

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington  
Department of Agriculture

(agency name)

Administrative Order No. 1774

(1) I, M. Keith Ellis, director of  
Department of Agriculture,  
do promulgate and adopt at Olympia, Washington  
(place)  
the annexed rules relating to:

Application restrictions for the use of endrin in WAC 16-228-250.

(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:

- pursuant to RCW 34.04.040(2).
- 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: It has been demonstrated that spray applications of endrin for meadow vole control in apple orchards made with handguns at 75 psi cannot penetrate the cover crop sufficiently to give adequate control. The increased-pressure with the use of a drift control agent will maintain the four-foot application swath with a minimum of drift.

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

(3) Pursuant to the requirements of RCW 34.04.026<sup>1</sup> 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):

- (a) This rule is promulgated pursuant to RCW 17.21 and 15.58 and is intended to administratively implement that statute.
- (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)

(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).

(5) This order after 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.

STATE OF WASHINGTON  
APPROVED AND ADOPTED November 3 19 82

By M. Keith Ellis  
Director of Agriculture  
Title

NOV 3 1982  
CODE REVISERS OFFICE  
WSR 82-22-079

AMENDATORY SECTION (Amending Order 1772, filed 9/28/82)

WAC 16-228-250 APPLICATION RESTRICTIONS.

(1) The application of endrin shall be restricted to a swath of four feet on each side of the apple tree row. Application shall be made only with ground equipment that is designed to restrict the spray to the four-foot swath with a minimum of drift.

(2) Spray pressure shall not exceed 50 psi: PROVIDED, THAT when a drift control agent has been added to the spray mixture, the spray pressure shall not exceed ((75)) 400 psi. Handgun applications using a spray pressure exceeding 75 psi must be made with the operator walking next to the four-foot application swath and spraying from the tractor seat shall be prohibited.

~~((2))~~ (3) Applications shall not be made if the wind velocity is more than five miles per hour from any direction.

~~((3))~~ (4) Endrin shall not be applied to a snow cover.