

TRANSMITTAL OF RULES ADOPTED

FROM: AGRICULTURE
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules , being Order No. 1508
Emergency rules

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

the use of herbicides in Eastern Washington

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

pursuant to Notice No. 7430 ^① filed with the code reviser
on February 24 ^② were regularly adopted as permanent rules of
(date)
this agency at Olympia on 3/31/77 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 April 30, 1977. ^③

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

pursuant to its finding in the attached administrative order,
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
(place) (date)
are herewith filed in 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 have been fulfilled.

Dated this thirty-first day of March 1977

STATE OF WASHINGTON
FILED

MAR 31 1977

CODE REVISER'S OFFICE
DOCKET # 8085 FILE # 89

AGRICULTURE
(AGENCY)
Ivan Packard
By Ivan Packard
Deputy Director
Title

① Notice number as appears on the copy of notice returned to you by
reviser'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
reviser'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.
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

ADMINISTRATIVE ORDER NO. 1508

(1) I, GARY STROHMAIER, Director, Department of Agriculture of the State of Washington, by virtue of the authority vested in me under chapters 34.04 RCW, 15.58 RCW and 17.21 RCW after due notice and after carefully and fully considering the oral and written views of the public received in a meeting open to the public held in the Franklin County Public Utility District Auditorium, Pasco, Washington on March 21.

as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt the annexed rules and regulations, to wit:

REGULATIONS RELATING TO THE USE OF HERBICIDES IN WASHINGTON.

as permanent rules of this agency.

(2) This order after being first recorded in the order register of this agency shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED March 31 1977

By Gary F. Strohmaier
Gary Strohmaier

DIRECTOR

Title

REGULATION 1. AREA UNDER ORDER, SPECIFIC COUNTY ORDERS, RESTRICTED USE HERBICIDES AND DEFINITIONS.

AREA UNDER ORDER: All counties located east of the crest of the Cascade Mountains.

SPECIFIC COUNTY ORDERS: The regulations in this order will not preclude any additional restrictions on the application of restricted use herbicides provided for in regulations for specific counties located east of the Cascade Mountains.

RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and 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.

USER PERMITS: User Permits are required for all liquid formulations of restricted use herbicides distributed in packages of one gallon and larger in counties located east of the crest of the Cascade Mountains.

LOW VOLATILE: The sale of low volatile formulations of restricted use herbicides in containers of less than one gallon is prohibited.

DEFINITION: COMMERCIAL VINEYARD. A commercial vineyard is a parcel of land from which the grape crop is intended to be sold to a processor or for commercial fresh market.

DEFINITION: HIGH AND LOW VOLATILE ESTERS. High and low volatile esters are those formulations labeled as high and low volatile in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide, and Rodenticide Act. High volatile 2,4-D includes those esters with five or less carbon atoms; such as but not limited to methyl, ethyl, isopropyl, n-butyl, isobutyl, and n-pentyl.

REGULATION 2. HIGH VOLATILE ESTER AND DUST FORMULATIONS PROHIBITED. The distribution, use and application of all high volatile ester and dust formulations of restricted use herbicides shall be prohibited throughout this state.

REGULATION 3. OIL-TYPE CARRIERS, EMULSIFIERS, AND SPREADER STICKERS. Oil-type carriers, emulsifiers and spreader stickers may be used when not in excess of one pint per acre: PROVIDED, That oil-type carriers in excess of one pint per acre may be used with invert systems: PROVIDED FURTHER, That invert systems may be used on aircraft by written permit only.

REGULATION 4. WEATHER AND TEMPERATURE CONDITIONS.

Restricted use herbicides shall not be applied on or after May 1 through October 31 of each year when there is a temperature inversion; or throughout the year if weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization, or the temperature is 85° F. or above at the point of application: PROVIDED, That application at the rate of 50 gallons or more per acre shall be exempt from the 85° F. temperature cutoff requirement.

