

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1607

(1) I, Bob J. Mickelson, director of Department of Agriculture

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

Annual bluegrass quarantine procedures in WAC 16-495-080, WAC 16-495-085, WAC 16-495-090, WAC 16-495-095, WAC 16-495-105, WAC 16-495-001, WAC 16-495-002, WAC 16-495-003, WAC 16-495-005.

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

This action is taken pursuant to Notice No. WSR 79-03-056 filed with the code reviser on March 6, 1979. Such rules shall take effect:

- [X] 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 the foregoing 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 such emergency is:

Such 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. (1977 c 19 § 2) 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 he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(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 TRANSMITTED April 30 19 79 FILED

MAY 1 1979

By [Signature] Deputy Director

Title

CODE REVISER'S OFFICE WSR 79-05-086

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

WAC 16-495-080 ANNUAL BLUEGRASS QUARANTINE PROCEDURES. The following procedures will be followed in implementing the annual bluegrass (*Poa annua*) quarantine which specifies: Each lot of grass seed stock shipped, transported or moved in or into that area of the state of Washington lying east of the Cascade Divide shall be (~~officially~~) sampled (~~by an approved representative~~) under supervision of the Washington State Department of Agriculture and tested by an official seed laboratory for annual bluegrass (*Poa annua*).

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

WAC 16-495-085 DEFINITIONS. (1) Annual bluegrass - *Poa annua* and all related subspecies.

(2) Seed stock - 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, (~~Bromegrasses~~) Brome, Tall Fescue, Meadow Fescue, Oatgrass, Orchardgrass, Timothy, or Wheatgrass.

(3) Official Seed Laboratory - seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Lab, 2015 South 1st Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(4) (~~Official~~) Representative Sample - sample drawn in accordance with sampling procedures adopted by the director.

(5) Annual Bluegrass Analysis Certificate - a test report from an official laboratory showing freedom from annual bluegrass of (~~an official~~) a 25 gram sample for bluegrass; 50 gram sample for other grasses.

(6) Quarantine Tag - 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 1468, filed 5/13/76)

WAC 16-495-090 PROCEDURE FOR CLEARING. (1) Each person moving, shipping or transporting seed stock in or into the regulated area must:

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

(b) Have (~~an official~~) a representative sample submitted for testing.

(2) Upon receipt of an official laboratory analysis showing freedom from annual bluegrass, the department of agriculture will 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 1468, filed 5/13/76)

WAC 16-495-095 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 (~~with twenty-four inches minimum spacing~~). 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 16-495-105 FEES. (1) Fees for ((official)) sampling and analysis 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 minimum fee shall be \$10.00 for each lot and first 20 quarantine tags. For lots requiring more than 20 tags, the fee shall be the minimum fee of \$10.00 plus 50¢ cwt))~~ The tagging fee shall be 50¢ cwt with a minimum fee of \$10.00.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-495-001 PROMULGATION--ESTABLISHING QUARANTINE.
- (2) WAC 16-495-002 PROMULGATION.
- (3) WAC 16-495-003 PROMULGATION.
- (4) WAC 16-495-005 PROMULGATION.



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98501

For the purpose of legislative review of agency rules, the following statement is submitted:

- (a) This rule relates to the seed regulations in Washington state (statutory authority RCW 15.49).
- (b) Revision of regulations concerning production, certification and distribution of seed. These changes include a 15 percent increase in seed testing fees; amendments in seed certification, quarantine, phytosanitary, noxious weed seed programs, clover, alfalfa, grass, bean, pea, lentil, soybean, small grain, tree seed, sod quality, blending, the O.E.C.D. program; and, amendments to restricted noxious weed seed list.
- (c) Department of Agriculture
Grain and Chemical Division
Art G. Losey
406 General Admin. Bldg.
Olympia, WA 98504
753-5062
- Robert Eschbach
2015 So. 1st Street
Yakima, WA 98903
575-2750
- (d) Proponents:
- Department of Agriculture
Ted Dion
Les Clemmons
Jack McGillis
- Duward Massey
Bob Johnson
- Opponents: None
- (e) None