

included courses taken at nonaccredited institutions, either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which applicant's degree was received, provided the accredited institution either:

(i) Has accepted such courses by including them in its official transcript; or

(ii) Certifies to the board that it will accept such courses for credit toward graduation.

(5) Alternative to accreditation. A graduate of a four-year degree-granting institution not accredited at the time the applicant's degree was received or at the time the application was filed will be deemed to be a graduate of a four-year accredited college or university if a credentials evaluation service approved by the board certifies that the applicant's degree is equivalent to a degree from an accredited college or university as defined in subsection (4) of this section.

(6) Accounting concentration. Until June 30, 2000, a concentration in accounting for holders of baccalaureate degrees, for purposes of this rule, shall consist of at least:

(a) Twenty-four semester hours or the equivalent, in accounting subjects including no more than ten semester hours of lower division elementary accounting courses; and

(b) Twenty-four semester hours or the equivalent, in business administration subjects which shall include business law, finance, and economics.

(c) A concentration in accounting for holders of graduate degrees for purposes of this rule shall consist of at least:

(i) Sixteen semester hours or the equivalent in graduate level accounting subjects. Undergraduate accounting courses may be substituted at two-thirds of the stated undergraduate credit; and

(ii) Sixteen semester hours or the equivalent in graduate level business administration subjects which shall include business law, finance, and economics. Undergraduate business courses may be substituted at two-thirds of the stated undergraduate credit.

(7) Accounting concentration. After June 30, 2000, a concentration in accounting, for purposes of this rule, shall consist of at least:

(a) Twenty-four semester hours or the equivalent in accounting subjects of which at least fifteen semester hours must be at the upper division or graduate level (an upper division course is defined as a course only available to students who have standing as a junior, senior or graduate; frequently carries completion of an elementary course(s) as a prerequisite for admission; and is usually designated as "upper division" by the school offering the course); and

(b) Twenty-four semester hours or the equivalent in business administration subjects at the undergraduate or graduate level.

The board will not recognize accounting concentration credits awarded for "life experience" or similar activities retroactively evaluated and recognized by colleges or universities. This restriction is not intended to apply to internships prospectively approved by colleges or universities.

[Statutory Authority: RCW 18.04.055(5). 95-20-065, § 4-25-710, filed 10/3/95, effective 11/3/95; 93-12-071, § 4-25-710, filed 5/27/93, effective 7/1/93.]

Title 16 WAC AGRICULTURE, DEPARTMENT OF

Chapters

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Chapter 16-08 WAC PRACTICE AND PROCEDURE

WAC

16-08-002	Definitions.
16-08-021	Presiding officer.

WAC 16-08-002 Definitions. The definitions set forth in this section shall apply throughout this chapter unless the context otherwise requires:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture.

(3) "Reviewing officer" means the deputy director or administrative regulations analyst of the department of agriculture, who the director hereby designates to exercise all decision making powers to review initial orders, and prepare and enter final orders for the director of agriculture pursuant to RCW 34.05.464(2), or the director of agriculture. The reviewing officer shall mean the director in those cases where the deputy director has acted as the presiding officer.

[Statutory Authority: Chapter 34.05 RCW. 95-18-008 (Order 5081), § 16-08-002, filed 8/23/95, effective 9/23/95; 91-23-051, § 16-08-002, filed 11/15/91, effective 12/16/91.]

WAC 16-08-021 Presiding officer. (1) The director will designate the presiding officer for an adjudicative proceeding:

(a) In matters involving an adjudicative proceeding, the director may designate as presiding officer an administrative law judge assigned by the office of administrative hearings under the authority of chapter 34.12 RCW, or the deputy director, the assistant director, agency operations division; the assistant director, laboratory services division; or the administrative regulations analyst of the department;

(b) In matters involving an emergency or brief adjudicative proceeding or involving a proceeding pursuant to WAC 16-08-022, the director may designate in writing staff persons to function as the presiding officer.

(2) A person who has served as an investigator, prosecutor, or advocate in any stage of an adjudicative proceeding or someone who is subject to the authority or direction of such a person, may not serve as a presiding officer in the same proceeding.

(3) The presiding officer shall have the authority to:

- (a) Determine the order of presentation of evidence;
- (b) Administer oaths and affirmations;
- (c) Issue subpoenas;
- (d) Rule on procedural matters, objections, and motions;
- (e) Rule on offers of proof and receive relevant evidence;

(f) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(g) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;

(h) Take any appropriate action necessary to maintain order during the hearing;

(i) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(j) Take any other action necessary and authorized by any applicable statute or rule;

(k) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver.

[Statutory Authority: Chapter 34.05 RCW. 95-18-008 (Order 5081), § 16-08-021, filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 34.05.425. 93-10-059, § 16-08-021, filed 4/30/93, effective 5/31/93. Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-021, filed 11/15/91, effective 12/16/91.]

Chapter 16-144 WAC

PROCESSING FROZEN DESSERTS

WAC

- 16-144-001 Promulgation and purpose.
- 16-144-145 Requirements for frozen dessert mix processing, handling, transportation and pasteurization.
- 16-144-146 How may frozen dessert mix be transported without requiring repasteurization?
- 16-144-147 Can frozen dessert mix be transported in milk tank trucks or milk cans?
- 16-144-148 What temperature must frozen dessert mix be held at?

- 16-144-149 How long may frozen dessert mix be held after pasteurization?
- 16-144-150 What ingredients must be added to the mix before final pasteurization?
- 16-144-151 What ingredients may be added after final pasteurization or at the freezer?

WAC 16-144-001 Promulgation and purpose. This chapter is promulgated under the authority of RCW 15.36.021 and 69.04.398(3). The purpose of this rule is to establish requirements for production of frozen desserts.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-001, filed 7/26/95, effective 8/26/95; Order 1069, Promulgation, filed 9/20/67, effective 11/1/67.]

WAC 16-144-145 Requirements for frozen dessert mix processing, handling, transportation and pasteurization. (1) Definitions for terms used in this section may be found in the following sections:

(a) Frozen desserts, WAC 16-144-010.

(b) Washington Food, Drug and Cosmetic Act, chapter 69.04 RCW.

(c) Fluid milk, RCW 15.36.012.

(d) Intrastate commerce in foods, WAC 16-167-050 (1)(r).

(e) Pasteurized milk ordinance adopted in WAC 16-101-700.

(2) Additional definition: Harmful microorganisms are bacteria or other microorganisms which have been shown to be capable of causing disease in humans by consumption or contact.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-145, filed 7/26/95, effective 8/26/95.]

WAC 16-144-146 How may frozen dessert mix be transported without requiring repasteurization? (1) Single service containers which meet the requirements for Grade A milk products under Appendix J of the pasteurized milk ordinance (PMO).

(2) Containers with single service liners which meet the requirements for Grade A milk products under Appendix J of the PMO.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-146, filed 7/26/95, effective 8/26/95.]

WAC 16-144-147 Can frozen dessert mix be transported in milk tank trucks or milk cans? No. Transport of mix in milk trucks or milk cans is not allowed. The risk of post pasteurization contamination is too great without final pasteurization at the plant where the mix is frozen and packaged.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-147, filed 7/26/95, effective 8/26/95.]

WAC 16-144-148 What temperature must frozen dessert mix be held at? Forty-five degrees Fahrenheit or less at all times.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-148, filed 7/26/95, effective 8/26/95.]

WAC 16-144-149 How long may frozen dessert mix be held after pasteurization? (1) Frozen dessert mix containers approved under WAC 16-144-146 must bear a pull date which establishes the last day it may be used. This pull date must meet the requirements for pull dating of perishable packaged food under chapters 69.04 RCW and 16-142 WAC.

(2) Pasteurized frozen dessert mix may be held for up to seventy-two hours in storage tanks before it must be repasteurized.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-149, filed 7/26/95, effective 8/26/95.]

WAC 16-144-150 What ingredients must be added to the mix before final pasteurization? (1) All dairy products including milk solids, whey, nonfat dry milk, condensed milk, cream, skim milk, and other milk products.

(2) Egg products.

(3) Reconstituted or recombined dry mixes including cocoa and cocoa products which are mixed with water or other liquids.

(4) Liquid sweeteners.

(5) Dry sugars.

(6) Emulsifiers or stabilizers which do not meet one of the requirements under WAC 16-144-151.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-150, filed 7/26/95, effective 8/26/95.]

WAC 16-144-151 What ingredients may be added after final pasteurization or at the freezer? (1) Ingredients which have been subjected to prior heat treatment sufficient to kill harmful microorganisms.

(2) Ingredients with 0.85% water activity or less.

(3) High acid ingredients with pH 4.7 or less.

(4) Roasted nuts or confectionery chips (added at the freezer).

(5) Harmless lactic acid forming bacteria cultures.

(6) Fruits and vegetables (added at the freezer).

(7) Ingredients with high alcohol content (i.e., fifteen percent or more by volume).

(8) Ingredients which have been subjected to any other process approved by the director which will ensure that the finished product is free of harmful microorganisms.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-151, filed 7/26/95, effective 8/26/95.]

Chapter 16-145 WAC FOOD STORAGE WAREHOUSES

WAC

16-145-010 Purpose.

16-145-020 Food storage warehouse license.

WAC 16-145-010 Purpose. These rules are promulgated under section 10, chapter 374, Laws of 1995. The purpose of these rules is to establish a renewal date for the annual food storage warehouse license.

[Statutory Authority: RCW 69.10.015. 96-01-041, § 16-145-010, filed 12/13/95, effective 1/13/96.]

WAC 16-145-020 Food storage warehouse license.

The license period for food storage warehouses shall begin on April 1 and run through the following March 31. All food storage warehouse licenses shall expire on March 31 of each year.

[Statutory Authority: RCW 69.10.015. 96-01-041, § 16-145-020, filed 12/13/95, effective 1/13/96.]

Chapter 16-158 WAC

STANDARDS FOR THE CERTIFICATION OF PROCESSORS OF ORGANIC FOOD

WAC

16-158-010

Purpose.

16-158-020

Definitions.

16-158-025

Organic certification of processors.

16-158-027

Application for certification—Expiration date.

16-158-030

Organic processing standards.

16-158-040

Labeling.

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Recordkeeping requirements.

16-158-070

Repealed.

16-158-080

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16-158-090

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16-158-120

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16-158-130

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16-158-150

Processed organic food certification logo.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-158-070

Processed organic food certification. [Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-070, filed 6/5/90, effective 7/6/90.] Repealed by 95-13-072 (Order 5068), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.

WAC 16-158-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to adopt rules establishing a certification program for processors of organic food.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-010, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-010, filed 6/5/90, effective 7/6/90.]

WAC 16-158-020 Definitions. As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the processing or handling of organic agricultural products.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(4) "Facility" includes, but is not limited to, any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food is prepared, handled, or processed in any manner for resale or distribution to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer.

(5) "Material" means any substance or mixture of substances that is used in the processing or handling of organic agricultural products.

(6) "Organic food product" means any food product, including fruit, vegetable, meat, dairy, beverage and grocery, that is marketed using the term organic or any derivative of the term organic in its labeling or advertising.

(7) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

(8) "Procedure" means an act, method, or manner of proceeding in some process or course of action.

(9) "Processed organic food" means food that in whole or in part is organically grown and which in its processing has not been treated with synthetically or artificially derived preservatives, colorings, flavorings, or any other artificial or synthetic additive, except as otherwise approved for use under WAC 16-158-060.

(10) "Processor" means any person engaged in the canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, or otherwise processing organic food.

(11) "Prohibited" means any material or practice which is disallowed in the processing or handling of organic agricultural products.

(12) "Recognized organic certification agency" means any third-party organization that is accepted by the director as being one which verifies compliance with standards consistent with chapter 15.86 RCW or rules adopted thereunder.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-020, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-020, filed 6/5/90, effective 7/6/90.]

WAC 16-158-025 Organic certification of processors. All processors must be certified by the department or through a recognized organic certification agency, except for processors who use less than fifty percent organic ingredients in their product(s). Producers who process and sell only their own product are not required to obtain certification under this chapter. Processors must complete an application for certification and submit it with the required fee to the department of agriculture on an annual basis.

Upon approval of the application by the director, the applicant shall be issued an organic food processor certification.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-025, filed 6/20/95, effective 7/21/95.]

WAC 16-158-027 Application for certification—Expiration date. Organic food processors must apply to the department for organic food certification by March 1 of each year. The application, accompanied by the appropriate fee shall be submitted to the department on forms furnished by the department. Organic food processor certificates shall expire on March 31st of the year following their issuance.

Applications made after the set deadline may be processed as the department can schedule the initial inspections, provided that the applicant pays a late fee of fifty dollars.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-027, filed 6/20/95, effective 7/21/95.]

WAC 16-158-030 Organic processing standards.

(1) Ingredients for processed organic foods:

All organic ingredients used in processed organic food must be produced in compliance with organic food production standards as required by rules adopted under chapter 15.86 RCW. Organic food producer or processor certificates for all organic ingredients used in processing must be kept on file by the processor and available to the department upon request. All organic producers or processors that supply ingredients must be certified by a recognized organic certifying agent.

All nonorganic ingredients which are used in product formulation and that are not specifically approved under WAC 16-158-060 must be approved by the director and their sources must be listed as part of the audit process.

(2) Identification and storage:

All organic food products must be clearly identified as organic at all times on all boxes, bins, bags, or other containers that contain organic food products. All organic food products must be stored so that there is no cross contamination from or confusion with nonorganic food products.

Insect and rodent control programs must be in place for organic product storage areas. Any materials used in the organic product storage areas must be approved for use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire facilities are periodically fumigated, the processor must demonstrate that any fumigants used will not contaminate organic products.

Compounds for cleaning storage areas must be used in a manner that does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter the nitrogen, oxygen, and carbon dioxide levels in the storage room atmosphere. Organic food products shall not be stored in controlled atmosphere storage with diphenylamine treated food products.

(3) Processing of organic food products:

In addition to meeting all state and federal manufacturing standards, the processor of organic foods must submit a complete description of the processing method to the director. This description should detail how all ingredients are handled, changed, and ultimately packaged.

All packaging and products must be free of fungicides, preservatives, fumigants, and any other materials which are not approved for use on organic products under chapter 16-154 WAC or this chapter.

All water used in processing must be potable and comply with all local, state, and federal guidelines for potable water.

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-030, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-030, filed 6/5/90, effective 7/6/90.]

WAC 16-158-040 Labeling. All processed organic foods processed or sold in Washington state must comply with the following labeling regulations.

(1) All organically processed foods must be labeled in accordance with Title 21, C.F.R., Part 101.

(2) No organic food product may be labeled "organic when available."

(3) For foods which are composed of one hundred percent organic ingredients: The terms "organic" or "organically grown" may be used without restriction on the principal display panel of a processed food product if that product is a single or multi-ingredient food where all ingredients, excluding water and salt, are organically grown.

(4) For foods which are composed of more than ninety-five percent organic ingredients: The terms "organic" or "organically grown" may be used in the product identity on the principal display panel when less than five percent by weight of the total product contains minor ingredients or additives which are approved under WAC 16-158-060 or by the director.

