

State of Washington
DEPARTMENT OF AGRICULTURE
(agency name)

Administrative Order No. 1744

(1) I, MICHAEL SCHWISOW deputy, director of
Washington State Department of Agriculture
do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to: Seed Certification Standards and Fees.
Amending WAC 16-316-470, 472, 474, 484, 486, 570 and 715; adding new sections WAC 16-316-572,
16-316-701, 16-316-717, 16-316-719, 16-316-721, 16-316-723, 16-316-724; and repealing
WAC 16-316-476, 478, 482, 520, 530, 535, 540, 545, 550, 555, 560, 565, 690, 695, 700,
705, 710, 725, 726, 728, 900, 905, 910, 915, 920, 925, 930, 935, and 940.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.
This action is taken pursuant to Notice No. 81-12-052 filed with the code reviser
on June 3, 1981 N.E.. 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)¹ 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 July 10 19 81
FILED
By Michael Schwisow
Deputy Director of Agriculture
Title

JUL 10 1981
CODE REVISER'S OFFICE
WSR 81-15-032

AMENDATORY SECTION (Amending Order 1600, filed 4/30/79)

WAC 16-316-470 FIELD PEA, LENTIL, SOYBEAN, SORGHUM AND SMALL GRAINS SEED CERTIFICATION STANDARDS. The general seed certification standards are basic and together with the following specific standards constitute the standards for seed certification of field pea, lentil, soybean, sorghum, and small grains.

AMENDATORY SECTION (Amending Order 1693, filed 5/30/80)

WAC 16-316-472 ELIGIBLE ((VARIETY)) VARIETIES AND ELIGIBLE STOCK SEED.

<u>((KIND</u>	<u>VARIETY</u>
<u>Field-Pea</u>	<u>Garfield, Latah, Maxi, Melrose-Austrian Winter, Paloma, Traeer)</u>

((1)) The eligibility of ((other)) varieties ((may)) shall be approved by the certifying agency.

((+1)) (2) Foundation seed is eligible to produce registered seed or certified seed.

((+2)) (3) Registered seed is eligible to produce certified seed.

((+3)) (4) Certified seed is not eligible for recertification, except as provided in general seed certification standards.

((Field-Pea Alaska

Certified-seed-is-eligible-to-produce-certified-seed.))

AMENDATORY SECTION (Amending Order 1563, filed 3/1/78)

WAC 16-316-474 APPLICATION AND FEES. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field must be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of field pea, lentil, soybean, sorghum and small grains ((seed)).

((2)) ((DUE-DATE)) Due dates:

(a) Field pea - June 1

(b) Lentil - June 1

(c) Soybean - July 1

(d) Sorghum - July 15

(e) Small grains - June 1 for winter varieties;
July 1 for spring varieties.

((however, acceptable-for-service)) f. After due date, an application with late application fee may be accepted for service.

((3)) ((FEES)) Fees:

(a) Application fee per variety per grower.....\$10.00

(b) Field inspection fee per acre.....((-\$0.70)) \$ 1.10

(c) Late application fee.....\$10.00

(d) Reinspection fee.....\$20.00

minimum for each field which did not pass field inspection plus \$ 0.20 for each acre over 25. The reinspection fee for isolation requirements only for a field of any size is \$20.00.

(e) Final certification fee.....((-\$0.10))\$ 0.13

per cwt. of clean seed sampled, which shall be charged to

((processing)) conditioning plant, or production fee....\$ 0.13

per cwt. of production from fields inspected which is utilized

for seed, which shall be charged to conditioning plant or, if

none, to applicant.

(f) Sampling fee.....\$ 0.10
per cwt. of clean seed sampled, with minimum charge of \$10.00
per sample, which shall be charged to ~~((processing))~~ conditioning
plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the
applicant to the certifying agency's office before field inspection.
In such case, the field inspection fee shall be refunded upon
request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures
of both the application and field inspection fees, and completion
of certification.

