



RULE-MAKING ORDER
(RCW 34.05.360)

Order 2073

CR-103 (10/1/89)

Agency: Department of Agriculture

- Permanent Rule
 Emergency Rule

(1) Date of adoption: February 26, 1991

(2) Purpose: Making previous emergency rules permanent, housekeeping

(3) Citation of existing rules affected by this order: See attached listing.
Repealed:
Amended:
Suspended:

(4) Authority for adoption:
Statute: 15.58 RCW, 17.21 RCW
Other Authority:

(5.1) **PERMANENT RULE ONLY**
Pursuant to notice filed as WSR 91-02-106 on January 2, 1991 (date).
Describe any changes other than editing from proposed to adopted version:
Adding word "amine" to WAC 16-230-615

(5.2) **EMERGENCY RULE ONLY**
Pursuant to RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:
Permanent Rules **Emergency Rules**
 31 days after filing Immediately
 Other (specify) _____ * Later (specify) _____
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED
FEB 25 1991
FILE: 12:34
BOOK: 91-06-017

NAME (TYPE OR PRINT)
C. Alan Pettibone
SIGNATURE
[Signature]
TITLE
Deputy Director
DATE
2/26/91

Repealed rules: WAC 16-230-110, 115, 120, 475; WAC 16-231-033, 148, 238, 343, 938, 950; WAC 16-232-950

Amended rules: WAC 16-228-164; WAC 16-230-400, 410, 440, 450, 460, 470, 605, 610, 615, 625, 670, 675; WAC 16-231-001, 100, 200, 205, 210, 235, 300, 305, 310, 330, 340, 400, 405, 410, 420, 425, 500, 505, 510, 525, 530, 600, 605, 610, 615, 620, 700, 705, 715, 720, 800, 805, 825, 840, 900, 905, 935; 16-232-001, 100, 105, 110, 120, 200, 205, 220, 225, 300, 305, 315.

Suspended rules: None

AMENDATORY SECTION (Amending Order 2022, filed 11/30/89, effective 12/31/89)

WAC 16-228-164 STATE RESTRICTED USE PESTICIDES FOR USE BY CERTIFIED APPLICATORS ONLY. (1) Pesticides containing the following active ingredients are hereby declared state restricted use pesticides for the protection of groundwater and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator and only for those uses covered by the certified applicator's license category(s).

<u>Common Chemical Name</u>	<u>Also Known As*</u>
alachlor	Lasso
aldicarb	Temik
atrazine	
bromacil	Hyvar, Krovar
carbofuran	Furadan
cyanazine	Bladex
DCPA	Dacthal
1,3-dicloropropene	Telone
disulfoton	Di-Syston
diuron	Karmex, Krovar
heptachlor	
hexazinone	Velpar
metolachlor	Dual
metribuzin	Lexone, Sencor
oxamyl	Vydate
picloram	Tordon
prometon	Pramitol
simazine	Princep
tebuthiuron	Spike

*This column is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) Pesticides defined by the following categories are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category. Dealers shall keep records as defined in subsection (4) of this section, and shall furnish the records to the director as defined in subsection (7) of this section.

(a) Any EPA restricted use pesticide not listed in this rule.

(b) 2,4-D - all dry formulations and all liquid formulations distributed in packages (~~of one-gallon-and~~) larger than one gallon to be used in counties located east of the crest of the Cascade Mountains. The following types of formulations are exempt from this requirement:

(i) Dry formulations labeled and intended for home and garden use only;

(ii) (~~One-gallon-containers-of~~) Liquid amine formulations (packaged-as-ready-to-use-products;-labeled-for-consumer-use) of any concentration up to and including one gallon in size when purchased and used in all counties located east of the crest of the Cascade Mountains; and

(iii) One gallon containers of liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use.

(3) Pesticides which are not classified as EPA restricted use pesticides and which are labeled and intended only for the following uses are exempt from the requirements of this section:

(a) Home and garden use;

(b) Pet products;

(c) Cooling tower, air conditioner, industrial systems and humidifier biocides;

(d) Use within wholly enclosed structures (with floors) or fumigation chambers. Greenhouses are not considered as wholly enclosed structures.