(5) For foods which are composed of between fifty percent and ninety-five percent organic ingredients: In multi-ingredient food products which contain some nonorganic ingredients, excluding water and salt, the use of the terms "organic" or "organically grown" can only be used to modify the organic ingredient(s) and must restrict the type size of the words organic or organically grown etc., to not larger than three-quarters type size of the product identity.

(6) For foods which are composed of less than fifty percent organic ingredients: If organically grown ingredients comprise less than fifty percent by weight, excluding water and salt, of the ingredients in a multi-ingredient food the word organic or any derivative of the word organic can only be used on the ingredients list.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-040, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-040, filed 6/5/90, effective 7/6/90.]

WAC 16-158-050 Recordkeeping requirements.

(1) All organic food products must be clearly identified through appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products from the time of receiving through the sale of the final product. Records must be maintained that track product from receiving through distribution or sale. Such records must include when applicable, invoices, bills of lading, and grower certificates for incoming raw product; date and quantity of product processed; repack data and production run reports; and invoices and bills of lading of products shipped out. These records must be maintained for a minimum of five years from date of processing.

(2) All processors shall have available to the department the following documents and information for the organic ingredients used in processing:

(a) For raw ingredients a copy of the producer's organic food producer certificate.

(b) For ingredients from intermediate processors or copackers a copy of the processor's or copacker's organic food processor certificate. All organic food producer and processor certificates shall be from recognized organic certification agencies.

(3) Except for applications for organic certification or lab analysis pertaining to that certification, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310 (1)(dd).

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-050, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-050, filed 6/5/90, effective 7/6/90.]

WAC 16-158-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-158-080 Use of processed organic food certification logo. Organic food processors certified under the Washington department of agriculture organic food program will be able to use the words "processed in accordance with the Washington state department of agriculture organic food certification program" in their labeling as long as their practices comply with this chapter, chapter 15.86 RCW, and chapter 16-154 WAC. Food processed and sold under this organic food processor certification program and which are composed of more than ninety-five percent organic ingredients may be identified by the use of one of the attached logos adopted in WAC 16-158-140.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-080, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-080, filed 6/5/90, effective 7/6/90.]

WAC 16-158-090 Inspection. The director shall make at least one visit and any additional visits deemed necessary to each facility each year for the purpose of inspection for compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW.

This inspection may entail survey of required records, examination of handling, processing and storage areas, and any other information deemed necessary to the requirements of this chapter.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-090, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-090, filed 6/5/90, effective 7/6/90.]

WAC 16-158-100 Sampling. A representative sample of the product processed, packed, sold, or distributed may be tested for pesticide residues or other contaminants whenever

the director deems it necessary for certification or maintenance of certification.

It shall be the processor's responsibility to arrange for and bear the costs for any additional testing which is deemed necessary by the director.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-100, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-100, filed 6/5/90, effective 7/6/90.]

WAC 16-158-120 Decertification. Whenever the director finds that a processor who has been certified under this program has:

(1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;

(2) Has filed an application for certification which is false or misleading in any particular;

(3) Has violated any of the provisions of this chapter;

(4) Has failed to provide records as required by WAC 16-158-050 or rules adopted under chapter 15.86 RCW.

The director may issue an order suspending or revoking that processor's certification under this program or he may issue an order directing the processor to take other appropriate action to correct the violation. If the appropriate action is taken, the processor will be returned to its previous status under the program.

Any processor who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-120, filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-158-120, filed 4/11/91, effective 5/12/91. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-120, filed 6/5/90, effective 7/6/90.]

WAC 16-158-130 Fees. (1) The cost per application shall be one hundred fifty dollars per facility. In addition, an assessment fee based on the following fee schedule shall accompany the application. Gross value of production means the value of processed organic food produced during the previous calendar year. In the event that the current calendar year's production exceeds the previous year's production, the department may bill the processor for the additional fee. In the event that the current calendar year's production is less than the previous year's production, the processor may request a refund for the reduced fee. The appropriate fee shall accompany the application.

FEE SCHEDULE

GROSS VALUE OF PRODUCTION	ASSESSMENT RATE
For up to one million dollars	0.25%
For over one million:	
1st one million dollars	0.25%
Value over one million dollars	0.10%

(2) Initial inspections within the state of Washington are provided for under the above fee schedule.

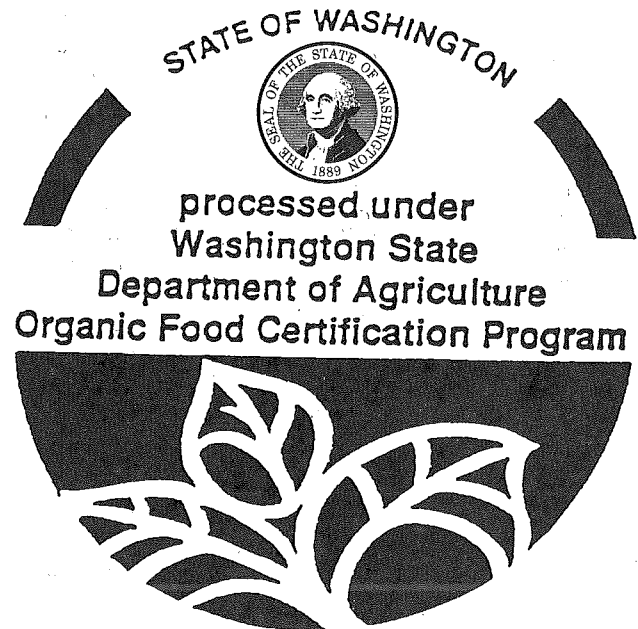
Additional inspections, (in addition to two inspections provided for), if necessary or requested, shall be at the rate of thirty dollars per hour plus mileage set at the rate estab-

lished by the state office of financial management. Out-of-state inspections, if necessary or requested, shall be at the rate of thirty dollars per hour plus transportation costs.

(3) Samples, (in addition to one sample provided for) if required for certification or maintenance of certification by the director, or requested by the applicant, shall be charged to the applicant at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-130, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-130, filed 6/5/90, effective 7/6/90.]

WAC 16-158-150 Processed organic food certification logo.





[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-150, filed 6/20/95, effective 7/21/95.]

Chapter 16-164 WAC STANDARDS FOR THE CERTIFICATION OF HANDLERS OF ORGANIC FOOD

WAC

16-164-010	Purpose.
16-164-020	Definitions.
16-164-030	Organic certification of handlers, including packers and vendors.
16-164-035	Application for certification—Expiration date.
16-164-040	Standards for handlers.
16-164-060	Recordkeeping requirements.
16-164-070	Inspections.
16-164-080	Sampling.
16-164-090	Decertification.
16-164-100	Fee schedule.

WAC 16-164-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to establish a certification program for processors and vendors of organic food products. This chapter provides standards for the certification of handlers of organic food products, including packers and vendors.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-010, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-010, filed 8/7/92, effective 9/7/92.]

WAC 16-164-020 Definitions. As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the handling of organic agricultural products.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(4) "Facility" includes, but is not limited to, any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food products are prepared, handled, packaged, or repackaged in any manner for eventual sale or distribution for eventual sale to the ultimate consumer.

(5) "Handler" means any person who sells, distributes, or packs organic food products.

(6) "Material" means any substance or mixture of substances that is used in the handling of organic agricultural products.

(7) "Organic food product" means any food product, including fruit, vegetable, meat, dairy, beverage and grocery, that is marketed using the term organic or any derivative of the term organic in its labeling or advertising.

(8) "Packer" means any person who receives any organic food product, either through gaining possession or through providing a service, from a producer or other party and packages or repackages that food product.

(9) "Packing" means to wrap, box, or put together raw or processed organic food in a container, box, or package in preparation for sale.

(10) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

(11) "Processed organic food" means food that in whole or in part is organically grown and which in its processing has not been treated with synthetically or artificially derived preservatives, colorings, flavorings, or any other artificial or synthetic additive, except as otherwise approved for use under chapter 16-158 WAC.

(12) "Prohibited" means any material or practice which is disallowed in the handling of organic agricultural products.

(13) "Recognized organic certification agency" means any third-party organization that is accepted by the director as being one which verifies compliance with standards consistent with chapter 15.86 RCW or rules adopted thereunder.

(14) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-020, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-020, filed 8/7/92, effective 9/7/92.]

WAC 16-164-030 Organic certification of handlers, including packers and vendors. All handlers who pack, distribute or sell organic food products in Washington state must be certified by the department or through a recognized organic certification agency, except for final retailers of organic food products. Producers who pack or sell only their own product or persons certified as organic processors are not required to obtain certification under this chapter. A handler seeking certification must complete an application

for certification and submit it with the required fee to the department of agriculture.

Upon approval of the application by the director the applicant shall be issued an organic food handler certification.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-030, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-030, filed 8/7/92, effective 9/7/92.]

WAC 16-164-035 Application for certification—Expiration date. Organic food handlers, except for final retailers, must apply to the department for organic food certification on an annual basis. The application deadline is March 1. The application, accompanied by the appropriate fee shall be submitted to the department on forms furnished by the department. Organic food handler certificates shall expire on March 31st of the year following their issuance.

Applications made after the set deadline may be processed as the department can schedule the initial inspections, provided that the handler pay a late fee of fifty dollars.

Except for final retailers of organic food products, it shall be unlawful for any handler to represent, label, or sell organic food products without having obtained an annual organic food handler certificate.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-035, filed 6/20/95, effective 7/21/95.]

WAC 16-164-040 Standards for handlers. (1) Identification: All organic food products must be clearly identified at all times with appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products.

(2) Storage: All organic food products in a facility must be stored so that there is no cross contamination from or confusion with nonorganic food products.

Insect and rodent control programs must be in place for organic product storage areas. Any materials used in organic product storage areas must be approved for use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire facilities are periodically fumigated, the handler must demonstrate that any fumigants used will not contaminate organic products.

Compounds for cleaning storage areas must be used in a manner that does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter the nitrogen, oxygen, and carbon dioxide levels in the storage room atmosphere. Organic food products shall not be stored in controlled atmosphere storage with diphenylamine treated food products.

(3) Handling of organic food products:

All packaging and products must be free of fungicides, preservatives, fumigants, and any other materials which are prohibited for use on organic food products under chapter 16-154 WAC or this chapter.

All water used in handling must be potable and comply with all local, state, and federal guidelines for potable water.

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-040, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-040, filed 8/7/92, effective 9/7/92.]

WAC 16-164-060 Recordkeeping requirements. All organic food must be completely followed by an audit control system.

(1) Handlers must keep records of products bought and sold that will enable the department to trace food products from receiving through sale. Such records must include but are not limited to, invoices, bills of lading, and grower affidavits of incoming raw product; repack data and production run reports; and invoices and bills of lading of products shipped out.

(2) All handlers of organic food products shall have available to the department the following documents and information:

(a) For organic food products obtained directly from producers a copy of their organic food producer certificate. All organic food producer certificates shall be from recognized organic certification agencies.

(b) For organic food products obtained from another handler, a copy of that handler's organic food handler certificate, or, for handlers which are not certified, a copy of the certificate for each organic food product obtained from that handler. All organic food certificates shall be from recognized organic certification agencies.

(c) For processed organic food products a copy of the organic food processor certificate or, if the processor is not certified, a copy of a certification verification form must be on file. Certification verification forms shall include the percentage of organic ingredients contained in each product, a list of all organic ingredients, and the certification organization(s) of those ingredients. All organic food certificates shall be from recognized organic certification agencies.

(d) Recordkeeping that allows for the tracking of product from receiving through sale. Records must be kept for a minimum of two years except for final retailers which must keep records for a minimum of six months.

(e) All paperwork and labels associated with organic food products must clearly indicate that the product is an organic product.

(3) Except for applications for organic handler certification or lab analysis pertaining to that certification, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310 (1)(dd).

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-060, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-060, filed 8/7/92, effective 9/7/92.]

WAC 16-164-070 Inspections. The director shall make at least one inspection and any additional inspections deemed necessary to each handler and/or each facility each

year to determine compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW. Inspections of handlers with multiple facilities shall entail at least one inspection at each facility which handles organic food products and at least one inspection of the offices where records are kept.

This inspection may entail a survey of required records, examination of facility and storage areas, and any other information deemed necessary by the requirements of this chapter.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-070, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-070, filed 8/7/92, effective 9/7/92.]

WAC 16-164-080 Sampling. A representative sample of the product packed, sold or distributed by the handler may be tested for residues of prohibited materials whenever the director deems it necessary for certification or maintenance of certification.

It shall be the handler's responsibility to arrange for and bear the costs for any testing which is deemed necessary by the director.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-080, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-080, filed 8/7/92, effective 9/7/92.]

WAC 16-164-090 Decertification. Whenever the director finds that a handler who has been certified under this program has:

(1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;

(2) Filed an application for certification which is false or misleading in any particular;

(3) Violated any of the provisions of this chapter; or

(4) Failed to provide records as required by WAC 16-164-050 or rules adopted under chapter 15.86 RCW;

The director may issue an order suspending or revoking that handler's certification under this program or he may issue an order directing the handler to take other appropriate action to correct the violation. If appropriate action is taken, the handler may be returned to its previous status under the program.

Any handler who has received notice that its certification may be suspended or revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-090, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-090, filed 8/7/92, effective 9/7/92.]

WAC 16-164-100 Fee schedule. (1) The cost per application shall be based on the following fee schedule. Gross value shall be based on the previous calendar year's sales of organic food products. First year applicants shall base gross value on an estimate of the value of organic food products which will be handled at the facility. In the event that first year sales of organic food products exceed the estimate, WSDA may bill the handler for the additional application fee. The appropriate fee shall accompany the application.

FEE SCHEDULE

Gross value of products	FEE
sales under \$25,000	\$75
25,000 - 50,000	150
50,000 - 75,000	225
75,000 - 100,000	300
100,000 - 200,000	400
200,000 - 300,000	500
300,000 - 400,000	600
400,000 - 500,000	700
500,000 - 750,000	900
750,000 - 1,000,000	1,000
1,000,000 - 1,250,000	1,250
1,250,000 - 1,500,000	1,500
1,500,000 - 2,000,000	2,000
2,000,000 - 2,500,000	2,500
2,500,000 - 3,000,000	3,000
3,000,000 - 4,000,000	3,500
4,000,000 - 5,000,000	4,000
5,000,000 - 6,000,000	5,000
6,000,000 - 7,000,000	6,000
7,000,000 - 8,000,000	7,000
8,000,000 - 9,000,000	8,000
9,000,000 - 10,000,000	9,000
over 10,000,000	10,000

(2) Additional inspections (in addition to two inspections provided for), if necessary or requested, shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management. Out-of-state inspections, if necessary or requested, shall be at the rate of thirty dollars per hour plus transportation costs.

(3) Samples and analysis for prohibited materials, if required for certification or maintenance of certification by the director, or requested by the handler, shall be charged to the handler at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-100, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-100, filed 8/7/92, effective 9/7/92.]