AMENDATORY SECTION (Amending Order 1458, filed 5/13/76)

WAC 16-316-484 MECHANICAL SAMPLING. Seed for certification
must be sampled by automatic mechanical sampler installed by a
~~((processing))~~ conditioning plant and acceptable to the certifying
agency, or alternatively must be sampled by a representative of the
certifying agency and in which latter case the sampling fee shall be
charged to the ~~((processing))~~ conditioning plant.

AMENDATORY SECTION (Amending Order 1492, filed 3/31/77)

WAC 16-316-486 CERTIFIED SEED SALE CERTIFICATE. (1) A certi-
fied seed sale certificate must be executed for ~~((unprocessed))~~ seed
pending final certification ~~((when-moved-from-an-approved-processing~~
~~plant))~~ whenever it is transshipped.

(2) A certified seed sale certificate or a copy of invoice
available to certifying agency showing identification of certifying
agency, variety, type and kind, certification class, pounds, field
number and/or lot number, purchaser, vendor, and date must be
executed for certified seed when in bulk.

AMENDATORY SECTION (Amending Order 1459, filed 5/13/76)

WAC 16-316-570 ((CLEANING₇)) LABELING ((₇)) AND SEALING
OF CERTIFIED SEED OF SMALL GRAINS BY GROWER. The certifying
agency may authorize a grower who has his own ~~((cleaning))~~ equip-
ment and ~~((processes))~~ conditions ~~((only))~~ his own seed to ~~((clean₇))~~
label and seal certified seed of small grains ~~((seed))~~.

NEW SECTION

WAC 16-316-572 CERTIFYING AGENCY ISSUANCE OF CERTIFICATE.
The issuance by Washington State Crop Improvement Association,
Inc., the certifying agency, of a certified seed label or certifi-
cate for a lot of seed affirms solely that such seed properly
identified by a dealer has been subjected to the seed certifica-
tion standards and procedures implemented by Washington State Crop
Improvement Association, Inc., and that Washington State Crop
Improvement Association, Inc. has acted in accordance with those
standards and procedures established for seed certification. The
issuance of a certified seed label or certificate for a lot of
seed neither warrants that any other person or entity has acted
in accordance with such standards and procedures, nor constitutes
any other warranty, express or implied, with respect to yield,
quality, incidence of off-types or other contaminating seeds, or
tolerance to diseases, insects, or growing conditions, or any
other characteristics of the seed.

NEW SECTION

WAC 16-316-701 DEFINITIONS OF TERMS FOR STANDARDS. (1) "Land standards" means the number of years that must elapse between the destruction of a stand of a kind, and establishment of a stand of a specified class of a variety of the same kind (i.e., number of years out of production of same crop kind).

(2) "Isolation standards" means the distance in feet from any contaminating source (i.e., distance from other fields of same crop kind).

(3) "Field standards" means the tolerances permitted as determined by established field inspection procedures.

(4) "Seed standards" means the tolerances permitted as determined by established seed inspection procedures.

(5) "Tolerances stated as 'none', or 'no' or 'zero'" means none found as determined by established inspection procedures.

AMENDATORY SECTION (Amending Order 1696, filed 5/30/80)

WAC 16-316-715 MISCELLANEOUS FIELD AND SEED INSPECTION STANDARDS. ((-----

<u>Factor</u>		<u>Foun-</u> <u>dation</u>	<u>Regis-</u> <u>tered</u>	<u>Certi-</u> <u>fied</u>
<u>Off-types</u>	<u>{Max-}</u>	<u>None</u>	<u>±0</u> <u>plants</u> <u>/acre</u>	<u>30</u> <u>plants</u> <u>/acre</u>
<u>Barley, vetch, ea-</u>	<u>{Max-}</u>	<u>None</u>	<u>±0</u> <u>plants</u> <u>/acre</u>	<u>30</u> <u>plants</u> <u>/acre</u>