(4) Pesticide dealers shall keep records of distribution of state restricted use pesticides specified by common chemical name in subsections (1) and (2) of this section for a period of seven years from the date of distribution. The records shall contain the following information:

(a) Name and address of purchaser;

(b) Name and address of certified applicator (if different from (a) above);

(c) Name of authorized agent (if applicable);

(d) Brand and specific pesticide name and/or EPA registration number;

(e) Number of pounds or gallons of the pesticide distributed;

(f) Date of distribution;

(g) Certified applicator number.

(5) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides listed in subsections (1) and (2) of this section by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license or certification number.

(6) Certified applicators shall keep records of applications of state restricted use pesticides specified by common chemical name in subsections (1) and (2) of this section for a period of seven years from the date of application, and the records shall contain the information specified in WAC 16-228-190.

(7) Records required by subsections (4) and (6) of this section shall be furnished to the director immediately upon request.

AMENDATORY SECTION (Amending Order 1585, filed 12/20/78)

WAC 16-230-400 RESTRICTED USE HERBICIDES--SPOKANE COUNTY--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the borders of Spokane County. WAC 16-230-410 through 16-230-470 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1585, filed 12/20/78)

WAC 16-230-410 RESTRICTED USE HERBICIDES--SPOKANE COUNTY. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D(~~(P-2,4,5-P)~~, ~~(P-2,4,5-PP)~~) and MCPA are hereby declared to be restricted use herbicides.

AMENDATORY SECTION (Amending Order 1678, filed 2/20/80)

WAC 16-230-440 RESTRICTED USE HERBICIDES--SPOKANE COUNTY--AREA 4. (1) Area 4 description. All remaining lands in Spokane County not included in WAC 16-230-420 and 16-230-430.

(2) Area 4 restrictions(~~(P-*)~~).

(a) On and after May 1 through October 15, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 15, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(c) Ground applications of restricted use herbicides shall be allowed when using No. 2RD or 2RA Raindrop nozzles: PROVIDED, That the mean sustained wind velocity is fifteen miles per hour or less.

AMENDATORY SECTION (Amending Order 1585, filed 12/20/78)

WAC 16-230-450 RESTRICTED USE HERBICIDES--SPOKANE COUNTY--FARM OPERATOR TO NOTIFY. The landowner or person in charge of the farming operation shall notify the aerial applicator (~~(he)~~) he/she hires of any susceptible crops planted or to be planted bordering the field to which restricted use herbicides are to be applied in the area under order (see WAC 16-230-400).

AMENDATORY SECTION (Amending Order 1585, filed 12/20/78)

WAC 16-230-460 RESTRICTED USE HERBICIDES--SPOKANE COUNTY--COMMERCIAL GREENHOUSE NOTIFICATION. The owners of commercial greenhouses located in the area under order shall be notified in person or by certified mail by aerial applicators and public operators at least (~~(40)~~) forty-eight hours prior to the application of allowable restricted use

herbicides to be applied within ((1/2)) one-half mile of the above greenhouses.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-230-470 RESTRICTED USE HERBICIDES--SPOKANE COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ((hooded-beam--sprayer)) ground apparatus is used. ((Hooded--beam sprayers)) Ground apparatus shall be approved by the department of agriculture. ((The department shall consider the recommendations--of the pesticide advisory board-2,4-D-ad-hoc-committee-in-determining-the criteria--of--what--constitutes--an--approved--hooded--boom-sprayer.)) Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-605 SPECIFIC COUNTY ((ORDERS)) RULES--EASTERN WASHINGTON. The ((regulations)) rules in ((this order will)) WAC 16-230-600 through 16-230-675 shall not preclude any additional restrictions on the application of restricted use herbicides provided for in ((regulations)) the rules for specific counties located east of the Cascade Mountains.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-610 RESTRICTED USE HERBICIDES AND DEFINITIONS--EASTERN WASHINGTON. (1) All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D((,-2,4,5-F)) and MCPA are ((by this order)) declared to be restricted use herbicides in all counties located east of the crest of the Cascade Mountains.

(2) High and low volatile esters mean 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.