Chapter 16-166 WAC STANDARDS AND CERTIFICATION FOR VENDORS OF ORGANIC FOOD

WAC

16-166-010 through 16-166-090 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-166-010 Purpose. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-010, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-020 Definitions. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-020, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95,

- effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-030 Organic certification of vendors. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-030, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-040 Standards for vendors. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-040, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-050 Recordkeeping requirements. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-050, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-060 Inspections. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-060, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-070 Sampling. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-070, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-080 Decertification. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-080, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-090 Fee schedule. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-090, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.

WAC 16-166-010 through 16-166-090 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 16-230 WAC

USE OF CHEMICALS AND CHEMICALLY TREATED MATERIALS IN CERTAIN COUNTIES

WAC

- 16-230-190 Restrictions on the use of desiccants and defoliant in Walla Walla County.

WAC 16-230-190 Restrictions on the use of desiccants and defoliant in Walla Walla County. The following restrictions shall apply in Walla Walla County:

(1) Area 1 description - town of Walla Walla and vicinity: This area includes all lands lying within the town of Walla Walla and vicinity beginning at the Washington-Oregon border and the west section line of Section 15, T6N, R34E; thence north along section lines and McDonald Road approximately seven miles to the southwest corner of Section 3, T7N, R36E; thence east along section lines approximately twenty miles to the southeast corner of Section 1, T7N, R37E; thence south approximately seven miles to the Washington-Oregon border; thence west approximately fifteen miles to point of beginning.

(2) Area 1 restrictions:

During the period of February 15 through November 1 of any year, any aerial application of restricted use desiccants and defoliant shall have prior approval by obtaining

a written permit from the Washington state department of agriculture.

(3) Area 2 description - southern portion of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the west section line of Section 18, T6N, R33E; thence north along section lines approximately eight miles to the northwest corner of Section 7, T7N, R33E; thence west along section lines approximately nine miles to the southeast corner of Section 4, T7N, R34E; thence south along section lines approximately eight miles to the Washington-Oregon border; thence west along the border approximately nine miles to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

During the period of February 15 through November 1 of any year, any aerial application of Paraquat or any mixture containing Paraquat shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(b) Diquat restrictions:

During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only.

[Statutory Authority: RCW 17.21.030 (b)(c) and 15.58.040(h). 95-14-093 (Order 5071), § 16-230-190, filed 6/30/95, effective 7/31/95. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-190, filed 4/2/91, effective 5/3/91; 87-15-001 (Order 1938), § 16-230-190, filed 7/2/87; 85-17-066 (Order 1871), § 16-230-190, filed 8/21/85; 85-12-012 (Order 1858), § 16-230-190, filed 5/24/85; 80-05-005 (Order 1682), § 16-230-190, filed 4/4/80; 79-05-043 (Order 1598), § 16-230-190, filed 4/26/79; 79-02-046 (Order 1591), § 16-230-190, filed 1/29/79; Order 1545, § 16-230-190, filed 11/30/77.]

Chapter 16-316 WAC

SEED CERTIFICATION

WAC

- 16-316-474 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Application and fees.
- 16-316-525 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Eligible variety and stock seed.
- 16-316-715 Miscellaneous field and seed inspection standards.
- 16-316-727 Chickpea standards.

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
 (b) Field inspection fee per acre
 except millet and hybrid sorghum \$ 2.36
 (c) Millet - first acre \$25.00
 - each additional acre \$ 5.00
 (d) Hybrid sorghum - first acre \$25.00
 - each additional acre \$10.00
 (e) Special field inspection fee per acre \$ 2.10
 (f) Late application fee \$15.76
 (g) Reinspection fee \$31.53

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.

(h) Final certification fee \$ 0.21
 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.

[Statutory Authority: RCW 15.49.310 and 15.49.370(3). 95-22-037 (Order 5087), § 16-316-474, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-474, filed 5/27/94, effective 6/27/94; 93-24-043 (Order 5019), § 16-316-474, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-474, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-316-474, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-316-474, filed 5/22/89; 85-11-004 (Order 1851), § 16-316-474, filed 5/2/85. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-474, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-474, filed 7/10/81; 78-03-110 (Order 1563), § 16-316-474, filed 3/1/78, effective 4/1/78; Order 1458, § 16-316-474, filed 5/13/76; Order 1366, § 16-316-474, filed 6/12/74; Order 1312, § 16-316-474, filed 4/24/73; Order 1254, § 16-316-474, filed 4/13/72, effective 5/14/72.]

WAC 16-316-525 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Eligible variety and stock seed.

Kind

Barley, spring

Variety

Belford, Camelot (P), Columbia (P), Colter, Cougar, Crest, Crystal, Exel, Gallatin, Harrington, Klages, Horsford, Maranna, Medallion (P), Menuet (P), Melody (P), Meltan (P), Morex, Nancy (P), Russell, Steptoe, Baronesse (P), WestBred Gustoe (P), WestBred Sprinter (P), Whitford (P)

Chickpea

Dwelley, Myles, Sanford, Sara

Barley, winter

Boyer, Eight-Twelve, Hesk, Hundred, Kamiak, Showin

Buckwheat, spring

Manor, Mancan

Field pea

Alaska 81, Garfield, Latah, Umatilla

Lentil

Brewer, Crimson, Red Chief

Oat, spring

Monida, Otana, Park,

Rye, winter

Puma, Rymin

Wheat, spring

Alpowa, Butte 86, Calorwa, Centenial, Dirkwin, Edwall, Klasic (P), Nomad (P), Penawawa, Spillman, Treasure, Wadual, Wadual 94, Wakanz, Wampum, Wawawai, WestBred 906R (P), WestBred 926 (P), WestBred 936 (P), WestBred Express (P), WestBred Sprite, WestBred Vanna (P), Yecora Rojo

Wheat, winter

Andrews, Banner (P), Basin (P), Batum, Blizzard, Buchanan, Cashup (P), Daws, Durham's Pride (P), Eltan, Gene, Hatton, Hill-81, Hoff, Hyak, John, Kmor, Lewjain, MacVicar, Madsen, Malcolm, Meridian, Moro, Nugaines, Quantum 542 (P), Rely, Rod, Rohde, Sprague, Stephens, Tres, Weston

Triticale, spring

Juan, Victoria, Grace, Trical 2700 (P)

Triticale, winter

Celia, Flora, Stan I (P), Trical 6600 (P), Trical Jenkins (P), Trical 102 (P), Trical Stan II (P), Trical XTO-65 (P), Whitman

(P) means proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

[Statutory Authority: RCW 15.49.005, 15.49.310 and 15.49.370 (3) and (4). 95-22-036 (Order 5086), § 16-316-525, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-525, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-525, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-316-525, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-316-525, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-525, filed 5/13/88; 87-15-030 (Order 1941), § 16-316-525, filed 7/10/87; 86-13-014 (Order 1889), § 16-316-525, filed 6/9/86; 80-06-106 (Order 1694), § 16-316-525, filed 5/30/80; 79-09-095 (Order 1646), § 16-316-525, filed 8/31/79; 79-05-056

(Order 1622), § 16-316-525, filed 4/30/79; 78-03-113 (Order 1562), § 16-316-525, filed 3/1/78, effective 4/1/78; Order 1493, § 16-316-525, filed 3/31/77; Order 1459, § 16-316-525, filed 5/13/76; Order 1415, § 16-316-525, filed 8/15/75; Order 1367, § 16-316-525, filed 6/12/74; Order 1313, § 16-316-525, filed 4/24/73; Order 1255, § 16-316-525, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-525, filed 4/16/71.]

WAC 16-316-715 Miscellaneous field and seed inspection standards. (1) The field inspection will be made:

(a) For field pea and chickpea (garbanzo bean) - when seedcrop is in full bloom and at maturity;

(b) For lentil - when seedcrop is in full bloom and at maturity;

(c) For soybean - when seedcrop is in full bloom and/or of mature color;

(d) For open pollinated sorghum - when seedcrop is in full bloom, and optionally again when seedcrop begins to show mature color;

(e) For hybrid sorghum - two inspections during bloom and one inspection after seed begins to show mature color.

(f) For small grains - when seedcrop is fully headed and of mature color.

(g) For millet - one inspection during bloom and one inspection after seed begins to show mature color.

(h) For buckwheat - one inspection when seedcrop is in full bloom.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, shall be cause for rejection upon inspection for field standards. Except: Fields of chickpea, lentil, and field pea will not be rejected for allowing seed formation of bindweed or Canada thistle. Fields rejected for jointed goatgrass at first inspection are not eligible for reinspection and shall remain ineligible for any production of certified classes of small grain seed until a reclamation procedure, as specified in subsection (3) of this section has been completed. Fields rejected for other causes will remain eligible for reinspection.

(3) The jointed goatgrass reclamation procedure shall include the following:

(a) Each grower shall develop a reclamation plan for his/her affected fields. Such a plan shall be based on the most current recommendations of Pacific Northwest scientists and Washington State University cooperative extension as well as good management practices. Such plan may include use of certified seed, spring cropping practices, and late tilling and planting. No particular program is specified or endorsed and compliance with such program does not assure eligibility for the production of certified classes of small grain seed. Such eligibility shall be based solely upon results of field inspections as provided in (b) through (e) of this subsection.

(b) The rehabilitation and inspection program duration shall be three years for irrigated land and five years for dryland without production of certified small grain seed and the first year of certified seed production thereafter.

(c) Annual inspections of the affected fields shall be conducted by the Washington State Crop Improvement Association (WSCIA) during the prescribed rehabilitation period at such time that the jointed goatgrass would be most visible.

(d) Following the prescribed period of rehabilitation and during the first certified seed production year, a minimum of three field inspections shall be conducted by WSCIA.

(e) Should jointed goatgrass be found during any inspection as provided in (c) and (d) of this subsection, the rehabilitation program shall be determined to be unsuccessful or the field shall be declared ineligible and the rehabilitation and inspection program for that field shall begin again at year one of the procedure.

(4) No prohibited noxious weed seeds are permitted upon inspection for seed standards.

(5) Germination minimum refers to germination when sampled.

(6) If chemically controllable seed-borne diseases are noted upon inspection for field standards and seed standards for small grains, treatment of seed is required.

(7) Concerning wild oat, isolated patches and borders must be removed or clearly marked so as to avoid harvesting with the rest of the field. If rejected, a reinspection will be necessary to assure clean-up efforts have been satisfactory. Spot checks will occur on fields where heavy patches or contaminated borders were noted. Harvesting these areas with the rest of the field will be cause for rejection of the entire field.

[Statutory Authority: RCW 15.49.005, 15.49.310 and 15.49.370 (3) and (4), 95-22-036 (Order 5086), § 16-316-715, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-715, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-715, filed 6/9/92, effective 7/10/92; 91-14-001 (Order 2089), § 16-316-715, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-715, filed 6/5/90, effective 7/6/90; 84-13-041 (Order 1831), § 16-316-715, filed 6/15/84; 81-15-032 (Order 1744), § 16-316-715, filed 7/10/81; 80-06-113 (Order 1696), § 16-316-715, filed 5/30/80; Order 1464, § 16-316-715, filed 5/13/76; Order 1368, § 16-316-715, filed 6/12/74; Order 1311, § 16-316-715, filed 4/24/73; Order 1258, § 16-316-715, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-715, filed 4/16/71.]

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

FIELD STANDARDS

Land Requirements (1) (minimum years)	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	50	5	none found	none found
Certified	3	25	10	none found	10

- (1) Shall not have been planted to chickpeas for three years, 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 nontolerant 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

	Pure seed	Inert	Other crop	Weed seed	Germination
Class (7)					
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.)

[Statutory Authority: RCW 15.49.005, 15.49.310 and 15.49.370 (3) and (4). 95-22-036 (Order 5086), § 16-316-727, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-727, filed 5/27/94, effective 6/27/94; 93-24-043 (Order 5019), § 16-316-727, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-727, filed 6/9/92, effective 7/10/92. Statutory Authority: RCW 15.49.370. 82-08-034 (Order 1758), § 16-316-727, filed 3/31/82, effective 5/1/82.]

Chapter 16-354 WAC**HOP ROOTSTOCKS—CERTIFICATION****WAC**

16-354-005	Hop rootstock—General.
16-354-010	Definitions.
16-354-070	Hop rootstock field standards.

WAC 16-354-005 Hop rootstock—General. (1)

Rootstocks of hops (*Humulus Lupulus L.*) may be designated as foundation stock, registered stock and certified stock when inspected, tested and found to be discernibly free from Ilar viruses and virus-like diseases, downy mildew, powdery mildew, verticillium wilt, crown gall, rootknot nematode, hop cyst nematode or other serious pests, by procedures and inspections outlined in this program.

(2) The issuance of a state of Washington certified plant tag or stamp under this chapter affirms only that the tagged or stamped hop rootstock has been subjected to certification procedures to determine compliance with standards by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regard

ing all plants, plant parts, and plant materials under this chapter.

(3) The department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(4) Participation in the hop rootstock certification program shall be voluntary.

[Statutory Authority: RCW 15.14.030 (2), (5). 95-18-034 (Order 5083), § 16-354-005, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-005, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-005, filed 7/16/85; Order 1264, § 16-354-005, filed 5/10/72.]

WAC 16-354-010 Definitions. (1) "Ilar virus" means a grouping of viruses, including Apple Mosaic Virus and Prunus Necrotic Ringspot, which share common characteristics including spherical in shape, with genetic material in three different particles and commonly inducing ring spots in hosts.

(2) "Virus-like" means a transmissible disorder of unknown cause.

(3) "Index" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other method.

(4) "Foundation rootstock" means slips or rhizomes, cuttings and rooted plants taken from hop stocks established and maintained by Washington State University, that are indexed, and believed to be free from known viruses and which will be genetically uniform. Cuttings or rooted plants, which shall be used to establish certified mother blocks shall be furnished to the applicant for a fee determined by Washington State University.

(5) "Certified mother block" means a planting of hop stocks established from foundation rootstock.

(6) "Certified rootstock" means rootstock produced from certified mother blocks and meeting the requirements as herein provided.

(7) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth. or hop strains of this organism.

(8) "Downy mildew and/or black rot" means the disease caused by *Pseudoperonospora humuli* Miy. & Tak., G. W. Wils. Black roots caused by this disease shall not be permitted.

(9) "Powdery mildew" means the disease caused by *Sphaerotheca humuli* (DC) Burrill = *Sphaerotheca macularis* (WALLR.: FR) Lind.

(10) "Crown gall" means the disease caused by *Agrobacterium tumefaciens* E. F. Sm. & Towns., Conn.

(11) "Rootknot nematode" means the nematode *Meloidogyne* sp.

(12) "Hop cyst nematode" means the nematode *Heterodera humuli* Filipjev.

(13) "Crown" means a slip or layered stem cutting with visible buds, that has been grown for one or two years.

(14) "Fairly fresh" means that the roots or cuttings are not excessively wilted.

(15) "Firm" means that the plant parts are not soft or spongy, although they may yield to slight pressure.