- {a)}) (1) The field inspection will be made:
(a) For field pea - when ((the)) seedcrop is in full bloom;
(b) For lentil - when seedcrop is in full bloom;
(c) For soybean - when seedcrop is in full bloom and/or of
mature color;
(d) For sorghum - when seedcrop is in full bloom, and
optionally again when seedcrop begins to show mature color;
(e) For small grains - when seedcrop is fully headed and
of mature color.
((b)) (2) Any condition or practice which permits or
causes contamination of the seedcrop, such as failure to prevent
seed formation in bindweeds, Canada thistle or jointed goatgrass,
or excess weeds, or mechanical field mixing, shall be cause for
rejection upon inspection for field standards.
(3) No prohibited noxious weed seeds are permitted upon
inspection for seed standards.
(4) Germination minimum refers to germination when sampled.
(5) If chemically controllable seed-borne diseases are noted
upon inspection for field standards and seed standards for small
grains, treatment of seed is required.

NEW SECTION

WAC 16-316-717 FIELD PEA STANDARDS. (1) Field pea - Land, Isolation, and Field Standards:

CLASS	LAND	ISOLATION	OFF-TYPE	FIELD
	MINIMUM YEARS	MINIMUM FEET	MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	5*	3	None	None**
Registered	3*	3	10	None**
Certified	2*	3	20	5**

* Also required is minimum number of years the following crop kinds were out of production:

	NUMBER OF YEARS MINIMUM	
	Lentil	Austrian pea
Foundation	5	10
Registered	3	10
Certified	2	10

** Refers to vetch, except that no Austrian pea or rye is permitted.

(2) Field pea - Seed Standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00	1.00	None	None	90.00
Registered	None	99.00	1.00	None	0.25**	90.00
Certified	1	99.00	1.00	3*	0.25**	90.00

* No Austrian pea or rye is permitted.

** Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM
Registered	1/lb
Certified	2/lb

NEW SECTION

WAC 16-316-719 LENTIL STANDARDS. (1) Lentil - Land, Isolation, and Field standards.

CLASS	LAND	ISOLATION	OFF-TYPE	FIELD
	MINIMUM YEARS	MINIMUM FEET	MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	5	300*	None	None
Registered	4	20*	10	10**
Certified	3	20*	30	30**

* Reduce to three feet from fields producing a certified class of the same variety. In addition, each lentil field for certification must be isolated from small grain fields by three feet. To prevent mechanical field mixing of swathed lentil seedcrop, the planting of small grain between lentil fields, except for three feet of isolation, is recommended.

** Refers to barley and vetch, each.

(2) Lentil - Seed Standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00*	1.00*	None	None	85.00
Registered	1	99.00*	1.00*	0.05**	0.05***	85.00
Certified	4	99.00*	1.00*	0.10**	0.05**	85.00

* A total of three percent inert matter will be allowed in samples containing decorticated seed provided total of all other inert matter does not exceed one percent.

** No vetch is permitted.

*** Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM
Registered	1/lb
Certified	2/lb

NEW SECTION

WAC 16-316-721 SOYBEAN STANDARDS. (1) Soybean - Land, Isolation, and Field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM %	OTHER CROP MAXIMUM
				NO STANDARD
Foundation	1*	3	0.10	--
Registered	1*	3	0.01	--
Certified	1*	3	0.20	--

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

(2) Soybean - Seed Standards:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM SEEDS/LB	GERMINATION MINIMUM %
Foundation	0.10	98.00	2.00	None	None	85.00
Registered	0.20	98.00	2.00	None	1	85.00
Certified	0.20	98.00	2.00	1 per 2 lb.	2	85.00

NEW SECTION

WAC 16-316-723 SORGHUM STANDARDS. (1) Sorghum - Land, Isolation and Field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS***	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM RATIO	OTHER CROP MAXIMUM
				NO STANDARD
Foundation	1*	1,000**	None	--
Registered	1*	1,000**	1 head/50,000	--
Certified	1*	1,000**	1 head/20,000	--

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

** Refers to fields of other varieties or same variety which does not meet tolerance of off-types.

*** Other tolerances for field standards:

	JOHNSONGRASS MAXIMUM	HEAD SMUT MAXIMUM	KERNEL SMUT MAXIMUM
Foundation	None	None	None
Registered	None	None	None
Certified	None	1 head/10,000	1 head/2,500

(2) Sorghum - Seed standards:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	97.00	3.00**	None	0.10	80.00
Registered	None	97.00	3.00**	0.03	0.10	80.00
Certified	0.01*	97.00	3.00**	0.07***	0.10	80.00

* Or two seeds per pound.