(3) Commercial vineyard means a parcel of land from which the grape crop is intended to be sold to a processor or for commercial fresh market.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-230-615 RESTRICTED USE HERBICIDES--EASTERN WASHINGTON--SALE AND DISTRIBUTION. Liquid formulations of restricted use herbicides distributed in packages ((of one-gallon-or)) larger than one gallon in counties located east of the crest of the Cascade Mountains

shall be sold and distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives (~~(except for liquid amine formulations of ready-to-use products, or liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use in containers up to and including one gallon in size)~~): PROVIDED, That liquid amine formulations of any concentration of restricted use herbicides in containers up to and including one gallon in size is allowed in all counties located east of the crest of the Cascade Mountains.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-625 RESTRICTED USE HERBICIDES--EASTERN WASHINGTON--MIXING AND LOADING. The mixing of restricted use herbicides, the loading and decontamination of equipment used to apply restricted use herbicides, and aircraft entering on to and exiting from landing sites ((~~must~~)) shall be done in a manner as not to cause possible damage to susceptible crops.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-670 RESTRICTED USE HERBICIDES--EASTERN WASHINGTON--AIRCRAFT BOOM LENGTH AND PRESSURE REQUIREMENTS. In all Areas 1 and 2, of all counties restricted by rule the working boom length on fixed wing aircraft shall not exceed 3/4 of the wing span and the working boom length on helicopters shall not exceed 6/7 of the total rotor length or 3/4 of the total rotor length where the rotor length exceeds forty 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 Areas 3 and 4 of all counties restricted by rule: PROVIDED FURTHER, That pressure up to 50 psi at the nozzle may be used with invert systems which are allowed by written permit only.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-675 RESTRICTED USE HERBICIDES--EASTERN WASHINGTON--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. (1) DORMANT SEASON AREA. (Dormant season only - refer to specific county regulations.)

(a) Fixed wing -

~~((1)-(1))~~ (i) 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.

(ii) 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.

(b) 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.

(2) CAUTION AREA.

(a) Fixed wing -

(i) 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.

(ii) 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.

(b) Helicopter -

(i) Area 2 of all counties restricted by rule -

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.

(ii) Areas 3 and 4 of all counties restricted by rule -

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.

(3) WARNING AREA

(a) Fixed wing -

(i) 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.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). 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. Nozzles shall be directed downward and backward 170 degrees or more from direction of flight.

(iii) No flat fan nozzles shall be allowed.

(b) Helicopter -

(i) Minimum nozzle orifice of 0.047 inches for applications made under sixty miles per hour (no core plate) and minimum orifice of 0.063 for applications made over sixty miles per hour (no core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). 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.

(iii) No flat fan nozzles shall be allowed.

(4) DANGER AREA

(a) Fixed wing - minimum nozzle or

(i) Minimum nozzle orifice of 0.075 inches (no core plate): PROVIDED, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter -

(i) Minimum nozzle orifice of 0.063 inches (no core plate): PROVIDED, That RD8 nozzles with orifice size of 0.125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-230-110 REGULATIONS PERTAINING TO THE COLLECTION OF SPECIAL PROGRAM FEES ON SALES OF 2,4-D--DEFINITIONS.

WAC 16-230-115 PROCEDURE FOR COLLECTING SPECIAL PROGRAM FEES.
WAC 16-230-120 PROCEDURE FOR SUBMITTING REPORTS.
WAC 16-230-475 RESTRICTED USE HERBICIDES--DISTRIBUTION, USE, AND
APPLICATION.

AMENDATORY SECTION (Amending Order 1677, filed 2/20/80)

WAC 16-231-001 RESTRICTED USE HERBICIDES--BENTON COUNTY--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the boundaries of Benton County. WAC 16-231-005 through 16-231-033 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1676, filed 2/20/80)

WAC 16-231-100 RESTRICTED USE HERBICIDES--FRANKLIN COUNTY--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the boundaries of Franklin County. WAC 16-231-110 through 16-231-145 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-680.

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)

WAC 16-231-200 RESTRICTED USE HERBICIDES--YAKIMA COUNTY--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the boundaries of Yakima County. WAC 16-231-205 through 16-231-235 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)

WAC 16-231-205 RESTRICTED USE HERBICIDES--YAKIMA COUNTY. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D(~~7-2,4,5-T~~) and MCPA are (~~by this order~~) declared to be restricted use herbicides in the area under order as listed in WAC 16-231-200.

