



# RULE-MAKING ORDER

CR-103 (12/31/00)

(RCW 34.05.360)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: February 23, 2004

(2) Purpose: To adopt amendments to the Annual and Rough bluegrass quarantine (chapter 16-301 WAC) that remove range, reclamation, and forage type grass seed stocks from the quarantine requirements.

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

Repealed: None

Amended: WAC 16-301-250, WAC 16-301-265, WAC 16-301-270, WAC 16-301-310, WAC 16-301-325, WAC 16-301-330, WAC 16-301-335

Suspended: None

(4) Statutory authority for adoption: RCW 17.24.011, RCW 17.24.041

Other authority: RCW 34.05

### PERMANENT RULE ONLY

Adopted under notice filed as WSR 04-01-182 on 12-23-03 (date).

Describe any changes other than editing from proposed to adopted version: None

### 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) \_\_\_\*

#### Emergency Rules

- Immediately
- Later (specify) \_\_\_

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

NAME (TYPE OR PRINT)

Valoria Loveland

SIGNATURE

TITLE

Director

DATE

February 23, 2004

### CODE REVISER USE ONLY

Stamp: FEB 23 2004

TIME: 2:08

WAVE: 04-06-019

**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:**

<b>Federal statute:</b>	New	___	Amended	___	Repealed	___
<b>Federal rules or standards:</b>	New	___	Amended	___	Repealed	___
<b>Recently enacted state statutes:</b>	New	___	Amended	___	Repealed	___

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

New	___	Amended	<u>7</u>	Repealed	___
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**The number of sections adopted in the agency's own initiative:**

New	___	Amended	___	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:**

<b>Negotiated rule making:</b>	New	___	Amended	___	Repealed	___
<b>Pilot rule making:</b>	New	___	Amended	___	Repealed	___
<b>Other alternative rule making:</b>	New	___	Amended	<u>7</u>	Repealed	___

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-250 Annual bluegrass quarantine--Definitions.**

Definitions for terms in this chapter may be found in chapter 15.49 RCW and WAC 16-301-005, except for the purposes of WAC 16-301-255 through 16-301-295, the following definitions shall apply:

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

(2) "Seed stock" means those seeds of turf type grasses which are to be planted for seed increase or with intent of seed increase.

(3) "Annual bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from annual bluegrass based on a ten gram sample for bentgrass or redtop; and a twenty-five gram sample for other turf type grasses.

(4) "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 WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-265 Annual bluegrass quarantine--Regulated articles.** Articles regulated under the requirements of the annual bluegrass quarantine include seed stocks of all turf type grass species, such as, but not limited to, Kentucky bluegrass, ryegrass and red and chewings fescue.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-270 Annual bluegrass quarantine--Conditions governing movement of regulated articles.** (1) No seed stock may be shipped, transported, moved within, or into the annual bluegrass quarantine regulated area 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 ten gram analysis for bentgrass and a minimum of twenty-five gram analysis

for other grasses except 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. This quarantine shall not apply to range, reclamation, or forage type seed production fields.

(3) This quarantine shall not apply to:

(a) Experiments or trial grounds of the United States Department of Agriculture;

(b) Experiments or trial grounds of Washington State University experiment station; or

(c) 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 or a test report showing freedom of annual bluegrass as allowed in subsection (1) of this section must:

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

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

(c) Submit a representative sample for testing.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-310 Rough bluegrass quarantine--Definitions.**

Definitions for terms in this chapter may be found in chapter 15.49 RCW and WAC 16-301-005, except for the purposes of WAC 16-301-305 through 16-301-355, the following definitions shall apply:

(1) "Rough bluegrass" means *Poa trivialis* and all related subspecies.

(2) "Seed stock" means those seeds of turf type grasses which are to be planted for seed increase or with intent of seed increase.

(3) "Rough bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from rough bluegrass based on a twenty-five gram sample.

AMENDATORY SECTI (Amending WSR 00-24-07, filed 12/4/00,  
effective 1/4/01)

**WAC 16-301-325 Rough bluegrass quarantine--Regulated articles.** Articles regulated under the requirements of the rough bluegrass quarantine include:

- (1) Seed stocks of all varieties of all turf type grasses.
- (2) Seed production fields of rough bluegrass.
- (3) Rough bluegrass sown for forage or turf.

(4) Regulated articles are not to include seed stock of species that are commonly used for range, reclamation or forage purposes.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00,  
effective 1/4/01)

**WAC 16-301-330 Rough bluegrass quarantine--Conditions governing movement of regulated articles.** No seed stock of turf type grasses may be shipped, transported, moved within, or into the rough bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of rough bluegrass on the basis of a minimum twenty-five gram analysis, except that seed stock found to contain rough bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the Washington state department of agriculture.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00,  
effective 1/4/01)

**WAC 16-301-335 Rough bluegrass quarantine--Procedure for clearing seed stocks.** Each person moving, shipping or transporting seed stock of turf type grasses in or into the rough bluegrass quarantine regulated area must:

- (1) Submit an official laboratory analysis of a representative sample showing freedom from rough bluegrass; or
- (2) Submit a representative sample for testing.