

**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (10/1/89)



Agency: Agriculture

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: June 19, 1991

(2) Purpose:  
To revise standards and tolerances for the production of certified seed, increase fees for industry requested services, and to clarify the content of the annual bluegrass quarantine.

(3) Citation of existing rules affected by this order:  
Repealed:  
Amended: Chapter 16-316 WAC and Chapter 16-495 WAC  
Suspended:

(4) Authority for adoption:  
Statute: Chapter 15.49 RCW  
Other Authority:

**(5.1) PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 91-10-082 on April 30, 1991 (date).  
Describe any changes other than editing from proposed to adopted version:  
Five varieties of grass added to the list of grass varieties eligible in 16-316-800.

**(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:**

- |  |  |
|--|--|
| <b>Permanent Rules</b>                                   | <b>Emergency Rules</b>                         |
| <input checked="" type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately           |
| <input type="checkbox"/> Other (specify) _____ *         | <input type="checkbox"/> 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

JUN 19 1991

TIME 9:21 AM  
WSR 91-13-087

NAME (TYPE OR PRINT)

C. Alan Percibone

SIGNATURE

*[Handwritten Signature]*  
Director

DATE 6/19/91

NEW SECTION

WAC 16-316-970 SUDANGRASS CERTIFICATION STANDARDS--PROMULGATION. In addition to the specific rules for the certification of sudangrass provided in this chapter, the general seed certification standards in WAC 16-316-100 through 16-316-214 are basic, and together constitute the standards for sudangrass certification.

NEW SECTION

WAC 16-316-975 SUDANGRASS CERTIFICATION STANDARDS--DEFINITIONS.

(1) "Department" means the Washington state department of agriculture.

(2) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(3) "Sudangrass" means sorghum bicolor x drummondii.

NEW SECTION

WAC 16-316-980 SUDANGRASS CERTIFICATION STANDARDS--SEEDLING APPLICATIONS AND FEES. (1) All applications and fees for seedlings shall be due within sixty days of planting: PROVIDED, That such applications may be accepted after the due date at the discretion of the director upon payment of the late seedling penalty fee.

(2) Fees for certification services shall be as follows:

(a) Seedling application fee, per field.....	\$ 15.00
(b) Late seedling penalty fee, per field.....	\$ 30.00
(c) Inspection fee, per acre.....	\$ 1.75
(d) Certification fee, per 100 pounds.....	\$ 0.50

NEW SECTION

WAC 16-316-985 SUDANGRASS CERTIFICATION STANDARDS--LAND REQUIREMENTS. (1) A field to be planted for all foundation, registered, and certified classes of sudangrass seed shall not have grown or been seeded to sudangrass or sorghum during the preceding two years.

(2) Reseeding of a field, because of failure or partial failure of the first seeding, may be done with permission of the director.

(3) Prohibited noxious weeds in the field and on ditchbanks, roadways, etc., adjacent to a certified field shall be controlled to prevent seed formation.

NEW SECTION

WAC 16-316-990 SUDANGRASS CERTIFICATION STANDARDS--ISOLATION REQUIREMENTS. Sudangrass for certification of the foundation, registered, and certified classes shall be isolated from all other sudangrass not meeting the same varietal purity requirements for certification or from sorghum by a minimum of nine hundred ninety feet.

NEW SECTION

WAC 16-316-995 SUDANGRASS CERTIFICATION STANDARDS--FIELD TOLERANCES. (1) Maximum other varieties permitted in field inspection for certification shall be as follows:

- (a) Foundation seed field.....1 plant/ 50,000 plants
- (b) Registered seed field.....1 plant/ 35,000 plants
- (c) Certified seed field.....1 plant/ 20,000 plants

(2) Roguing to meet certification tolerances shall be allowed: PROVIDED, That the following tolerances for maximum other varieties have not been exceeded:

- (a) Foundation seed field.....1 plant/ 20,000 plants
- (b) Registered seed field.....1 plant/ 10,000 plants
- (c) Certified seed field.....1 plant/ 1,000 plants

(3) Fields that have been rogued as provided in subsection (2) of this section shall be subject to reinspection.