(16) "Moist" means that the plant parts are reasonably turgid and not dried to a degree that would affect normal growth.

(17) "Fairly clean" means that the plant parts are not matted or caked with dirt.

(18) "Free from damage caused by mold" means that the plants shall be free from excessive mold or decay. Plants slightly affected by mold shall be allowed.

(19) "Free from damage caused by freezing injury" means that the roots shall be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant.

(20) "Broken or mutilated rootstock" means the breaking of the root section or splitting of the plant part or other mechanical injury that would affect the normal growth of the plant.

(21) "Department" means the Washington state department of agriculture.

(22) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

[Statutory Authority: RCW 15.14.030 (2), (5). 95-18-034 (Order 5083), § 16-354-010, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-010, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-010, filed 7/16/85; Order 1264, § 16-354-010, filed 5/10/72; Order 1023, Regulation 1, filed 6/16/66; Order 996, Regulation 1, filed 11/30/65; Order 947, Regulation 1, filed 4/13/64.]

WAC 16-354-070 Hop rootstock field standards.

(1) The unit of certification shall be the entire lot within the field standing at the time of inspection.

(2) Specific requirements. (Percentage tolerances)

	<u>Certified</u>
Downy mildew	1%
Nematodes (visible)	1%
Verticillium wilt	0
Ilar viruses	0
Powdery mildew	0

[Statutory Authority: RCW 15.14.030 (2), (5). 95-18-034 (Order 5083), § 16-354-070, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-070, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-070, filed 7/16/85; Order 1264, § 16-354-070, filed 5/10/72.]

Chapter 16-414 WAC

CHERRIES

WAC

16-414-010	Washington No. 1 grade and tolerances defined.
16-414-015	Northwest No. 1 grade and tolerances defined.
16-414-020	Application of tolerances.
16-414-030	Definitions.
16-414-085	Container requirements.
16-414-090	Marking containers.
16-414-095	Adoption of United States standards as state standards.

WAC 16-414-010 Washington No. 1 grade and tolerances defined. (1) Washington No. 1 shall consist of sweet cherries which meet the following requirements: Similar varietal characteristics; mature; fairly well colored; well formed and clean; free from decay insect larvae or holes caused by them, soft overripe or shriveled, underdeveloped doubles and sunscald; and free from damage by any other cause.

(2) Size.

(a) The minimum diameter of each cherry shall be not less than 54/64 inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(b) When containers of cherries are marked with a row count/row size designation, the row count/row size marked shall be one of those shown in column 1 of the following table and shall be of the corresponding minimum diameter size shown in column 2:

Column 1 Row count/Row size	Column 2 Diameter in inches
9	75/64
9 1/2	71/64
10	67/64
10 1/2	64/64
11	61/64

11 1/2
12

57/64
54/64

(3) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(a) For defects at shipping point. Washington No. 1. Eight percent for cherries which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than four percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of one percent for cherries which are affected by decay.

Note: Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) For defects en route or at destination.

Washington No. 1. Twenty-four percent for cherries in any lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Eight percent for cherries which fail to meet the requirements for this grade because of permanent defects; or

(ii) Six percent for cherries which are seriously damaged, including therein not more than four percent for cherries which are seriously damaged by permanent defects and not more than two percent for cherries which are affected by decay.

(c) For off-size.

(i) Not more than ten percent, by count, of cherries in any inspection lot shall measure less than 54/64 inches in diameter.

(ii) Ten percent, by count, for cherries which fail to meet any specified maximum diameter when such maximum diameter is marked on the container or specified in terms of fractions of inches.

(iii) When the containers are marked with row count/row size or the lot is specified by row count/row size, not more than ten percent, by count, of the cherries in any inspection lot may fail to meet the corresponding diameter size as defined in subsection (2)(b) of this section.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-010, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-010, filed 3/31/78.]

WAC 16-414-015 Northwest No. 1 grade and tolerances defined. (1) Northwest No. 1 shall consist of sweet cherries which meet the requirements of Washington No. 1 as defined in WAC 16-414-010 (1) and (2), except for tolerances.

(2) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(a) For defects at shipping point. Northwest No. 1. Ten percent for cherries in any inspection lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than five percent shall be allowed for defects causing serious damage, including in this latter amount not more than one percent for cherries which are affected by decay. The contents of individual samples

or containers in any lot shall not be limited to the percentage of grade defects as defined in WAC 16-414-020(1).

Note: Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) For defects en route or at destination. Northwest No. 1. Twenty-four percent for cherries in any inspection lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Ten percent, by count, for cherries which fail to meet the requirement for this grade because of permanent defects; or

(ii) Seven percent, by count, for cherries which are seriously damaged, including therein not more than five percent for cherries which are seriously damaged by permanent defects and not more than two percent for cherries which are affected by decay.

(c) For off-size.

(i) Not more than ten percent, by count, of cherries in any inspection lot shall measure less than 54/65 inches in diameter.

(ii) Ten percent, by count, for cherries which fail to meet any specified maximum diameter when such maximum diameter is marked on the container or specified in terms of fractions of inches.

(iii) When the containers are marked with row count/row size or the lot is specified by row count/row size, not more than ten percent, by count, of the cherries in any inspection lot may fail to meet the corresponding diameter size as defined in WAC 16-414-010 (2)(b).

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-015, filed 6/14/95, effective 7/15/95.]

WAC 16-414-020 Application of tolerances. (1) Individual samples shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be permitted in any sample: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(2) When containers are marked with row count/row size or the lot is specified by row count/row size, the individual samples or containers shall not be limited as to the percentage of cherries which are smaller than the diameter corresponding to the particular row count/row size, except that not more than twenty percent, by count, of the cherries in any sample or container shall measure less than 54/64 inches in diameter.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-020, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-020, filed 3/31/78.]

WAC 16-414-030 Definitions. (1) Similar varietal characteristics. "Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

(2) Mature. "Mature" means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

(3) Fairly well colored. "Fairly well colored" means that at least ninety-five percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

(4) Well formed. "Well formed" means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

(5) Clean. "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

(6) "Face packed" means that the cherries in the top layer in any container are placed so that the stem ends are pointing downward toward the bottom of the container.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-030, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-030, filed 3/31/78.]

WAC 16-414-085 Container requirements. All sweet cherries except Rainier, Royal Anne, and similar varieties commonly known as "light sweet cherries," shall be placed in containers which meet the following requirements:

(1) The net weight of loose packed (jumble filled) cherries in any container shall be twelve pounds or less, or twenty pounds or more. The net weight of face-packed cherries in any container shall be fifteen pounds, or twelve pounds or less: *Provided*, That containers with a net weight of twelve pounds or less may be packed together with like containers in a master shipping container.

(2) The director may, upon the recommendation by the Washington state horticultural association's cherry committee, allow the use of containers not specified in subsection (1) of this section, as experimental containers for the purpose of test or trial marketing: *Provided*, That cherries placed in such containers shall meet the quality requirements of the Washington No. 1, U.S. No. 1, or Northwest No. 1 grade, and that at least ninety percent, by count, of the cherries in any lot of such containers shall measure not less than 54/64 inches in diameter, by requesting a waiver.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-085, filed 6/14/95, effective 7/15/95.]

WAC 16-414-090 Marking containers. Containers shall be conspicuously and legibly stamped with the name and the address of the grower, packer or shipper, the net weight, and shall be marked with the true variety name or "sweet cherries." The containers may be marked with the grade name Washington No. 1, U.S. No. 1, or Northwest No. 1.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-090, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-090, filed 3/31/78.]

WAC 16-414-095 Adoption of United States standards as state standards. In addition to the standards for cherries prescribed in WAC 16-414-010 through 16-414-090, there are hereby adopted, as additional standards of the state of Washington for cherries, the United States standards for grades of sweet cherries, effective May 7, 1971, as they apply to U.S. No. 1, provided, the minimum size of cherries

and tolerances for undersize shall meet the requirements of the Washington No. 1 grade.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-095, filed 6/14/95, effective 7/15/95.]

Chapter 16-461 WAC INSPECTION REQUIREMENTS FOR FRUITS AND VEGETABLES

WAC

16-461-010

Inspection certificate and/or permit required.

WAC 16-461-010 Inspection certificate and/or permit required. (1) No person shall ship, transport, accept for shipment, or accept delivery of, any commercial lot of the following agricultural products without an inspection and the issuance of a certificate and/or a permit by the plant services division of the department of agriculture allowing such shipment, movement or delivery:

(a) Apricots - in closed or open containers for fresh market.

(b) Italian prunes - in closed or open containers for fresh market.

(c) Peaches - in closed or open containers for fresh market.

(d) Cherries - in closed or open containers for fresh market: *Provided*, That no permit shall be issued on cherries infested with live cherry fruit fly larvae.

(e) Apples - in closed or open containers for fresh market: *Provided*, That apples may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of apples having the approval of the director to issue the certificates of compliance.

(f) Pears - in closed or open containers for fresh market: *Provided*, That pears may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of pears having the approval of the director to issue the certificates of compliance.

(g) Asparagus - in closed or open containers for fresh market: *Provided*, That asparagus may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of the asparagus, having the approval of the director to issue the certificates of compliance.

(h) Apples in containers or bulk, for processing: *Provided*, That apples for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of apples having the approval of the director to issue the certificates of compliance: *Provided further*, That apples for processing entering intrastate commerce shall not require a permit.

(i) Pears in containers or bulk, for processing: *Provided*, That pears for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of pears having the approval of the director to issue the certificates of compliance: *Provided further*, That pears for processing entering intrastate commerce shall not require a permit.

(2) Exemptions - Fruits and vegetables listed in WAC 16-461-010 shall be exempted from requirements for inspection and issuance of a certificate or permit:

(a) When the product is being transported from the premises where grown or produced to a horticultural facility other than wholesale or retail for the purpose of storing, grading, packing, packaging, labelling, or processing; prior to entering commercial channels for resale;

(b) When transportation is between horticultural facilities other than those facilities which sell at wholesale or retail level, for the purposes set forth in (a) of this subsection;

(c) When sold or transported to a fruit/produce stand within the zone of production, not to exceed daily quantities of two thousand pounds net weight of a single commodity nor six thousand pounds net weight of any combination of commodities other than cherries, listed in subsection (1) of this section, when on a single conveyance, provided that such exempt sales by the producer within a farmer's market shall not be restricted to the zone of production;

(d) When daily quantities do not exceed one hundred pounds net weight of dark varieties of sweet cherries which are sold for home use and not for resale, and the containers are marked "not for resale" in letters at least one-half inch in height.

(3)(a) Any shipper or packer of apples, apricots, cherries, pears, peaches, prunes, or asparagus may petition the director for authority to issue certificates of compliance for each season. The director may issue certificate of compliance agreements, granting such authority, on such terms and conditions as he may deem appropriate. The authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, prunes, and asparagus under the applicant's direct control or being handled at the shipper's or packer's facilities.

(b) The certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so: *Provided*, That the apples, pears, cherries, and asparagus about to be shipped or transported are in full compliance with the requirements of chapter 15.17 RCW, regulations adopted thereunder and administrative directives of the director: *Provided further*, That apricots, cherries, peaches, prunes, or pears about to be shipped or transported are in full compliance with an existing federal marketing order requiring quality and condition certification and Washington state lot identification or federal-state lot identification;

Cherries of the dark sweet varieties shall be certified as to quality, condition, and size and shall meet all of the requirements of chapter 16-414 WAC, Cherries.

(c) The director's approval to issue certificates of compliance may be suspended, revoked, or denied for cause, subject to RCW 34.05.422(3) and that cause shall be the shipper's or packer's failure to comply with the requirements of subsection (3)(b) of this section, or for the shipper's or packer's actions which impede the department's abilities to ascertain full compliance with requirements of chapter 15.17 RCW or rules adopted thereunder, or for violation of the terms of the certificate of compliance agreement. The period of any suspension shall be determined by the director and shall be commensurate with the seriousness of the violation.

(d) Any shipper or packer whose authority to issue certificates of compliance has been suspended, revoked, or denied by the director shall be subject to those provisions of chapter 15.17 RCW and the regulations requiring the

issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, prunes, and asparagus may be shipped or transported.

(e) Certificates of compliance shall be on forms approved and issued by the director of agriculture.

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture at the regular base fee equivalent to that charged by the director for a shipping permit, for each certificate of compliance issued by the authorized shipper or packer. The base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-461-010, filed 6/14/95, effective 7/15/95; 92-18-103, § 16-461-010, filed 9/2/92, effective 10/3/92; 92-06-085, § 16-461-010, filed 3/4/92, effective 4/4/92; 83-06-050 (Order 1788), § 16-461-010, filed 3/1/83; Order 1523, § 16-461-010, filed 4/20/77; Order 1324, § 16-461-010, filed 8/3/73; Order 1122, § 16-461-010, filed 5/5/72, effective 6/5/72; Order 1122, § 16-461-010, filed 8/23/71; Order 1122, § 16-461-010, filed 5/29/70, effective 7/1/70; Order 1122, § 16-461-010, filed 8/14/69, effective 9/14/69; Order 1098, § 16-461-010, filed 8/30/68, effective 9/30/68; Order 968, filed 3/26/65.]

Chapter 16-493 WAC

ROUGH BLUEGRASS QUARANTINE

WAC

16-493-001	Rough bluegrass quarantine—Establishing quarantine.
16-493-005	Rough bluegrass quarantine—Definitions.
16-493-010	Rough bluegrass quarantine—Regulated area.
16-493-015	Rough bluegrass quarantine—Quarantine area.
16-493-020	Rough bluegrass quarantine—Regulated articles.
16-493-025	Rough bluegrass quarantine—Conditions governing movement of regulated articles.
16-493-030	Rough bluegrass quarantine—Procedure for clearing seed stocks.
16-493-035	Rough bluegrass quarantine—Seed stock containing rough bluegrass.
16-493-040	Rough bluegrass quarantine—Application for nursery inspection.
16-493-045	Rough bluegrass quarantine—Fees.
16-493-050	Rough bluegrass quarantine—Violation and procedures.

WAC 16-493-001 Rough bluegrass quarantine—Establishing quarantine. The seeds of the crop known as rough bluegrass, *Poa trivialis* and its known strains, hereinafter referred to as rough bluegrass, is a threat to Kentucky bluegrass grass seed production; therefore, a rough bluegrass quarantine is established to prevent the introduction of rough bluegrass into major Kentucky bluegrass grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure Kentucky bluegrass seed growers of a source of seed stock for planting purposes which is tested for presence of rough bluegrass. If Kentucky bluegrass seed becomes contaminated with rough bluegrass grass seed there would be a significant economic loss to Kentucky bluegrass growers in the state.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-001, filed 8/22/95, effective 9/22/95.]

WAC 16-493-005 Rough bluegrass quarantine—Definitions. (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee thereof.

This term shall import either the singular or the plural as the case may be.

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the department of agriculture or his/her duly authorized representative.

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

(5) "Nursery" means an area of two acres or less in which Kentucky bluegrass for seed production is seeded in rows with twenty-four-inch minimum spacings to facilitate roguing.

