

TRANSMITTAL OF RULES ADOPTED

FROM: AGRICULTURE
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 1234
Emergency rules

relating to (Name of rules or description of subject matter)

Regulations governing the use and application of
phenoxy-hormone-type herbicides in Yakima County.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 3364 ① filed with the code reviser
on 2/15/72 ② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Wa. on 3/24/72 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be 4/24/72 ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules 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 the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this 24th day of March 19 72

STATE OF WASHINGTON
FILED
MAR 24 1972
CODE REVISER'S OFFICE
D. KET # 400 FILE # 24

AGRICULTURE
(AGENCY)
By Cameron S. Adams
Cameron S. Adams
Title Acting Director

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY RE-
VISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVIS-
ER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED
IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING:
RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 1234
(Supersedes Order 907)
Effective April 24, 1972

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN
YAKIMA COUNTY

I, Cameron S. Adams, Acting Director of Agriculture of the state of Washington, by virtue of the authority vested in me under chapters 17.21 and 15.58 RCW, after due notice and a public hearing held in Yakima, Washington on March 7, 1972 as provided under chapters 42.32 and 34.04 RCW, do promulgate the following regulations relating to the use of growth regulating herbicides:

REGULATION 1. AREA UNDER ORDER, RESTRICTED USE HERBICIDES, PROHIBITED FORMULATIONS, AND DEFINITIONS.

AREA UNDER ORDER: All lands lying within the border of Yakima County.

RESTRICTED USE HERBICIDES: All formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T, and M.C.P.A. are by this order declared to be restricted use herbicides.

PROHIBITED FORMULATIONS: Use of high volatile ester formulations and all dust formulations of restricted use herbicides are prohibited in the entire area under order. The use of all oil-type carriers, emulsifiers, and spreader stickers are also prohibited: PROVIDED, That oil-type emulsifiers and spreader stickers may be used when not in excess of 1 pint per acre; and from November 1 to the specified date of the following year oil-type carriers may be used for brush control.

DEFINITION: HIGH VOLATILE ESTERS. High volatile and low volatile esters are those formulations labeled as high volatile and low volatile in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide and Rodenticide Act.

DEFINITION: SPECIFIED DATE. Specified date as referred to in this order is that date to be determined by the state Department of Agriculture, in consultation with local authorities, and shall be as near as is possible to the date of bud break of grapes being grown in Yakima County and/or adjacent counties. Notification of this date, after which such operations that are applicable are so restricted, shall be made by mailing a notice to each of the known wheat growers and to each of the known commercial applicators working in the area, and an announcement to the local newspapers, radio stations, and county extension offices.

REGULATION 2. AREA 1. (Tieton-Naches area). Township 14 North, Range 17 East, except that portion lying north and east of the

Naches-Selah Canal; Township 14 North, Range 16 East, except that portion lying north and west of the Tieton River, all within Yakima County.

AREA 1. (RESTRICTIONS) The use or application by ground or aerial equipment of restricted use herbicides is restricted to liquid amine, sodium, or solubilized acid formulations.

Aircraft applications shall be made with a minimum of 5 gallons of water per acre and aircraft must be equipped with nozzles having minimum orifice diameter of 0.156 inches, with core plates removed, and directed downward and backward more than 90 degrees from the direction of flight. Aerial application shall be prohibited within 1/4 mile of all commercial plantings of fruit trees after bud break date of fruit trees in this area, as determined by the fruit growers and interested wheat growers.

Ground applications shall be made with a minimum of 8 gallons of water per acre and ground equipment must be equipped with nozzles having a minimum orifice diameter of 0.031 inches.

Pressure for aerial and ground equipment must not exceed 35 pounds per square inch at the nozzles. (Refer to regulation 9).

REGULATION 3. AREA 2. (An area south of the Yakima firing center including the lower Yakima Valley). An area starting at the Yakima-Benton County line and the northeast corner of Section 12, T12N, R23E; thence west along section lines 15 miles more or less to the southeast corner of S4, T12N, R21E; thence north 3 miles along section lines to the northeast corner of S28, T13N, R21E; thence west along section lines 13 miles to the Yakima River; thence southerly along the Yakima River 5 miles more or less to the junction of highway 3A and lateral A; thence south 3 miles along lateral A to the northeast corner of S6, T11N, R19E; thence west 13 miles along section lines to the northwest corner of S6, T11N, R17E; thence south 12 miles along section lines to the southwest corner of S31, T10N, R17E; thence east 24 miles along section lines to the southeast corner of S36, T10N, R20E; thence south 6 miles along section lines to the southwest corner of S31, T9N, R21E; thence east 6 miles along section lines to the northwest corner of S6, T8N, R22E; thence south 6 miles along section lines to the southwest corner of S31, T8N, R22E; thence east 12 miles along section lines to the Benton County line; thence north 29 miles to the point of beginning.

