

WAC 10-12-010 Purpose. The purpose of this chapter is to comply with and implement RCW 43.21C.120 directing every state agency to adopt rules pertaining to the integration of the policies and procedures of the State Environmental Policy Act into the various programs under its jurisdiction for implementation.

[Statutory Authority: RCW 34.05.020, 34.12.030 and 43.21C.120, 99-20-115, § 10-12-010, filed 10/6/99, effective 11/6/99. Statutory Authority: RCW 43.21C.120, 82-22-052 (Order 3), § 10-12-010, filed 11/1/82.]

WAC 10-12-020 Application. Pursuant to WAC 197-11-800, the office of administrative hearings has reviewed its authorized activities and found them to be exempt under the provisions of chapter 197-11 WAC.

[Statutory Authority: RCW 34.05.020, 34.12.030 and 43.21C.120, 99-20-115, § 10-12-020, filed 10/6/99, effective 11/6/99. Statutory Authority: RCW 43.21C.120, 82-22-052 (Order 3), § 10-12-020, filed 11/1/82.]

Chapter 10-16 WAC COMPLAINT PROCEDURES

WAC

10-16-010 Procedure for complaints regarding improper conduct of an administrative law judge.

WAC 10-16-010 Procedure for complaints regarding improper conduct of an administrative law judge. (1) Administrative law judges must at all times adhere to the fundamental principles of law, fairly and equitably. Administrative law judges should be fair in their rulings and should conduct the proceedings in a judicious manner.

(2) Any interested party to an administrative proceeding may file a complaint alleging improper conduct of an administrative law judge. For purposes of this section, an interested party is a person who has a right to receive notice of the administrative hearing.

(3) A complaint concerning a decision or order shall be handled through the appeal or petition for review process. This includes initial or final orders and interim orders or discretionary rulings from which further appeal may be taken.

(4) A complaint concerning the conduct of an administrative law judge, apart from a decision from which further appeal may be filed, shall be in writing and sent to the supervising administrative law judge.

(5) The written complaint must set forth in detail all pertinent facts and information. It shall include, among other things, the name of the administrative law judge, the date of the incident, the individuals present, and any other information which would assist in investigation of the complaint. The complaint should be no more than five pages.

(6) Within ten days of receipt of a written complaint, the supervising administrative law judge shall send a letter acknowledging receipt of the complaint. The supervising administrative law judge shall conduct an investigation of the complaint. For matters no longer pending before the office of administrative hearings at the time the complaint is filed, the supervising administrative law judge shall issue a written response to the complaining party within thirty days of receipt of the complaint. However, for matters pending before the office of administrative hearings at the time the

complaint is filed, the supervising administrative law judge shall issue a written response within thirty days after issuance of the administrative law judge's decision. If additional time is needed, the supervising administrative law judge shall notify the complaining party in writing and indicate an expected response date.

(7) If, after investigation, the complaint is found to have merit, the supervising administrative law judge shall take appropriate corrective action. If disciplinary action is warranted, it shall be handled internally subject to the individual's privacy rights as in other personnel matters.

(8) Should the complaining party not be satisfied with the result of the investigation, he or she may request review of the complaint by the chief administrative law judge. The chief administrative law judge shall review all facts and information pertinent to the complaint and issue a written response. The response of the chief administrative law judge shall be final.

(9) Any inquiries concerning the grievance procedure may be made through the administrative office or any field office of the office of administrative hearings. A directory listing the names and mailing addresses of supervising administrative law judges, deputy chief administrative law judges and the chief administrative law judge will be available through these offices.

[Statutory Authority: RCW 34.05.020 and 34.12.030, 99-20-115, § 10-16-010, filed 10/6/99, effective 11/6/99.]

Title 16 WAC AGRICULTURE, DEPARTMENT OF

Chapters

16-05	Procedural rules for lists of organizations.
16-10	Rights of persons aggrieved pesticide violations.
16-12	Meat inspection.
16-19	Custom farm slaughterers, custom slaughtering establishments, and custom meat facilities.
16-20	Custom slaughterer—handling of custom meat food animal carcasses at meat handling establishments.
16-21	Custom slaughter plants.
16-22	Custom meat slaughterers and handling of custom meat food animal carcasses at meat handling establishments.
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16-30	Restricted feedlots.
16-54	Animal importation.
16-59	Importation and movement of poultry and hatching eggs.
16-86	Brucellosis and tuberculosis in cattle and goats.
16-88	Control of tuberculosis in cervidae.
16-89	Sheep and goat scrapie disease control.
16-101	Milk and milk products.
16-108	Washington state egg seals and assessments.
16-122	Milk distributors.

- 16-124 Licensed testers, weighers, samplers and graders.
- 16-125 Farm milk storage tanks and bulk milk tanker—Requirements.
- 16-142 Perishable packaged food goods—Pull dating.
- 16-144 Processing frozen desserts.
- 16-150 Federal meat inspection regulations.
- 16-152 Federal poultry inspection regulations.
- 16-160 Registration of materials for organic food production.
- 16-165 Food inspection.
- 16-167 Intrastate commerce in foods.
- 16-200 Feeds, fertilizers and livestock remedies.
- 16-202 Application of pesticides and plant nutrients through irrigation systems.
- 16-212 WSDA grain inspection program—Fee schedule.
- 16-218 Hops—Certification analyses—Fees.
- 16-228 General pesticide regulations.
- 16-316 Seed certification.
- 16-319 Forest tree seed certification.
- 16-334 Rules relating to the production of garlic seed certification.
- 16-401 Nursery inspection fees.
- 16-403 Standards for apples marketed within Washington.
- 16-406 Standards for apricots.
- 16-412 Standards for cantaloupes.
- 16-424 Onion standards.
- 16-449 Washington controlled atmosphere storage requirements for winter pears.
- 16-451 Rhubarb, hot-house or cellar grown.
- 16-458 Fruit and vegetable inspection district boundaries.
- 16-460 Tomatoes.
- 16-461 Inspection requirements for fruits and vegetables.
- 16-462 Grape planting stock—Registration and certification.
- 16-470 Quarantine—Agricultural pests.
- 16-532 Hops.
- 16-545 Turfgrass seed commission.
- 16-575 Wine commission.
- 16-604 Public livestock markets—Health, brands and weights and measures.
- 16-645 Hops bales—Weights and tares.
- 16-662 Weights and measures—National handbooks.
- 16-750 State noxious weed list and schedule of monetary penalties.
- 16-752 Noxious weed control.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-05-005 How will the lists be developed? [Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-005, filed 6/18/96, effective 7/19/96.] Repealed by 99-08-039, filed 3/31/99, effective 5/1/99. Statutory Authority: RCW 43.05.020.
- 16-05-015 Will the department of agriculture approve organizations, companies or individuals who request listing? [Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-015, filed 6/18/96, effective 7/19/96.] Repealed by 99-08-039, filed 3/31/99, effective 5/1/99. Statutory Authority: RCW 43.05.020.
- 16-05-020 How often are lists changed or updated? [Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-020, filed 6/18/96, effective 7/19/96.] Repealed by 99-08-039, filed 3/31/99, effective 5/1/99. Statutory Authority: RCW 43.05.020.
- 16-05-025 Does an applicant have to reapply each year to stay on the list? [Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-025, filed 6/18/96, effective 7/19/96.] Repealed by 99-08-039, filed 3/31/99, effective 5/1/99. Statutory Authority: RCW 43.05.020.
- 16-05-030 How do I take my name off the list? [Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-030, filed 6/18/96, effective 7/19/96.] Repealed by 99-08-039, filed 3/31/99, effective 5/1/99. Statutory Authority: RCW 43.05.020.
- 16-05-035 Each list will include consumer information. [Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-035, filed 6/18/96, effective 7/19/96.] Repealed by 99-08-039, filed 3/31/99, effective 5/1/99. Statutory Authority: RCW 43.05.020.
- 16-05-045 Who to contact for inclusion, exclusion and copies of the list within the department. [Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-045, filed 6/18/96, effective 7/19/96.] Repealed by 99-08-039, filed 3/31/99, effective 5/1/99. Statutory Authority: RCW 43.05.020.

WAC 16-05-005 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-05-010 What does an organization, company or individual have to do to get on the applicable list? Should an organization, company or individual wish to be included or removed from a technical assistance list of the department, a request must be made to the department via telephone, facsimile transmission, e-mail or address and request that their organization, company or individual name and pertinent information be added.

Requests may be directed to the department at the main department address and telephone number: Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560. Telephone: (360) 902-1800. Anyone contacting the department is encouraged to refer to the applicable division and program, by using the following organization description, by division and program as a guide.

(1) Director's office:

- Legislative affairs.
- Internal program review.
- Policy development and review.

(2) Agency operations division:

Accounting, budget, payroll, forms and records, adjudicative proceedings, public disclosure, Washington Administrative Code filings, personnel office, information technology services, information office, international marketing and commodity commission and fairs commission activities.

(3) Commodity inspection division:

**Chapter 16-05 WAC
PROCEDURAL RULES FOR LISTS OF ORGANIZATIONS**

- WAC
- 16-05-005 Repealed.
- 16-05-010 What does an organization, company or individual have to do to get on the applicable list?
- 16-05-015 Repealed.
- 16-05-020 Repealed.
- 16-05-025 Repealed.
- 16-05-030 Repealed.
- 16-05-035 Repealed.
- 16-05-040 The department of agriculture is completely held harmless and not liable.
- 16-05-045 Repealed.

Fruit and vegetable inspection program for quality, grade, condition, size and pack.

State-wide grain inspection.

(4) Consumer and producer protection division:

Commission merchants program.

Livestock identification, brand registration and inspection.

Establishment of livestock markets.

Grain warehouse audit.

Weights and measures program.

Seed program regulates the quality and labeling of various crop seeds in Washington.

(5) Food safety and animal health division:

Dairy inspection program.

Food processing program.

Organic food program.

Egg inspection program.

Animal health program.

(6) Laboratory services division:

Performs chemical and micro-biological analyses in support of the food safety and pesticide management programs.

Administers hop inspection and analyses.

Pest management program is responsible for nonnative insect detection and control, and plant pest and disease identification; develops and enforces plant quarantines.

Apiary program provides education and registration for Washington apiarists.

Nursery program certifies nursery stock and issues phytosanitary certificates for materials moving out-of-state.

(7) Pesticide management division:

Administers the regulations of pesticides, animal feeds and fertilizer laws, and waste disposal program broken down into three units of the division.

The compliance unit enforces state and federal pesticide laws, animal feed laws and fertilizer laws; investigates complaints of pesticide misuse.

The registration unit registers pesticides, fertilizers and animal feeds sold and used in the state.

The program development and certification unit conducts the waste pesticide disposal program; provides inter-agency coordination on pesticide-related issues; provides safety training on the use of pesticides, which includes public outreach and new program development; licenses pesticide application equipment, pesticide dealers, and commercial, public and private pesticide applicators, operators and consultants; approves recertification courses and tracks educational credits on pesticide licensees.