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)

WAC 16-231-210 RESTRICTED USE HERBICIDES--YAKIMA COUNTY--OIL-TYPE CARRIERS. On and after April 5 through October 31, oil-type carriers are prohibited in the area under order for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-235 RESTRICTED USE HERBICIDES--YAKIMA COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 1A and 2 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Areas 1 and 1A on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ((hooded-boom-sprayer)) ground apparatus is used. ((Hooded-boom-sprayers)) Ground apparatus shall be approved by the department of agriculture. ((The department shall consider the recommendations of the pesticide advisory board 2,4-D ad-hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer.)) Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1674, filed 2/20/80)

WAC 16-231-300 RESTRICTED USE HERBICIDES--ADAMS COUNTY--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the boundaries of Adams County. WAC 16-231-305 through 16-231-340 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1674, filed 2/20/80)

WAC 16-231-305 RESTRICTED USE HERBICIDES--ADAMS COUNTY. 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 in the area under order as listed in WAC 16-231-300.

AMENDATORY SECTION (Amending Order 1674, filed 2/20/80)

WAC 16-231-310 RESTRICTED USE HERBICIDES--ADAMS COUNTY--OIL-TYPE CARRIERS. On and after May 16 through October 31, oil-type carriers are prohibited in the area under order for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 1674, filed 2/20/80)

WAC 16-231-330 RESTRICTED USE HERBICIDES--ADAMS COUNTY--AREA 4.
 (1) Area 4 description. ((~~f~~))Outlying area east of Area 3.((~~t~~))
 (2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications or restricted use herbicides shall be made using caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-340 RESTRICTED USE HERBICIDES--ADAMS COUNTY--WIND CONDITIONS. (1) Area 1 and 2.

(a) The use or application of restricted use herbicides shall be prohibited on and after April 16 through October 31 when the mean sustained wind velocity is over ten miles per hour.

(b) The use or application of restricted use herbicides shall be prohibited on and after November 1 through April 15 of the following year when the mean sustained wind velocity is over twelve miles per hour: PROVIDED, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre.

(2) Area 3 and 4. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour: PROVIDED, That ground applications of restricted use herbicides are allowed when using No. 2RD or 2RA rain-drop nozzles when the mean sustained wind velocity is fifteen miles per hour or less: PROVIDED FURTHER, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: AND PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ((hooded-boom--sprayer)) ground apparatus is used. ((Hooded--boom sprayers)) Ground apparatus shall be approved by the department of agriculture. ((The department shall consider the recommendations of the pesticide advisory board 2,4-D ad-hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer.)) Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1673, filed 2/20/80)

WAC 16-231-400 RESTRICTED USE HERBICIDES--COLUMBIA COUNTY--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the boundaries of Columbia County. WAC 16-231-405 through 16-231-425 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1673, filed 2/20/80)

WAC 16-231-405 RESTRICTED USE HERBICIDES--COLUMBIA COUNTY. 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 in the area under order as listed in WAC 16-231-400.

AMENDATORY SECTION (Amending Order 1673, filed 2/20/80)

WAC 16-231-410 RESTRICTED USE HERBICIDES--COLUMBIA COUNTY--OIL-TYPE CARRIERS. On and after May 1 through October 31, oil-type carriers are prohibited in the area under order for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 1673, filed 2/20/80)

WAC 16-231-420 RESTRICTED USE HERBICIDES--COLUMBIA COUNTY--AREA 4. (1) Area 4 description. This area includes all remaining lands in Columbia County not included in WAC 16-231-413 and 16-231-415.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-425 RESTRICTED USE HERBICIDES--COLUMBIA COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Area 2 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Area 2 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ((hooded--boom-sprayer)) ground apparatus is used. ((Hooded-boom-sprayers)) Ground apparatus shall be approved by the department of agriculture. ((The-department-shall-consider-the-recommendations-of-the-pesticide-advisory-board-2,4-D-ad-hoc-committee-in-determining-the-criteria-of-what--constitutes--an--approved--hooded-boom-sprayer.)) Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1672, filed 2/20/80)

WAC 16-231-500 RESTRICTED USE HERBICIDES--WHITMAN COUNTY--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the boundaries of Whitman County. WAC 16-231-505 through 16-231-530 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1672, filed 2/20/80)

WAC 16-231-505 RESTRICTED USE HERBICIDES--WHITMAN COUNTY. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D((~~2-2,4,5-T~~)) and MCPA are ((by this--order)) declared to be restricted use herbicides in the area under order as listed in WAC 16-231-500.