AREA 2. (RESTRICTIONS) The use or application by ground or aerial equipment of restricted use herbicides is restricted to liquid amine, sodium, or solubilized acid formulations: PROVIDED, That low volatile esters may be applied only from November 1 to the specified date of the following year; and PROVIDED FURTHER, That low volatile ester formulations of 2,4-DB may be applied at any time.

Aircraft application of restricted use herbicides is prohibited: PROVIDED, That hormone sprays may be applied to orchards to prevent fruit drop and PROVIDED FURTHER, That aircraft applications shall be allowed in those dryland wheat growing areas east of Moxee and on Rattlesnake Ridge up to within 1/4 mile of susceptible crops and to within 1 mile of grapes. Aircraft applications shall be made with a minimum of 3 gallons of water per acre, from the specified date to November 1, and aircraft shall be equipped with nozzles having a minimum orifice diameter of 0.125 inches, with core plates removed, and directed downward and

backward more than 90 degrees from the direction of flight.

Ground applications shall be made with a minimum of 15 gallons of water per acre and ground equipment must be equipped with nozzles having a minimum orifice diameter of 0.036 inches.

Pressure for aerial and ground equipment must not exceed 35 pounds per square inch at the nozzles. (Refer to regulation 9).

REGULATION 4. AREA 3. All remaining lands in Yakima County.

AREA 3. (RESTRICTIONS) The use or application by aerial or ground equipment of restricted use herbicides is restricted to amine, sodium, or solubilized acid formulations and those ester formulations labeled as low volatile.

From May 1 to November 1, aerial applications shall be made with a minimum of 3 gallons of water per acre and aircraft must be equipped with nozzles having minimum orifice diameter of 0.125 inches, with core plates removed, and directed downward and backward more than 90 degrees from the direction of flight.

From May 1 to November 1, ground applications shall be made with a minimum of 8 gallons of water per acre and ground equipment must be equipped with nozzles having a minimum orifice diameter of 0.031 inches.

Pressure for aerial and ground equipment must not exceed 35 pounds per square inch at the nozzles. (Refer to regulation 9).

REGULATION 5. RESTRICTIONS ON AIRCRAFT. The loading and/or mixing of restricted use herbicides in aircraft is prohibited on any airstrip, or any location within the area under order, except in the areas where aerial application is permitted.

Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying, during spraying operations, over cities and towns, unless authorized by the city or town in question pursuant to an agreement for pesticide applications; or over residences, windbreaks, orchards, or susceptible crops belonging to any persons other than the owner of the property being treated, except by permission of the person whose residence, windbreak, orchard, or susceptible crop is involved.

REGULATION 6. WIND AND WEATHER CONDITIONS. Spraying of restricted use herbicides by ground or aerial equipment shall not be allowed when the mean sustained wind velocity is over 10 miles per hour from any direction from November 1 to the specified date and over 7 miles per hour from the specified date to November 1. Even though wind velocity is within the limits allowable for spraying, restricted use herbicides shall not be applied if other weather conditions (examples--temperature inversion, high temperature) are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization.

REGULATION 7. 85 DEGREE TEMPERATURE CUTOFF. From May 1 to November 1, the application of all volatile formulations of restricted use herbicides shall be prohibited when the temperature is above 85 degrees

REGULATION 8. RESTRICTED EVENING APPLICATIONS IN THE AREA UNDER ORDER. The application of allowable formulations of restricted use herbicides shall be prohibited daily from two hours prior to sunset to daylight the following morning, from the specified date to November 1.

REGULATION 9. INVERT AND FOAM SYSTEM RESTRICTIONS. Pressure for aerial and ground equipment, applying restricted use herbicides through invert and foam systems and ground equipment with hand guns, shall not exceed 55 pounds per square inch at the nozzles.

REGULATION 10. SPECIAL RESTRICTED USE HERBICIDE PERMITS. The Washington State Department of Agriculture may approve written requests to apply restricted use herbicides for specific weed control problems in the restricted areas under order; the director will consider recommendations of the 2,4-D Committee for Yakima County.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated by the Department of Agriculture.

Cameron S. Adams

CAMERON S. ADAMS
Acting Director of Agriculture
State of Washington

Ernie DeB

Signed at Olympia, Wa.

Date: March 24, 1972