

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1834

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

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

WAC 16-319 Forest Reproductive Material Certification Standards

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

This action is taken pursuant to Notice No. WSR 84-10-077

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.

APPROVED AND ADOPTED June 15, 1984

STATE OF WASHINGTON FILED

By [Signature] Deputy Director

Title

JUN 21 1984

CODE REVISER'S OFFICE WSR 84-13-079

AMENDATORY SECTION (Amending Order 1704, filed 7/24/80)

WAC 16-319-020 FOREST REPRODUCTIVE MATERIAL CERTIFICATION STANDARDS. (1) Purpose. The purpose of certification of forest reproductive material is to make available reproductive material properly identified by species or species and cultivar, and by source or source and origin.

(2) Definitions:

(a) Applicant means person or organization who submits application for certification of forest reproductive material to certifying agency and who assumes responsibility for compliance with these standards.

(b) Audit means periodic examination and check by certifying agency of any part or all of the records and procedures specified in field standards and ~~((processing))~~ conditioning standards, and of additional records pertinent to inventory and distribution of reproductive material including verification of corresponding physical inventory to assure that no significant errors or omissions exist.

(c) Batch means all or part of a lot of reproductive material of a single species collected during one crop season from within stated breeding zone(s) or from within stated ~~((500-foot))~~ five hundred foot elevation increment(s) in stated seed zone(s) that is collected or processed at one time.

(d) Breeding zone means a specific designated unit of land, the description of which is on file at the certifying agency, for which an improved population of trees of a specific species or species cross is being produced.

(e) Buyer means person who first receives reproductive material from the collector.

(f) Certificate of genetic identity means a document furnished by the producer on demand and verified by the certifying agency describing the ancestry and breeding behavior of a lot of reproductive material.

(g) Certification of reproductive material means execution by certifying agency of field inspection, plant/warehouse inspection and/or audit to accomplish the purpose described in ~~((paragraph))~~ subsection (1) of this section.

(h) Certifying agency means the duly designated agent of the state ~~(([agent]-[agency]))~~ agency: In Oregon state, the Oregon Seed Certification Service, 102 Farm Crops Building, Oregon State University, Corvallis, Oregon 97331; in Washington state, Washington State Crop Improvement Association, Inc., 513 North Front Street, Yakima, Washington 98901.

(i) Certificate of ~~((origin))~~ provenance means a document issued by certifying agency which verifies source and origin of reproductive material by field inspection and audit. (Only certificates of provenance are issued to satisfy O.E.C.D.)

(j) Character means a distinctive trait, but not necessarily an invariable feature, exhibited by all individuals of a group and capable of being described or measured: e.g., growth; form; color; resistance to disease, insects, weather, animals, etc.

(k) Code means a unique identification of a group of pertinent records about a lot of forest reproductive material.

(l) Collector means a person who collects forest reproductive material at its source.

(m) Elevation means altitude above sea level and is divided in ~~((500-foot))~~ five hundred foot increments as shown below, or may mean appropriate elevational bands as provided for under code and/or breeding zone.

0 - 500 feet -- Code 05	2501 - 3000 feet -- Code 30
501 - 1000 feet -- Code 10	3001 - 3500 feet -- Code 35
1001 - 1500 feet -- Code 15	3501 - 4000 feet -- Code 40
1501 - 2000 feet -- Code 20	4001 - 4500 feet -- Code 45
2001 - 2500 feet -- Code 25	4501 - 5000 feet -- Code 50
	and so forth.

(n) Field inspection means observation by certifying agency of all activities and records involved in propagation, collection, buying, production, and transportation of forest reproductive material to assure compliance with field standards.

(o) Forest reproductive material means plant material of genera and species of trees which will be used for forestry.

(p) Genetic identity means the ancestry and breeding background of selected and tested classes only of the forest reproductive material.

(q) Genetic superiority means that forest reproductive material originated from tree(s) whose superiority in one or more characters important to forestry has been proven by tests conducted in specified environments.

(r) Location means description by seed zone or portion thereof and elevation and/or breeding zone or code.

(s) Lot means a homogeneous quantity of forest reproductive material.

(i) For tested and selected classes, it is of a single species, cultivar, or cross collected during one crop season from ~~([the]-[a])~~ a distinctively described and recorded population of trees.

(ii) For source identified class, it is a single species collected during one crop season from within stated seed zone(s) and from within ((500-foot)) five hundred foot elevation increment(s) and/or breeding zones or appropriate codes.

(iii) For audit class, it is a single species collected during one crop season from within stated seed zone(s) and from within ((500-foot)) five hundred foot elevation increment(s).

(iv) Lots shall be identified by number and/or code or breeding zone.

(t) Origin means the location of the indigenous parents; for non-indigenous parents, it is the location from which the seed or plants were originally introduced.

(u) Plant/warehouse inspection means observation by certifying agency of all activities and records involved in receiving, processing, storage and labeling of forest reproductive material to assure compliance with ~~((processing))~~ conditioning standards.