AMENDATORY SECTION (Amending Order 1672, filed 2/20/80)

WAC 16-231-510 RESTRICTED USE HERBICIDES--WHITMAN COUNTY--AREA 1. (1) Area 1 description. (Cities and/or towns and Pullman vicinity.) The areas within a distance of one mile of the city limits of any incorporated city or town and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Whitman County: PROVIDED, That the area under this ((regulation)) section shall also include all of the lands in Section 28 through 33, T15N, R45E; Sections 25, 26, 27, 34, 35, and 36, T15N, R44E; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, T14N, R45E; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T14N, R44E.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited throughout the year: PROVIDED, That the low volatile formulation of MCPA shall be allowed on and after November 1 through April 15 of each year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1672, filed 2/20/80)

WAC 16-231-525 RESTRICTED USE HERBICIDES--WHITMAN COUNTY--FARM OPERATOR TO NOTIFY. The landowner or person in charge of farming operations shall notify the aerial applicator ((he)) he/she hires of any susceptible crops planted or to be planted bordering the field to which restricted use herbicides are to be applied in the area under order.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-530 RESTRICTED USE HERBICIDES--WHITMAN COUNTY--WIND CONDITIONS. (1) Areas 1 and 3.

(a) On and after April 15 through October 31, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over seven miles per hour.

(b) On and after November 1 through April 14 the following year, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour.

(2) Area 4. The use or application of restricted use herbicides is prohibited when the mean sustained wind velocity is over twelve

miles per hour: PROVIDED, That ground applications of restricted use herbicides are allowed when using No. 2RD or No. 2RA Raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less.

(3) All areas. Applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved (~~hooded-boom-sprayer~~) ground apparatus is used. (~~Hooded boom-sprayers~~) Ground apparatus shall be approved by the department of agriculture. (~~The--department--shall--consider--the--recommendations--of--the--pesticide--advisory--board--2,4-D--ad-hoc--committee--in--determining--the--criteria--of--what--constitutes--an--approved--hooded--boom--sprayer--~~) Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1668, filed 2/20/80)

WAC 16-231-600 RESTRICTED USE HERBICIDES--Klickitat County--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the boundaries of Klickitat County. WAC 16-231-605 through 16-231-620 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1668, filed 2/20/80)

WAC 16-231-605 RESTRICTED USE HERBICIDES--Klickitat County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D(~~(, -2,4,5-#)~~) and MCPA are (~~by this--order~~) declared to be restricted use herbicides in the area under order as listed in WAC 16-231-600.

AMENDATORY SECTION (Amending Order 1668, filed 2/20/80)

WAC 16-231-610 RESTRICTED USE HERBICIDES--Klickitat County--OIL-TYPE CARRIERS. On and after May 1 through September 30, oil-type carriers are prohibited in the area under order for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 1849, filed 3/15/85)

WAC 16-231-615 RESTRICTED USE HERBICIDES--Klickitat County--AREA 3. (1) Area 3 description. All remaining lands within the boundaries of Klickitat County not included in WAC 16-231-613.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 1 through September 30 of each year: PROVIDED, That on and after May 1 through May 14 of each year, low volatile formulations shall be considered through written request to the department of agriculture.

(b) On and after May 1 through September 30, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through September 30, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-620 RESTRICTED USE HERBICIDES--Klickitat County--Wind Conditions. The use or application of restricted use herbicides shall be prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ~~((hooded--boom--sprayer))~~ ground apparatus is used. ~~((Hooded-boom sprayers))~~ Ground apparatus shall be approved by the department of agriculture. ~~((The--department--shall--consider--the--recommendations--of--the--pesticide--advisory--board--2,4-D--ad-hoc--committee--in--determining--the--criteria--of--what--constitutes--an--approved--hooded--boom--sprayer.))~~ Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1666, filed 2/20/80)

WAC 16-231-700 RESTRICTED USE HERBICIDES--Okanogan County--Area Under Order. (1) The area under order shall include all lands lying within the boundaries of Okanogan County. WAC 16-231-705 through 16-231-725 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1666, filed 2/20/80)

WAC 16-231-705 RESTRICTED USE HERBICIDES--Okanogan County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D(~~7-2,4,5-T~~) and MCPA are ~~((by this--order))~~ declared to be restricted use herbicides in the area under order as listed in WAC 16-231-700.

