

State of Washington  
Department of Agriculture

(agency name)

Administrative Order No. 1699

(1) I, Bob J. Mickelson, director of  
Washington State Department of Agriculture

do promulgate and adopt at Olympia, Washington  
(place)

the annexed rules relating to:  
Labeling requirements for small grain, field pea, lentil, and soybean seeds in  
WAC 16-317-040; WAC 16-317-050; WAC 16-317-060; WAC 16-317-080; WAC 16-317-090.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.  
This action is taken pursuant to Notice No. WSR 80-04-131 filed with the code reviser  
on April 2, 1980. 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, \_\_\_\_\_, 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.

(3) Pursuant to the requirements of RCW 34.04.\_\_\_\_ (1977 c 19 § 2)<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 15.49  
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 34.08  
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 May 30, 19 80

MAY 30 1980

By Bob J. Mickelson  
Director of Agriculture  
Title

CODE REVISER'S OFFICE  
WSR 80-06-115



STATE OF  
WASHINGTON

Dixy Lee Ray  
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purpose of legislative review of agency rules, the following statement is submitted.

1. Rules pertaining to production, certification and distribution of seed in Washington state (Statutory Authority RCW 15.49).
2. Amendments of the seed regulations included a forty percent increase in laboratory seed testing fees; amendments to regulations on seed quarantine, small grain seed labeling requirements, treated seed labeling requirements; and amendments to seed certification for clover, alfalfa, grass, bean, pea, lentil, soybean, small grain, tree seed, sod quality seed certification. New regulations were adopted for sod and sod seed certification standards.
- 3  

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753-5062	SCAN 558-2750
4. Proponents:  
  
Department of Agriculture  
Duward Massie  
Les Clemons  
Bob Prentice  
A. Sumida  
W. Eldridge  
Ted Dionne  
  
Opponents: None
5. No agency comments.

AMENDATORY SECTION - (Amending Order No. 1606, filed 4/30/79)

WAC 16-317-040 LABELING REQUIREMENTS FOR SMALL GRAIN, FIELD PEA, LENTIL, AND/OR SOYBEAN SEEDS, AND LAWN AND/OR PASTURE MIXES. (~~In addition to the~~) Labeling requirements shall be as specified in RCW 15.49.320 of the Washington State Seed Act ((5)). In addition, labels for small grain seed shall contain the following information:

(1) Each variety (e.g., Nugaines), type (winter or spring), and kind (e.g., wheat), or each type and kind when in excess of ((5)) five percent by weight of the whole; or type may not be shown: PROVIDED, That the label shall conspicuously show the words "type not stated".

(2) A tetrazolium test may be used in lieu of germination: PROVIDED, That the label shall state "Tetrazolium \_\_\_\_\_%", and that a germination test of the lot is in process and shall be made available to the purchaser when completed. The label shall also show the calendar month and year the tetrazolium test was completed.

AMENDATORY SECTION - (Amending Order No. 1606, filed 4/30/79)

WAC 16-317-050 ALTERNATE LABELING REQUIREMENTS AND EXEMPTIONS.

(1) Small grain, field pea, lentil, and/or soybean seed distributed in packaged form to a wholesaler or a commercial grower for his own use and accompanied by an invoice or other document containing the labeling information required in RCW 15.49.320(1) (a), (b), (d), (g) and (2) (a), (b), (c), (d), and (e) of the Washington State Seed Act need ((only contain the information required in WAC 16-317-040(a) and RCW 15.49.320(1)(b), (c), and (e) on the)) attached labels containing only information required in RCW 15.49.320(1) (a), (b), (c) and (e); and small grain seed labels shall also contain additional information in WAC 16-317-040(1): PROVIDED, That the purchaser has knowledge of and consents to said invoice labeling.

(2) When seed is needed for immediate planting, a purchaser may waive the seed analysis information requirement for his purchase by completion of the following waiver:

CUSTOMER WAIVER AFFIDAVIT

Date \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Seed Dealer's Name and Address)

I, \_\_\_\_\_, because of an emergency need for \_\_\_\_\_ seed, am waiving my rights as provided in RCW 15.49.320(4) to receive the germination and purity information required in RCW 15.49.320(1)(g) and (2), on lot/s \_\_\_\_\_ purchased on \_\_\_\_\_: PROVIDED, That within thirty days, the supplier provides the above information to me in writing.

\_\_\_\_\_  
(Customer's Signature)

(3) When small grain, field pea, lentil, and/or soybean seed is distributed in bulk, the information required in ((WAC 16-317-040 and)) RCW 15.49.320 of the Washington State Seed Act and for small grain, the information in WAC 16-317-040 shall be provided on the invoice or other document accompanying the distribution of said seed.

(4) The seed labeling registrant may provide the information required in WAC 16-317-040 ((a) and (b)) and RCW 15.49.320 of the Washington State Seed Act as a guaranteed analysis at the time of distribution: PROVIDED, That the label, invoice, or other document accompanying the seed states "guaranteed analysis", and that the results of a purity and germination test of a representative sample ((is)) are made available to the purchaser no later than thirty days following the initial distribution of the lot.

(5) Origin is not required for small grain, field pea, lentil, and/or soybean seed labeling.

AMENDATORY SECTION - (Amending Order No. 1606, filed 4/30/79)

WAC 16-317-060 SEED HELD IN STORAGE. Small grain, field pea, lentil, and/or soybean seed held for bulk distribution or invoice labeling, shall be plainly identified with the information required ((under-WAC-16-317-040(a)-and) in RCW 15.49.320(1) (a), (b) and (e) of the Washington State Seed Act and for small grain, the information in WAC 16-317-040(1).

AMENDATORY SECTION - (Amending Order No. 1653, filed 8/31/79)

WAC 16-317-080 NOXIOUS WEEDS. It shall be unlawful to distribute small grain, field pea, lentil, and/or soybean seed containing restricted noxious weed seeds singly or collectively in excess of 100 per pound.

NEW SECTION

WAC 16-317-090 LABELING LAWN AND PASTURE MIXTURES. Labeling shall be as specified in RCW 15.49.320 of the Washington State Seed Act except origin will not be required.