REGULATION 5. EVENING CUTOFF. On and after May 1 through October 31 of each year the application of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: PROVIDED, That if there is a mean sustained legal wind velocity of not less than five miles per hour the application of restricted use herbicides shall be allowed in Areas 3 and 4 up to one hour prior to sunset in all counties under order except Benton, Franklin, Grant, Yakima, and Walla Walla counties.

REGULATION 6. APPLICATION PERMIT. The Washington State Department of Agriculture may approve written request and issue a permit to mix, load and apply certain restricted use herbicides for purposes of critical weed control when such activities are restricted in the area under order. The Director will consider recommendations of the 2,4-D Committee for the county in question.

REGULATION 7. GROUND EQUIPMENT PRESSURE REQUIREMENTS. Pressure shall not exceed 25 psi at the nozzles: PROVIDED, That pressure up to 50 psi at the nozzle may be used for an invert system and for equipment with handguns.

REGULATION 8. TURNING AND LOW FLYING OF 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 residences, windbreaks, orchards or susceptible crops belonging to any person 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 9. AIRCRAFT RESTRICTIONS NEAR VINEYARDS.

Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That the Washington State Department of Agriculture may approve written requests and issue permit for aerial application of restricted use herbicides that may be applied to lands located $\frac{1}{2}$ to 1 mile from commercial vineyards. EXCEPTIONS are found in Franklin and Grant County Orders.

REGULATION 10. AIRCRAFT BOOM LENGTH AND PRESSURE

REQUIREMENTS. In all Areas 1 and 2 the working boom length on fixed wing aircraft shall not exceed $\frac{3}{4}$ of the wing span and the working boom length on helicopters shall not exceed $\frac{6}{7}$ of the total rotor length or $\frac{3}{4}$ of the total rotor length where the rotor length exceeds 40 feet.

Pressure for aerial equipment shall not exceed 25 psi at the nozzles: PROVIDED, That helicopters shall be allowed to use up to 35 psi in Area 3 and 4: PROVIDED FURTHER, That pressure up to 50 psi at the nozzle may be used with invert systems which are allowed by written permit only.

REGULATION 11. MINIMUM NOZZLE ORIFICE AND CORE PLATE

SIZES FOR AIRCRAFT APPLICATION. Minimum nozzle orifice and core plate sizes shall be as listed in the Dormant Season, Caution, Warning, and Danger Area Restrictions.

DORMANT SEASON AREA

(Dormant season only - refer to specific county orders)

1. Fixed wing -

- (a) Minimum nozzle orifice of 0.063 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.
- (b) Minimum nozzle orifice of 0.075 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

2. Helicopter -

Minimum nozzle orifice of 0.047 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 90 degrees or more from the direction of flight. Pressure over 35 psi is prohibited

CAUTION AREA

1. Fixed wing -
 - (a) Minimum nozzle orifice of 0.075 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.
 - (b) Minimum nozzle orifice of 0.125 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.
2. Helicopter -
 - (a) Area 2 -

Minimum nozzle orifice of 0.063 inches (may use No. 46 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.
 - (b) Areas 3 and 4 -

Minimum nozzle orifice of 0.063 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

WARNING AREA

1. Fixed wing -
 - (a) Minimum nozzle orifice or 0.094 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.
 - (b) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight: PROVIDED, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used by written permit only. Nozzles shall be directed downward and backward 170 degrees or more from direction of flight.
2. Helicopter -
 - (a) Minimum nozzle orifice of 0.063 inches (no core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.
 - (b) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight: PROVIDED, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used by written permit only.

DANGER AREA

1. Fixed wing -

- (a) Minimum nozzle orifice of 0.188 inches (may use No. 46 or larger core plate). PROVIDED, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used by written permit only. Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.
- (b) Minimum nozzle orifice of 0.156 inches (no core plate). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

2. Helicopter -

- (a) Minimum nozzle orifice of 0.156 inches (may use No. 46 core plate or larger). PROVIDED, That RD8 nozzles with orifice size of 0.125 inches and core plate No. 46 may be used by written permit only. Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.