AMENDATORY SECTION (Amending Order 1666, filed 2/20/80)

WAC 16-231-715 RESTRICTED USE HERBICIDES--Okanogan County--Area 4. (1) Area 4 description. This area includes all remaining lands in Okanogan County not included in WAC 16-231-710.

(2) Area 4 restrictions. On and after May 1 through October 31, aerial applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-720 RESTRICTED USE HERBICIDES--OKANOGAN COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ~~((hooded-boom--sprayer))~~ ground apparatus is used. ~~((Hooded-boom sprayers))~~ Ground apparatus shall be approved by the department of agriculture. ~~((The--department--shall-consider-the-recommendations-of-the-pesticide-advisory-board-2,4-D-ad-hoc-committee-in-determining-the-criteria-of--what--constitutes--an--approved--hooded--boom--sprayer.))~~ Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1667, filed 2/20/80)

WAC 16-231-800 RESTRICTED USE HERBICIDES--DOUGLAS AND CHELAN COUNTIES--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the boundaries of Douglas and Chelan counties. WAC 16-231-805 through 16-231-840 shall apply to the area under order. (2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1667, filed 2/20/80)

WAC 16-231-805 RESTRICTED USE HERBICIDES--DOUGLAS AND CHELAN COUNTIES. 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 in the area under order as listed in WAC 16-231-800.

AMENDATORY SECTION (Amending Order 1667, filed 2/20/80)

WAC 16-231-825 RESTRICTED USE HERBICIDES--DOUGLAS AND CHELAN COUNTIES--AREA 4. (1) Area 4 description. All remaining lands in Douglas County not included in WAC 16-231-810, 16-231-815 and 16-231-820. (2) Area 4 restrictions. On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-840 RESTRICTED USE HERBICIDES--DOUGLAS AND CHELAN COUNTIES--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve

miles per hour on and after November 1 through April 15 of the following year, and over seven miles per hour from April 16 through October 31: PROVIDED, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ((hooded--boom-sprayer)) ground apparatus is used. ((Hooded boom-sprayers)) Ground apparatus shall be approved by the department of agriculture. ((The--department--shall--consider--the--recommendations--of--the--pesticide--advisory--board--2,4-D--ad-hoc--committee--in--determining--the--criteria--of--what--constitutes--an--approved--hooded--boom--sprayer*)) Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1670, filed 2/20/80)

WAC 16-231-900 RESTRICTED USE HERBICIDES--GRANT COUNTY--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the boundaries of Grant County. WAC 16-231-905 through 16-231-935 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1670, filed 2/20/80)

WAC 16-231-905 RESTRICTED USE HERBICIDES--GRANT COUNTY. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D((,-2,4,5-~~F~~)) and MCPA are ((by this--order)) declared to be restricted use herbicides in the area under order as listed in WAC 16-231-900.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-935 RESTRICTED USE HERBICIDES--GRANT COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 and 1A when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through March 31 of the following year, and over ten miles per hour from April 1 through October 31: PROVIDED, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ((hooded-boom-sprayer)) ground apparatus is used. ((Hooded-boom-sprayers)) Ground apparatus shall be approved by the department of agriculture. ((The--department--shall--consider--the--recommendations--of--the--pesticide--advisory--board--2,4-D--ad-hoc--committee--in--determining--the--criteria--of--what--constitutes--an--approved--hooded--boom--sprayer*)) Approval shall be based on research data.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-231-033 RESTRICTED USE HERBICIDES--APPLICATION RECORDS--
BENTON COUNTY.

WAC 16-231-148 RESTRICTED USE HERBICIDES--APPLICATION RECORDS--
FRANKLIN COUNTY.