[Statutory Authority: RCW 43.05.020, 99-08-039, § 16-05-010, filed 3/31/99, effective 5/1/99. Statutory Authority: Chapter 43.05 RCW, 96-13-082 (Order 5098), § 16-05-010, filed 6/18/96, effective 7/19/96.]

WAC 16-05-015 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-05-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-05-025 Repealed. See Disposition Table at beginning of this chapter.

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WAC 16-05-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-05-035 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-05-040 The department of agriculture is completely held harmless and not liable. (1) The department will not perform any testing or background checks on requestors for inclusion on a department technical assistance list. The department will exercise reasonable care to include or delete names upon request. The department is not responsible for errors on a technical assistance list. In addition, the inclusion of a name of an individual, company or organization on a list should not be construed as an endorsement by the department. Customers using a technical assistance list for referral are encouraged to contact the better business bureau or the office of the attorney general, consumer protection unit, to determine whether a name selected is the subject of a complaint. Customers are also encouraged to check references of those on a list before they select an organization, company or individual to perform technical assistance.

(2) Any person who is on a technical assistance list is prohibited from holding themselves out as an employee or agent of the Washington state department of agriculture or suggesting that the department endorses the services provided.

[Statutory Authority: RCW 43.05.020, 99-08-039, § 16-05-040, filed 3/31/99, effective 5/1/99. Statutory Authority: Chapter 43.05 RCW, 96-13-082 (Order 5098), § 16-05-040, filed 6/18/96, effective 7/19/96.]

WAC 16-05-045 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-10 WAC

RIGHTS OF PERSONS AGGRIEVED PESTICIDE VIOLATIONS

WAC

16-10-010 through 16-10-030 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-10-010	Definitions. [Statutory Authority: RCW 17.21.310, 93-10-046, § 16-10-010, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-10-020	Rights of complainants. [Statutory Authority: RCW 17.21.310, 93-10-046, § 16-10-020, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-10-030	Rights of person aggrieved. [Statutory Authority: RCW 17.21.310, 93-10-046, § 16-10-030, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

WAC 16-10-010 through 16-10-030 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 16-12 WAC
MEAT INSPECTION**

WAC		
16-12-001	through 16-12-997 Repealed.	16-12-085
	DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER	16-12-090
16-12-001	Promulgation. [Order 801, Promulgation, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-095
16-12-010	Definitions. [Order 801, Regulation 1.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-100
16-12-015	Animals entering inspected establishments. [Order 801, Regulation 2.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-105
16-12-020	Products entering inspected establishments. [Order 801, Regulation 2.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-110
16-12-025	Only products bearing inspection legend to be received at establishment. [Order 801, Regulation 2.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-115
16-12-030	All products received to be handled, stored, and prepared so as to prevent contamination of other meat. [Order 801, Regulation 2.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-120
16-12-035	Carcasses or parts of animals of species other than meat food animals. [Order 801, Regulation 2.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-125
16-12-040	State meat inspection conducted under director of agriculture. [Order 801, Regulation 3.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-130
16-12-045	Meat inspection personnel—Qualifications, assignments, duties. [Order 801, Regulation 3.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-135
16-12-050	Determination if licensed establishment in compliance with order—Submission of plan for correction of deficiencies. [Order 801, Regulation 4.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-140
16-12-055	Application for inspection submitted after effective date of chapter. [Order 801, Regulation 4.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-145
16-12-060	Establishment applying after effective date of chapter to be in compliance before approved. [Order 801, Regulation 4.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-150
16-12-065	Assignment of official number. [Order 801, Regulation 4.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-155
16-12-070	Identification card or badge as identification of personnel. [Order 801, Regulation 5.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-160
16-12-075	Personnel to have access to establishment at all times. [Order 801, Regulation 5.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-165
16-12-080	No interference with inspector in discharge of duty. [Order 801, Regulation 5.03, effective 3/22/60.]	
	Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Designation of inspectors and assistants. [Order 801, Regulation 5.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Assignment of inspectors where members of family employed. [Order 801, Regulation 5.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Facilities for inspection personnel. [Order 801, Regulation 6.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Hours of operation of establishments. [Order 801, Regulation 6.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Operation to be done within reasonable hours. [Order 801, Regulation 6.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Facilities and conditions to be provided by establishment. [Order 801, Regulation 6.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Designation of days and hours where required to furnish efficient and economical inspection of two or more establishments. [Order 801, Regulation 6.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Designation of new permanent slaughter schedule—Designation of temporary change in slaughter schedule. [Order 801, Regulation 6.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	"Straight-time" monthly, full-day and half-day fees—Starting time subject to department approval—Minimum charge of four hours. [Order 801, Regulation 6.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Schedule of fees at meat food product manufacturing establishments. [Order 801, Regulation 6.08, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Overtime—Overtime rate. [Order 801, Regulation 6.09, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Overtime work of inspectors. [Order 801, Regulation 6.10, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Change in slaughter—Advance notice. [Order 801, Regulation 6.11, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Statement for services to be submitted. [Order 801, Regulation 6.12, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Payment for inspection to be made upon receipt of itemized statement—Director may withdraw inspection if payment not made within 30 days. [Order 801, Regulation 6.13, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Establishments—Sanitary conditions—Requirements. [Order 801, Regulation 7.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	
	Sufficient light. [Order 801, Regulation 7.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	

- 16-12-170 Adequate ventilation. [Order 801, Regulation 7.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-175 Adequate drainage. [Order 801, Regulation 7.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-180 Water supply. [Order 801, Regulation 7.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-185 Hot water. [Order 801, Regulation 7.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-190 Impervious surfaces. [Order 801, Regulation 7.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-195 Carcass rails—Distance from walls. [Order 801, Regulation 7.08, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-200 Doorways—Width. [Order 801, Regulation 7.09, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-205 Slaughtering facilities and minimum dimensions. [Order 801, Regulation 7.10, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-210 Cooler facilities. [Order 801, Regulation 7.11, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-215 Sterilizing facilities. [Order 801, Regulation 7.12, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-220 Lavatory facilities. [Order 801, Regulation 7.13, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-225 Equipment cleanup facilities. [Order 801, Regulation 7.14, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-230 Flush toilet and dressing room facilities. [Order 801, Regulation 7.15, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-235 Inedible and condemned storage and handling facilities. [Order 801, Regulation 7.16, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-240 Dry storage facilities. [Order 801, Regulation 7.17, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-245 Rooms, compartments, etc., to be clean and sanitary. [Order 801, Regulation 7.18, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-250 Operations and procedures to be clean and sanitary. [Order 801, Regulation 7.19, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-255 Rooms and compartments free from dust and odors. [Order 801, Regulation 7.20, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-260 Rooms and compartments free of steam and vapors. [Order 801, Regulation 7.21, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-265 Equipment susceptible to cleaning—That for inedible products marked. [Order 801, Regulation 7.22, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-270 Scabbards for knives. [Order 801, Regulation 7.23, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-275 Tagging insanitary equipment, etc. [Order 801, Regulation 7.24, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-280 Persons keeping hands and implements clean. [Order 801, Regulation 7.25, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-285 Clothing clean. [Order 801, Regulation 7.26, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-290 Insanitary practices prohibited. [Order 801, Regulation 7.27, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-295 Protective coverings for products. [Order 801, Regulation 7.28, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-300 Burlap wrapping for meat—Meat wrapped in, to be previously wrapped in paper or cloth. [Order 801, Regulation 7.29, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-305 Slack barrels and similar containers and vehicles and cars for products, paper in contact with product. [Order 801, Regulation 7.30, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-310 Second hand containers. [Order 801, Regulation 7.31, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-315 Flies, rats, other vermin—Bait poisons. [Order 801, Regulation 7.32, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-320 Animals excluded from rooms where edible products handled, stored or prepared. [Order 801, Regulation 7.33, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-325 Outer premises, docks, driveways, approaches, pens, alleys, etc.—Fly breeding material, nuisances. [Order 801, Regulation 7.34, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-330 Employee health. [Order 801, Regulation 7.35, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-335 Remodeling and new construction. [Order 801, Regulation 8.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-340 Drawings and specifications to be submitted in advance of new construction and remodeling. [Order 801, Regulation 8.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-345 Floors and drains. [Order 801, Regulation 8.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-350 Slaughter facilities. [Order 801, Regulation 8.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-355 Cooler facilities. [Order 801, Regulation 8.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-360 Ante mortem inspection in pens of official establishments—Suspects. [Order 801, Regulation 9.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99,

- effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-365 Animals suspected of being diseased—Disposition of on post mortem inspection or otherwise—Marking suspects—Temperatures where disease suspected. [Order 801, Regulation 9.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-370 Marking animals "Washington condemned" found diseased or in dying condition. [Order 801, Regulation 9.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-375 Cripples and downers—Boars and stags. [Order 801, Regulation 9.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-380 Immature animals. [Order 801, Regulation 9.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-385 Animals showing symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, rabies, transport tetany, or tetanus. [Order 801, Regulation 9.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-390 Hog cholera—Swine infected with hog cholera virus. [Order 801, Regulation 9.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-395 Epithelioma of the eye of cattle. [Order 801, Regulation 9.08, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-400 Animals affected with anthrax—Cleaning and disinfection of livestock pens and driveways. [Order 801, Regulation 9.09, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-405 Animals affected with anasarca or generalized edema. [Order 801, Regulation 9.10, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-410 Swine erysipelas. [Order 801, Regulation 9.11, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-415 Pregnancy or recent parturition. [Order 801, Regulation 9.12, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-420 Emergency slaughter—Inspection prior to. [Order 801, Regulation 9.13, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-425 Disposition of condemned animals. [Order 801, Regulation 9.14, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-430 Brucellosis—Reactor goats. [Order 801, Regulation 9.15, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-435 Vesicular disease. [Order 801, Regulation 9.16, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-440 Extent and time of post mortem inspection. [Order 801, Regulation 10.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-445 Organs and parts to be held pending final inspection of carcasses. [Order 801, Regulation 10.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-450 Carcasses and parts in certain instances to be retained—Identification of carcasses and parts—Tagging. [Order 801, Regulation 10.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-455 Condemned carcasses and parts to be so marked—Separation. [Order 801, Regulation 10.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-460 Carcasses and parts passed for cooking—Marking—Disposal of parts showing localized lesions—Removal of spermatic cords and pizzles. [Order 801, Regulation 10.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-465 Passing and marking of carcasses and parts. [Order 801, Regulation 10.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-470 Anthrax—Carcasses not to be eviscerated—Carcasses affected to be tanked immediately—Hides, hoofs, horns, hair, viscera and contents and fat to be tanked—Handling of blood and scalding vat water—General cleanup and disinfection. [Order 801, Regulation 10.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-475 Sternum to be split—Abdominal and thoracic viscera to be removed. [Order 801, Regulation 10.08, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-480 Carcasses or part thereof not to be inflated—Transferring caul or fat. [Order 801, Regulation 10.09, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-485 Handling of bruised parts. [Order 801, Regulation 10.10, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-490 Skins from diseased swine—Removal from establishment—Disinfection—Separate compartments. [Order 801, Regulation 10.11, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-495 Inspection of cattle—Calf and sheep lungs—Hog lungs not to be saved as edible. [Order 801, Regulation 10.12, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-500 Inspection of mammary glands. [Order 801, Regulation 10.13, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-505 Tonsils to be condemned. [Order 801, Regulation 10.14, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-510 Grubs to be removed before carcass split. [Order 801, Regulation 10.15, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-515 Disposal of diseased carcasses and parts—General. [Order 801, Regulation 11.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-520 Tuberculosis—Principles for guidance in passing on carcasses affected. [Order 801, Regulation 11.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-525 Hog cholera—Disposition of hog carcasses on account of. [Order 801, Regulation 11.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-530 Carcasses of swine injected with hog cholera virus. [Order 801, Regulation 11.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-535 Swine erysipelas. [Order 801, Regulation 11.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.

