

FROM: AGRICULTURE
(Name of Agency)

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

The enclosed Permanent rules , being order No. 1236
Emergency rules

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

the use and application of herbicides in
Franklin County.

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

pursuant to Notice No. 3382 ① filed with the code reviser
on 2/29/72 ② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Wa. on 3/30/72 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 4/30/72 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 30th day of March 1972.

STATE OF WASHINGTON
FILED
MAR 30 1972
CODE REVISER'S OFFICE
D KET# 4012 FILE# 34

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

- 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. 1236
(Supersedes Order No. 1192)

EFFECTIVE APRIL 30, 1972

REGULATIONS PERTAINING TO THE USE OF HERBICIDES IN
FRANKLIN 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 public hearing held at Pasco, Washington, on March 21, 1972, as provided under Chapters 42.32 and 34.04 RCW, do hereby 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 the lands within the borders of Franklin County.

RESTRICTED USE HERBICIDES: 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.

PROHIBITED FORMULATIONS: The use of 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 one 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: 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 possible to the date of bud break of grapes being grown in Franklin 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 commercial applicators working in the area and an announcement to the local newspapers, radio stations, and county extension offices.

DEFINITION: HIGH VOLATILE AND LOW 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.

REGULATION AREA 1. (LANDS LYING WEST, NORTH, AND EAST OF PASCO). This area includes all lands lying within a line starting at a point along the Columbia River near the Northwest corner of Sec. 1, T.10N., R.28E.; thence east thirteen miles more or less along section lines to the Northeast corner of Sec. 1, T.10N., R.30E.; thence south ten miles more or less along section lines to the Snake River; thence southwesterly along the Snake River to and northwesterly along the Columbia River to the point of beginning.

AREA 1. (RESTRICTIONS). The use or application of restricted use herbicides is restricted to the liquid forms of the amine and sodium or solubilized acid formulations: PROVIDED, That the low volatile esters may be used from November 1 to the specified date.

The use or application of permitted formulations of restricted use herbicides shall be by ground equipment only: PROVIDED, That oil amine invert formulation applications shall be allowed by aircraft at any time on a permit basis (See Regulation 11). These aircraft applications shall be made with a minimum of 5 gallons of water per acre, and aircraft must be equipped with nozzles having a minimum orifice diameter of 0.156 inches and directed downward or backward 90 degrees or more from the direction of flight.

Ground applications of restricted use herbicides shall be made with a minimum of 10 gallons of water per acre, and ground equipment shall be equipped with nozzles having a minimum orifice diameter of 0.036 inches. Pressure for ground equipment shall not exceed 35 pounds per square inch at the nozzles. No application is to be made on vegetation at a height greater than 4 feet above the ground level.

REGULATION 3. AREA 2. (BUFFER AREA). This area includes all the lands in Franklin County lying west and south of a line starting at the northwest corner of Section 5, T.14N., R.31E., thence southeasterly along the Northern Pacific Railroad tracks to the Moor Road and the Northwest corner of Section 23, T.14N., R.31E.; thence south 17½ miles along the Moor Road and section lines to the Eltopia and Eye Road; thence easterly along the Brass Road to the Bannenburg Road; thence southeasterly along the Bannenburg Road to the Northwest corner of Section 6, T.10N., R.33E.; thence south along the section line to the Snake River; thence southwesterly along the Snake River to the East boundary line of Area 1.

AREA 2. (RESTRICTIONS). The use or application, by ground or aerial equipment, of restricted use herbicides is restricted to the liquid forms of the amine and sodium or solubilized acid formulations: PROVIDED, That the low volatile ester formulations may be applied from November 1 to May 1.

Ground application shall be made with a minimum of 8 gallons of water per acre, and ground equipment shall be equipped with nozzles having a minimum orifice diameter of 0.031 inches. Pressure for ground equipment shall not exceed 35 pounds per square inch at the nozzles.

Aerial applications shall be made with a minimum of 3 gallons of water per acre, and aircraft must be equipped with nozzles having a minimum orifice diameter of 0.125 inches and directed downward or backward 90 degrees or more from the direction of flight.

