

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1831

(1) I, Mike Schwisow, deputy, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

WAC 16-316 Seed Certification fees and standards; corn seed certification and fees

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 84-10-078 filed with the code reviser on 5/2/84. These rules shall take effect: [X] thirty days after they are filed with the code reviser 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 this 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 the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.026¹ 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 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 June 15 19 84

JUN 15 1984

By [Signature] Deputy Director

Title

CODE REVISER'S OFFICE

WSR 84-13-041

AMENDATORY SECTION (Amending Order 1599, filed 4/30/79)

WAC 16-316-0401 CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:

Per variety, per grower..... \$((~~40.00~~))
15.00
 (b) Late seedling penalty fee:..... \$((~~40.00~~))
15.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(2) Renewal applications: Due May 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:

Per variety, per grower..... \$((~~40.00~~))
15.00
 (b) Late renewal penalty fee:..... \$10.00

This additional fee shall be charged per grower for renewal applications received after May 1.

(3) Reinspection: Other than isolation (each field)..... \$20.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(4) Inspection and final certification fees: Inspection and final certification fees will be based on pounds sampled and billed upon completion of required tests.

(a) Inspection and final certification fee: \$ 0.60 per ((~~400~~)) one hundred pounds.

(If no seed is tagged, ((~~200~~)) twenty cents of the final certification fee is refundable upon request.)

(b) Service fee for out-of-state origin..... \$ 0.30 per ((~~400~~)) one hundred pounds.

(c) Blend fee shall be as established by blend ((~~regulation~~)) rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

(d) Payment of fees shall be the responsibility of the person signing the application. However the ((~~processor~~)) conditioner may assume responsibility.

(5) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(6) Purity and germination test fees as established by the director

(7) Fees for retagging, or services not listed in this ((~~order~~)) rule shall be the most applicable fee established by the director of agriculture.

(8) Fees for reissue of tags shall be ((~~5.05~~)) five cents a tag with minimum fee of ((~~5.00~~)) five dollars.

AMENDATORY SECTION (Amending Order 1689, filed 5/30/80)

WAC 16-316-0601 SEED STANDARDS. Seed standards shall be as follows:

Bentgrass

Specific Seed Standards	Foundation	Registered	Certified
Pure Seed** (Minimum)	98.00%	98.00%	98.00%
Other Crop Seed (Maximum)	.20%	.20%	.60%
Inert Matter (Maximum)	2.00%	2.00%	2.00%
Weed Seed (Maximum)	.30%	.30%	.40%*
Germination (Minimum)	85.00%	85.00%	85.00%

Redtop

Specific Seed Standards	Foundation	Registered	Certified
Pure Seed** (Minimum)	96.00%	96.00%	((92.00%)) 95.00%
Other Crop Seed (Maximum)	.20%	.20%	.60%
Inert Matter (Maximum)	4.00%	4.00%	((8.00%)) 5.00%
Weed Seed (Maximum)	.30%	.30%	.50%
Germination (Minimum)	80.00%	80.00%	80.00%

(a) Blue tag seed shall not contain over ((900)) nine hundred seeds per pound, singly or collectively, of the following weeds: Plantain spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

(b) Seed must not contain more than ((90)) ninety per pound for blue tag, singly or collectively of objectionable weeds (see general rules). Seed must be free of the seed of weeds listed as prohibited noxious.

* A maximum of .50% weed seed will be allowed in bentgrass containing silver hairgrass providing the total of all other weed seed does not exceed .40%.

** 1.50% other fine bentgrasses and .50% redtop will be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.

AMENDATORY SECTION (Amending Order 1735, filed 5/15/81)

WAC 16-316-230 CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:

Per variety, per grower..... ((~~\$40.00~~))
\$15.00

(b) Late seedling penalty fee:..... ((~~\$40.00~~))
\$15.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling acreage fee: (per acre)..... \$ 1.50

(Refundable if acreage is withdrawn before inspection.)
Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be

harvested for certification and required fees are due July 31, however, may be accepted after due date with ~~((\\$10.00))~~ ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 7, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:
Per variety, per grower..... ~~((\\$10.00))~~ \$15.00

(b) Renewal acreage fee: (per acre)..... \$ 1.50
(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee:..... \$10.00
This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field)..... \$20.00
If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two re-inspections are permitted for each field each year.