(v) Producer means person, company, bureau or agency with overall responsibility for producing forest reproductive material.

(w) Provenance means the original geographic source of seed, pollen or propagules.

(x) Reproductive material means seed, pollen, trees, cuttings, scions, etc., originating from forest trees.

(y) Seed zone means a geographic area delineated on western forest tree seed council's tree seed zone map published July 1973, or similarly authoritative maps of seed zones as approved by certifying agency.

(z) Source means the location of the immediate parents, the origin of which may be indigenous, nonindigenous, or unknown.

(aa) Test means evaluation of parents by comparing the performance of their offspring under more controlled conditions that exist for the parent(s) or other applicable tests which evaluate specific character(s) of the parents or the offspring.

(bb) Unit of measure means a consistent volume of measure, i.e., bushels, pounds, grams, number, cubic centimeters, etc.

AMENDATORY SECTION (Amending Order 1704, filed 7/24/80)

WAC 16-319-041 APPLICATION FOR CERTIFICATION OF FOREST REPRODUCTIVE MATERIAL. (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

(a) The application should show all classes for which certification services are requested.

(b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.

(c) Applicant shall be responsible for payment of fees for certification services.

(d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.

(e) Certifying agency reserves the right to refuse certification service to applicant.

(f) Application for audit certification reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) Timing of application requests for certification services:

(a) Application requests for all certification classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.

(b) Application requests for all other services shall be received by certifying agency from applicant not later than seven days before need.

(3) The certifying agency establishes the fee schedule for certification services. These may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less than anticipated: PROVIDED, That increases shall not exceed twenty-five percent.

(a) Cones and seed:

(i) Tested and selected - the service includes review of test plans, audit of pertinent records and field inspection at the hourly job time rate shown in current fee schedule.

(ii) Source identified classes - the fee includes field inspection ~~((and--audit))~~ at the per bushel rate shown in the current fee schedule and audit of conditioning at the hourly rate also shown in the current fee schedule.

~~((A))~~ The fee for each lot containing less than sixty bushels shall be a maximum of ~~((36.00))~~ thirty-six dollars: PROVIDED, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

~~((B)-Sixty-percent-of-the-fee-for-the--estimated--collection--of--cones--shall--be--paid--with--the--application--the-remainder-to-be-paid--when-billed-by-the-certifying-agency-after-processing-is-complete--))~~

(iii) Audit class - the fee includes audit of applicant's field and ~~((processing))~~ conditioning records at the hourly rate shown in the current fee schedule.

(b) Trees: The fee includes the verification of the source of the trees from the seed source, stratification, sowing, bed identification, lifting, sorting, ~~((packing,))~~ package identification, ~~((and))~~ storing and/or transplanting.

(c) Not entered for certification: The fee for audit of reproductive material not entered for certification service is performed as required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material which applicant has requested certification service.

(d) The fee for certification classes applied for shall be charged whether or not offered material qualifies.

(e) The certifying agency may provide other services, such as training to comply with these standards, advising on the development of recordkeeping systems directly connected with certification needs if requested by the applicant.

(4) Fee schedule:

(a) Tree cones and seed -

Certification Classes	Field Inspection	Audit	Fee Due
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Tested and

Selected	\$15/hr.	\$15/hr.	When billed
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Source Identified
Classes:

Lots 11 bu. and more	\$0.60/bu.	\$15/hr.	
*Lots 6-10 bu.	\$15/lot	\$15/hr.	
*Lots 0-5 bu.	\$ 9/lot	\$15/hr.	
Total bushels x	\$0.36/bu.		With application
Audit	None	\$15/hr.	When billed

*Small lot fee applies when over twenty percent of total lots audited range between 0 and 10 bu. inclusive.

(b) Tree certification -

(i) Bare root seedlings - \$.20/m with a minimum of ((\$600)) six hundred dollars per growing site.

(ii) Container and tubling seedlings - ((\$.50/m)) fifty cents per thousand for a total of less than two million with a minimum of ((\$600)) six hundred dollars per growing site; ((\$.30/m)) thirty cents per thousand for quantities over two million per growing site.

(iii) Forty percent of the fee to accompany the application at the beginning stage of the crop. Final billing will be based on the number when packed.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, signs, cuttings, audit of forest reproductive material not offered for certification by applicant, etc. at \$15/hr. payable when billed.

AMENDATORY SECTION (Amending Order 1704, filed 7/24/80)

WAC 16-319-061 ((PROCESSING)) CONDITIONING STANDARDS. (1) Applicant shall maintain a continuous record for each lot and batch of reproductive material at each plant or warehouse, showing lot and batch number or code, species, seed zone, breeding zone or code, elevation increment, date received and units of reproductive material. Reproductive material stored at plant or warehouse prior to ((processing)) conditioning shall be assembled by lot or batch and so arranged as to be reasonably accessible for audit. The auditor will advise producer before making changes in the certification class of cones or seed offered by the producer.