NEW SECTION

WAC 16-316-997 SUDANGRASS CERTIFICATION STANDARDS--SEED STANDARDS. (1) Seed inspection standards shall be as follows:

Purity	Foundation	Class Registered	Certified
Pure seed (min)	98.0%	98.0%	98.0%
Inert material (max)	2.0%	2.0%	2.0%
Other crop (max)	0.01%	0.03%	0.08%
Other varieties* (max)	0.005%	0.01%	0.05%
Weed seed (max)	0.10%	0.10%	0.10%
Prohibited or restricted noxious weed seeds	none	none	none
Germination (min)	85.0%	85.0%	85.0%

\* Other varieties shall not exceed two seeds per pound in the certified classes.

AMENDATORY SECTION (Amending Order 1654, filed 8/31/79)

WAC 16-495-004 ANNUAL BLUEGRASS QUARANTINE--ESTABLISHING QUARANTINE. The seeds of the weed known as annual bluegrass, *Poa annua* and its known strains, hereinafter referred to as annual bluegrass, are objectionable in grass seed; therefore, an annual blue grass quarantine is established to prevent the introduction of annual bluegrass into grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure grass seed growers of a source of seed stock for planting purposes which is annual bluegrass free.

AMENDATORY SECTION (Amending Order 1467, filed 5/13/76)

WAC 16-495-010 ANNUAL BLUEGRASS QUARANTINE--DEFINITIONS. (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or the plural as the case may be.

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the department of agriculture or his duly authorized representative.

~~((3))~~ (4) "Annual bluegrass" means *Poa annua* and all related subspecies.

~~((4))~~ (5) "Seed stock" means those seeds which are planted for seed increase or with intent of seed increase.

~~((5))~~ (6) "Nursery" means an area of two acres or less in which grass for seed production is seeded in rows with twenty-four inch minimum spacings to facilitate roquing.

(7) "Annual bluegrass" means *Poa annua* and all related subspecies.

(8) "Seed stock" means those seeds of grasses which are to be planted for seed increase or with intent of seed increase; except this definition does not include: Big Bluegrass, Upland Bluegrass, Brome, Meadow Fescue, Oatgrass, Orchardgrass, Timothy, or Wheatgrass.

(9) "Official seed laboratory" means a seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Laboratory, 2015 South First Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(10) "Representative sample" means a sample drawn in accordance with sampling procedures adopted by the director.

(11) "Annual bluegrass analysis certificate" means a test report from an official laboratory showing freedom from annual bluegrass of a 10 gram sample for bentgrass or redtop; a 25 gram sample for bluegrass; 25 gram sample for other grasses.

(12) "Quarantine tag" means a tag issued by Washington state department of agriculture to be sealed to each bag showing said seed has met quarantine requirements.

AMENDATORY SECTION (Amending Order 1467, filed 5/13/76)

WAC 16-495-020 ANNUAL BLUEGRASS QUARANTINE--REGULATED AREA. Areas regulated under the annual bluegrass quarantine include all areas of the state of Washington lying east of the Cascade Crest.

AMENDATORY SECTION (Amending Order 1467, filed 5/13/76)

WAC 16-495-030 ANNUAL BLUEGRASS QUARANTINE--QUARANTINE AREA. Areas quarantined under the annual bluegrass quarantine include all areas of ~~((Western))~~ the state of Washington lying west of the Cascade Crest and all areas outside of the state of Washington.

AMENDATORY SECTION (Amending Order 1467, filed 5/13/76)

WAC 16-495-040 ANNUAL BLUEGRASS QUARANTINE--REGULATED ARTICLES. Articles regulated under the requirements of the annual bluegrass quarantine include seed stocks of all grass species except those kinds listed in ~~((the))~~ WAC 16-495-010(8) of these quarantine procedures as exceptions.

AMENDATORY SECTION (Amending Order 1620, filed 5/1/79)

WAC 16-495-050 ANNUAL BLUEGRASS QUARANTINE--CONDITIONS GOVERNING MOVEMENT OF REGULATED ARTICLES. (1) No seed stock shall be shipped, transported, or moved in, or into the annual bluegrass quarantine regulated area ~~((on-or-after-the--effective--date--of--this--quarantine))~~ unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of annual bluegrass on the basis of a minimum 25 gram analysis for bluegrasses and bentgrasses and a minimum of ~~((50))~~ 25 gram analysis for other grasses: PROVIDED, That seed stock found to contain annual bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the state department of agriculture.

(2) This quarantine shall not apply to seed sown for forage or turf.