16-12-540	Diamond-skin disease. [Order 801, Regulation 11.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-625	Hogs affected with tapeworm cysts (<i>cysticercus cellulosae</i>)—Disposition. [Order 801, Regulation 11.23, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-545	Arthritis and polyarthritis. [Order 801, Regulation 11.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-630	Disposal of carcasses, organs, and parts showing evidence of infestation with parasites not transmissible to man—Sheep carcasses affected with tapeworm cysts—Carcasses infested with gid bladder worms—Organs and parts infested with hydatid cysts—Livers infested with flukes. [Order 801, Regulation 11.24, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-550	Cattle carcasses affected with anasarca or generalized edema. [Order 801, Regulation 11.08, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-635	Emaciated or anemic carcasses and those showing slimy fat degeneration or serious muscle infiltration. [Order 801, Regulation 11.25, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-555	Actinomycosis and actinobacillosis—Disposition of carcasses and parts. [Order 801, Regulation 11.09, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-640	Carcasses showing advanced pregnancy, etc.—Disposition. [Order 801, Regulation 11.26, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-560	Anthrax, bacillary hemoglobinuria in cattle, blackleg, hemorrhagic septicemia, icterohematuria in sheep, malignant epizootic catarrh, piroplasmosis, pyemia, septicemia, unhealed vaccine lesions, carcasses affected with, to be condemned. [Order 801, Regulation 11.10, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-645	Emergency slaughter of animals at unusual hours. [Order 801, Regulation 11.27, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-565	Malignant neoplasms—Disposition of organs, parts, or carcasses. [Order 801, Regulation 11.11, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-650	Carcasses of young calves, pigs, kids, and lambs—When condemned—Unborn and stillborn animals. [Order 801, Regulation 11.28, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-570	Epithelioma of the eye of cattle. [Order 801, Regulation 11.12, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-655	Condemnation of animals suffocated and hogs scalded alive. [Order 801, Regulation 11.29, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-575	Carcasses showing disease such as generalized melanosis, etc., affecting the system, to be condemned. [Order 801, Regulation 11.13, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-660	Livers affected with carotenosis—Livers designated as "telangiectatic," "sawdust," or "spotted"—Disposal. [Order 801, Regulation 11.30, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-580	Abrasions, bruises, tumors, abscesses, pus, etc.—Disposition of carcasses and parts. [Order 801, Regulation 11.14, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-665	Anaplasmosis. [Order 801, Regulation 11.31, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-585	Brucellosis. [Order 801, Regulation 11.15, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-670	Listerellosis. [Order 801, Regulation 11.32, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-590	Carcasses so infected that consumption of the meat may cause food poisoning to be condemned. [Order 801, Regulation 11.16, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-675	Leptospirosis. [Order 801, Regulation 11.33, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-595	Necrobacillosis, pyemia, septicemia—Disposition of carcasses. [Order 801, Regulation 11.17, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-680	Condemned carcasses and product to be disposed of by tanking or sent to rendering plant. [Order 801, Regulation 12.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-600	Caseous lymphadenitis—Disposition of carcasses and parts. [Order 801, Regulation 11.18, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-685	Condemned carcasses and products disposed of by tanking. [Order 801, Regulation 12.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-605	Icterus—Disposition of carcasses. [Order 801, Regulation 11.19, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-690	Condemned carcasses and products not disposed of by tanking to be denatured or destroyed by incineration. [Order 801, Regulation 12.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-610	Urine or sexual odor—Disposition of carcasses. [Order 801, Regulation 11.20, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-695	Livers condemned because of parasitic infestation and for other causes—Conditions under which they may be disposed of as fish feed. [Order 801, Regulation 12.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-615	Mange or scab—Disposition of carcasses. [Order 801, Regulation 11.21, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-700	Release for animal feed of carcasses and parts condemned on account of being unfit for human food. [Order 801, Regulation 12.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-620	Tapeworm, cysts (<i>cysticercus bovis</i>)—Methods of inspecting for—Carcasses and parts of cattle infested with—Disposition of carcasses and parts—Conditions under which refrigeration permitted—Calves excepted. [Order 801, Regulation 11.22, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.		

- 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-705 Release for animal feed of parts of carcasses handled as inedible other than carcasses and parts condemned on account of being unfit for human food. [Order 801, Regulation 12.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-710 Chemicals to be provided by establishment. [Order 801, Regulation 12.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-715 Dead-animal carcasses. [Order 801, Regulation 12.08, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-720 Inedible fats from outside of establishment. [Order 801, Regulation 12.09, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-725 Carcasses and parts passed for cooking, rendering into lard, rendering pork fat, or tallow. [Order 801, Regulation 13.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-730 Carcasses and parts passed for cooking not rendered into lard, rendered pork fat, or tallow—Utilization of for food purposes after cooking. [Order 801, Regulation 13.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-735 Disposal of product passed for cooking if not handled according to this part. [Order 801, Regulation 13.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-740 Approval of abbreviations of marks of inspection. [Order 801, Regulation 14.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-745 Preparation of marking devices bearing inspection legend without advance approval prohibited—Exception. [Order 801, Regulation 14.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-750 Use of inspection legend prohibited except under supervision of the department meat inspector. [Order 801, Regulation 14.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-755 Brands and marking devices to be approved by department—Control of brands. [Order 801, Regulation 14.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-760 Articles not to be removed from establishments unless marked in accordance with these regulations. [Order 801, Regulation 14.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-765 Marks of inspection to be carefully applied. [Order 801, Regulation 14.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-770 Branding ink to be furnished by establishment—Approval by the department—One color. [Order 801, Regulation 14.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-775 Control and use of brands and marking devices. [Order 801, Regulation 14.08, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-780 Brands and marking devices not to be false or misleading—Style and size of lettering. [Order 801, Regulation 14.09, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-785 Carcasses, primal part and products—Marking with inspection legend. [Order 801, Regulation 14.10, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-790 Moving and handling of primal parts from one establishment to another. [Order 801, Regulation 14.11, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-795 Marking of products in casings. [Order 801, Regulation 14.12, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-800 Marking product with the list of ingredients. [Order 801, Regulation 14.13, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-805 Handling of products too small to be marked with brand. [Order 801, Regulation 14.14, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-810 Denaturing of inedible grease, etc.—Marking "inedible." [Order 801, Regulation 14.15, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-815 Labeling required—Supervision by department inspector. [Order 801, Regulation 15.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-820 Labels—What to contain—When and how used. [Order 801, Regulation 15.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-825 Labels to conform with definitions. [Order 801, Regulation 15.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-830 Labels to be approved by department. [Order 801, Regulation 15.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-835 Inspector to permit certain modifications of approved labels. [Order 801, Regulation 15.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-840 Approved labels to be used only on products to which they are applicable. [Order 801, Regulation 15.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-845 False or deceptive names—Established trade names—False identification of origin. [Order 801, Regulation 15.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-850 Labeling product prepared with artificial coloring, artificial flavoring, or preservative. [Order 801, Regulation 15.08, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-855 Reuse of inspection marks, reuse of containers bearing marks of inspection, labels, etc.—Requirements regarding. [Order 801, Regulation 15.09, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-860 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations. [Order 801, Regulation 15.10, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-865 Relabeling product—Requirements regarding. [Order 801, Regulation 15.11, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-870 Distribution of labels bearing an inspection legend. [Order 801, Regulation 15.12, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-12-875 Reinspection of products—Frozen products. [Order 801, Regulation 16.01, effective 3/22/60.] Repealed by

16-12-880	99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061. Product entering establishment—Identification and inspection—Disposition. [Order 801, Regulation 16.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-965	Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-885	Containers, equipment, processes of manufacture to be clean and sanitary—Substances to be clean and wholesome. [Order 801, Regulation 16.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-970	Establishment to furnish information for reports. [Order 801, Regulation 18.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-890	Use in preparation of meat food products of chemicals, preservatives, coloring matter—Addition of cereal, vegetable starch, dried skim milk, water, etc.—Substances necessary for refining. [Order 801, Regulation 16.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-975	Reports on sanitation. [Order 801, Regulation 18.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-895	Samples to be taken without cost to department. [Order 801, Regulation 16.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-980	Establishments required to have inspection. [Order 801, Regulation 19.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-900	Canning with heat processing and hermetically sealed container—Cleaning container—Closure—Code marking—Heat processing—Incubation. [Order 801, Regulation 16.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-985	Slaughter of horses and preparation of meat thereof—Separate establishments. [Order 801, Regulation 19.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-905	Contamination of product by flood water, etc.—Procedure for handling. [Order 801, Regulation 16.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-985	Ante mortem inspection. [Order 801, Regulation 19.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-910	Tagging chemicals, preservatives, cereals, spices, etc., "Wash. retained." [Order 801, Regulation 16.08, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-985	Affections requiring condemnation on ante mortem or post mortem inspection—Glanders and dourine suspect. [Order 801, Regulation 19.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-915	Product for educational uses, laboratory examination, and other purposes. [Order 801, Regulation 16.09, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-988	Horse carcasses, meat and meat food products thereof—Marking and labeling. [Order 801, Regulation 19.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-920	Product which doesn't have appearance of being cooked not required to be treated for destruction of trichinae. [Order 801, Regulation 17.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-991	Horse meat or meat food products thereof—Meat labels. [Order 801, Regulation 19.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-925	Products containing pork muscle to be treated to destroy trichinae. [Order 801, Regulation 17.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-994	Applicability of meat inspection regulations to horse meat and meat food products thereof. [Order 801, Regulation 19.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-930	Heating. [Order 801, Regulation 17.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-997	Livestock scales to be accessible. [Order 801, Regulation 20.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-935	Refrigeration. [Order 801, Regulation 17.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.		
16-12-940	Curing. [Order 801, Regulation 17.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.		
16-12-945	Automatic recording thermometers required when necessary. [Order 801, Regulation 17.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.		
16-12-950	Inspectors to follow procedures outlined in administration of Part 17. [Order 801, Regulation 17.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.		
16-12-955	Inspection reports. [Order 801, Regulation 18.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.		
16-12-960	Reports of amounts of articles handled or prepared. [Order 801, Regulation 18.02, effective 3/22/60.]		