(6) "Seed stock" means those seeds of Kentucky bluegrass which are to be planted for seed increase or with intent of seed increase, except this definition does not include: Big Bluegrass, Upland Bluegrass, Brome, Meadow Fescue, Tall Fescue, Oatgrass, Orchardgrass, Timothy, or Wheatgrass.

(7) "Official seed laboratory" means a seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Laboratory, 2015 South First Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(8) "Representative sample" means a sample drawn in accordance with sampling procedures adopted by the director, as found in WAC 16-304-020 and 16-304-040.

(9) "Rough bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from rough bluegrass based on a 25 gram sample.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-005, filed 8/22/95, effective 9/22/95.]

WAC 16-493-010 Rough bluegrass quarantine—Regulated area. Areas regulated under the rough bluegrass quarantine include all counties in the state of Washington lying east of the Cascade Crest.

(1) This quarantine shall not apply: To experiments or trial grounds of the United States Department of Agriculture; to experiments or trial grounds of Washington State University experiment station; or to trial grounds of any person, firm, or corporation: *Provided*, That said trial ground plantings are approved by the director and under supervision of trained personnel familiar with rough bluegrass control.

(2) This quarantine shall not apply to seed production fields of rough bluegrass grown in Benton, Klickitat, or Yakima counties.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-010, filed 8/22/95, effective 9/22/95.]

WAC 16-493-015 Rough bluegrass quarantine—Quarantine area. Areas quarantined under the rough bluegrass quarantine include all counties in the state of Washington lying west of the Cascade Crest and all areas outside of the state of Washington.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-015, filed 8/22/95, effective 9/22/95.]

WAC 16-493-020 Rough bluegrass quarantine—Regulated articles. Articles regulated under the requirements of the rough bluegrass quarantine include:

(1) Seed stocks of all varieties of Kentucky bluegrass.

(2) Seed production fields of rough bluegrass.

(3) This quarantine shall not apply to seed sown for forage or turf.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-020, filed 8/22/95, effective 9/22/95.]

WAC 16-493-025 Rough bluegrass quarantine—Conditions governing movement of regulated articles. No seed stock shall be shipped, transported, moved in, 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 25 gram analysis: *Provided*, 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.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-025, filed 8/22/95, effective 9/22/95.]

WAC 16-493-030 Rough bluegrass quarantine—Procedure for clearing seed stocks. Each person moving, shipping or transporting seed stock in or into the rough bluegrass quarantine regulated area shall:

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

(2) Have a representative sample submitted for testing.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-030, filed 8/22/95, effective 9/22/95.]

WAC 16-493-035 Rough bluegrass quarantine—Seed stock containing rough bluegrass. Each lot of seed stock found to contain rough 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 supervision of, and approved by, an agent of the department of agriculture. The nursery shall be seeded in rows. It shall be the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the rough bluegrass thus assuring production of seed that is free of rough 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/her agent. If not destroyed as directed, the department of agriculture shall have the plot destroyed and the grower shall be liable for all expenses.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-035, filed 8/22/95, effective 9/22/95.]

WAC 16-493-040 Rough bluegrass quarantine—Application for nursery inspection. A person shall make application for nursery inspection for rough bluegrass to the department of agriculture not later than fourteen days prior to planting.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-040, filed 8/22/95, effective 9/22/95.]

WAC 16-493-045 Rough bluegrass quarantine—Fees. (1) Fees for sampling and analysis for the presence of rough bluegrass shall be that fee established by the director in WAC 16-304-039 through 16-304-050.

(2) Inspection fee for nursery plantings shall be fifty dollars per acre or portion thereof.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-045, filed 8/22/95, effective 9/22/95.]

WAC 16-493-050 Rough bluegrass quarantine—Violation and procedures. (1) A person who is alleged to have violated the rough bluegrass quarantine shall meet with a representative of the department to discuss the allegation and determine:

(a) How it did occur;

(b) How much acreage is involved and location of all plantings;

(c) Corrective procedures, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved to avoid recurrence and minimize economic loss.

(2) Treated and rogued acreage shall be inspected by the department of agriculture three times during the seedling stages to assure freedom from rough bluegrass. The violator will be assessed an hourly inspection fee and a mileage fee where additional mileage is involved.

(3) Any person who violates the terms of this quarantine may be subject to the criminal and civil penalties provided in chapters 15.49 and/or 17.24 RCW.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-050, filed 8/22/95, effective 9/22/95.]

Chapter 16-497 WAC HOP DISEASE QUARANTINE

WAC

16-497-005 Hop disease quarantine—Definitions.
16-497-030 Regulations—Conditions governing the movement of regulated articles.

WAC 16-497-005 Hop disease quarantine—Definitions. (1) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Iilar viruses" means a grouping of viruses, including Apple Mosaic Virus and Prunus Necrotic Ringspot, which share common characteristics including spherical in shape, with genetic material in three different particles and commonly inducing ring spots in hosts.

(4) "Verticillium wilt" means the disease caused by Verticillium albo-atrum Reinke & Berth, or hop strains of this organism.

(5) "Powdery mildew" means the disease caused by Sphaerotheca macularis (WALLR.: FR) Lind = Sphaerotheca humuli (DC) Burrill.

[Statutory Authority: RCW 17.24.041. 95-18-033 (Order 5082), § 16-497-005, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-005, filed 3/27/91, effective 4/27/91.]

WAC 16-497-030 Regulations—Conditions governing the movement of regulated articles. Hop plants and all parts thereof will be admitted into the state of Washington: *Provided*, That the following provisions are complied with.

(1) The hop plant or parts thereof have been certified in accordance with the regulations of an official state agency, which certification program requires at least two field inspections during the growing season, and requires that certification tolerances shall not exceed: Powdery mildew, Verticillium wilt (albo atrum (dm)), and Iilar viruses, zero percent: *And provided further*, That all shipments of such hop planting stock shall be apparently free of insect pests and shall be accompanied by a certificate issued by an official agency of the state of origin certifying that the hop planting stock was produced under official certification regulations and meets official standards.

(2) All shipments of hop planting stock shall be plainly marked with the contents on the outside of the package or container.

(3) Persons shipping or transporting regulated articles into this state from areas under quarantine shall notify the department's plant certification branch of the nature and quantity of each shipment, the expected date of arrival at destination, the name of the intended receiver and the destination. The person to whom the articles are shipped shall hold the same until they are inspected and/or released by the department.

[Statutory Authority: RCW 17.24.041. 95-18-033 (Order 5082), § 16-497-030, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-030, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-030, filed 12/31/79, effective 6/1/80.]

Chapter 16-532 WAC HOPS

WAC

16-532-035 Inspection required.
16-532-040 Assessments and collections.
16-532-120 Labeling.

WAC 16-532-035 Inspection required. All varieties of hops produced in the state of Washington shall be inspected and certified by the Federal/State Hop Inspection Service for quality and condition of seed, leaf and stem prior to marketing or processing, pursuant to the standards established by the Federal Grain Inspection Service of the United States Department of Agriculture.

[Statutory Authority: RCW 15.65.050. 95-17-118 (Order 5077), § 16-532-035, filed 8/23/95, effective 9/23/95. Statutory Authority: Chapter 15.65 RCW. 88-24-028 (Order 1992), § 16-532-035, filed 12/2/88.]

WAC 16-532-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of hops shall be two dollars and fifty cents per affected unit.

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale or processing, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.65.050. 95-17-118 (Order 5077), § 16-532-040, filed 8/23/95, effective 9/23/95. Statutory Authority: Chapter 15.65 RCW. 91-15-019 (Order 2090), § 16-532-040, filed 7/10/91, effective 8/10/91. Statutory Authority: RCW 15.65.170. 87-10-059 (Order 1927), § 16-532-040, filed 5/6/87, effective 6/8/87. Statutory Authority: Chapter 15.65 RCW. 83-16-041 (Order 1800), § 16-532-040, filed 7/29/83; 80-05-090 (Order 1686), § 16-532-040, filed 5/1/80; 79-01-045 (Order 1593), § 16-532-040, filed 12/21/78; Order 1332, § 16-532-040, filed 1/17/74; Marketing Order Article IV, §§ A through C, filed 7/1/64.]

WAC 16-532-120 Labeling. (1) Each lot of hops must be identified by the crop year produced, grower number and lot designation, and variety stenciled on each bale.

(a) A three-digit grower number will be assigned by the Washington hop commodity board (commission) prior to the annual harvest.

(b) The first marking will consist of the last digit of the crop year, the letter "G" and a hyphen, followed by the

three-digit grower number and lot designation (example: 8G-000-01).

(c) The first marking shall be affixed on the head or top of the bale and shall be in characters approximately two inches high.

(d) The second marking will consist of the hop variety, utilizing the following abbreviations:

AQ - Aquila
BA - Banner
BG - Brewer's Gold
CA - Cascade
CN - Centennial
CH - Chinook
CL - Cluster
CR - Crystal
ER - Eroica
EX - Experimental
FU - Fuggle
GA - Galena
HA - Hallertauer
HE - Hersbrucker
LI - Liberty
MH - Mt. Hood
NB - Northern Brewer
NU - Nugget
OL - Olympic
OT - Other
SA - Saaz
SP - Spalter
PE - Perle
TE - Tettnanger
UL - Ultra
WI - Willamette

(e) The second marking shall be affixed immediately below the first marking on the head or top of the bale, and shall be in characters approximately two inches high.

(2) In addition to any other brands, labels, stencils or other marks customarily used by hop handlers to identify their own trademarks, labels or firm names, all baled hops shall be branded, labeled, stenciled or marked with one distinctive identifying marking, defined or designated by the hop commodity board (commission), which shall identify the hops as having been grown in the state of Washington.

(a) This mark or identification shall be stenciled in letters at least one inch in height and shall read: "WASHINGTON," or "GROWN IN WASHINGTON," as prescribed by the hop commodity board (commission).

(b) This mark or identification shall be affixed in a suitable position on the head or top of the bale, in the area generally used by the federal/state inspectors to stencil their own identification mark and in the same general area where the grower's "G" number and variety identification are applied.

(c) At no time shall the said identification marking appear on the face or sides of the bales, as these areas are considered to be for the use of the dealer or handler for trademarks, shipping markings, bale numbers, firm insignias, etc.

(d) The approved identification marking shall be affixed by the federal/state inspector prior to the drawing of samples for federal/state inspection, and, no hops may be sampled for this purpose unless said markings have been affixed thereto

in compliance with the regulations prescribed by the hop commodity board (commission).

(e) Handlers who offer hops for sale in foreign countries where only shipping markings are permitted on the bales or containers, may apply to the hop commodity board (commission) for permission to blot out or remove the identifying marking.

[Statutory Authority: RCW 15.65.050. 95-17-118 (Order 5077), § 16-532-120, filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 15.65.280 and WAC 16-532-020 10K [(10)(k)]. 93-09-014, § 16-532-120, filed 4/13/93, effective 5/14/93. Statutory Authority: RCW 15.65.380. 88-13-050 (Resolution No. 88-01), § 16-532-120, filed 6/10/88; Regulation 2, filed 10/16/64.]

Chapter 16-536 WAC DRY PEAS AND LENTILS

WAC

16-536-020 The dry pea and lentil board.

WAC 16-536-020 The dry pea and lentil board. (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of ten members. Eight members shall be affected producers elected as provided in this article. One member shall be an affected handler elected as provided in this article. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area of the state of Washington shall be divided into four representative districts as follows:

(i) District I shall have three board members, being positions 1, 2 and 3 and shall include the county of Whitman.

(ii) District II shall have two board members, being positions 4 and 5 and shall include the county of Spokane.

(iii) District III shall have one board member being position 6 and shall include the counties of Walla Walla, Garfield, Columbia and Asotin.

(iv) District IV shall have two board members, being positions 7 and 8 shall include all other counties of the state of Washington located east of the summit of the Cascade Mountains: *Provided*, That the addition of another member, being position 8, shall not become effective until approved by a referendum vote of the affected commercial wrinkled pea seed producers.

(3) Board membership qualifications.

(a) The affected producer members of the board shall be practical producers of dry peas and/or lentils in the district in and for which they are nominated and elected and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing dry peas and/or lentils within the state of Washington for a period of five years and has during that time derived a substantial portion of his income

therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(b) The affected handler member of the board shall be a practical handler of dry peas and/or lentils and shall be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling dry peas and/or lentils within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven, the affected handler shall have position eight and the member appointed by the director position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one, two and three - one year

Positions four, five and six - two years

Positions seven, eight, nine, and ten - three years

No elected member of the board may serve more than two full consecutive three-year terms.

(5) Nomination and election of board members.

(a) For the purpose of nominating candidates for election to board membership the director shall call separate meetings of affected producers and affected handlers.

(b) Each year the director shall call for nomination meetings in those districts whose board members term is about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in newspapers of general circulation within the affected district not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers within such affected district and handlers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or handler may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five affected producers or affected handlers.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers and handlers. Nominating petitions for producers and handlers shall be signed by not less than five affected producers and handlers. Final date for filing nominations shall be not less than twenty days after the notice was mailed.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer shall be entitled to one vote. The affected handler member of the board shall be elected by a majority of votes cast by the affected handlers. Each affected handler shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a runoff election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer and affected handler entitled to vote whose name appears upon the list of such affected producers and affected handlers maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by an affected producer or affected handler shall not invalidate the election of any board member.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member shall receive ten dollars for each day in actual attendance on or traveling to and from meetings of the board or on special assignment for the board, together with subsistence and traveling expense at the rate allowed by law to state employees: *Provided*, That the method of determining whether per diem rates or actual subsistence and lodging shall be allowed shall be determined by resolution or rule of the board in advance of the incurrence of such expenses by a board member.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order: *Provided*, That the total reimbursement to all applicants shall not exceed two thousand dollars.

(f) To establish a "dry pea and lentil board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting through regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

[Statutory Authority: RCW 15.65.050, 95-17-117 (Order 5079), § 16-536-020, filed 8/23/95, effective 9/23/95. Statutory Authority: Chapter 15.65 RCW, 82-15-020 (Order 1768), § 16-536-020, filed 7/13/82; Marketing Order Article II, §§ A through K, filed 3/26/65.]

Chapter 16-557 WAC

WASHINGTON ASPARAGUS COMMISSION

WAC

16-557-020 Asparagus commodity board.

WAC 16-557-020 Asparagus commodity board. (1)

Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of nine members. Six members shall be affected producers elected as provided in this section, one member shall be an affected handler, fresh, elected as provided in this section, one member shall be an affected handler processor, as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located east of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

(i) District I shall have two board members, being positions one and two, and shall be Benton, Kittitas, Klickitat, and Yakima counties.

(ii) District II shall have two board members, being positions three and four, and shall include the counties of Adams, Franklin, and Grant.

(iii) District III shall have two board members, being positions five and six, and shall include the counties of Columbia and Walla Walla.

(3) Board membership qualifications.

(a) The affected producer members of the board shall be practical producers of asparagus and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actively engaged in producing asparagus within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as handlers for purpose of election and membership on a commodity board.