(4) Production fee includes sampling and tagging per cwt.: \$ 0.40
The sampling and production fees are billed at completion of tests. If none of the seed is tagged, ~~((\\$-0.40))~~ ten cents of the ~~((\\$-0.30))~~ thirty cents cwt. production fee charged is refundable.

(5) Purity and germination test: Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this ~~((order))~~ rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ~~((\\$-0.05))~~ five cents a tag with a minimum fee of ~~((\\$5.00))~~ five dollars.

AMENDATORY SECTION (Amending Order 1757, filed 3/31/82, effective 5/1/82)

WAC 16-316-270 CERTIFICATION FEES.

(1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Application fee:
Per variety, per grower..... ~~((\\$10.00))~~ \$15.00

(b) Acreage fee:
(i) One inspection: (per acre)..... \$ 1.50
One inspection is required for certification of Great Northern, Red Mexican, pinto, pink, and small white beans.

(ii) Two inspections: (per acre)..... \$ 3.00
Includes windrow inspection which is required for: Certification of snap beans, kidney beans, and eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection.

(c) Late application penalty fee:..... \$10.00
This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field)..... \$20.00
If a field is rejected for reasons other than bacterial diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt.:..... \$ 0.30
 The production fees are billed at ((~~completion-of-tests~~)) final certification and tagging.

(4) Purity and germination tests: Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this ((~~order~~)) rule shall be the most applicable fee established by the director of agriculture.

AMENDATORY SECTION (Amending Order 1798, filed 5/16/83)

WAC 16-316-350 CERTIFICATION FEES. (1) Seedling applications: Due within sixty days after planting: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee.

- (a) Seedling application fee:
 Per variety, per grower..... ((~~\$40.00~~)) \$15.00
- (b) Late seedling penalty fee: (per kind)..... ((~~\$40.00~~)) \$15.00

This additional fee shall be charged for seedling applications received more than sixty days after planting.

- (c) Seedling producing application fee:
 Per variety, per grower..... ((~~\$40.00~~)) \$15.00

Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31: PROVIDED, That such application may be accepted after due date with ((~~\$40.00~~)) ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due May 1: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

- (a) Renewal application fee:
 Per variety, per grower..... ((~~\$40.00~~)) \$15.00
- (b) Late renewal penalty fee: (per kind)..... \$10.00

This additional fee shall be charged for renewal applications received after May 1.

(3) Reinspection: Other than isolation (each field)..... \$20.00
 If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(4) Inspection and final certification fees: Inspection and final certification fees will be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B must sign a memorandum of agreement that shall expire on June 30 of each year. Memorandum may be terminated by the director if conditioner violates certification standard or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

- (i) Inspection and final certification fee..... \$ 0.60
 per one hundred pounds. (If no seed is tagged, ((~~\$0.20~~)) twenty cents of the final certification fee is refundable upon request.)
- (ii) Service fee for out-of-state origin..... \$ 0.30
 per one hundred pounds.

(iii) Blend fee shall be as established by blend ((regulation)) rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

(iv) Payment of fees shall be the responsibility of the person signing the application. However, conditioner may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

(i) Inspection and final certification fee..... \$ 1.00
per one hundred pounds. (Minimum fee per tagging)..... \$10.00

(ii) Service fee for out-of-state origin..... \$ 0.65
per one hundred pounds.

(iii) Blend fee (in addition to fee established by blend rule) shall be payable upon completion of blend on total weight of blend, and shall be as follows:

(A) Washington origin certified seed used in blend..... \$ 0.95
per one hundred pounds.