WAC 16-12-001 through 16-12-997 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-19 WAC CUSTOM FARM SLAUGHTERERS, CUSTOM SLAUGHTERING ESTABLISHMENTS, AND CUSTOM MEAT FACILITIES

WAC	
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Requirements for preparation and storage of meat and meat food products.

WAC 16-19-010 Definitions. Definitions in chapter 16.49 RCW, Custom slaughtering, apply to this chapter.

[Statutory Authority: RCW 16.49.680. 99-12-021, § 16-19-010, filed 5/24/99, effective 6/24/99.]

WAC 16-19-015 Further definitions. The following definitions apply in this chapter.

(1) "Carcass" means all or any parts, including viscera, of a slaughtered animal capable of being used for human food.

(2) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, and apparatus used in and around a custom slaughtering or meat handling establishment, and vehicles used to transport meat.

(3) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals.

(4) "Meat by-product" means any edible part other than meat that has been derived from one or more meat food animals.

(5) "Meat food bird" for the purposes of processing the carcass shall mean a ratite weighing over one hundred pounds live weight. Ratites weighing less than one hundred pounds live weight may be processed either as poultry or as a "meat food bird."

(6) "Meat handling establishment" means any place of business where uninspected meat is stored, frozen, cut, wrapped, or otherwise prepared.

(7) "Identifying" means marking, stamping or tagging each half, quarter, and edible part of slaughtered food animal carcasses in a manner approved by the director, for the purpose of tracing such part to the person doing the slaughtering.

(8) "Operator" includes any owner, lessee, or manager of a custom slaughtering or meat handling establishment.

(9) "Prepared" means canned, salted, rendered, boned, cut up or otherwise manufactured, or processed.

(10) "Prepackaged inspected meat" means any inspected meat or meat food product prepared from inspected meat processed or prepared by establishments subject to inspection under a federal meat inspection act and packaged and sealed in a container or wrapping bearing the mark of federal inspection.

(11) "Unwholesome" includes meat products that may be diseased, contaminated, putrid, unsound, unhealthful, or otherwise unfit for slaughter for any reason that would make them unfit for human food.

(12) "Sanitize" means use of an effective bactericidal treatment process that provides enough accumulated heat or concentration of chemicals for a period of time sufficient to reduce the bacterial count, including pathogens, to a safe level.

[Statutory Authority: RCW 16.49.680. 99-12-021, § 16-19-015, filed 5/24/99, effective 6/24/99.]

WAC 16-19-020 Requirements for sanitary operations. Requirements for sanitary operations of custom farm slaughtering, custom slaughtering establishments, and cus-

tom meat facilities are found in Title 21 CFR Part 110-Current good manufacturing practice in manufacturing, packing or holding human food. These rules have been adopted in WAC 16-167-050 (2)(k) and are available from the department on request.

[Statutory Authority: RCW 16.49.680. 99-12-021, § 16-19-020, filed 5/24/99, effective 6/24/99.]

WAC 16-19-030 Licensing expiration date-late fee.

Licenses for custom farm slaughterers, custom slaughtering establishments, and custom meat facilities issued under RCW 16.49.440 shall expire on June 30 of each year. A late fee will be charged if the application for renewal is not received prior to July 1 of each year.

[Statutory Authority: RCW 16.49.680. 99-12-021, § 16-19-030, filed 5/24/99, effective 6/24/99.]

WAC 16-19-100 Additional requirements for sanitary operations of custom farm slaughtering. Mobile custom farm slaughtering units must have:

(1) A van body completely covering the unit, but which may exclude the driver's cab and the hoist. The van body must be made of material that is nonporous and impervious to moisture. Wood may be used only as internal framing or spacing material between double nonwooden walls. The van body must be constructed so that it excludes dust, dirt and insects. The construction must be smooth, durable and easily cleanable inside and out.

(a) All vans must have the joints at junctions of internal facing surfaces and panels sealed and waterproof. Metal joints must be smooth and splatter free. If metal is used, only stainless steel, galvanized steel, aluminum in good condition or other materials approved by the director may be used. Any insulation used must be of a type that does not absorb water.

(b) Minimum interior dimensions of the van, exclusive of room taken up by tanks and other mounted equipment must be:

(i) Height - six feet.

(ii) Length - six feet.

(iii) Width - (when using single center rail for hanging carcass) four feet.

(iv) Width - (when using two rails for hanging carcasses) six feet.

(2) A hoist of 2,000 pound capacity, capable of lifting a beef carcass to a height that enables the carcass to clear the ground for bleeding and evisceration. This hoist must extend outward from the truck body. If a beef spreader is included as part of the equipment it must be of suitable construction.

(3) A sterilizing tank constructed of smooth, cleanable, impervious and durable material, large enough to allow complete sanitizing of tools used in the slaughter operation. This sterilizing unit must be filled during all slaughter operations, with potable water maintained at a temperature of at least 180°F. An approved cold sterilant may be used if sufficient hot water is available for preliminary cleaning of contaminated equipment prior to sterilizing.

(4) A water tank built into the vehicle constructed of smooth, cleanable, impervious and durable material with a minimum capacity of forty gallons. No slaughtering operation may be commenced unless at least twenty gallons is

available. Water must be delivered to the outlets at a pressure of at least forty pounds per square inch. One hose connection from tank and hose with nozzle must be provided to wash down carcasses. The water system must be maintained to a sanitary condition and be used only for potable water.

(5) Soap and paper towels must be available for washing hands and equipment.

(6) Outer garments worn by persons handling meat must be clean.

(7) All tools and equipment must be thoroughly washed and sanitized after each day's operation. They must be washed and sanitized if contaminated with viscera contents, abscesses, or foreign material during slaughtering operations.

(8) Meat food animals or meat food bird carcasses must not be transported in the mobile slaughter unit unless each carcass is hung so that it does not touch the floor except for beef carcasses that are dressed with the hide on and are to be delivered to a processing plant within two hours for completion of the dressing procedure. Carcasses with the hide on must be secured and placed in the mobile unit in a manner that prevents contact of hide with bare meat surfaces. Surfaces of the mobile unit that have been contaminated by contact with the hide must be cleaned and sanitized before subsequent carcasses are hauled.

(9) Edible offal must be transported in clean, covered, properly identified containers constructed of approved materials.

(10) No animals other than scalded and dehaired hogs, and defeathered meat food birds, and carcasses exempted under subsection (8) of this section may be dressed and transported with the hide on.

(11) Viscera of all meat food animals and meat food birds must be separated from the carcass at the time of slaughter on the premises where the animal is slaughtered. Feet must be removed from all meat food animals, except hogs, when scalded, and the head shall be removed from beef on the premises where it is slaughtered. Feet and metatarsus must be removed from meat food birds.

(12) All material produced through the slaughter activity, such as inedible offal and hide that may cause the slaughter area to become insanitary, must immediately upon completion of actual slaughter of the animal, be removed from the slaughtering area and disposed of in a sanitary manner. This is the licensee's responsibility.

(13) Meat food birds may be slaughtered by a custom farm slaughterer or custom slaughter establishment but not by a licensed custom poultry processor without prior approval by the director.

(14) Inedible offal may be only transported by a mobile custom slaughtering establishment under the following conditions:

(a) In a covered, watertight trailer constructed of smooth, cleanable, nonpervious material and maintained in a sanitary condition at all times; or

(b) In approved sanitary containers, in a separate compartment, in the van body. The compartment must be metal lined. There must be no openings from this compartment to the portion of the van used to transport edible products. All inedible offal containers, such as barrels or tubs, must be

tightly covered and made of smooth, cleanable and nonpervious materials.

(15) A custom farm slaughterer may slaughter his or her own animal for his or her own consumption on any premises, farm or ranch, owned, rented or in any way controlled by him or her. No other animal may be slaughtered by the licensee on the premises, farm or ranch, owned, rented or in any way controlled by him or her or by members of his or her immediate family. Licensees under this section may slaughter more than one animal only if the animals have been in his or her possession more than sixty days.

(16) Whenever a licensee has reason to believe that a meat food animal or meat food product is unwholesome as defined in these rules, he or she must require an examination and declaration of wholesomeness by a licensed veterinarian before proceeding with slaughter or with processing of the carcass.

(17) Meat food birds must be slaughtered in a custom farm slaughterer mobile unit unless they are delivered to a custom slaughtering establishment.

[Statutory Authority: RCW 16.49.680, 99-12-021, § 16-19-100, filed 5/24/99, effective 6/24/99.]

WAC 16-19-110 Custom farm slaughtering—Special slaughter conditions. A custom farm slaughterer may slaughter an animal only on the premises of the present or first preceding owner of such animal, except as follows:

(1) An animal injured to such extent that immediate slaughter at the place of injury is necessary for humane reasons.

(2) Animals purchased for custom slaughter at any 4-H and FFA market stock sales and open class carcass contests where ownership of the carcass is retained by the entrant may be slaughtered by a custom farm slaughterer on any premise. The premises must be approved in advance by the local health district/department and the department. The fair representative must request approval for each operator they plan on using by submitting an application for special slaughter conditions to the department at least thirty days before any such slaughter is to be done.

[Statutory Authority: RCW 16.49.680, 99-12-021, § 16-19-110, filed 5/24/99, effective 6/24/99.]

WAC 16-19-120 Custom farm slaughtering—Signs. Each custom farm slaughterer's mobile unit must be conspicuously identified with letters and numbers at least three inches high by the words Washington license or abbreviation Wa. Lic. and bear the license number issued by the department to the licensee.

[Statutory Authority: RCW 16.49.680, 99-12-021, § 16-19-120, filed 5/24/99, effective 6/24/99.]

WAC 16-19-130 Custom farm slaughtering—Identification of carcass and parts of carcasses. Carcasses or parts of carcasses processed by a custom farm slaughterer must be identified in the following manner:

(1) Each operator must obtain from the department prior to slaughtering an animal, an approved tagging device for identifying each carcass slaughtered.

(2) Each carcass slaughtered by the licensee must have affixed to each quarter, or side, prior to departure from the slaughtering site, the department approved identifying tag. At the time of tagging the licensee must complete the attached "custom slaughter report certificate of permit," giving the name and address of the owner; the signature of the owner or agent; name of consignee if applicable; the date of slaughter and the slaughterer's license number; the species of animal slaughtered and the brand, if any; and the license number of the custom farm slaughtering unit if the meat is to be delivered for processing. Edible offal delivered to a custom meat facility must be stamped "not for sale" upon arrival.

[Statutory Authority: RCW 16.49.680. 99-12-021, § 16-19-130, filed 5/24/99, effective 6/24/99.]