(b) The affected handler member of the board shall be a practical handler of asparagus and shall be a citizen and

resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling asparagus within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six, affected handler member fresh product, position seven, affected handler member, processor, position eight, and the member appointed by the director, position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one, three, and seven - one year, shall terminate on December 31, 1992;

Positions two, four, and five - two years, shall terminate on December 31, 1993;

Positions six and eight - three years, shall terminate on December 31, 1994.

(d) No elected produce member of the board may serve more than two full consecutive three-year terms.

(5) **Nomination and election of board members.** For the purpose of nominating candidates for election to board membership, the director shall call separate meetings of affected producers, affected handlers, fresh and affected handler processors. Each year the director shall call for nomination meetings in those districts whose board members' term is about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers within the affected area and all affected handlers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or affected handler may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers or affected handlers. At the inception of this order, nominations may be made at the issuance hearing.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers or handlers. Nominating petitions for producers shall be signed by not less than five affected producers of the district from which such a candidate will be elected. Nomination petitions for handlers, fresh and processed shall be signed by

not less than three affected handlers. The final date for filing nominations which shall not be less than twenty days after the notice was mailed.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of November under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer within the affected district shall be entitled to one vote.

Affected handler, fresh, shall be elected by a majority of the votes cast by the affected handlers, fresh. Affected handler, processor, shall be elected by a majority of the votes cast by the affected handlers, processor.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer or affected handler entitled to vote whose name appears on the list of such affected producers and affected handler within the affected area maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member may receive thirty-five dollars or an amount as provided for in RCW 43.03.230 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish an "asparagus board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except for an amount of petty cash for each days' needs, not to exceed fifty dollars, shall be deposited daily.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act.

(m) To bring actions or proceedings, upon joining the director as a party, for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(p) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The budget shall be presented for discussion at the meeting. In addition to such notice as may be required by chapter 42.30 RCW, notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer, and handler and by regular news service.

(c) In accordance with RCW 42.30.080, the board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

[Statutory Authority: RCW 15.65.050 and Washington State Agricultural Enabling Act of 1961. 95-17-116 (Order 5078), § 16-557-020, filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-020, filed 4/4/91, effective 5/5/91.]

Chapter 16-580 WAC

WASHINGTON FARMED SALMON COMMISSION

WAC

16-580-020 Farmed salmon commodity board.
16-580-070 Effective time.

WAC 16-580-020 Farmed salmon commodity board. (1) Administration. The provisions of this marketing order and the applicable provisions of chapter 15.65 RCW shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of five producer representatives. The director shall appoint one additional member who is not an affected producer to represent the department and the general public.

(3) Board membership qualifications. The affected producer members of the board shall be residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in the activities of an affected producer within the state of Washington for a period of one year and has, during that time, derived a substantial portion of his/her income therefrom. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, unless the marketing order is terminated earlier. One-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through five and the member appointed by the director, position six.

(c) Commencing on January 1, 1996, the term of office for the board members shall be as follows:

Position one - one year - shall terminate on December 31, 1996.

Positions two and three - two years - shall terminate on December 31, 1997.

Positions four and five - three years - shall terminate on December 31, 1998.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may nominate a representative for membership on the board at such nomination meeting.

Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, and the director deems that said nominee satisfies the requirements of the position, then it shall be deemed that said nominee has been duly elected.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of October under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Removal of board members. A board member may be removed by a vote of the board if that member fails to attend any three consecutive meetings of the board, duly noticed.

(8) Vacancies prior to election. In the event of a vacancy on the board, the board shall appoint a qualified person to fill the unexpired term.

(9) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(10) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meeting of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(11) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the policies of the act.

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order.

(f) To establish a fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the

necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(q) To sue or be sued.

(12) Procedures for board.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meeting Act).

(b) The board shall hold an annual membership meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members.

[Statutory Authority: RCW 15.65.050 and 15.65.280. 95-22-035 (Order 5085), § 16-580-020, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-020, filed 10/29/92, effective 12/1/92.]

WAC 16-580-070 Effective time. This marketing order for farmed salmon products shall become effective on or after October 1, 1992.

[Statutory Authority: RCW 15.65.050 and 15.65.280. 95-22-035 (Order 5085), § 16-580-070, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-070, filed 10/29/92, effective 12/1/92.]

Chapter 16-585 WAC

PUGET SOUND GILLNET SALMON COMMISSION

WAC

16-585-010	Definition of terms.
16-585-020	Puget Sound gillnet salmon commodity board.
16-585-030	Marketing order purposes.
16-585-040	Assessments and collections.
16-585-050	Time—Place—Method for payment and collection of assessments—Landing reports.
16-585-060	Obligations of the board.
16-585-070	Termination of this order.
16-585-080	Effective time.

16-585-090 Separability.

WAC 16-585-010 Definition of terms. For the purpose of this marketing order:

(1) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(2) "Affected area" means Western Washington.

(3) "Affected commodity" means salmon harvested pursuant to Washington, Puget Sound commercial salmon gillnet license or with gear now or hereafter lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet licenses.

(4) "Affected producer" means any person who is a commercial harvester of commercial quantities of salmon taken pursuant to Washington state Puget Sound commercial salmon gillnet license or with gear lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet licenses in the waters of the state of Washington in areas lawfully permitted for such licenses, including in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery.

(5) "Commercial quantity" means any Puget Sound salmon produced by an affected producer which producer produces an annual quantity greater than zero and sufficient for sale and entry into the stream of commerce for salmon.

(6) "Commission" means the Puget Sound gillnet salmon commission formed pursuant to this order.

(7) "Department" means the department of agriculture of the state of Washington.

(8) "Director" means the director of agriculture of the state of Washington or the duly appointed representative.

(9) "Fiscal year" means the twelve-month period beginning with January 1 of any year and ending with December 31st, both dates being inclusive.

(10) "Order" means this marketing order.

(11) "Person" means any person, firm, association, or corporation.

(12) "Production area" means the waters of the state of Washington in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery and in which fishing is lawfully permitted pursuant to a Puget Sound commercial salmon gillnet license.

(13) "Puget Sound gillnet salmon" means salmon taken in the waters of the state of Washington in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery, or other lawful area permitted pursuant to Puget Sound commercial salmon gillnet license and taken pursuant to Washington state Puget Sound commercial gillnet license or with gear lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet license.

(14) "Puget Sound gillnet salmon commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of this marketing order.

(15) "Purchase" means obtain through sale, exchange, barter, or trade.

(16) "Salmon" means Puget Sound salmon and salmon products which have been harvested by affected producers as defined in this marketing order. "Salmon" does not include privately farmed or cultivated salmon or salmon products nor

salmon harvested pursuant to license issued by the various Treaty Indian Tribes. Nothing herein shall prevent the board from engaging in cooperative marketing of tribal and nontribal salmon.

(17) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, whether directly or through agents.

(18) "Handler" or "processor" shall mean those who purchase, process for market, or otherwise obtain from affected producers the affected commodity for further handling or sale in the course of commerce. "Handler" and "processor" includes those who catch and then obtain from themselves, process, or further handle for subsequent direct sale to the public the affected commodity after having themselves produced that commodity as affected producers.

(19) "Process" means to prepare the affected commodity or product therefrom by filleting, heading, gutting, canning, cooking, smoking, fermenting, dehydrating, drying or packaging.

(20) "Affected unit" means one pound landed weight of salmon.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-010, filed 7/19/95, effective 8/19/95.]

WAC 16-585-020 Puget Sound gillnet salmon commodity board.

(1) Administration. The provisions of this marketing order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of seven members, six of whom shall be affected producers. The director shall appoint one additional member who is not an affected producer to represent the department and the general public.

(3) Qualifications for board membership. The producer members of the board shall be practical producers of the affected commodity and shall be citizens and residents of this state, over the age of twenty-five years, each of whom is and has been actually engaged in producing such commodity within the state of Washington for a period of five years and has during that period derived a substantial portion of their income therefrom and who is not primarily engaged in business directly as a handler or other dealer. The qualification of members of the board as herein set forth must continue during their terms of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years unless the marketing order is terminated earlier. One-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically as follows: Affected producers shall have positions one through six and, the member appointed by the director shall have position seven.

(c) The term of office for the initial board members shall be as follows:

Positions one and four shall be for one year from the date of first election or until the first subsequent annual election is held.

Positions two and five shall be for two years from the date of first election or until the second subsequent annual election is held.

Positions three and six shall be for three years from the date of first election or until the third subsequent annual election is held.

(5) Nominations for election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation in Western Washington not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five affected producers entitled to have participated in said meeting.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers. The notice shall call for nominations in accordance with this marketing order and shall give the final date for filing nominations which shall not be less than twenty days after the notice was mailed.

When only one nominee is nominated for any position on the board the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

(6) Election of board members.

(a) The members of the board shall be elected by secret mail ballot held during the month of February of each year under the supervision of the director. Producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected area defined in this marketing order not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each producer entitled to vote whose name appears upon the list thereof compiled and maintained by the director in accordance with RCW 15.65.200. Any other producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any person entitled to vote shall not invalidate the election of a board member.

(7) Removal of board members. A board member may be removed by a vote of the board if that member fails to attend any three consecutive meetings of the board, duly noticed.

(8) Vacancies prior to election. In the event of a vacancy on the board, the board shall appoint a qualified person to fill the unexpired term.

(9) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(10) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060. A board member may, in the discretion of the board, serve and be compensated as an employee of the commission.

(11) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director;

(b) To elect a chairperson and such other officers as it deems advisable;

(c) To employ and discharge at its discretion such assistance and personnel, including attorneys engaged in private practice of law, subject to the approval and supervision of the attorney general, as the board determines necessary and proper to carry out the purpose of the order and to effectuate the policies of the act;

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses may be paid by check, draft, or voucher in such form and in such manner and upon the signature of such person as the board may prescribe;

(e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order;

(f) To establish a fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day;

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited as provided in the act subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and each member of the board;

(h) To require bond of board members and employees of the board in positions of trust in an amount the board deems necessary. Premiums for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington;

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year;

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters;

(k) To recommend to the director, administrative rules, orders and amendments thereto for the exercise of his or her power in connection with this order;

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of this order and the act, along with the necessary authority and procedure for obtaining such information;

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or this order;

(n) To confer with and cooperate with the legally constituted authorities of other states of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders;

(o) To authorize the members of the commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined in RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose;

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section;

(q) To sue or be sued;

(r) To borrow money and incur indebtedness.

(12) Procedures for board.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual membership meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-020, filed 7/19/95, effective 8/19/95.]

WAC 16-585-030 Marketing order purposes. This marketing order is to promote the general welfare of the state, to enable producers of commercially harvested Puget Sound gillnet salmon to help themselves establish orderly, fair, sound, efficient, unhampered marketing and to fulfill the purposes of the act. To carry out the purposes of this

marketing order, the board may provide for programs in the following areas:

(1) Establish plans and conduct programs for advertising, labeling, sales, promotion, public relations, and consumer education, and/or other programs for maintaining present markets and/or creating new or larger markets for Puget Sound commercially harvested gillnet salmon and salmon products. Such programs shall be directed toward increasing the sale, improving the markets, or promoting Puget Sound gillnet salmon and salmon products without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of commercial gillnet salmon products nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, management, harvest, harvest management, harvest selectivity, harvest regulation or proposed regulation, protection against harvest impact on habitat or other species, processing and/or marketing of commercial gillnet salmon products and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University or the University of Washington, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefore, the project may be carried out by other research agencies selected by the board.

(3) Provide for marketing information and services to affected producers.

(4) Investigate and take necessary action to prevent unfair trade practices and to correct where possible, trade practices which hinder marketing of Washington gillnet salmon products.

(5) Allocation of assessments collected from affected producers shall be made by the board using the following formula:

(a) All operating costs will be borne by all affected producers.

(b) All programs, plans, research, and marketing deemed by the board to be in the collective best interest of all affected producers, regardless of salmon or salmon product produced, will be borne by all affected producers.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-030, filed 7/19/95, effective 8/19/95.]

WAC 16-585-040 Assessments and collections. (1) The assessment on all commercial gillnet salmon harvested in the production area shall be as follows: Two percent of the landed value of salmon shall be assessed to the producer.

(2) For the purpose of collecting assessments, the board may require the person subject to the assessment or the person responsible for collection of producer assessments to give adequate assurance or security for its collection and/or payment.

(3) For the purpose of assuring and verifying compliance with the recordkeeping and reporting requirements of this order and the act, the director and the board through its duly authorized employees, shall have access to and the authority to audit and examine such records.

(4) All reports and records furnished or submitted by producers, handlers or processors to, or obtained by, the

board or employees of the board which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular producer or handler or processor from whom received, shall be treated as confidential, and the reports shall not be disclosed to board members and shall at all times be kept in the custody and under the control of one or more employees of the board who shall not disclose such information to any person other than the director, or his authorized agents. Disclosure of compilations of general reports from data and information submitted by producers is authorized subject to the prohibition of revealing individual producers' or handlers' identities or operations.

(5) Any moneys collected or received by the board pursuant to the provisions of this marketing order during or with respect to any year, may be refunded on a pro rata basis at the close of such year or at the close of such period as the board determines to be reasonably adapted to effectuate the declared policies of the act and the purposes of this marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding year.

(6) Any due and payable assessment herein levied in such specified amount as provided under the act and this marketing order and any assessment which is required hereunder to be collected, shall constitute a personal debt of every person so assessed, responsible for collection, or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent plus the costs and expenses of suit and a reasonable attorney's fee therein, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

(7) Assessments may, with the concurrence of the affected producer, be collected prospectively.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-040, filed 7/19/95, effective 8/19/95.]

WAC 16-585-050 Time—Place—Method for payment and collection of assessments—Landing reports. The following procedure is established for the reporting and paying of assessments:

(1) At the time of salmon landing, first sale and/or completion of a Washington department of fish and wildlife landing receipt (fish ticket), the producer shall pay and the handler shall collect and deduct from the price paid to the producer the producer's two percent assessment on the landed value of the salmon. This collection and deduction shall be accurately reported on the fish ticket.

(2) No later than thirty days from the last day of any month in which any Puget Sound salmon has been obtained by a handler, each such handler shall:

(a) Remit to the board all sums required to be collected and deducted from affected producers upon their landings during that month for a total of two percent of the landed value of Puget Sound gillnet salmon obtained by that handler during that month.

(b) Provide to the board with such remittance a report indicating the full name, address, and commercial salmon fishing license number of each affected producer from whom the said handler has purchased or obtained affected commodity during the said month and for each such affected producer, indicate the landed value of the salmon purchased or obtained, and the amount of the producer's two percent assessment which has been collected from that producer.

(3) The board may require cold storage facilities storing Puget Sound gillnet salmon to file with the board information and reports regarding the amount of the affected commodity in storage, the date of receipt, and the name, address, and commercial salmon fishing license number of each such owner, and may require that such salmon not be shipped from a cold storage facility until the facility has been notified by the commission that the commodity owner has paid the commission for any assessments imposed by this marketing order.