(B) Out-of-state origin certified seed used in blend..... \$ 0.60
per one hundred pounds: PROVIDED, That those fees listed in

(a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit will be issued for the percent of the blend lot not tagged. (For example, if forty percent of the blend is not tagged, forty percent of the fees charged under Option B above is refundable.) Requests for refunds must be made by June 30 following final disposition of the blend.

(5) Payment of fees shall be the responsibility of the conditioner. A conditioner choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner shall be responsible for Option A fees on all certified seed not tagged at termination date.

(6) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(7) Purity and germination test fees shall be as established by the director of agriculture.

(8) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(9) Fees for reissue of tags shall be ((~~\$0.40~~)) ten cents per tag with a minimum fee of ((~~\$40.00~~)) ten dollars.

AMENDATORY SECTION (Amending Order 1734, filed 5/15/81)

WAC 16-316-440 CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:
Per variety, per grower..... ((~~\$40.00~~))
\$15.00

(b) Late seedling penalty fee:..... ((~~\$40.00~~))
\$15.00
This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling acreage fee: (per acre)..... \$ 1.50
(Refundable if acreage is withdrawn before

inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ~~((\\$40.00))~~ ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:
Per variety, per grower..... ~~((\\$40.00))~~
\$15.00

(b) Renewal acreage fee: (per acre)..... \$ 1.50
(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee:..... \$10.00
This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field)..... \$20.00
If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee: Includes sampling and tagging per cwt.:..... \$ 0.40
The production fee is billed at completion of tests. If none of the seed is tagged, ~~((\\$-0.40))~~ ten cents of the ~~((\\$-0.30))~~ thirty cents cwt. production fee charged is refundable.

(5) Purity and germination test:..... Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this ~~((order))~~ rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ~~((\\$0.05))~~ five cents a tag with a minimum fee of ~~((\\$5.00))~~ five dollars.

AMENDATORY SECTION (Amending Order 1738, filed 5/15/81)

WAC 16-316-660 CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:
Per variety, per grower..... ~~((\\$40.00))~~
\$15.00

(b) Late seedling penalty fee:..... ~~((\\$40.00))~~
\$15.00
This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling acreage fee: (per acre)..... \$ 1.50
 (Refundable if acreage is withdrawn before inspection.)
 Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ((~~\$10.00~~)) ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:
 Per variety, per grower..... ((~~\$10.00~~))
\$15.00

(b) Renewal acreage fee: (per acre)..... \$ 1.50
 (Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee:..... \$10.00
 This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation
 (each field)..... \$20.00
 If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee: Includes sampling and tagging per cwt..... \$ 0.40
 The production fee is billed at completion of tests. If none of the seed is tagged, ((~~\$-0.40~~)) ten cents of the ((~~\$-0.30~~)) thirty cents cwt. production fee charged is refundable.

(5) Purity and germination test:..... Fees as established by the director of agriculture.

(6) Fees for retagging or services not listed in this ((~~order~~)) rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ((~~\$0.05~~)) five cents a tag with a minimum fee of ((~~\$5.00~~)) five dollars.

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

WAC 16-316-715 MISCELLANEOUS FIELD AND SEED INSPECTION STANDARDS. (1) The field inspection will be made:
 (a) For field pea - when 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.

(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. Fields rejected for jointed goatgrass at first

inspection are not eligible for reinspection. Fields rejected for other causes will remain eligible for reinspection.

(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 16-316-901 CORN SEED CERTIFICATION STANDARDS. The general seed certification standards are basic and together with the list of varieties eligible and the following specific rules constitute the standards for corn seed certification.

NEW SECTION

WAC 16-316-906 CERTIFICATION FEES.

- (1) Fees for applications for each separate combination and/or isolation..... \$15.00
- (2) Acreage fee:
 - (a) First acre..... \$25.00
 - (b) Each additional acre..... \$10.00

NEW SECTION

WAC 16-316-911 ELIGIBILITY--FOUNDATION CORN INBRED LINES. (1) For the purposes of certification, the propagation of male sterile inbred lines shall be subject to the same requirements and rules as apply to foundation single crosses.