WAC 16-19-140 Custom farm slaughtering—Reporting of activities. (1) Each custom farm slaughterer must send the department a completed custom slaughter certificate of permit report for each animal processed the previous month no later than the 20th of each month.

(2) Custom slaughter certificate of permit reports accumulated between reporting periods must be kept on file at the licensee's principal place of business and be made available to the department on request.

(3) Failure to maintain or submit reports as required, or the making of fraudulent reports, constitutes grounds for suspension or revocation of an establishment's or slaughterer's license.

[Statutory Authority: RCW 16.49.680. 99-12-021, § 16-19-140, filed 5/24/99, effective 6/24/99.]

WAC 16-19-200 Additional requirements for sanitary operation of custom slaughtering establishments. Custom slaughtering establishments must have:

(1) Hot water of sufficient temperature in sufficient quantity to thoroughly clean and sanitize all equipment subject to contamination from dressing or handling of diseased carcasses. For the purpose of this section "sufficient temperature" means at least 160°F for cleaning purposes and 180°F for purposes of sanitizing. If an approved chemical sanitizing agent is used in the sanitizing step, a temperature of 160°F is considered adequate.

(2) Properly located sanitizing facilities of approved construction and of sufficient size for complete immersion of butcher tools, and other implements must be provided in the slaughter room and at any other place where the operation is likely to result in the contamination of such equipment and utensils. Such receptacles must have means of heating the water contained therein to 180°F and maintaining it at that temperature during the entire operation. The sanitizers must be designed so that they can be drained after each day's use.

(3) Inedible and condemned storage and handling facilities.

(a) Adequate facilities for sanitary handling and storage of inedible offal and for sanitizing equipment in which inedible materials were transported must be provided, including

one or more properly located enclosed rooms. Hot and cold water must be provided at outlets in or adjacent to the inedible handling room. The necessary doors connecting inedible storage rooms with rooms where edible products are handled must be metal clad, self-closing and tight fitting.

(b) A separate refrigerated room capable of maintaining a temperature of 45°F or less must be provided for the storage of inedible material at plants that store such material for a period longer than twenty-four hours. Such rooms must be of sanitary construction and must have impervious floors, walls and ceilings. The floors must be watertight, properly sloped and provided with drains leading to the plant sewage disposal system.

(c) All tanks and equipment used for rendering or preparing inedible meat must be in rooms or compartments separate from those used for rendering or preparing edible products.

(4) The slaughter floor must be kept reasonably free of blood, fat, scraps, etc. Water must not be permitted to splash from the floor upon unprotected carcasses on the bed or on the half hoist. The bed must be reasonably clean before the carcass is lowered. Clean watertight metal containers in good repair and free from objectionable odors must be provided at convenient locations for the reception of feet, tails, ears, pizles, or other inedible material. Evisceration must be performed so as to avoid contamination of the carcass with ingesta or fecal material.

(5) Carcasses must be washed with water under pressure from a spray nozzle. Towels, rags, cloths, brushes of any kind, or water dipped out of a drum or containers must not be used. Metal drums or containers of water must not be used for washing hands, tools, or parts of carcasses, or for flushing the floor. A carcass that has been contaminated by manure or by pus must have the contaminated portion removed by trimming before being washed.

(6) Inedible material must not be placed on the slaughter room floor and must be kept in suitable watertight containers or vehicles until removed from the slaughter room.

(7) Skinned beef, calf and vealer heads must not be permitted to come in contact with the floor. The horns, horn-butts, muzzles, and all pieces of hide must be removed before the head is washed. If the meat from the head is to be saved, the head must be thoroughly washed individually, and flushed in a head flushing cabinet. This must include a thorough flushing of the mouth, nostrils, and pharynx while the head is hanging in an inverted position.

(8) In removing the front feet of cattle and calves, care should be taken to expose as little of the flesh of the fore-shank as possible.

(9) Calves of such size that there is not a clearance of at least eight inches above the floor, or whose viscera cannot be transported manually and unaided to the inedible room, must be skinned and eviscerated as cattle.

(10) Calves dressed hide-on must be thoroughly washed and cleaned prior to making any incision into the carcass other than the sticking wound, except the heads of calves and vealers slaughtered in the "Kosher" method should be skinned prior to washing the carcasses.

(11) In slaughtering lambs and sheep, the pelt must be removed and the carcass thoroughly washed and cleaned before any incision is made for evisceration. Adequate care must be taken to prevent soilage of the carcass when removing the pelt.

(12) Hog carcasses must be thoroughly washed, cleaned, and singed (when necessary) to remove all hair, scale, scurf, dirt and toenails on the slaughtering floor before any incision is made other than the sticking wound. The forefeet need not be cleaned if discarded in the slaughtering room. Hog heads left on the carcass or saved intact must be thoroughly washed and flushed (nostrils, mouth and pharynx) and have ear tubes and eyelids removed.

(13) Paunches must not be opened in the slaughtering room, except when a power operated paunch lift table is provided for this purpose.

(14) Carcasses must be removed from the slaughter room to the chill cooler immediately after dressing and washing is completed. Improperly washed or unclean carcasses must not be brought into the coolers.

[Statutory Authority: RCW 16.49.680. 99-12-021, § 16-19-200, filed 5/24/99, effective 6/24/99.]

WAC 16-19-210 Requirements for assignment, stamping, recordkeeping and condemnation of meat. The operator of any custom slaughtering establishment must have in his or her possession certificates of permit or other satisfactory proof of ownership of carcasses or parts thereof in his establishment. Such proof of ownership must be kept on file for a period of six months after receipt of the carcass or part of the carcass.

[Statutory Authority: RCW 16.49.680. 99-12-021, § 16-19-210, filed 5/24/99, effective 6/24/99.]

WAC 16-19-300 Additional requirements for sanitary operations of custom meat facilities. (1) Refrigerated facilities.

(a) Adequate refrigerated facilities must be provided for the chilling and storage of products. Carcass chill coolers and holding coolers must have mechanical refrigeration capable of maintaining a temperature of 35°F or lower, when loaded to capacity. When overhead refrigerating facilities are provided, insulated drip pans must be installed beneath them and the pans properly connected to the drainage system or to other suitable facilities. If wall coils are installed, a drip gutter of impervious material and connected with the drainage system must be installed beneath the coils. The clearance between a hanging carcass and the floor must be sufficient to avoid contact with or contamination from the floor.

(b) Meat food product storage and display facilities must not be loaded to exceed their intended capacity and must maintain fresh and cured products stored in them below 45°F internal temperature and frozen meat food products below 0°F internal temperature.

(i) Such refrigeration facilities must be equipped with a visible, accurate thermometer located in the warmest part of the refrigerated area.

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(ii) Uninspected meat food products must not be stored in display cases used for displaying inspected meat held for sale.

(2) Clean and sanitary operations and procedures. Operations and procedures involving the preparation, storing or handling of any meat must be strictly in accord with clean and sanitary methods.

(a) Receptacles used for inedible meat in rooms where edible products are handled must be in good repair and be properly sanitized before usage.

(b) Carcasses or parts of carcasses of uninspected meat not returned to their owner must be properly denatured and properly disposed of. Inspected carcasses or parts of carcasses not intended for human consumption shall be denatured before disposal.

(c) Coolers must not be loaded beyond their capacity to properly chill the carcasses and edible offal. Maximum cooler capacity for carcass chilling and holding purposes is based on available rail space in the coolers. Sufficient space must be provided so that carcasses do not touch.

(3) Employee health. Every person employed in a custom meat facility who may contribute to the transmission of infectious disease through the nature of the employee's contact with meat or equipment and facilities is encouraged to obtain and place on file with the operator, a food and beverage service worker's permit as prescribed by chapter 69.06 RCW.

[Statutory Authority: RCW 16.49.680. 99-12-021, § 16-19-300, filed 5/24/99, effective 6/24/99.]

WAC 16-19-310 Proof of ownership of uninspected carcasses or parts of carcasses. (1) The operator of any custom meat facility must have in his or her possession certificates of permit as provided by chapter 16-620 WAC (Brand Inspection) or other satisfactory proof of ownership of all uninspected carcasses or parts of carcasses received in his or her establishment. Such proof of ownership must be kept on file for six months after receipt of such carcass or part of carcass.

(2) While in possession of the operator all uninspected cattle carcasses or parts of carcasses must be identified by a department-approved tagging device describing the name and address of the owner, name and address of the slaughterer, if not the owner, the slaughter date and brand, if the animal was branded, while in the possession of the operator. Such identification must conform to the requirements of chapter 16.57 RCW (Livestock identification).

(3) All uninspected meat food animal carcasses or parts of carcasses other than cattle must be identified on a tag available from the department as to name and address of owner, name and address of the slaughterer if different from the owner, and the slaughter date while in possession of the operator.

(4) The operator must give each owner of uninspected carcasses, parts of carcasses, or meat food products delivered to a custom meat facility for preparation a written record stating the gross weight received for preparation. The operator must maintain a duplicate copy of this record at his or her principal place of business for six months.

(5) Operators making sales of prepackaged inspected meat to other than household users must maintain written records of all such transactions, including the buyer, type of product sold and total net weight of each exchange.

[Statutory Authority: RCW 16.49.680. 99-12-021, § 16-19-310, filed 5/24/99, effective 6/24/99.]

WAC 16-19-320 Labeling and packaging requirements. (1) All inspected meat and meat food products stored or prepared for the owner thereof, including packages or containers containing any uninspected meat food products, must be marked "NOT FOR SALE" in letters three-eighths of an inch in height immediately upon receipt and immediately after preparing.

(2) All meat food product labels and meat food product packaging must conform to requirements of chapter 19.94 RCW, the Weights and Measures Act and chapter 69.04 RCW, Intrastate Commerce in Food, Drugs, and Cosmetics, now in effect or as amended, and rules adopted under those chapters.

[Statutory Authority: RCW 16.49.680. 99-12-021, § 16-19-320, filed 5/24/99, effective 6/24/99.]

WAC 16-19-330 Requirements for preparation and storage of meat and meat food products. (1) Inspected meat and uninspected meat must be stored and prepared separately at all times. Separate meat storage areas must be designated for inspected and uninspected meat and meat food products. There must be no physical contact between inspected and uninspected meat.

(2) There must be a complete equipment cleanup after preparation of uninspected meat.

(3) Meat food products offered for sale as fully cooked must be heated in all parts to the following minimum temperatures before delivery to a household user:

(a) Beef 145°F for three minutes or, comminuted (ground) beef products 155°F for fifteen seconds.

(b) Pork 145°F for three minutes or 150°F for one minute.

(c) Any products containing poultry or meat food birds must be cooked to an internal temperature of at least 165°F for fifteen seconds.

(4) Any cooked or partially cooked meat food product not delivered to a household user within two hours of heating must be placed in a cooler allowing adequate air circulation that is maintained at an ambient temperature of 45°F or less within two hours after removal from the heating source (smoker).