(4) All assessments due from affected producers under this order shall be payable at the time of completion of a Washington department of fish and wildlife landing receipt (fish ticket) and shall be paid by the producer and collected by the handler at that time and shall be remitted to the board as provided in this order.

(5) Producer-handlers shall pay the producer assessments and shall fulfill all the responsibilities of handlers and producers under this order including the collection, recordkeeping, reporting, and remittance of assessments.

(6) When, in the judgment of the board, a particular handler or producer-handler has demonstrated its unreliability to make the collection or remittance of the producer assessments called for in this order, the board may require that said handler or producer-handler not transport, carry, ship, sell, market or otherwise handle or dispose of any of the affected commodity until every due and payable assessment provided for under this order has been paid to the board and the receipt issued.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-050, filed 7/19/95, effective 8/19/95.]

WAC 16-585-060 Obligations of the board. Obligations incurred by the board or employees or agents thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under this order were a corporation. No liability for the debts or actions of the board, employees, or agents incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any

other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-060, filed 7/19/95, effective 8/19/95.]

WAC 16-585-070 Termination of this order. This order shall be terminated if the director finds that fifty-one percent by number and fifty-one percent by volume of production of the affected producers assent to such action. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is assented to whenever twenty percent by number or twenty percent by volume of production of the affected producers file written applications with the director for termination. The termination shall become effective at the end of the fiscal year.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-070, filed 7/19/95, effective 8/19/95.]

WAC 16-585-080 Effective time. This marketing order for Puget Sound salmon shall become effective on or after April 1, 1995, and shall remain in full force and effect until terminated under the provisions of the act.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-080, filed 7/19/95, effective 8/19/95.]

WAC 16-585-090 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to other person, circumstances, or thing shall not be affected thereby.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-090, filed 7/19/95, effective 8/19/95.]

Chapter 16-620 WAC RELATING TO BRAND INSPECTION

WAC

16-620-105 Self-inspection slips.

WAC 16-620-105 Self-inspection slips. (1) In lieu of brand inspection by the department, individual private sales of cattle, not to exceed fifteen head that are sold by the seller to the same person during a consecutive eight-day period, may be conducted utilizing self-inspection slips prescribed by and obtained from the department.

(2) Self-inspection slips shall be completed to show the brand, breed, color and sex of the cattle and shall be used

only for the sale of cattle within the state. Self-inspection slips shall not be used for sales taking place at:

- (a) Any public livestock market;
- (b) Any slaughter plant where the USDA maintains meat inspection; or
- (c) Any certified feed lot.

Self-inspection slips shall not be valid for other than no brand or seller's brand cattle. The transaction is validated when both buyer and seller sign the self-inspection slip. The original shall be provided to the buyer to verify the inspection and accompany the cattle and the seller shall retain a copy. The cost of each slip shall include the current brand inspection fee and the assessment for the National Beef Promotion and Research Act. The WSDA shall remit assessments collected to the Washington state beef commission.

[Statutory Authority: 1995 c 374 § 51. 95-23-019 (Order 5088), § 16-620-105, filed 11/7/95, effective 12/8/95.]

Chapter 16-674 WAC

WEIGHTS AND MEASURES—SEALING, MARKING, RETESTING DEVICES

WAC

16-674-010	Exemptions and definitions.
16-674-060	Repealed.
16-674-065	Special inspection and testing fees.
16-674-070	Repealed.
16-674-080	Fees for federal grain elevator scales.
16-674-090	Fees for railroad track scales.
16-674-092	Service agent registration.
16-674-095	Device registration.
16-674-100	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-674-060	Inspection and testing fees. [Statutory Authority: 1992 c 237. 93-03-079, § 16-674-060, filed 1/19/93, effective 2/19/93.] Repealed by 96-01-040, filed 12/13/95, effective 1/13/96. Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16.
16-674-070	Late fees. [Statutory Authority: 1992 c 237. 93-03-079, § 16-674-070, filed 1/19/93, effective 2/19/93.] Repealed by 96-01-040, filed 12/13/95, effective 1/13/96. Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16.
16-674-100	City sealers report forms prescribed. [Statutory Authority: 1992 c 237. 93-03-079, § 16-674-100, filed 1/19/93, effective 2/19/93.] Repealed by 96-01-040, filed 12/13/95, effective 1/13/96. Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16.

WAC 16-674-010 Exemptions and definitions. (1) The weighing or measuring instruments or devices listed below shall be specifically exempted from the sealing or marking inspection and testing requirements of section 2, chapter 355, Laws of 1995, because they are of such character or size that such sealing or marking inspection and testing would be inappropriate, impractical, or damaging to the apparatus in question:

- (a) Measure containers
- (b) Milk bottles
- (c) Lubricating oil bottles
- (d) Berry baskets and boxes.

(2) The classes of weighing or measuring instruments or devices listed below shall be specifically exempted from section 6, of chapter 237, Laws of 1992 because they are of such character that periodic testing is unnecessary to ensure continued accuracy:

- (a) Vehicle tanks used as measures*
- (b) Farm milk tanks*
- (c) Liquid measures*
- (d) Glass graduates
- (e) Measures containers
- (f) Milk bottles
- (g) Lubricating oil bottles
- (h) Linear measures*
- (i) Dry measures*
- (j) Berry baskets and boxes.

*Whenever an item of this class is damaged, repaired or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reappraised.

(3) Unless the context clearly requires otherwise, the definitions provided for in chapter 19.94 RCW and in this section shall apply to this chapter.

(a) "Commercial weighing or measuring device" shall be construed to include any weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. It shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects the accuracy of the device.

(b) "Owner" shall be construed to mean the individual or business actually using a weighing or measuring device for commercial purposes, regardless of who is the legal owner or lien holder of such device.

[Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-010, filed 12/13/95, effective 1/13/96. Statutory Authority: 1992 c 237. 93-03-079, § 16-674-010, filed 1/19/93, effective 2/19/93; Order 1145, § 16-674-010, filed 2/27/70, effective 4/1/70; Order 792, Regulation 3, effective 3/1/60.]

WAC 16-674-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-674-065 Special inspection and testing fees. (1) The following fees shall be charged for the inspection and testing of weighing or measuring instruments or devices specially requested to be inspected or tested by the device owner:

- (a) Weighing devices:
 - (i) Small scales "zero to four hundred pounds capacity" \$15.00
 - (ii) Intermediate scales "four hundred pounds to five thousand pounds capacity" \$50.00
 - (iii) Large scales "over five thousand pounds capacity" \$125.00
 - (iv) Large scales with supplemental devices \$150.00
- (b) Railroad track scales \$1,000.00

- (c) Liquid fuel metering devices:
 - (i) Fuel meters with flows of less than twenty gallons per minute \$15.00
 - (ii) Fuel meters with flows of twenty but not more than one hundred fifty gallons per minute \$50.00
 - (iii) Fuel meters with flows over one hundred fifty gallons per minute \$150.00
- (d) Liquid petroleum gas meters:
 - (i) With one inch diameter or smaller dispensers \$50.00
 - (ii) With greater than one inch diameter dispensers \$150.00

(2) The fees to be charged for the inspection of any device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government shall be the same fees as those that are listed above.

(3) For inspection services not covered under the above special inspection fee schedule, the department shall charge a fee of thirty-three dollars seventy-five cents per hour for labor and travel time.

[Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-065, filed 12/13/95, effective 1/13/96.]

WAC 16-674-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-674-080 Fees for federal grain elevator scales. Scales in use in grain elevators which are licensed by the Federal Grain Inspection Service shall be subject to random and necessary inspections. The fees for such inspections shall be thirty-three dollars seventy-five cents per hour, as adopted under WAC 16-212-060 (15)(d), and shall be payable to the laboratory services division of the state department of agriculture, which has entered into a cooperative agreement with the weights and measures program.

[Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-080, filed 12/13/95, effective 1/13/96. Statutory Authority: 1992 c 237. 93-03-079, § 16-674-080, filed 1/19/93, effective 2/19/93.]

WAC 16-674-090 Fees for railroad track scales. All railroad track scale owners in this state shall provide suitable facilities for testing track scales. Track scale owners shall provide a suitable car or other device or facility to be used in testing track scales. The cost of providing and maintaining the car, device, or facility shall be equitably and reasonably apportioned by the department among all track scale owners. The car, device, or facility shall be used by the department to test the accuracy of all track scales and the railroad companies shall, without charge, move the car, device, or facility to locations designated by the department.

[Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-090, filed 12/13/95, effective 1/13/96. Statutory Authority: 1992 c 237. 93-03-079, § 16-674-090, filed 1/19/93, effective 2/19/93.]

WAC 16-674-092 Service agent registration. (1) Any service agent who intends to provide the examination that permits a commercial weighing or measuring device to be placed back into commercial service shall register with the department. Requests for an initial registration or renewal shall be submitted on a form provided by the

department and shall include a fee in the amount of eighty dollars per individual as per section 16, chapter 355, Laws of 1995.

(2) The department shall issue an official registration certificate for each individual whose application is approved. For requests that are denied, the department will provide reasons, in writing, for the denial and refund any payments made by the individual in connection with the request. Official service agent registration certificates are valid for a period of one year from time of registration.

[Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-092, filed 12/13/95, effective 1/13/96.]

WAC 16-674-095 Device registration. (1) All weighing or measuring devices used for commercial purposes in the state shall be registered annually. Devices in commercial use within a city having a city sealer and a weights and measures program that has adopted registration fees shall be registered with the city. Devices used commercially outside of such city shall register with the department. If the commercial use of the device is within such city that has not adopted fees, the device shall be registered with the department.

(2) The device registration fees established in RCW 19.94.175 shall apply unless a city jurisdiction has adopted separate registration fees for devices used within its jurisdiction. Cities may establish separate annual registration fees for devices within city jurisdictions; however, they may not exceed the fees in RCW 19.94.175 for registering the use of a similar instrument or device. Payment of the device registration fee constitutes registration. Cities shall notify the department of agriculture regarding the adoption of fee levels and any changes in fees.

(3) All device registrations with the department shall be accomplished as part of the department of licensing, master license system under chapter 19.02 RCW. Devices shall be initially registered at the time the owner applies for a master license for a new business or at the first renewal of the license that occurs after the device is first placed into commercial use. Device registrations with a city may be accomplished through the master licensing system with a letter of request for implementation assistance from the city to the department of agriculture.

(4) The department of licensing shall remit to the department of agriculture all registration fees collected less reasonable collection expenses. The department of agriculture shall forward to the city that portion of fees attributable to city registrations.

[Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-095, filed 12/13/95, effective 1/13/96.]

WAC 16-674-100 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-675 WAC CALIBRATION SERVICES

WAC

16-675-010	Purpose.
16-675-029	Repealed.
16-675-030	Condition of submitted weights and measures.
16-675-039	Repealed.
16-675-040	Schedule of laboratory fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-675-029	Condition of submitted weights and measures. [Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-029, filed 5/25/94, effective 6/25/94.] Repealed by 95-21-097 (Order 5084), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 19.94.216 and 19.94.325.
16-675-039	Schedule of laboratory fees. [Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-039, filed 5/25/94, effective 6/25/94.] Repealed by 95-21-097 (Order 5084), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 19.94.216 and 19.94.325.

WAC 16-675-010 Purpose. The department of agriculture promulgates this chapter to implement the provisions of RCW 19.94.216(1) and 19.94.325(2) which allows the director of the state department of agriculture to establish reasonable fees for inspection, testing and calibration services performed by the metrology laboratory on weights and measures standards.

[Statutory Authority: RCW 19.94.216 and 19.94.325. 95-21-097 (Order 5084), § 16-675-010, filed 10/18/95, effective 11/18/95. Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-010, filed 5/25/94, effective 6/25/94. Statutory Authority: RCW 19.94.190 and chapter 19.94 RCW. 90-24-004 (Order 2063), § 16-675-010, filed 11/26/90, effective 12/27/90.]

WAC 16-675-029 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-675-030 Condition of submitted weights and measures. Weights and measures standards submitted to the laboratory for tolerance testing or calibration must be in a physical condition that makes them acceptable for the service to be performed. Unacceptable weights and measures standards may be returned to the sender at the sender's expense or, if repairs can be made, these repairs shall be charged at the rate of \$50.00 an hour. Repair fees shall be charged in addition to any testing or other calibration fees. Repairs will only be done by written agreement between the department and the owner of the weights or measures to be repaired.

[Statutory Authority: RCW 19.94.216 and 19.94.325. 95-21-097 (Order 5084), § 16-675-030, filed 10/18/95, effective 11/18/95. Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-030, filed 5/25/94, effective 6/25/94. Statutory Authority: RCW 19.94.190 and chapter 19.94 RCW. 90-24-004 (Order 2063), § 16-675-030, filed 11/26/90, effective 12/27/90.]

WAC 16-675-039 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-675-040 Schedule of laboratory fees. The following fees will be charged for services performed by the metrology laboratory of the department:

(1) An hourly fee of fifty dollars per hour will be charged for inspection, testing and calibration services performed at the metrology laboratory.

(2) Inspection, testing and calibration services performed at other than the metrology laboratory will be charged an hourly rate of fifty dollars per hour plus the current mileage and per diem rates established by the office of financial management.

(3) There will be a minimum one-half hour charge for any services provided by the laboratory.

[Statutory Authority: RCW 19.94.216 and 19.94.325. 95-21-097 (Order 5084), § 16-675-040, filed 10/18/95, effective 11/18/95. Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-040, filed 5/25/94, effective 6/25/94. Statutory Authority: RCW 19.94.190 and chapter 19.94 RCW. 90-24-004 (Order 2063), § 16-675-040, filed 11/26/90, effective 12/27/90.]

Chapter 16-700 WAC STATE FAIR FUND—PRORATION

WAC

16-700-011 Fair reorganization.

WAC 16-700-011 Fair reorganization. Beginning January 1, 1994, and until June 30, 1997, the director may waive applications requirements, as defined in WAC 16-700-010 and adjust the basic annual allocation as defined in WAC 16-700-021, when a county fair reorganizes and makes application for allocation from the fair fund as an area fair.

[Statutory Authority: RCW 15.76.180. 95-15-101, § 16-700-011, filed 7/19/95, effective 8/19/95.]

Chapter 16-750 WAC STATE NOXIOUS WEED LIST AND SCHEDULE OF MONETARY PENALTIES

WAC

16-750-011 State noxious weed list—Class B noxious weeds.
16-750-015 State noxious weed list—Class C noxious weeds.

