

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1721

(1) I, M. Keith Ellis, director of the Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

restricted use herbicides in Walla Walla county in WAC 16-232-010 and WAC 16-232-045.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser

on Such rules shall take effect:

- checkbox pursuant to RCW 34.04.040(2).
checkbox at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, M. Keith Ellis, find that an emergency exists and that the foregoing order 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 public interest.

A statement of the facts constituting such emergency is: in order to protect susceptible crops in Walla Walla county of eastern Washington from the application of phenoxy herbicides, the department promulgated Order No. 1724, effective April 12, 1981. However, since the application season in eastern Washington has already begun, I feel it necessary to issue an order effective immediately to further protect such crops.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- checkbox (a) This rule is promulgated pursuant to RCW 17.21 & 15.58 and is intended to administratively implement that statute.
checkbox (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

- checkbox (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.03 RCW).

This order, when being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED March 13, 1981

MAR 3 1981

By M. Keith Ellis Director of Agriculture

Title

STATE OF WASHINGTON FILED CODE REVISER'S OFFICE WSR 81-07-040

AMENDATORY SECTION (Amending Order 1665, filed February 20, 1980)

WAC 16-232-010 AREA 1. (1) Area 1 description. (Columbia River Buffer Area.) An area starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon state line, Section 15, T6N, R32E; thence north nineteen miles more or less to the Snake River; thence westerly along the Snake River and southerly along the Columbia River to the Washington-Oregon state line; thence east to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 5 through ~~((October 31))~~ ^{thru} April 30 aerial applications of restricted use herbicides shall be made using the ~~((Caution))~~ Danger Area Restrictions (see WAC 16-230-675).

(d) On and after May 1 through October 31, aerial applications shall be prohibited except by written permit issued by the department.

NEW SECTION

WAC 16-232-045 RESTRICTIONS ON AIRCRAFT APPLICATION. Height of discharge requirements by aircraft of restricted use herbicides: 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.