** Where two percent or more is cracked.

*** Or ten seeds per pound.

NEW SECTION

WAC 16-316-724 SMALL GRAINS STANDARDS. (1) Small grains (barley, oat, rye, triticale, wheat) - Land, Isolation, and Field standards:

CLASS	LAND	ISOLATION	FIELD STANDARDS	
	STANDARDS	STANDARDS	OFF-TYPE	OTHER CROP
	MINIMUM YEARS	MINIMUM FEET	MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE
Foundation	1*	3**	None	None***
Registered	1*	3**	5	5***
Certified	1*	3**	15	15***

- * Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.
- ** Refers to distance from other small grain fields. In addition, each rye field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet.
- *** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains - Seed standards:

CLASS	OFF-TYPE	PURE SEED	INERT	OTHER CROP	WEED	GERMINATION
	MAXIMUM	MINIMUM	MAXIMUM	MAXIMUM	MAXIMUM	MINIMUM
	SEEDS/LB	%	%	%	%	%
Foundation	None	99.00	1.00	None	None	85.00
Registered	1	99.00	1.00	0.05*	0.05**	85.00
Certified	4	99.00	1.00	0.10*	0.05**	85.00

- * Other tolerance for other crop seed:

	OTHER SMALL GRAINS MAXIMUM
Foundation	None
Registered	1/lb
Certified	2/lb
- No rye or triticale is permitted in barley, oat or wheat; no vetch is permitted.
- ** Other tolerances for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None	None
Registered	None	None
Certified	1/lb	None, except 1/lb in barley and oat

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-316-476 LAND REQUIREMENTS
- (2) WAC 16-316-478 ISOLATION REQUIREMENTS.
- (3) WAC 16-316-482 SEED STANDARDS
- (4) WAC 16-316-520 SMALL GRAIN SEED CERTIFICATION STANDARDS
- (5) WAC 16-316-530 APPLICATION AND FEES
- (6) WAC 16-316-535 LAND REQUIREMENTS
- (7) WAC 16-316-540 ISOLATION REQUIREMENTS
- (8) WAC 16-316-545 FIELD STANDARDS
- (9) WAC 16-316-550 SEED STANDARDS
- (10) WAC 16-316-555 MECHANICAL SAMPLING
- (11) WAC 16-316-560 SEED-BORNE DISEASES
- (12) WAC 16-316-565 CERTIFIED SEED SALE CERTIFICATE
- (13) WAC 16-316-690 LENTIL SEED CERTIFICATION STANDARDS
- (14) WAC 16-316-695 ELIGIBLE VARIETY AND STOCK SEED
- (15) WAC 16-316-700 APPLICATION AND FEES
- (16) WAC 16-316-705 LAND REQUIREMENTS

- (17) WAC 16-316-710 ISOLATION REQUIREMENTS
- (18) WAC 16-316-725 SEED STANDARDS
- (19) WAC 16-316-726 MECHANICAL SAMPLING
- (20) WAC 16-316-728 CERTIFIED SEED SALE CERTIFICATE
- (21) WAC 16-316-900 SOYBEAN SEED CERTIFICATION STANDARDS
- (22) WAC 16-316-905 ELIGIBLE VARIETY AND STOCK SEED
- (23) WAC 16-316-910 APPLICATION AND FEES
- (24) WAC 16-316-915 LAND REQUIREMENTS
- (25) WAC 16-316-920 ISOLATION REQUIREMENTS
- (26) WAC 16-316-925 FIELD STANDARDS
- (27) WAC 16-316-930 SEED STANDARDS
- (28) WAC 16-316-935 MECHANICAL SAMPLING
- (29) WAC 16-316-940 CERTIFIED SEED SALE CERTIFICATE