"/> 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

SEP 19 1993

FILE 1-54
93-19-009

NAME (TYPE OR PRINT)
John M. King

SIGNATURE
John M King

Acting Director

DATE 9/9/93

NEW SECTION

WAC 16-230-871 Application of pesticides in Benton county and portions of Franklin and Walla Walla counties--Notice of intent. (1) Application of restricted use herbicides, except as provided in subsection (2) below, as defined in WAC 16-230-810(1)(a) through (f) is prohibited unless the department is notified of the intent to make the application prior to commencing the actual application. Notice of intent is required for all applications of restricted use herbicides in the following areas.

- (a) Area 1 as defined in WAC 16-230-835;
- (b) Area 1-A as defined in WAC 16-230-862;
- (c) Area 2 as defined in WAC 16-230-840;
- (d) Aerial application in area 6 of Benton county:

(2) Applications made to orchards, vineyards, landscape applications, and right-of-way applications within the city limits of Kennewick and Richland are exempt from the notification requirement.

(3) Notice of intent shall be made by one of the following:

(a) Telephone to the department's pesticide notice recorder located at the grain office in Pasco, phone number (509) 546-4342 or (509) 546-4343;

(b) By facsimile to the Yakima compliance office, number (509) 575-2210; or

(c) Other conditions to be designated by the department.

(4) The notice of intent shall include the following information:

(a) Name and telephone number of person filing the notice of intent;

(b) Name and telephone number of person making the application;

(c) Location of the land where the pesticide is to be applied, specifying township, range, section, and quarter section: PROVIDED, That right-of-way application notices may omit township, range, section and quarter section;

(d) Year, month, day, and time the pesticide is to be applied;

(e) Crop or site to be treated;

(f) Acreage or area to be treated;

(g) Complete trade name of the pesticide to be applied, and EPA registration number for that pesticide.

(5) Application of restricted use pesticides shall not begin prior to the day and time provided in the notice of intent. If the application cannot be started or is not completed within twenty four hours from the day and time stated in the notice of intent, a new notice of intent shall be made.

(6) Providing the department with notice of intent does not replace any of the record keeping requirements required in WAC 16-228-190.

(7) This section shall be in effect commencing on September 15, 1993 and will remain in effect until November 15, 1993.