(3) This quarantine shall not apply: To experiments or trial grounds of the United States Department of Agriculture; to experiments or trial grounds of Washington State University experiment station; or to trial grounds of any person, firm, or corporation; provided said trial ground plantings are approved by the director and under supervision of technically trained personnel familiar with annual bluegrass control.

(4) Any person shipping, moving or transporting any seed stock for planting purposes in or into the regulated area that is not tagged with official "annual bluegrass quarantine" tags shall:

(a) State where and when seed stock can be sampled for the required annual bluegrass test; or

(b) Have attached a copy of the official laboratory analysis showing freedom from annual bluegrass; or

(c) Have representative sample submitted for testing.

AMENDATORY SECTION (Amending Order 1467, filed 5/13/76)

WAC 16-495-060 VIOLATIONS AND PENALTY. ~~((All-violations-of-this order-shall-be-dealt-with-according-to-the-provision-of-RCW-17.24.100, making-such-violations-a-misdemeanor.))~~ Any person who violates the terms of this quarantine may be subject to the criminal and civil penalties provided in chapters 15.49 and/or 17.24 RCW.

AMENDATORY SECTION (Amending Order 1607, filed 5/1/79)

WAC 16-495-090 ANNUAL BLUEGRASS QUARANTINE--PROCEDURE FOR CLEARING. (1) Each person moving, shipping or transporting seed stock in or into the annual bluegrass quarantine regulated area (~~(must)~~) shall:

(a) Submit an official laboratory analysis of a representative sample showing freedom from annual bluegrass; or

(b) Have a representative sample submitted for testing.

(2) Upon receipt of an official laboratory analysis showing freedom from annual bluegrass, the department of agriculture (~~(will)~~) shall tag each bag of those lots found free of annual bluegrass by the required test with "annual bluegrass quarantine" tag, stating said seed is eligible for planting in Eastern Washington.

AMENDATORY SECTION (Amending Order 1607, filed 5/1/79)

WAC 16-495-095 ANNUAL BLUEGRASS QUARANTINE--SEED STOCK CONTAINING ANNUAL BLUEGRASS. Each lot of seed stock found to contain annual bluegrass shall be placed under "stop sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under the supervision of, and approved by, an agent of the department of agriculture. The nursery shall be seeded in rows. It shall be the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the annual bluegrass thus assuring production of seed that is free of annual bluegrass. Seed increase areas shall be inspected by the department at least three times during the seedling year. Any areas not passing inspection shall not be harvested, but instead shall be destroyed by the person who planted the increase area upon order of the director of the Washington state department of agriculture or his agent. If not destroyed as directed, the department of agriculture shall have the plot destroyed and the grower shall be liable for all expenses.

AMENDATORY SECTION (Amending Order 1468, filed 5/13/76)

WAC 16-495-100 ANNUAL BLUEGRASS QUARANTINE--APPLICATION FOR NURSERY INSPECTION. A person shall make application for nursery inspection for annual bluegrass to the department of agriculture not later than 14 days prior to planting.

AMENDATORY SECTION (Amending Order 1607, filed 5/1/79)

WAC 16-495-105 ANNUAL BLUEGRASS QUARANTINE--FEES. (1) Fees for sampling and analysis for the presence of annual bluegrass shall be that fee established by the director.

(2) Inspection fee for nursery plantings shall be \$50.00 per acre or portion thereof.

(3) The tagging fee shall be 50¢ cwt with a minimum fee of \$10.00.

AMENDATORY SECTION (Amending Order 1556, filed 3/1/78, effective 4/1/78)

WAC 16-495-110 ANNUAL BLUEGRASS QUARANTINE--VIOLATION PROCEDURES. (1) A person who violates the annual bluegrass quarantine shall meet with a representative of the seed branch to determine:

(a) If a violation actually occurred;

(b) How it did occur, and what corrective measures can be taken to avoid reoccurrence;

(c) How much acreage is involved and location of all plantings.

(2) Corrective procedures shall be agreed upon, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved.

(3) Treated and rogued acreage shall be inspected by department of agriculture three times during the seedling stages to assure freedom from annual bluegrass. The violator will be assessed an hourly inspection fee and a mileage fee where additional mileage is involved.

(4) Failure to mutually agree, or failure to comply with these procedures, or if it is determined the violation was willful, will be referred to the attorney general for criminal and/or civil penalty action.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-495-080 ANNUAL BLUEGRASS QUARANTINE PROCEDURES.

WAC 16-495-085 DEFINITIONS.