REGULATION 4. AREA 3. (DRYLAND AREA SOUTHEAST OF CONNELL). An area beginning at the Northwest corner of Sec. 35, T.14N., R.31E.; thence east along State Highway 11A two miles more or less to Connell; thence southeasterly along the Kahlotus Road to and along the Elgin Road to State Highway 11B; thence easterly along State Highway 11B eight miles more or less to the Munt Road; thence southerly along the Munt Road one and one half miles more or less to the Largent Road; thence east along the Largent Road two miles more or less to the Kahlotus Highway; thence east along the Kahlotus Highway one mile to the Walker Road; thence southerly along the Walker Road five miles more or less to the Snake River; thence southerly along the Snake River to the East boundary line of Area 2; thence northerly along the Area 2 boundary line to the point of beginning.

AREA 3. (RESTRICTIONS). From May 1 to November 1 of each year, the use or application of high volatile formulations of restricted use herbicides shall be prohibited.

REGULATION 5. AREA 4. (DRYLAND AREA NORTH AND EAST OF CONNELL). All of the remaining lands in Franklin County North and East of Areas 2 and 3.

AREA 4. (RESTRICTIONS). The use or application of high volatile formulations of restricted use herbicides shall be prohibited from May 15 to November 1 of each year.

Ground applications of restricted use herbicides shall be made with a minimum of 8 gallons of water per acre, and ground equipment shall be equipped with nozzles having a minimum orifice diameter of 0.031 inches. Pressure for ground equipment shall not exceed 35 pounds per square inch at the nozzles.

Aerial applications of restricted use herbicides in Areas 3 and 4 shall be made with a minimum of 2 gallons of water per acre, and aircraft shall be equipped with nozzles having a minimum orifice diameter of 0.078 inches and directed downward or backward 90 degrees or more from the direction of flight.

REGULATION 6. RESTRICTIONS ON AIRSTRIPS. The loading and/or mixing of restricted use herbicides is restricted to those restricted use herbicides which may be applied in the area in which the airstrip is located.

REGULATION 7. RESTRICTIONS ON AIRCRAFT. 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 8. DISPOSAL OF RESTRICTED USE HERBICIDES AND THEIR CONTAINERS. No person shall dispose of, discard, or store any restricted use pesticide or their containers in such a manner as may cause injury to humans, vegetation, crops, livestock, wildlife, pollinating insects or to pollute any water supply or waterway.

REGULATION 9. WIND AND WEATHER CONDITIONS. The application of restricted use herbicides by ground or aerial equipment shall be prohibited when the mean sustained wind velocity is over 7 miles per hour during restricted dates for each area: PROVIDED, That the 7 miles per hour wind velocity restriction shall apply to Area 1 at all times. 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 in the area under Order.

REGULATION 10. RESTRICTIONS ON THE SALE OF CERTAIN FORMULATIONS OF RESTRICTED USE HERBICIDES. The sale of high and low volatile ester liquid formulations of restricted use herbicides in containers of less than one gallon is prohibited in the entire area under Order; PROVIDED, That containers of one gallon of high volatile ester liquid formulations may be sold only with the maintenance of a ledger as provided in statewide Order No. 1222, WAC 16-222-145(2).

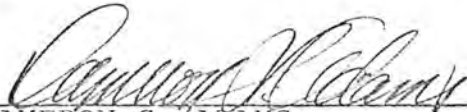
REGULATION 11. SPECIAL RESTRICTED USE HERBICIDE PERMITS. The Washington State Department of Agriculture may approve written requests to apply certain restricted use herbicides for purposes of critical weed control in the restricted areas under Order; the Director will consider recommendations of the 2,4-D Committee for Franklin County.

REGULATION 12. 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 4:00 A.M. the following morning, from the specified date to November 1; PROVIDED, That oil amine invert formulation applications shall be allowed at any time.

REGULATION 13. 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 14. 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.

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



CAMERON S. ADAMS
Acting Director of Agriculture
State of Washington

Signed at Olympia, Wa
Date: *March 30, 1972*