(2) An inbred line must be a relatively true breeding strain of corn resulting from (a) at least five successive generations of controlled self-fertilization or (b) at least five generations of backcrossing to a recurrent parent with selection or (c) its equivalent.

(3) Inbred seed must meet one of the following requirements:

- (a) Be in the hands of the originator.
- (b) Be a line obtained directly from a state agricultural experiment station.
- (c) Be a line obtained from the United States department of agriculture.
- (d) Be certified. Evidence of eligibility shall be a certification tag taken from the seed planted.

(4) Inbred lines increased by hand pollination will be eligible for certification.

(5) An inbred used as a pollinator in a foundation single cross production field may be certified provided all the seed parents in the isolated field are inspected for certification and meet all field requirements for certification.

(6) Addition of specific genetic factors to a line.

(a) When a specific genetic factor(s) is added to an inbred line, the line must have been backcrossed to its recurrent parent at least five generations. The line must be homozygous for the specific

genetic factor(s) except for (i) the pollen restoration factor(s) and (ii) the genic male sterile maintainer line.

(b) For a recovered pollen restorer inbred line, selection must be relative to a specific cytoplasmic male sterile source.

(c) Proof of the genetic nature of a recovered line will be supplied by the originator.

(d) A genic male sterile maintainer line, consisting of duplicate-deficient and male-steriles in an approximate one to one ratio, shall be no more than two generations removed from breeder's seed. The maintainer shall be designated according to generation as:

(i) Breeder seed: The hand pollinated selfed seed from a known duplicate-deficient plant heterozygous at a particular male sterile locus.

(ii) Foundation I seed: The product of random-mating among fertile plants arising from breeder seed.

(iii) Foundation II seed: The product of random-mating among fertile plants arising from foundation I seed.

(e) A genic male sterile line shall be a strain homozygous for a particular male sterile recessive allele.

(f) The genic male sterile lines shall be identified as to the recessive genes they carry, e.g., B37 ms-1, N26 ms-10. The maintainer lines shall be identified not only for the male sterile gene for which it is heterozygous, but for the specific translocation from which it was derived, e.g., B37 Mt-1 ms-1, N28 Mt-1 ms-10.

NEW SECTION

WAC 16-316-916 FIELD INSPECTION. At least three field inspections shall be made by a representative of the certifying agency during the pollinating period. When the previous crop was corn, at least one additional inspection shall be made to verify that the field is sufficiently free of volunteer plants from the previous crop. Field inspections may be made without giving previous notice to the grower.

NEW SECTION

WAC 16-316-921 FIELD STANDARDS.

(1) Isolation:

(a) An inbred must be so located that it is not less than six hundred and sixty feet from other corn except when the inbred is grown as a pollinator in a single cross production field. In this case any ear parent(s) in the same isolated field must be entered for certification, inspected, and meet all field requirements for certification.

(i) Differential maturity dates are permitted for modifying isolation distances provided there are no receptive silks in the ear parent at the same time pollen is being shed in the contaminating field.

(ii) Foundation inbred production fields of dent sterile popcorn need not be isolated from yellow dent field corn.

(b) Corrections for improper isolation must be made by one of the following methods:

(i) By completely destroying or by detasseling, the necessary contaminating corn before silks appear in the ear parent in the field to be certified; or

(ii) By completely destroying, before the final field inspection, the plants which are improperly isolated from the contaminating corn.

(2) Roguing:

(a) Definitely off-type plants must be destroyed completely so that suckers will not develop. Plants showing definite hybrid vigor

or a definitely different type from the inbred being inspected shall be classified as definitely off-type.

(b) An isolation in which more than one-tenth of one percent (one per one thousand) of definitely off-type plants have shed pollen, when at the same time more than five percent of the plants have apparently receptive silks, shall not be certified.

(c) Sucker tassels and portions of tassels of off-type plants will be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two has the anthers extended from the glumes.