(5) Any processing of food other than meat must be done at different times from processing of meat. Any common equipment, utensils, or food contact surfaces used in the preparation of meat, meat food products, and other food products must be sanitized between periods of processing. Processing food, other than meat food animals or meat food birds, whether for the owner or for wholesale distribution, requires obtaining a food processing license from the department. Specific requirements and information on food processing plant licensing may be obtained from the department.

[Statutory Authority: RCW 16.49.680. 99-12-021, § 16-19-330, filed 5/24/99, effective 6/24/99.]

Chapter 16-20 WAC

CUSTOM SLAUGHTERER—HANDLING OF CUSTOM MEAT FOOD ANIMAL CARCASSES AT MEAT HANDLING ESTABLISHMENTS

WAC

16-20-001 through 16-20-140 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-20-001 Promulgation. [Order 1070, Promulgation, filed 9/28/67, effective 11/1/67; Order 802, Promulgation, effective 3/18/60; Order 803, effective 3/18/60. Formerly codified as WAC 16-16-001.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-20-010 Definitions. [Order 1070, Regulation 1, filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.01, effective 3/18/60; Order 803, Regulation 1.02, effective 3/18/60. Formerly codified as WAC 16-16-010.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-20-020 Equipment—Sanitary conditions—Requirements. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.02, effective 3/18/60. Formerly codified as WAC 16-16-020.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-20-030 Impervious surfaces. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.03, effective 3/18/60. Formerly codified as WAC 16-16-030.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-20-040 Inedible storage and handling facilities. [Order 1070, Regulation 2, §§ 3, 4, filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.04, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-20-050 Utensils susceptible of cleaning. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.05, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-20-060 Scabbards for knives. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.06, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-20-070 Operations and procedures to be clean and sanitary. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.07, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-20-080 Viscera to be removed at time of slaughter. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-20-090 Meat to be properly protected while in transit. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.09, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-20-100 Persons keeping hands and implements clean. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.00, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-20-110 Clothing, clean. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.10, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-20-120 Identification—Carcasses and parts to be stamped. [Order 1070, Regulation 3 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.20, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-20-130	Identification—Carcass identification at meat handling establishment. [Order 1070, Regulation 3 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.20 (part), effective 3/18/60; Order 803, Regulation 1.02, effective 3/18/60. Formerly codified as WAC 16-16-020.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-090	Operations and procedures to be clean and sanitary. [Order 869, Regulation 16, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-20-140	Identification—Slaughtered animal handling certificates. [Order 1070, Regulation 3 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.20 (part), effective 3/18/60; Order 803, Regulation 1.03, effective 3/18/60. Formerly codified as WAC 16-16-030.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-095	Rooms and compartments to be free from dust and odors. [Order 869, Regulation 17, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-100	Rooms and compartments to be free of steam and vapors. [Order 869, Regulation 18, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-105	Cleaning characteristics and marking of equipment. [Order 869, Regulation 19, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-110	Scabbards for knives. [Order 869, Regulation 20, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-115	Persons to keep hands and implements clean. [Order 869, Regulation 21, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-120	Clean clothing. [Order 869, Regulation 22, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-125	Insanitary practices prohibited. [Order 869, Regulation 23, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-130	Protective coverings for products. [Order 869, Regulation 24, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-135	Underwrappings when burlap used. [Order 869, Regulation 25, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-140	Lining and cleaning of slack barrels, containers and vehicles. [Order 869, Regulation 26, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-145	Second hand containers. [Order 869, Regulation 27, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-150	Flies, rats and other vermin—Baits and poisons. [Order 869, Regulation 28, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-155	Exclusion of other animals. [Order 869, Regulation 29, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-160	Care of outer premises. [Order 869, Regulation 30, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-165	Employee health. [Order 869, Regulation 31, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-200	Schedule of days and hours of operation to be submitted. [Order 869, Regulation 32, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-205	Assignment of official number. [Order 869, Regulation 33, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-210	Carcasses and parts to be stamped. [Order 869, Regulation 34, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-215	Proof of ownership to be kept by operator. [Order 869, Regulation 35, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-220	Handling of unfit meat. [Order 869, Regulation 36, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

WAC 16-20-001 through 16-20-140 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-21 WAC

CUSTOM SLAUGHTER PLANTS

WAC

16-21-001 through 16-21-220 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-21-001	Promulgation. [Order 869, Promulgation, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-010	Definitions. [Order 869, Regulation 1, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-020	Maintaining sanitary premises. [Order 869, Regulation 2, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-025	Sufficient light. [Order 869, Regulation 3, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-030	Adequate ventilation. [Order 869, Regulation 4, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-035	Adequate drainage. [Order 869, Regulation 5, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-040	Water supply. [Order 869, Regulation 6, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-045	Hot water. [Order 869, Regulation 7, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-050	Impervious surfaces. [Order 869, Regulation 8, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-055	Slaughtering facilities and minimum dimensions. [Order 869, Regulation 9, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-060	Cooler facilities. [Order 869, Regulation 10, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-065	Sterilizing facilities. [Order 869, Regulation 11, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-070	Lavatory facilities. [Order 869, Regulation 12, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-075	Flush toilets and dressing room facilities. [Order 869, Regulation 13, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-080	Inedible and condemned storage and handling facilities. [Order 869, Regulation 14, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-085	Rooms, compartments, etc., to be clean and sanitary. [Order 869, Regulation 15, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

WAC 16-21-001 through 16-21-220 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-22 WAC

CUSTOM MEAT SLAUGHTERERS AND HANDLING OF CUSTOM MEAT FOOD ANIMAL CARCASSES AT MEAT HANDLING ESTABLISHMENTS

WAC

16-22-001 through 16-22-090 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-22-001 Promulgation. [Order 1396, § 16-22-001, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-22-010 Definitions. [Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-119, § 16-22-010, filed 11/22/94, effective 12/23/94; Order 1396, § 16-22-010, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-22-011 License for custom farm slaughterers—Custom slaughtering establishments—Custom meat facilities. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-22-011, filed 7/25/91, effective 8/25/91.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-22-015 Late renewal penalties for custom farm slaughterers, custom slaughtering establishments, and custom meat facilities. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-22-015, filed 7/25/91, effective 8/25/91.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-22-020 Custom farm slaughter equipment—Sanitary conditions—Requirements. [Order 1396, § 16-22-020, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-22-030 Custom farm slaughtering establishment—Sanitation. [Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-119, § 16-22-030, filed 11/22/94, effective 12/23/94; Order 1396, § 16-22-030, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-22-040 Custom farm slaughtering establishment—Special slaughter conditions. [Statutory Authority: RCW 16.49.680. 90-10-046 (Order 2036), § 16-22-040, filed 4/30/90, effective 5/31/90. Statutory Authority: Chapter 16.49A RCW. 89-14-020 (Order 2011), § 16-22-040, filed 6/26/89; Order 1396, § 16-22-040, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-22-050 Custom farm slaughtering establishment—Inedible offal. [Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-119, § 16-22-050, filed 11/22/94, effective 12/23/94; Order 1396, § 16-22-050, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-22-060 Custom farm slaughtering establishment—Signs. [Order 1396, § 16-22-060, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-22-070 Custom farm slaughtering establishment—Identification of carcasses and parts of carcasses. [Order 1396, § 16-22-070, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-22-080 Custom farm slaughtering establishment—Facilities and equipment violation of regulations. [Order 1396, § 16-22-080, filed 3/24/75, effective 9/3/75.] Repealed by

16-22-090

99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
 Custom farm slaughtering establishment—Reporting of activities. [Order 1396, § 16-22-090, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

WAC 16-22-001 through 16-22-090 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-23 WAC

CUSTOM MEAT FACILITIES

WAC

16-23-010 through 16-23-180 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-23-010 Definitions. [Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-120, § 16-23-010, filed 11/22/94, effective 12/23/94. Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-010, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-012 Custom meat facility operator license. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-23-012, filed 7/25/91, effective 8/25/91.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-014 Custom meat facility operator license—Late renewal penalty. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-23-014, filed 7/25/91, effective 8/25/91.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-020 Maintaining sanitary premises. [Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-120, § 16-23-020, filed 11/22/94, effective 12/23/94. Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-020, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-025 Sufficient light. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-025, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-030 Adequate ventilation. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-030, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-035 Adequate drainage. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-035, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-040 Water supply. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-040, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-045 Hot water. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-045, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-050 Impervious surfaces. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-050, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-060 Refrigerated facilities. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-060,

- filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-070 Lavatory facilities. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-070, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-075 Flush toilets and dressing room facilities. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-075, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-085 Rooms, compartments, etc., to be clean and sanitary. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-085, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-090 Operations and procedures to be clean and sanitary. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-090, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-095 Rooms and compartments to be free from dust and odors. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-095, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-100 Rooms and compartments to be free of steam and vapors. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-100, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-105 Cleaning characteristics of equipment. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-105, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-110 Scabbards for knives. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-110, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-115 Persons to keep hands and implements clean. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-115, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-120 Clean clothing. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-120, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-125 Insanitary practices prohibited. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-125, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-150 Flies, rats and other vermin—Baits and poisons. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-150, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-160 Care of outer premises. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-160, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-165 Employee health. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-165, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-170 Proof of ownership of uninspected carcasses or parts of carcasses by the operator. [Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-120, § 16-23-170, filed 11/22/94, effective 12/23/94. Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-170, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-175 Labeling and packaging requirements. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-175, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
- 16-23-180 Meat and meat food products—Preparation and storage. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-180, filed 10/27/87.] Repealed by

99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

WAC 16-23-010 through 16-23-180 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-30 WAC RESTRICTED FEEDLOTS

WAC	
16-30-001	Repealed.
16-30-010	Definition.
16-30-100	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-30-001	Promulgation. [Order 955, Promulgation, filed 8/31/64; Order 851, Promulgation, effective 7/19/61.] Repealed by 99-14-032, filed 6/29/99, effective 7/30/99. Statutory Authority: Chapter 16.36 RCW.
16-30-100	Criminal penalty—Civil injunction. [Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-100, filed 2/23/89; Order 955, Regulation 10, filed 8/31/64; Order 851, effective 7/19/61.] Repealed by 99-14-032, filed 6/29/99, effective 7/30/99. Statutory Authority: Chapter 16.36 RCW.

WAC 16-30-001 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-30-010 Definition. Restricted feedlot means a dry feed yard where cattle not known to be exposed to brucellosis and not vaccinated against brucellosis are restricted to prevent their use for breeding purposes.

[Statutory Authority: Chapter 16.36 RCW. 99-14-032, § 16-30-010, filed 6/29/99, effective 7/30/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-010, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-010, filed 2/5/88; Order 955, Regulation 1, filed 8/31/64; Order 851, Regulation 1, effective 7/19/61.]