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

Name	Will be a "Class B designate" in all lands lying within:
(1) blackgrass <i>Alopecurus myosuroides</i>	(a) regions 1,2,3,5,6,8,9,10 (b) Ferry, Stevens, Pend Oreille counties of region 4 (c) Adams County of region 7.
(2) blueweed <i>Echium vulgare</i>	(a) regions 1,2,3,4,5,6,8,9,10 (b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41

(3) broom, Scotch
Cytisus scoparius

(4) bryony, white
Bryonia alba

(5) bugloss, common
Anchusa officinalis

(6) bugloss, annual
Anchusa arvensis

(7) camelthorn
Alhagi pseudalhagi

(8) catsear, common
Hypochaeris radicata

(9) Cordgrass, smooth
Spartina alterniflora

(10) cordgrass, common
Spartina anglica

(11) daisy, oxeye
Chrysanthemum leucanthemum

(12) deadnettle, hybrid
Lamium hybridum

(13) elodea, Brazilian
Egeria densa

(14) fieldcress, Austrian
Rorippa austriaca

(15) gorse
Ulex europaeus

(16) hawkweed, orange
Hieracium aurantiacum

(17) hawkweed, yellow
Hieracium pratense

and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning.

(a) regions 3,4,6,7,9,10.

(a) regions 1,2,3,4,5,6,8,9

(b) region 7 except Whitman County

(c) Franklin County of region 10.

(a) regions 1,2,3,5,6,8,9,10

(b) region 4 except Stevens and Spokane counties

(c) Lincoln, Adams, and Whitman counties of region 7.

(a) regions 1,2,3,4,5,6,8,9

(b) Lincoln and Adams counties

(c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North.

(a) regions 1,2,3,4,5,7,8,9

(b) region 6 except those portions of Sections 23,24,25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County

(c) Franklin, Columbia, Garfield, and Asotin counties of region 10

(d) an area beginning at the Washington — Oregon border at the southwest portion of section 15, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning.

(a) regions 3,4,6,7,9,10.

(a) regions 1,3,4,5,6,7,9,10

(b) region 2 except bays and estuaries of Skagit County

(c) region 8 except bays and estuaries of Pacific County.

(a) regions 1,3,4,5,6,7,8,9,10

(b) region 2 except bays and estuaries of Skagit, Island, and Snohomish counties.

(a) regions 7,10

(b) region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East

(c) region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E.

(a) regions 1,3,4,5,6,7,8,9,10

(b) region 2 except Skagit County.

(a) regions 3,4,6,7,9,10

(b) Lewis County of region 8.

(a) regions 1,2,3,4,5,6,8,9

(b) regions 7 and 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.

(a) regions 3,4,6,7,9,10

(b) Skagit County of region 2

(c) Thurston and Pierce counties of region 5

(d) Wahkiakum, Cowlitz, and Lewis counties of region 8.

(a) regions 3,6,9,10

(b) Ferry County of region 4

(c) Thurston County of region 5

(d) Lincoln and Adams counties of region 7.

(a) regions 1,2,3,5,6,7,8,9,10

(b) region 4 except north of T32N in Pend Oreille County and east Highway 395 and north of Highway 20 in Stevens County.

- (18) hedge parsley
Torilis arvensis
- (19) indigobush
Amorpha fruticosa
- (20) knapweed, black
Centaurea nigra
- (21) knapweed, brown
Centaurea jacea
- (22) knapweed, diffuse
Centaurea diffusa
- (23) knapweed, meadow
Centaurea jacea x nigra
- (24) knapweed, Russian
Acroptilon repens
- (25) knapweed, spotted
Centaurea maculosa
- (26) lepyrodiclis
Lepyradiclis holsteoides
- (27) loosestrife, garden
Lysimachia vulgaris
- (28) loosestrife, purple
Lythrum salicaria
- (a) regions 1,2,3,4,5,6,7,8,10
(b) Yakima, Benton, Franklin counties
(c) Klickitat County except those lands lying within T4N, R10E, R11E, R12E, R13E, R14E; T3N, R10E, R11E, R12E, R13E; T2N, R12E, R13E.
- (a) regions 1,2,3,4,5,6
(b) regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream
(c) regions 8, 9, and 10 except within 200 feet of the Columbia River.
- (a) regions 1,2,3,4,5,7,9,10
(b) region 6 except Kittitas County
(c) region 8 except Clark County.
- (a) regions 1,2,3,4,5,7,9,10
(b) region 6 except Kittitas County
(c) region 8 except Clark County.
- (a) regions 1,2,5,8
(b) Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5,6,7,8,17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E.; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30 E. lying in Grant County; all W.M.
(c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22,26,27,28,31,32,33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2,10, 11,14,15,19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6
(d) Franklin County of regions 9 and 10.
- (a) regions 1,2,3,4,5,7,9,10
(b) region 6 except Kittitas County
(c) region 8 except Clark County.
- (a) regions 1,2,5,7,8
(b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County
(c) Adams County of region 6
(d) Intercounty Weed District No. 52
(e) region 10 except Franklin County.
- (a) regions 1,2,3,5,6,8,9
(b) Ferry County of region 4
(c) Adams and Whitman counties of region 7
(d) region 10 except Garfield County.
- (a) regions 1,2,3,4,5,6,8,9,10
(b) region 7 except an area within Whitman County east of the Pullman — Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.
- (a) regions 1,2,3,4,6,7,8,9,10
(b) region 5 except King County.
- (a) regions 1,4,7,8
(b) region 2 except Snohomish County
(c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
(d) region 5 except King County
(e) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
(f) region 9 except Benton County
(g) region 10 except Walla Walla County
(h) Intercounty Weed Districts No. 51 and No. 52.
- (29) loosestrife, wand
Lythrum virgatum
- (30) nutsedge, yellow
Cyperus esculentus
- (31) oxtongue, hawkweed
Picris hieracioides
- (32) parrot feather
Myriophyllum brasiliense
- (33) pepperweed, perennial
Lepidium latifolium
- (34) ragwort, tansy
Senecio jacobaea
- (a) regions 1,4,7,8
(b) region 2 except Snohomish County
(c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
(d) region 5 except King County
(e) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
(f) region 9 except Benton County
(g) region 10 except Walla Walla County
(h) Intercounty Weed Districts No. 51 and No. 52.
- (a) regions 1,2,3,4,5,7,8
(b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M.
(c) region 9 except:
(i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River. Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road.
(ii) an area lying southerly of State Route 4 and within T2N, Ranges 13 and 14 E of Klickitat County.
- (d) region 10 except Walla Walla County.
(a) regions 1,2,3,4,5,6,7,9,10
(b) region 8 except Skamania County.
(a) regions 1,2,3,4,5,6,7,9,10
(b) region 8 except Clark, Cowlitz, and Wahkiakum counties.
(a) regions 1,2,3,4,5,7,8,10
(b) Grant County lying northerly of Township 21, North, W.M.
(c) Intercounty Weed Districts No. 51 and 52
(d) Adams County of region 6.
(a) regions 3,4,6,7,9,10
(b) region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State

- (35) sandbur, longspine
Cenchrus longispinus
- (36) skeletonweed, rush
Chondrilla juncea
- (37) sowthistle, perennial
Sonchus arvensis arvensis
- (38) spurge, leafy
Euphorbia esula
- (39) starthistle, yellow
Centaurea solstitialis
- Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.
- (a) regions 1,2,3,4,5,7,8
- (b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52
- (c) Intercounty Weed District No. 51.
- (a) regions 1,2,3,5,8,9
- (b) Franklin County except T13N, R36E; and T14N, R36E
- (c) Adams County except those areas lying west of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line.
- (d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road E Northwest
- (e) Pend Oreille and Stevens counties north of Township 33 North
- (f) Ferry County
- (g) Asotin County of region 10
- (h) Garfield and Columbia counties south of Highway 12
- (i) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East.
- (a) regions 1,2,3,4,5,7,8,9,10
- (b) Adams County of region 6.
- (a) regions 1,2,3,4,5,6,8,9,10
- (b) region 7 except as follows:
- (i) T27N, R37E, Sections 34,35,36; T27N, R38E, Sections 31,32,33; T26N, R37E, Sections 1,2,3,10, 11,12,13,14,15,16,26; T26N, R38E, Sections 5, 6,7,8 of Lincoln County
- (ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.
- (a) regions 1,2,3,5,6,8
- (b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25
- (c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border
- (d) Franklin County
- (e) region 9 except Klickitat County
- (f) in all lands lying within Asotin County, Region 10, except as follows: T11N, R44E, Sections 25,26,27,28,29,31,32, 33,34, and 35; T11N, R45E, Sections 21,22,23, and 25; T11N, R36E, Sections 19,20,21,28,29,30,31,32, and 33; T10N, R44E, Sections 1,2,3,4,5,6,8,9,10,11, 12,15, and 16; T10N, R45E, Sections 23 and 24; T10N, R46E, Sections 7,8, 17,18,19,20,21,22,27,34, and 35; T9N, R46E, Sections 1,2,12,13,14,23,24, 25,26,35, and 36; T9N, R47E, Sections 18,19,30, and 31; T8N, R46E, Sections 1,2,3,9,10,11,12,13,14,15,16,23, and 24; T8N, R47E, Sections 8,17,18,19,20,29, 30,31, and 32.
- (a) regions 1,2,3,4,5,7,8
- (b) Columbia, Garfield, Asotin, and Franklin counties
- (c) an area beginning at the Washington — Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest corner of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to the southeast portion of Section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning
- (d) Weed District No. 3 of Grant County
- (e) Adams County of region 6.
- (a) regions 1,2,3,5,6,7,8,9,10
- (b) Spokane and Pend Oreille counties.
- (a) regions 1,2,3,5,6,7,8,9,10
- (b) region 4 except those areas within Stevens County lying north of State Highway 20.
- (a) regions 1,2,3,4,5,6,8,9
- (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border
- (c) Franklin County.
- (a) regions 1,2,5,8,10
- (b) Kittitas, Chelan, Douglas, and Adams counties of region 6
- (c) Intercounty Weed District No. 51
- (d) Weed District No. 3 of Grant County
- (e) Lincoln and Adams counties
- (f) The western two miles of Spokane County of region 7
- (g) region 9 except as follows:
- (i) those areas lying within Yakima County
- (ii) those areas lying west of the Klickitat River and within Klickitat County.
- (a) regions 1,9,10
- (b) region 7 except Spokane County
- (c) region 8 except within 200 feet of the Columbia River
- (d) Adams County of region 6.
- (41) thistle, musk
Carduus nutans
- (42) thistle, plumeless
Carduus acanthoides
- (43) thistle, Scotch
Onopordum acanthium
- (44) toadflax, Dalmatian
Linaria genistifolia
spp. dalmatica
- (45) watermilfoil,
Eurasian
Myriophyllum spicatum
- [Statutory Authority: Chapter 17.10 RCW. 95-06-002, § 16-750-011, filed 2/16/95, effective 3/19/95; 94-01-076, § 16-750-011, filed 12/10/93, effective 1/10/94; 93-01-004, § 16-750-011, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-011, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-011, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-011, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-011, filed 11/29/88; 88-18-001 (Order 24, Resolution No. 24), § 16-750-011, filed 8/25/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-011, filed 3/7/88.]

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

Common Name	Scientific Name
babysbreath	<i>Gypsophila paniculata</i>
bindweed, field	<i>Convolvulus arvensis</i>
canary grass, reed	<i>Phalaris arundinacea</i>
carrot, wild	<i>Daucus carota</i>
chervil, wild	<i>Anthriscus sylvestris</i>
cinquefoil, sulphur	<i>Potentilla recta</i>
cockle, white	<i>Lychnis alba</i>
cocklebur, spiny	<i>Xanthium spinosum</i>
cress, hoary	<i>Cardaria draba</i>
dodder, smoothseed alfalfa	<i>Cuscuta approximata</i>

garden rocket	<i>Eruca vesicaria</i> spp. <i>sativa</i>
goatgrass, jointed	<i>Aegilops cylindrica</i>
henbane, black	<i>Hyoscyamus niger</i>
houndstongue	<i>Cynoglossum officinale</i>
knotweed, Japanese	<i>Polygonum cuspidatum</i>
kochia	<i>Kochia scoparia</i>
mayweed, scentless	<i>Matricaria maritima</i> var. <i>agrestis</i>
mullein, common	<i>Verbascum thapsus</i>
nightshade, bitter	<i>Solanum dulcamara</i>
poison-hemlock	<i>Conium maculatum</i>
puncturevine	<i>Tribulus terrestris</i>
rye, cereal	<i>Secale cereale</i>
saltcedar	<i>Tamarix</i> species
snapdragon, dwarf	<i>Chaenorrhinum minus</i>
spikeweed	<i>Hemizonia pungens</i>
St. Johnswort, common	<i>Hypericum perforatum</i>
tansy, common	<i>Tanacetum vulgare</i>
toadflax, yellow	<i>Linaria vulgaris</i>
thistle, bull	<i>Cirsium vulgare</i>
thistle, Canada	<i>Cirsium arvense</i>
whitetop, hairy	<i>Cardaria pubescens</i>
wormwood, absinth	<i>Artemisia absinthium</i>

[Statutory Authority: Chapter 17.10 RCW. 95-06-002, § 16-750-015, filed 2/16/95, effective 3/19/95; 94-01-076, § 16-750-015, filed 12/10/93, effective 1/10/94; 93-01-004, § 16-750-015, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-015, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-015, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-015, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-015, filed 11/29/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-015, filed 3/7/88.]

Title 30 WAC ARTS COMMISSION

Chapters

30-01	Washington state arts commission.
30-02	Definitions.
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30-08	Practice and procedure.
30-12	General rules.
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Chapter 30-01 WAC

WASHINGTON STATE ARTS COMMISSION

WAC

30-01-010	Purpose.
30-01-020	Authority.
30-01-030	Repealed.

30-01-040	Description of commission's purpose and goals.
30-01-050	Organization.
30-01-060	Office location and hours—Correspondence to staff.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

30-01-030	Definitions. [Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-01-030, filed 4/1/86.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
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WAC 30-01-010 Purpose. The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of chapters 43.46, 34.05, and 42.17 RCW.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-01-010, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-01-010, filed 4/1/86.]

WAC 30-01-020 Authority. The Washington state arts commission is authorized by RCW 43.46.040 to adopt rules under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-01-020, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-01-020, filed 4/1/86.]

WAC 30-01-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 30-01-040 Description of commission's purpose and goals. (1) The commission is charged with the conservation and development of the state's artistic resources as described in RCW 43.46.005. It is a citizens' commission consisting of nineteen members appointed by the governor and two members of the legislature. It is authorized by RCW 43.46.050 to study, plan, and advise the governor, state departments, and the legislature regarding cultural development. Through the authority granted by RCW 43.46.055, the commission may administer any activity, and assist any person or agency in programs or projects related to the growth and development of the arts and humanities.

(2) Statement of purpose. The commission has adopted as its mission: The arts are essential to the quality of life for all of Washington's citizens. The Washington state arts commission states its dedication to the support of the promotion, growth, development, and preservation of the arts within the state. The commission strives to foster artistic merit and ensure accessibility to all citizens of the state.

(3) Goals. To work toward this mission, the commission will promote throughout the state:

- (a) Artistic development, growth, and preservation;
- (b) Artistic expressions of the many cultures which contribute to Washington's diversity;
- (c) The arts as basic to the education of all citizens;
- (d) Access, equity, and local empowerment in all its activities; and
- (e) Organizational skills development, stability and continuity, and managerial expertise.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-01-040, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-01-040, filed 4/1/86.]