



RULE-MAKING ORDER

CR-103 (7/10/97)

(RCW 34.05.360)

Agency: Agriculture	<input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Expedited Adoption <input type="checkbox"/> Expedited Repeal
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(1) Date of adoption: October 11, 1999

(2) Purpose: Provides for the application, fees and standards in the seed certification program for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grain seeds in chapter 16-316 WAC.

(3) Citation of existing rules affected by this order:
 Repealed:
 Amended: 16-316-474, 16-316-717, 16-316-727
 Suspended:

(4) Statutory authority for adoption: RCW 15.49.310 and 15.49.370(3)
 Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
 Adopted under notice filed as WSR 99-13-184 and 99-20-024 on June 23, 1999 and Sept. 28, 1999 (date).
 Describe any changes other than editing from proposed to adopted version:
 Fees have been adjusted to comply with the Washington State Fiscal Growth Factor.

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 or Expedited Repeal
 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)
James M. Jesernig

Signature
James M. Jesernig

Title Director Date October 11, 1999

CODE REVISER USE ONLY

CLERK OF THE SUPREME COURT
STATE OF WASHINGTON

NOV 24 1999

TIME 10:59 AM
WSR 99-24-042 PM

**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	-----

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

New	-----	Amended	<u>3</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:

Negotiated rule making:	New	-----	Amended	-----	Repealed	-----
Pilot rule making:	New	-----	Amended	-----	Repealed	-----
Other alternative rule making:	New	-----	Amended	<u>3</u> -----	Repealed	-----

AMENDATORY SECTION (Amending WSR 98-12-032, filed 5/28/98, effective 6/28/98)

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	....	(\$19.03)
		<u>\$18.87</u>
(b) Field inspection fee per acre except millet and hybrid sorghum	.....	(\$ 2.65)
		<u>\$ 2.63</u>
(c) Millet - first acre	.....	(\$28.29)
		<u>\$28.06</u>
- each additional acre	.....	(\$ 5.65)
		<u>\$ 5.61</u>
(d) Hybrid sorghum - first acre	.....	(\$28.29)
		<u>\$28.06</u>
- each additional acre	.....	(\$11.31)
		<u>\$11.22</u>
(e) Special field inspection fee per acre	.....	(\$ 2.36)
		<u>\$ 2.24</u>
(f) Late application fee	.....	(\$17.83)
		<u>\$17.68</u>
(g) Reinspection fee	.....	(\$35.69)
		<u>\$35.39</u>

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 (~~\$35.69~~) \$35.39

(h) Final certification fee \$0.225

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 5045, filed 5/27/94, effective 6/27/94)

WAC 16-316-717 Field pea standards. (1) Field pea - land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	5*	100**	None found	None found***
Registered	3*	100**	10	None found***
Certified	2*	25**	20	None found***

** Reduce to three feet from fields producing a certified class of the same variety. In addition, each field pea field for certification must be isolated from small grain fields by three feet. To prevent mechanical field mixing of swathed field pea seedcrop, the planting of small grain between field pea fields, except for three feet of isolation, is recommended.

(*) ~~Also required is minimum number of years the following crop kinds were out of production.~~

	NUMBER OF YEARS MINIMUM
Foundation	Austrian pea 40

Registered 10
 Certified 10))

* Spring peas also require 10 years land history with no production of Austrian pea for all classes.

*** For spring peas, no Austrian pea or rye is permitted. For Austrian peas, no rye is permitted.

(2) Field pea - seed standards:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	99.00	1.00	None found	None found	85
Registered	None found	99.00	1.00	None found	0.25**	85
Certified	0.03	99.00	1.00	0.10*	0.25**	85

* For spring peas, no Austrian pea or rye is permitted. For Austrian peas, no rye is permitted.

** Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM
Registered	1/lb
Certified	2/lb

AMENDATORY SECTION (Amending Order 5086, filed 10/25/95, effective 11/25/95)

WAC 16-316-727 Chickpea standards. (1) Chickpea - land, isolation, and field standards:

Land Requirements (1) (minimum years)	FIELD STANDARDS					
	Isolation (min feet)	Off-type (plants/acre)	Other Crop (2) (plants/acre)	Noxious (3) Weeds	Ascochyta Blight (4) (plants/acre)	
Class						
Foundation	3	100	none found	none found	none found	
Registered	((3)) 2	50	5	none found	none found	
Certified	((3)) 2	25	10	none found	10	

(1) Shall not have been planted to chickpeas for three years for foundation class, and two years for registered and certified class, unless the previous crop is of the same variety and passed certification field standards of the same or higher generation.

(2) Inseparable other crops.

(3) Prohibited, restricted, and other weeds difficult to separate must be controlled.

- (4) None found in all classes of intolerant varieties. Planting seedstock shall be treated with thiabendazole (2-(4-triazoyl) benzimidazole).

FIELD INSPECTION

Foundation and registered class fields must have two field inspections. One at bloom stage and one at late pod stage. Certified class fields must have one inspection at bloom stage plus another at pod stage if ascochyta blight is observed during the bloom stage inspection.

SEED STANDARDS

Class (7)	Pure seed	Inert	Other crop	Weed seed	Germination
Foundation	99.00%	1.0%	none found	none found	85%
Registered	99.00%	1.0%	none found	none found	85%
Certified	99.00%	1.0%	2 seeds/lb (5)	2 seeds/lb (6)	85%

- (5) None found for Austrian pea, rye, or vetch.
- (6) None found for nightshade berries or prohibited noxious weed seeds.
- (7) All classes shall be treated with Thiabendazole (2-(4-thiazoyl) benzimidazole at the labeled rate.)