

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1832

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

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

WAC 16-304 Seed Testing lab fees

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

This action is taken pursuant to Notice No. WSR 84-10-079 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 34.04.026 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 84-13-042

AMENDATORY SECTION (Amending Order 1797, filed 5/16/83)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as foll

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY
Bentgrass	2 oz.	\$26.00	\$13.00
Bluegrass	4 oz.	18.00	11.00
Bromegrass	6 oz.	19.00	11.00
Fescue	4 oz.	18.00	11.00
Orchardgrass	4 oz.	21.00	13.00
Ryegrass	4 oz.	18.00	11.00
Crested Wheatgrass	4 oz.	21.50	13.00
Other Wheatgrasses	6 oz.	31.00	19.00
Other grasses	4 oz.	15.00	9.50
Beans and peas	1 1/4 lb.	11.00	6.50
Cereals	1 1/4 lb.	11.50	8.00
Other crops	4 oz.	11.50	8.00
Mixture (for each additional kind)		9.50	
Beets		12.00	7.50

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: ((7)) one gram - bluegrass; ((5)) five grams - alfalfa; and ((100)) one hundred grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: ((10)) Ten grams - bluegrass; ((50)) fifty grams - alfalfa; ((500)) five hundred grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on ((400)) four hundred seeds.

(c) Purity and germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium test - a chemical test that measures viability and germination potential. (A germination test should also be obtained.)

(2) Special tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and/or weed exam..... Noxious only
fee plus \$ 3.50
(or hourly rate when applicable).

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each ((5)) five grams..... \$14.00
Poa annua check for other grasses - each 10 grams..... \$14.00

(c) Sod seed analysis -
Bluegrass..... \$49.00
Fescue..... \$35.00
Ryegrass..... \$28.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use.)

Bluegrass test includes purity, ((25)) twenty-five gram all weed/all crop, except ((10)) ten gram Poa annua exam. Ryegrass and Fescue test includes purity, ((100)) one hundred gram all

WS: OTS 6

GERM (b)	PURITY AND GERM (c)	TETRA- ZOLIUM 200 Seeds	-1576;1	10
			040;3	10

14.00	\$40.00	\$18.00	12	10
12.00	30.00	18.00	12	10
10.00	30.00	18.00	12	10
10.00	28.00	18.00	12	10
11.00	32.00	18.00	12	10
9.50	27.50	18.00	12	10
11.00	32.50	18.00	12	10
11.00	42.00	18.00	14	12
9.50	24.50	18.00	16	14
10.00	21.00	18.00	18	16
10.00	21.50	18.00	20	18
10.00	21.50	18.00	22	20
11.00		18.00	24	22
15.00	27.00		25	23
			27	25
			28	26
			30	28
			32	30
			34	32
			36	34
			38	36
			39	37
			41	39
			42	40
			43	41

- 44 42
- 45 43
- 46 44
- 46 44
- 46 44
- 47 45
- 48 46
- 48 46
- 48 46
- 49 47
- 49 47
- 49 47
- 49 47
- 50 48
- 51 49
- 51 49
- 52 50
- 53 51
- 53 51
- 54 52
- 54 52
- 55 53
- 55 53
- 56 54
- 56 54
- 56 54
- 57 55
- 57 55
- 58 56
- 59 57
- 60 58
- 61 59
- 62 60
- 64 62
- 64 62
- 65 63
- 66 64
- 66 64

weed/all crop. (Fluorescent required on ryegrass; germ and fluorescent test additional fee.)

(d) Fluorescent test - ((400) four hundred seed test)... \$11.00

(e) Pest and disease, soil exam or similar..... \$14.00

(Reported on seed analysis certificate.) A visual examination of a representative sample.

(f) Sod analysis check - ((50) fifty gram exam to evaluate if a lot appears to be sod quality (phone report only)..... \$13.00

(g) Variety separation of Kentucky bluegrass..... \$16.00

If separated at time of purity analysis..... \$ 8.00

(3) Inventory testing for germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.

(a) Reports will not be mailed until all tests are completed.

(b) Samples must be plainly labeled "inventory samples."

(c) Samples will be reported according to the sender's designation. The laboratory will assume no responsibility for correct identification. These samples and tests will not become a part of our permanent record.

(d) The fee for this service will be one-half the regular germination fee.

(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

(4) Miscellaneous laboratory fees:

(a) Rush samples (including phone report if requested at time sample is submitted)..... \$ 8.00

(b) Phone reports on test result, per call..... \$ 2.50

(c) Preliminary report on germination (phone report only)..... \$ 7.00

(d) Morphological test..... \$ 7.00

(alfalfa or clover examined under magnification for combine damage.)

(e) Additional mailing of report (each destination)..... \$ 1.50

(f) Recopies of reports (minimum fee)..... \$ 2.50

(or hourly fee when applicable)

(g) ISTA test - purity and germination fee plus ((50) fifty percent

(h) Seed count..... \$14.00

(i) Extra charge for samples requiring special preparation for germination, i.e. ((beets)), New Zealand spinach, pelleted seeds, spinach, chard, etc..... \$ ((5=50))

16.00

(j) Hourly fee for miscellaneous services..... \$16.00

(k) Service charge for submitted federal phytosanitary certificates, per certificate..... \$5.00

AMENDATORY SECTION (Amending Order 1764, filed 5/5/82, effective 7/1/82)

WAC 16-304-110 ANNUAL SEED INSPECTION CHARGE. Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to RCW 15.49-.310 and 15.49.370, pay a general seed inspection charge annually to the department in the amount of ((10) ten cents per one hundred dollars gross annual dollar sales in excess of ((10,000) ten thousand dollars of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: PROVIDED, That no assessment

shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the United States Department of Agriculture national foundation seed project: PROVIDED FURTHER, That erroneous and overpayments shall be refunded on request. Requests for refund must be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the ((producer-processor)) producer-conditioner agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, ((1984)) 1983 through June 30, ((1982)) 1984 shall be due August 1, ((1982)) 1984 and payable by February 1, ((1983)) 1985. The assessment fees for the period beginning July 1, ((1982)) 1984 through June 30, ((1983)) 1985 shall be due August 1, ((1983)) 1985 and payable by February 1, ((1984)) 1986.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of ((\$10.00)) ten dollars, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied.

AMENDATORY SECTION (Amending Order 1764, filed 5/5/82, effective 7/1/82)

WAC 16-304-130 EFFECTIVE DATES. This ((regulation)) rule is effective through June 30, ((1984)) 1986. Between January 1, ((1984)) 1986 and March 1, ((1984)) 1986, the assessment program shall be reviewed by the seed branch advisory committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under the authority of chapter 42.30 RCW, the Open Public Meetings Act, and chapter 34.04 RCW, the Administrative Procedure Act. The advisory committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to verify such funds are being used only for seed quality control activities.