WAC 16-30-100 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-54 WAC ANIMAL IMPORTATION

WAC	
16-54-010	Definitions.
16-54-016	Repealed.
16-54-018	Official brucellosis vaccinates.
16-54-020	Illegal importation.
16-54-030	Health certificate.
16-54-040	Immediate slaughter cattle and horses.
16-54-071	Domestic equine.
16-54-082	Domestic bovine animals.
16-54-101	Sheep.
16-54-120	Dogs and cats.
16-54-135	Llamas and alpacas.
16-54-150	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-54-016	Official calfhood vaccinates. [Statutory Authority: RCW 16.36.040 and 16.36.050. 84-16-022 (Order 1838), § 16-54-016, filed 7/24/84. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-01-073 (Order 1716), § 16-54-016, filed 12/17/80, effective 4/1/81; Order 1540, § 16-54-016, filed 10/17/77.] Repealed by
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99-09-023, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040.
 16-54-150 Penalty. [Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-150, filed 10/15/92, effective 11/15/92; Order 1172, § 16-54-150, filed 12/15/70; Order 1024, Regulation 13, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61.] Repealed by 99-09-023, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040.

WAC 16-54-010 Definitions. For purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Breeding cattle" shall be those females and bulls not consigned to a federally inspected slaughter establishment, a restricted feedlot, or other authorized slaughter only channel.

(3) "Official brucellosis test" means blood samples are to be tested only by cooperating state-federal laboratories or by such persons as may be authorized by state of origin animal health officials to conduct the standard agglutination tests or the card test. All samples initially tested at other than cooperating state-federal laboratories shall be promptly submitted and confirmed at the cooperating state-federal laboratory.

(4) "Official brucellosis vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty-five days) with an approved brucella vaccine such as strain 19 vaccine or RB-51 vaccine or any other legal brucellosis vaccination administered in accordance with the laws and regulations of a state or country.

(5) "Class free and Class A, B, and C states" means states as classified by the current federal brucellosis eradication uniform methods and rules.

(6) "Stage I, II, III, IV, or V Pseudorabies state" means states as classified by the current federal pseudorabies eradication Uniform Methods and Rules.

(7) "Official health certificate" means a legible certificate of veterinary inspection executed on an official form of the state of origin or of the Animal and Plant Inspection Service (APHIS), United States Department of Agriculture (USDA), by a licensed and accredited veterinarian or a veterinarian approved by the proper official of APHIS, USDA.

(8) "Animal" means any animal species except fish and insects.

(9) "Domestic animal" means any farm animal raised for the production of food and fiber or companion animal or both.

(10) "Farm animal" means any species which have normally and historically been kept and raised on farms in Washington, the United States, or elsewhere or used or intended for use as food, fiber, breeding, or draft and which may be legally kept for such use in Washington and are not those animals classified as wildlife or deleterious exotic wildlife under Title 77 RCW.

[Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-010, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-010, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-010, filed 10/15/92, effective 11/15/92. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-54-010, filed 2/5/88; 84-16-022 (Order 1838), § 16-54-010, filed 7/24/84; Order 1172, § 16-54-010, filed 12/15/70; Order 1024, Regulation 1, filed

7/22/66, effective 8/22/66; Order 957, Regulation 1, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61.]

WAC 16-54-016 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-54-018 Official brucellosis vaccinates. All vaccinations must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a tattoo in the right ear. The tattoo shall be the U.S. registered shield and V preceded by a number indicating the quarter of the year for vaccination with strain 19, an R for RB-51 vaccination under twelve months of age and any other state designation for other categories of brucellosis vaccinations and followed by a number corresponding to the last digit of the year in which vaccination was done. An official vaccination tag shall be used for individual animal identification unless excepted by the director.

[Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-018, filed 4/15/99, effective 5/16/99.]

WAC 16-54-020 Illegal importation. (1) All animals being shipped into this state must have met the requirements of Title 9, Code of Federal Regulations as revised as of January 1, 1998, for movement or importation from foreign countries and in addition must meet all the applicable laws, rules and regulations of the state of Washington pertaining to animal health and care of animals.

(2) It shall be unlawful for any person, firm or corporation to import any animal unless in compliance with the requirements set forth hereafter in this order, and regulations relating to importation into and movement within the state of Washington of poultry, hatching eggs and wildlife. No animal, including poultry and wildlife, that is affected with any infectious or communicable disease shall be imported into the state unless written permission for the importation is obtained from the director and in the instance of wildlife, written permission from the director of the department of wildlife shall also be obtained.

(3) It shall be unlawful for any person, firm, or corporation importing livestock into the state of Washington to fail to stop for inspection at any posted livestock inspection point.

[Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-020, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-020, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-020, filed 10/15/92, effective 11/15/92; Order 1540, § 16-54-020, filed 10/17/77; Order 1172, § 16-54-020, filed 12/15/70; Order 1024, filed 7/22/66, effective 8/22/66; Order 957, Regulation 2, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16-54-030 Health certificate. (1) All animals entering Washington shall be accompanied by an official health certificate except:

(a) Dogs and cats originating in Washington and visiting Canada for thirty days or less.

(b) Dogs, cats and ferrets that are family pets traveling by private automobile with their owners who possess a current rabies certificate for the animals. This exemption does

not apply to dogs, cats or ferrets imported for sale or puppies, kittens, or kits too young to vaccinate.

(c) Horses traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by the state veterinarian or extend to any required testing.

(d) Llamas and alpacas traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by the state veterinarian.

(e) Sheep traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by the state veterinarian or extend to any animals entering for breeding purposes.

(f) Those classes of animals specifically exempted in laws or regulations of this state.

(2) Official health certificate shall contain the following information:

(a) Date of inspection. All health certificates void after thirty days, except breeding cattle forty-five days from date of issue. The director may give special exemption for show animals.

(b) Names and addresses of the consignor and consignee.

(c) Certification that the animals are apparently free from evidence of infectious and communicable disease.

(d) Test or vaccination status when required.

(e) Description of each animal to include species, breed, age, sex, tag or tattoo and for cattle, only an official ear tag will be accepted or if registered, the registry name, number and tattoo for individual identification except one brand or other owner identified animals, all of the same description, for which tests are not required.

(f) Certification of disinfection of cars and trucks when required.

(g) An owner/agent statement which says "the animals in this shipment are those certified to and listed on this certificate" and is signed and dated by the owner, agent, or veterinarian.

(3) All health certificates shall be reviewed by the livestock sanitary official of the state of origin and a copy shall be forwarded immediately to the department of agriculture, Olympia, Washington.

[Statutory Authority: RCW 16.36.040, 99-09-023, § 16-54-030, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.096, 92-21-039, § 16-54-030, filed 10/15/92, effective 11/15/92. Statutory Authority: RCW 16.36.040 and 16.36.050, 87-08-021 (Order 1918), § 16-54-030, filed 3/25/87; Order 1540, § 16-54-030, filed 10/17/77; Order 1172, § 16-54-030, filed 12/15/70; Order 1024, Regulation 3, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16-54-040 Immediate slaughter cattle and horses. The director, his appointed officers, any other peace officers, or member of the state patrol may stop vehicles carrying cattle or horses to determine if the cattle or horses are identified or branded as immediate slaughter cattle or horses

and, if so, that the cattle or horses are not being diverted for other purposes to points other than the specified point of slaughter. Slaughter horse assembly and feedlot points wanting to keep slaughter horses in excess of seven days within the state of Washington for feeding purposes may apply to the director for special horse feedlot status. No horses may be removed from the feedlot for other than slaughter purposes, except for transfer to feedlots of like status in Washington, Idaho, or Oregon. Federally approved export quarantine stations are exempt from applying for such status.

[Statutory Authority: RCW 16.36.040, 99-09-023, § 16-54-040, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapter 16.36 RCW, 83-09-009 (Order 1792), § 16-54-040, filed 4/8/83; Order 1172, § 16-54-040, filed 12/15/70; Order 1024, Regulation 7, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61, Order 756, filed 3/22/60.]

WAC 16-54-071 Domestic equine. (1) Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease. All equine over six months of age must have a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. Horses moving to Washington from Oregon or Idaho may be excluded from test requirements when reciprocal.

(2) Breeding stallions or their semen shall be tested negative for equine viral arteritis (EVA) within ninety days of import. Positive stallions or semen may be imported with a certifying statement on the health certificate that the consignee has been advised and consents to the shipment. All positive stallions or semen entering Washington shall be moved on a permit issued by the office of the state veterinarian and may be subject to quarantine.

(3) Washington horses may reenter Washington when returning from shows, rides or other events from states that will accept travel to that state with a current "equine certificate of veterinary inspection and interstate movement permit" without additional animal health certifications. Within fourteen days of the return to Washington an "itinerary of interstate travel" must be filed with the state veterinarian's office. Likewise horses from the western state of Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, or New Mexico may enter the state of Washington for shows, rides or other events and return with documents similar to the above named documents under a state system of equine health certification acceptable to the Washington state veterinarian and the state origin by written agreement. In any case, travel under this alternative to normal thirty-day health certification will be limited to not more than ninety days duration for any one excursion and the movement permit shall expire in six months from the date of the certificate.

[Statutory Authority: RCW 16.36.040, 99-09-023, § 16-54-071, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapter 16.36 RCW, 94-23-121, § 16-54-071, filed 11/22/94, effective 12/23/94. Statutory Authority: RCW 16.36.040 and 16.36.096, 92-21-039, § 16-54-071, filed 10/15/92, effective 11/15/92. Statutory Authority: Chapters 16.36 and 16.44 RCW, 82-24-040 (Order 1778), § 16-54-071, filed 11/24/82. Statutory Authority: Chapters 16.36 and 16.40 RCW, 81-10-047 (Order 1730), § 16-54-071, filed

5/1/81; Order 1540, § 16-54-071, filed 10/17/77; Order 1430, § 16-54-071, filed 2/9/76. Formerly WAC 16-54-070.]

WAC 16-54-082 Domestic bovine animals. All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area. The state veterinarian may require a negative tuberculosis test within thirty days of import for cattle (including bison) from the states classified as modified accredited or accredited free if *Mycobacterium bovis* (*M. bovis*) has been cultured from a herd in that state within the previous twelve months. All Mexican cattle imported from Mexico within three years of date of importation to Washington must show proof of a tuberculosis retest at least one hundred twenty days after import to the United States. Such cattle without proof of retest must be held on the premises of destination in Washington and kept separate from all other cattle for not less than one hundred twenty nor more than one hundred eighty days from the date of entry and retested for tuberculosis during the one hundred twenty to one hundred eighty-day period.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to restricted feedlots, to federally inspected slaughter plants for immediate slaughter, or beef breed cattle, slaughter only dairy breed cattle, or dairy breed cattle from Oregon, Montana, and Idaho consigned to a state-federal approved livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) Brucellosis test.

(i) Cattle from class free and A states.

(A) Sexually intact heifers from brucellosis quarantined herds in class free and A states shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter plant.

(B) Cattle other than those referred to in (a)(i)(A) of this subsection from class free or A states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(IV) Cattle from a certified brucellosis free herd.

(V) Cattle from selected brucellosis free states designated by the Washington state veterinarian.

(ii) Cattle from Class B or C states.