WAC 16-231-238 RESTRICTED USE HERBICIDES--APPLICATION RECORDS--
YAKIMA COUNTY.

WAC 16-231-343 RESTRICTED USE HERBICIDES--APPLICATION RECORDS--
ADAMS COUNTY.

WAC 16-231-938 RESTRICTED USE HERBICIDES--APPLICATION RECORDS--
GRANT COUNTY.

WAC 16-231-950 RESTRICTED USE HERBICIDES--DISTRIBUTION, USE, AND
APPLICATION.

AMENDATORY SECTION (Amending Order 1665, filed 2/20/80)

WAC 16-232-001 RESTRICTED USE HERBICIDES--WALLA WALLA COUNTY--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the boundaries of Walla Walla County. WAC 16-232-005 through 16-232-038 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1669, filed 2/20/80)

WAC 16-232-100 RESTRICTED USE HERBICIDES--LINCOLN COUNTY--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the boundaries of Lincoln County. WAC 16-232-105 through 16-232-120 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1669, filed 2/20/80)

WAC 16-232-105 RESTRICTED USE HERBICIDES--LINCOLN COUNTY. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D(~~7-2,4,5-T~~) and MCPA are (~~by this order~~) declared to be restricted use herbicides in the area under order as listed in WAC 16-232-100.

AMENDATORY SECTION (Amending Order 1669, filed 2/20/80)

WAC 16-232-110 RESTRICTED USE HERBICIDES--LINCOLN COUNTY--OIL-TYPE CARRIERS. On and after May 15 through October 31, oil-type carriers are prohibited in the area under order for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 1669, filed 2/20/80)

WAC 16-232-120 RESTRICTED USE HERBICIDES--LINCOLN COUNTY--AREA 4. (1) Area 4 description. All remaining lands in Lincoln County not included in WAC 16-232-115.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1671, filed 2/20/80)

WAC 16-232-200 RESTRICTED USE HERBICIDES--GARFIELD COUNTY--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the boundaries of Garfield County. WAC 16-232-205 through 16-232-225 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1671, filed 2/20/80)

WAC 16-232-205 RESTRICTED USE HERBICIDES--GARFIELD COUNTY. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D(~~(1-2,4,5-T)~~) and MCPA are (~~(by this order)~~) declared to be restricted use herbicides in the area under order as listed in WAC 16-232-200.

AMENDATORY SECTION (Amending Order 1671, filed 2/20/80)

WAC 16-232-220 RESTRICTED USE HERBICIDES--GARFIELD COUNTY--AREA 4. (1) Area 4 description. This area includes all remaining lands in Garfield County not included in WAC 16-232-210 and 16-232-215.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-232-225 RESTRICTED USE HERBICIDES--GARFIELD COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Areas 2 and 3 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved (~~(hooded-boom-sprayer)~~) ground apparatus is used. (~~(Hooded-boom-sprayers)~~) Ground apparatus shall be approved by the department of agriculture. (~~(The department shall consider the recommendations of the pesticide advisory board 2,4-B-ad-hoc-committee in determining the criteria of what constitutes an approved hooded boom sprayer.)~~) Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 1754, filed 3/31/82)

WAC 16-232-300 RESTRICTED USE HERBICIDES--KITTITAS COUNTY--AREA UNDER ORDER. (1) The area under order shall include all lands lying within the boundaries of Kittitas County. WAC 16-232-305 through 16-232-315 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1754, filed 3/31/82)

WAC 16-232-305 RESTRICTED USE HERBICIDES--KITTITAS COUNTY. 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 in the area under order as listed in WAC 16-232-300.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-232-315 RESTRICTED USE HERBICIDES--KITTITAS COUNTY--WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15 through October 31: PROVIDED, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved (~~(hooded--boom-sprayer)~~) ground apparatus is used. (~~(Hooded-boom-sprayers)~~) Ground apparatus shall be approved by the department of agriculture. (~~(The department shall consider the recommendations of the pesticide advisory board-2,4-D-ad-hoc-committee in determining the criteria of what--constitutes--an--approved--hooded boom-sprayer.)~~) Approval shall be based on research data.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-232-950 RESTRICTED USE HERBICIDES--DISTRIBUTION, USE, AND APPLICATION.