(2) Labels shall be maintained on containers until reproductive material is ((processed)) conditioned. During ((processing)) conditioning, labels shall be removed and immediately deposited in a container marked with the lot or batch designation or code. Upon completely emptying the containers for each lot or batch of audit or source identified classes, the package of labels from it shall be closed and set aside for examination by the certifying agency auditor. All labels for tested and selected classes shall be attached to or placed inside of the seed containers by the producer for examination by the certifying agency auditor. These labels will remain with the seed until the lot is depleted.

(3) All reproductive material shall be handled in a manner to prevent lot mixture and maintain lot identity. All machinery, containers, and equipment shall be thoroughly cleaned before ((processing)) conditioning another lot or batch.

(4) Specific requirement: Certifying agency may refuse to certify reproductive material failing to meet the following maximum standards: Other distinguishable species or cultivars: Seed ((0-5%)) one-half of one percent by weight; trees, cuttings, scions, etc. ((1%)) one percent by number; pollen ((1%)) one percent by number.

(5) Labeling and sealing of tested, selected, or source identified reproductive material shall be done by the certifying agency.

(a) Labeling of audit class reproductive material will be done by the applicant with the label being affixed to the container: PROVIDED, That for small sales (any quantity of reproductive material less than a full container of a size normally used by the applicant) the label may be affixed to the invoice or sales slip.

(6) For each lot of tested or selected reproductive material, a certificate of genetic identity shall be prepared and affirmed by the producer upon demand and, if verified by the certifying agency, must be signed and placed in or attached to each container before other labels or seals are affixed. The certificate of genetic identity shall include the following information:

(a) For both tested and selected reproductive material, the lot number, breeding zone or code and information on:

(i) The donor or parents which produced the reproductive material, including their selection generation, type of selection made, selected character(s), seed zone(s) and elevation increment(s) in which selection was made, and selection procedure.

(ii) For each prior selection generation, the same information.

(iii) For sexual reproductive material, whether pollination was controlled or not: If controlled, the pollen situation; if controlled, the pollen or pollen mix used, including identification of pollen parent(s), also the number of maternal parents, and, if applicable, the crossing design used.

(b) For tested reproductive material only.

(i) A progeny, clonal, or other applicable test plan shall normally be submitted to the certifying agency for review and acceptance before installation. Acceptance of the test plan may be made after installation providing requirements in WAC 16-319-051(1) and 16-319-061 (6) (b) (ii) are met. Applicant may request assistance from the certifying agency in the development of a plan.

(ii) The plan shall include in the test both randomization and replication for the material to be tested and the identity and background of the check material to be used.

(iii) Complete randomization and balanced randomized blocks are recommended. The actual design of the established test must be recorded in detail.

(iv) Trees to be planted for tests must be grown together in soil as uniform as possible, or, if they are grown in different soils, must be so distributed that like proportions of all clones or progenies are produced in each distinct class of soil.

(v) Test measurements are to be presented in numerical form. Each character to be evaluated is to be measured separately. The genetic superiority as compared with the check must be clearly demonstrated for at least one of the characters being tested. Characters of economic importance in forestry identified in the test must be clearly reported if they are significantly inferior at the ((95%)) ninety-five percent level to those of the check material.

(vi) The results of the test measurements and data shall be readily available to the certifying agency and prospective user or purchaser.

(7) A document, acceptable to the certifying agency for informing the purchaser of species and certification information of each item, and, for auditing purposes, shall be issued by the producer for each sale of tested, selected, source identified, and audit class reproductive material. Such document may be a certificate of ((origin)) provenance for tested, selected, or source identified reproductive material, or an invoice, shipping order, or sales slip for audit class reproductive material. The certifying agency may authorize use of said certificate of ((origin)) provenance for portions of reproductive material from labeled and sealed containers in lieu of labels and seals when relabeling and resealing by the certifying agency is impractical. ((No--items--of--reproductive--material--ineligible--for--any--class--of--certification--shall--be--included--on--any--certificate--of--origin--))

(8) If a lot is composed of reproductive material from more than one seed zone, elevation increment or code in excess of seven percent if of contiguous seed zones, elevation increments, or codes or if in excess of two percent of other than contiguous seed zones, elevation increments, or codes, the certification label must show all seed zones, elevation increments, or codes either with or without the percentage of each.

(9) The allowance for accidental mixing of noncertifiable reproductive material with audit class, or noncertifiable or audit class reproductive material with source identified classes is two percent. When in excess of two percent, the lot must drop to the lowest class represented. No mixing of lower classes with selected or tested classes is permissible.

(10) Any lot may be rejected if certifying agency determines that said lot fails to meet these standards. The privilege of certification may be withdrawn by certifying agency for a definite period of time in case of flagrant violations of these standards. If applicant believes an erroneous decision has been rendered, he may make written appeal to certifying agency for review by its governing body.