

TRANSMITTAL OF RULES ADOPTED

FROM: DEPARTMENT OF AGRICULTURE (Name of Agency)

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

The enclosed rules Permanent rules [x] / Emergency rules [], being Order No. 1545 relating to (Name of rules or description of subject matter)

the use of desiccants and defoliants in eastern Washington.

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

pursuant to Notice No. 7819 & 7874 filed with the code reviser on 10/18/77 & 11/16/77 (date)

were regularly adopted as permanent rules of this agency at Director's Office, Department of Agriculture on 11/30/77 (place) (date)

and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be December 30, 1977.

(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 (place) on (date)

and 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 30th day of November 19 77.

STATE OF WASHINGTON FILED

NOV 30 1977

CODE REVISER'S OFFICE

DOCKET # FILE # 30

AGRICULTURE

(AGENCY)

Signature of Assistant Director

By Assistant Director

Title

NOTES: 8663

1Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)

2Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)

3Unless 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

(agency name)

Administrative Order No. 1545

(1) I, Gary F. Strohmaier, director of the Department of Agriculture of the State of Washington,

ALTERNATIVE A. Use only for Adoption of Permanent Rules.

after due notice and in a meeting open to the public, held at the County Service Building Auditorium, 314 W. Main, Walla Walla, Washington on November 8, 1977, as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt as permanent rules of this agency, the annexed rules:

WAC 16-230-150 through WAC 16-230-200 of Title 16, regulations pertaining to the use of desiccants and defoliant in eastern Washington.

ALTERNATIVE B. Use only for Adoption of Emergency Rules.

do promulgate and adopt as emergency rules of this agency, the annexed rules:

I, 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:

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

(2) 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):

[X] (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

(3) 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 November 30 19 77

By Gary F. Strohmaier Director of Agriculture

Title



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purposes of legislative review of agency rules, the following statement is submitted:

1. Regulations pertaining to the use of desiccants and defoliant in eastern Washington. (Statutory authority 15.58 and 17.21 RCW).
2. The major change is to again allow the use of Diquat in the Touchet-Lowden alfalfa seed growing areas in western Walla Walla County where is was previously restricted. Diquat must now be used with a drift reducing agent. This area of Walla Walla County is located a safe distance from vegetable crops grown in the vicinity of College Place and Walla Walla.

There are also changes in nozzle size restrictions for the application of desiccants and defoliant which makes them more enforceable and will help in reducing drift.

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4. Proponets

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Amos Bourgo
E. Duane Linbach
Joe Weber
Art Bald
Larry Russell

- Opponents

Virgil Criscola
Anthony Fausti
Greg Bossini
Leonard Rizzuti

5. No agency comments.

NEW SECTION

WAC 16-230-150 AREA UNDER ORDER - RESTRICTED USE DESICCANTS AND DEFOLIANTS. (1) Area under order: All counties located east of the crest of the Cascade Mountains.

(2) Restricted use desiccants and defoliants: All desiccants and defoliants including but not limited to 6,7-dihydrodipyrido (1,2-a:2',1'c) pyrazidiinium dibromide, herein and commonly referred to as Diquat; Disodium 3,6-endoxohexahydrophthalate, herein and commonly referred to as Disodium Endothall; Mono (N,N dimethylalkylamine salt of 3,6-endoxohexahydrophthalic acid, herein and commonly referred to as the amine salt of Endothall; Dinitro-o-sec-butylphenol, herein and commonly referred to as Dinitro; are by this order declared to be restricted use desiccants and defoliants.

NEW SECTION

WAC 16-230-160 GROUND EQUIPMENT - NOZZLE AND PRESSURE REQUIREMENTS. Ground applications of restricted use desiccants and defoliants shall be made with nozzles having a minimum orifice diameter of 0.52 inches. Pressure for ground application shall not exceed 35 psi at the nozzles.

NEW SECTION

WAC 16-230-170 AERIAL EQUIPMENT - BOOM LENGTH, PRESSURE AND NOZZLE REQUIREMENTS. (1) Boom length:

(a) Fixed wing: The working boom length shall not exceed 3/4 of the wing span.

(b) Helicopters: The working boom length shall not exceed 6/7 of the total rotor length or 3/4 of the total rotor length where the rotor exceeds 40 feet.

(2) Aerial equipment pressure: Pressure for aerial equipment shall not exceed 30 psi at the nozzles.

(3) Aerial equipment nozzle: Applications shall be made using the following minimum nozzle orifice and core plate sizes as listed:

(a) Fixed wing:

(i) Nozzle orifice of 0.156 inches to 0.188 inches shall not use a core plate;

(ii) Nozzle orifice of 0.188 inches or larger (may use No. 46 or larger core plate): PROVIDED, That by written permit, RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used.

(iii) Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(4) A smoke device shall be required on each aircraft and shall be utilized during the application of restricted use desiccants and defoliants.

NEW SECTION

WAC 16-230-180 WEATHER AND EVENING CUTOFF RESTRICTIONS. (1) Restricted use desiccants and defoliants shall not be applied when there is a temperature inversion, or if wind or weather conditions are such that damage could result to nearby towns, susceptible crops and plantings.

(2) Evening cutoff: The application of restricted use desiccants and defoliants shall be prohibited daily from 3 hours prior to sunset to sunrise the following morning: PROVIDED, That if there is a mean sustained legal wind velocity of not less than 5 mph, the application of restricted use desiccants and defoliants is allowed up to one hour prior to sunset in all counties under order except Walla Walla County.

NEW SECTION

WAC 16-230-190 WALLA WALLA COUNTY AREA 1. (1) Town of Walla Walla and vicinity. This area includes all lands lying within Walla Walla and vicinity beginning at the Washington state line at the common boundary line between sections 15 and 16, T6N, R34E, north along Hoon Road and continuing north on McDonald Bridge Road; across U.P.R.R. and Highway 12; thence north 4 miles more or less to the northwest corner of Section 10, T7N, R37E; thence east 20 miles to the northeast corner of Section 11, T7N, R37E; thence south 7 miles more or less to the Washington-Oregon state line; thence west to point of beginning.

(2) Area 1 restrictions. The application of Diquat or any mix containing Diquat shall be prohibited. The loading and/or mixing of Diquat is prohibited on any airstrip, airfield, or any location within Area 1 of Walla Walla County. Application equipment used for Diquat application shall be clean prior to being brought into Area 1.

NEW SECTION

WAC 16-230-200 WALLA WALLA COUNTY AREA 2. (1) All lands not included in Area 1 of Walla Walla County.

(2) Area 2 restrictions. Diquat application requirements. Visco elastic additives must be added to all applications and applicable directions on the label followed.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed: Department of Agriculture Order No. 1357 (uncodified) pertaining to regulations relating to the use of desiccants and defoliant in eastern Washington.