



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/23/95)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: June 29, 1996

(2) Purpose: Amend standards under which buckwheat, chick pea, field pea, lentil, millet, soybean, sorghum and small grain seeds may be certified, and amending fees for inspection and certification activities of the Department. In addition, WAC 16-316-724(2) was rewritten for clarity.

(3) Citation of existing rules affected by this order:

- Repealed:
- Amended: 16-316-474, 16-316-724
- Suspended:

(4) Statutory authority for adoption: RCW 15.49.310

Other Authority:

PERMANENT RULE ONLY

Adopted under notice filed as WSR 96-11-124 on May 21, 1996 (date).
Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under 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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(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:

Permanent Rules

- 31 days after filing
- Other (specify)*:

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required.)

Emergency Rules

- Immediately
- Later (specify):

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUL 02 1996

TIME: 10:16
WSR 96-14-091

Name (Type or Print)
James M. Jesernig

Signature

Title
Director

Date
July 1, 1996

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	-----	Amended	-----	Repealed	-----
Federal rules or standards:	New	-----	Amended	-----	Repealed	-----
Recently enacted* state statutes:	New	-----	Amended	-----	Repealed	-----

*(current calendar year)

The number of sections adopted at the request of nongovernmental entity:

New	-----	Amended	-----	Repealed	-----
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The number of sections adopted in the agency's own initiative:

New	-----	Amended	2	Repealed	-----
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	-----	Amended	-----	Repealed	-----
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The number of sections adopted using:

Negotiated rule making:	New	-----	Amended	-----	Repealed	-----
Pilot rule making:	New	-----	Amended	-----	Repealed	-----
Other alternative rule making:	New	-----	Amended	2	Repealed	-----

AMENDATORY SECTION (Amending Order 5087, filed 10/25/95, effective 11/25/95)

WAC 16-316-474 Buckwheat--Chickpea--Field pea--Lentil--Millet--Soybean--Sorghum--Small grain--Application and fees. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of buckwheat, chickpea (garbanzo beans), field pea, lentil, millet, soybean, sorghum and small grains.

(2) Due dates:

- (a) Buckwheat - June 1
- (b) Field pea - June 1
- (c) Chickpea - June 1
- (d) Lentil - June 1
- (e) Millet - June 1
- (f) Soybean - July 1
- (g) Sorghum - July 15

(h) Small grains - June 1 for both winter varieties and spring varieties.

(i) After due date, an application with late application fee may be accepted for service.

(3) Fees:

- (a) Application fee per variety per grower (~~(\$16.82)~~)
\$17.56
- (b) Field inspection fee per acre
except millet and hybrid sorghum (~~(\$ 2.36)~~)
\$ 2.46
- (c) Millet - first acre (~~(\$25.00)~~)
\$26.11
- each additional acre (~~(\$ 5.00)~~)
\$ 5.22
- (d) Hybrid sorghum - first acre (~~(\$25.00)~~)
\$26.11
- each additional acre (~~(\$10.00)~~)
\$10.44
- (e) Special field inspection fee per acre (~~(\$ 2.10)~~)
\$ 2.09
- (f) Late application fee (~~(\$15.76)~~)
\$16.46
- (g) Reinspection fee (~~(\$31.53)~~)
\$32.93

minimum for each field which did not pass field inspection plus \$ 0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is (~~(\$31.53)~~) \$32.93.

(h) Final certification fee ((~~\$ 0.21~~)) \$ 0.215 per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee \$0.105 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

(i) Sampling fee \$0.105 per cwt. of clean seed sampled, with minimum charge of ten dollars per sample, which shall be charged to 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 5019, filed 11/23/93, effective 12/24/93)

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	WILD OAT
	MINIMUM YEARS	MINIMUM FEET	MAXIMUM HEAD RATIO	MAXIMUM HEAD RATIO	MAXIMUM PLANTS/ACRE
Foundation	((1*) 2*)	((90**) 3**)	None found	None found***	None found
Registered	1*	3**	1/148,000	1/148,000***	5
Certified	1*	3**	1/49,000	1/49,000***	5

* 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. Foundation class fields shall be isolated ninety feet from fields of the same species. In addition, each rye field for certification shall 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 shall 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 for foundation and registered class, and three feet for certified class, unless otherwise stated by plant breeder.

*** 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	(OTHER SMALL GRAINS AND/OR	PURE SEED	INERT	OTHER CROP	WEED	GERMINATION
	MINIMUM (2)	MINIMUM	MAXIMUM	MAXIMUM (3)	MAXIMUM	MINIMUM

	OFF-TYPE	%	%	%	%	%
	MAXIMUM (1)					
	SEEDS/LB					
Foundation	None found	98.00	2.00	None found	0.01**	85.00
Registered	2	98.00	2.00	0.03	0.01**	85.00
Certified	4	98.00	2.00	0.05	0.03**	85.00

No rye, vetch, or triticale is permitted in barley, oat or wheat; no rye or vetch is permitted in triticale; no vetch or triticale is permitted in rye.

- (1) Based on 500 grams examined.
- (2) Based on 100 grams examined.
- (3) Excluding off types and other small grains.

Note: For all classes the purity analysis shall be based on 100 grams examined. For Registered and Certified classes, noxious weed, vetch, off-type, and other small grain determinations shall be based on 500 grams examined. For Foundation class, noxious weed, vetch, off-type, and other small grain determinations shall be based on two pounds examined.

**** Other tolerances for weed seed:**

	OBJECTIONABLE WEED SEED	WILD-OAT
	MAXIMUM	MAXIMUM
Foundation	None found	None found
Registered	None found	None found
Certified	1/lb	None found, except 1/lb in oat))

Class:

	Foundation	Registered	Certified
Pure seed (min)	98%	98%	98%
Inert (max)	2%	2%	2%
Off-type(*) (max)	None found	2/lb	4/lb
Other small grain(*) (max)	None found	1/lb	2/lb
Other crop(**) (max)	None found	0.03%	0.05%
Weed seed (max)	0.01%	0.01%	0.03%
Objectionable weed seed(***) (max)	None found	None found	1/lb
Wild oat (max)	None found	None found	None found(****)
Germ or TZ (min)	85%	85%	85%

(*) The combination of other small grain and off-type shall not exceed 2/lb for Registered class, and 4/lb for Certified class. No rye, triticale, or vetch is permitted in barley, oat, or wheat. No rye or vetch is permitted in triticale. No triticale or vetch is permitted in rye.

(**) Excluding off-type and other small grain.

(***) Excluding wild oat.

(****) 1/lb for Certified class oat.

Note: For all classes the purity analysis shall be based on 100 grams examined. For Registered and Certified classes, noxious weed, vetch, off-type, and other small grain, determinations shall be based on 500 grams examined. For Foundation class, noxious weed, vetch, off-type, and other small grain determinations shall be based on two pounds examined.