(A) Sexually intact females from other than certified brucellosis free herds in states classified B or C by the USDA shall not be imported into the state of Washington except for

immediate slaughter at a federally inspected slaughter establishment.

(B) Sexually intact males from Class B states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry and held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(C) Sexually intact males from Class C states which are test eligible must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. Those cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(iii) Beef cattle eligible for brucellosis testing coming from class free or A states or dairy cattle coming from Idaho, Montana, or Oregon may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.

(iv) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the lower classification entry requirement will be in effect for twelve months following notification to the state of origin.

(b) Brucellosis vaccinates—female dairy cattle. All female dairy cattle must be identified as official brucellosis vaccinates before entry into a dairy cow breeding herd. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a restricted feedlot.

(iii) Spayed heifers.

(c) Brucellosis vaccinates—female beef cattle. All female beef breed cattle must be identified as official brucellosis vaccinates before entry into a beef cow breeding herd, except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Cattle sold or consigned to a restricted feedlot.

(iii) Spayed heifers.

(d) Cattle from a certified brucellosis free country may be imported if the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, issues a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian. The state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

[Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-082, filed 4/15/99, effective 5/16/99; 97-01-067 (Order 6009), § 16-54-082, filed 12/16/96, effective 1/16/97. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-082, filed 10/15/92, effective 11/15/92. Statutory Authority: Chapter 16.36 RCW. 89-24-021 (Order 2021), § 16-54-082, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-54-082, filed 2/5/88; 87-08-021 (Order 1918), § 16-54-082, filed 3/25/87; 84-16-022 (Order 1838), § 16-54-082, filed 7/24/84. Statutory Authority: Chapter 16.36 RCW. 83-09-009 (Order 1792), § 16-54-082, filed 4/8/83. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-04-030 (Order 1782), § 16-54-082, filed 1/27/83. Statutory Authority: Chapters 16.36 and 16.40 RCW. 82-03-019 (Order 1752), § 16-54-082, filed 1/14/82; 81-10-047 (Order 1730), § 16-54-082, filed 5/1/81. Statutory Authority: Chapters 16.36 and 16.44 RCW. 78-06-116 (Order 1579), § 16-54-082, filed 6/7/78; Order 1540, § 16-54-082, filed 10/17/77.]

WAC 16-54-101 Sheep. Sheep except those for immediate slaughter, shall be accompanied by a health certificate stating they are clinically free from infectious and communicable disease and in addition shall comply with the following requirements which shall be stated on the health certificate:

(1) Originate from a flock in which no scrapie has existed for five years or is from a flock enrolled in the USDA Voluntary Scrapie Flock Certification Program.

(2) All breeding rams six months of age and over must have a negative ELISA test for brucella ovis within thirty

days prior to entry into Washington and be palpated and certified free of brucella ovis or be from a brucella free flock. Each ram must be individually identified with an individual eartag or registration tattoo. This number, along with the test results and date of test, must be entered on the health certificate which must accompany the animal(s).

(3) All blackface rams imported into Washington state for the purpose of breeding must be determined by genetic testing to be QR or RR at the 171 codon.

(4) All blackface breeding rams shall be moved on a permit issued by the office of the state veterinarian.

[Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-101, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-101, filed 10/15/92, effective 11/15/92; Order 1430, § 16-54-101, filed 2/9/76. Formerly WAC 16-54-100.]

WAC 16-54-120 Dogs and cats. In addition to the general provisions for the importation of livestock, the official health certificate for dogs and cats shall contain the certification:

(1) That such animals are apparently free from infectious, contagious, and communicable disease.

(2) That all dogs and cats have been vaccinated against rabies according to United States Public Health Department regulations and standards at the time of entry. Each animal must be identified by a tag number and on an official health certificate. Dogs and cats that are family pets traveling by private automobile with their owners, who possess a current valid rabies certificate for the animals, are exempted from the health certificate requirement. This exemption does not apply to dogs or cats imported for sale or puppies or kittens too young to vaccinate.

(3) That such animals do not originate from an area under quarantine for rabies. Animals originating from rabies quarantine or rabies areas must be accompanied by a permit obtained from the state department of agriculture office in Olympia, Washington previous to shipment, the terms of which must be stated on the health certificate.

[Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-120, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 87-08-021 (Order 1918), § 16-54-120, filed 3/25/87; Order 1540, § 16-54-120, filed 10/17/77; Order 1172, § 16-54-120, filed 12/15/70; Order 1024, Regulation 12, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16-54-135 Llamas and alpacas. All llamas and alpacas imported into Washington shall be accompanied by a health certificate stating that the animals are free from signs or exposure to infectious or contagious disease. Llamas and alpacas six months of age and over must be tested negative for brucellosis and tuberculosis not more than thirty days prior to entry. The tuberculosis test is to be performed just caudal to the elbow joint in a similar manner to the single strength single cervical test. Testing for brucellosis and tuberculosis is not required for llamas and alpacas exempted from the health certificate requirements in WAC 16-54-030 (1)(d).

[Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-135, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-135, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-135, filed 10/15/92, effective 11/15/92.]

WAC 16-54-150 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-59 WAC

IMPORTATION AND MOVEMENT OF POULTRY AND HATCHING EGGS

WAC

16-59-001	Repealed.
16-59-005	Definitions.
16-59-010	Health certificates.
16-59-020	Wrongful sale.
16-59-030	Testing of breeding stock.
16-59-060	Shipping equipment.
16-59-070	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-59-001	Promulgation. [Order 997, Promulgation, filed 1/21/66.] Repealed by 99-09-024, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040.
16-59-070	Penalty provisions. [Statutory Authority: Chapter 16.36 RCW. 94-23-122, § 16-59-070, filed 11/22/94, effective 12/23/94; Order 997, Regulation 7, filed 1/21/66.] Repealed by 99-09-024, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040.

WAC 16-59-001 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-59-005 Definitions. (1) "Baby poultry" means newly hatched poultry that have not been fed or watered.

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

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

(4) "Game birds" means domesticated fowl such as pheasants, partridge, quail, grouse and guineas, but not doves and pigeons.

(5) "Hatching eggs" means fertile eggs that have the potential to hatch baby poultry.

(6) "Infectious coryza" means a respiratory disease of poultry caused by *haemophilus paragallinarum* (*gallinarum*).

(7) "Infectious laryngotracheitis" means a highly contagious respiratory disease of poultry caused by a herpesvirus.

(8) "NPIP" means USDA National Poultry Improvement Plan, a cooperative industry-state-federal program to eliminate egg-transmitted and hatchery-disseminated diseases. Title 9, Code of Federal Regulations, Part 145, are the plan standards and contain the requirements for this voluntary program.

(9) "Official health certificate" means a legible certificate of veterinary inspection on an official form of the state of origin or of the USDA Animal and Plant Health Inspection Service (APHIS) executed by a licensed and accredited veterinarian or a veterinarian approved by the proper official of USDA APHIS.

(10) "Ornithosis" means a disease of poultry caused by *Chlamydia psittaci*, transmissible to other animals and humans and synonymous with the term psittacosis.

(11) "Person" means a person, persons, firm or corporation.

(12) "Poultry" means chickens, turkeys, ratites, waterfowl, game birds, pigeons, doves and other domestic fowl designated by statute. "Poultry" does not mean free ranging birds defined as wildlife in Title 77 RCW.

(13) "Pullorum" means a disease of poultry caused by *Salmonella pullorum*.

(14) "Typhoid" means a disease of poultry caused by *Salmonella gallinarum*.

[Statutory Authority: RCW 16.36.040. 99-09-024, § 16-59-005, filed 4/15/99, effective 5/16/99.]

WAC 16-59-010 Health certificates. (1) Shipments of poultry and hatching eggs must comply with requirements in this chapter and Washington animal importation rules (chapter 16-54 WAC) to be imported into this state. An official health certificate must accompany the shipment. In lieu of an official health certificate, an official NPIP form is acceptable. An official health certificate is not required for shipments sent to immediate slaughter or for hatching eggs or baby poultry from NPIP participants.

(2) A permit is required for importation of ratites. The permit number is issued by the state veterinarian and must be entered on the official health certificate. Each ratite imported must be permanently identified with a permanent leg band, microchip, or tattoo showing an individual number. The type of identification (including type of microchip if used) must be listed on the official health certificate.

(3) Chickens, ratites, waterfowl, game birds, pigeons, doves and other domestic fowl must originate from a producer participating in the pullorum-typhoid control phase of NPIP or test serologically negative for pullorum-typhoid within the past thirty days. In the case of eggs and baby poultry, the breeder flock must be an NPIP participant or must have tested negative to pullorum-typhoid within the past thirty days. Turkeys must originate from a producer participating in the pullorum-typhoid and Mycoplasmosis control phases of NPIP or test serologically negative for pullorum-typhoid and Mycoplasmosis within the past thirty days. In the case of eggs and newly hatched turkeys, the breeder flock must be an NPIP participant or must have tested negative to pullorum-typhoid and Mycoplasmosis within the past thirty days.

(4) Poultry for immediate slaughter may enter and move within the state of Washington directly to slaughter plants. The accompanying shipping document must indicate the following information:

- (a) The plant of destination;
- (b) That the birds are consigned for slaughter and will be slaughtered immediately after arrival at the plant;
- (c) The shipper's name and address; and
- (d) The number and type of birds in the shipment.

[Statutory Authority: RCW 16.36.040. 99-09-024, § 16-59-010, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapter 16.36 RCW. 94-23-122, § 16-59-010, filed 11/22/94, effective 12/23/94; Order 997, Regulation 1, filed 1/21/66.]

WAC 16-59-020 Wrongful sale. It is unlawful for any person to exchange, sell, or otherwise distribute poultry or hatching eggs affected with or originating from flocks affected with pullorum-typhoid or other contagious, infectious or communicable disease mentioned in this chapter. The state veterinarian may make an exception and issue a permit for importation or movement when satisfied such movement will not affect the health of flocks in the state.

[Statutory Authority: RCW 16.36.040, 99-09-024, § 16-59-020, filed 4/15/99, effective 5/16/99; Order 997, Regulation 2, filed 1/21/66.]

WAC 16-59-030 Testing of breeding stock. (1) **Pullorum-typhoid:** All poultry and hatching eggs in interstate movement must originate from parent or grandparent stock which are registered as participating flocks under NPIP or equivalent state program. The poultry and hatching eggs must be classified as pullorum-typhoid free or must be tested negative for pullorum-typhoid within thirty days of movement. Acceptable tests are standard tube agglutination, microagglutination, enzyme-linked immuno-sorbent assay (ELISA) or rapid serum test. The stained antigen, rapid whole blood test can be used for all poultry except turkeys. The state veterinarian may allow cloacal swab or environmental testing in lieu of blood testing for certain species of ratites. Any person who sells poultry or hatching eggs as pullorum-typhoid free must qualify under the provisions of this rule. Exempt from pullorum-typhoid requirements are:

- (a) Eggs for table consumption;
- (b) Poultry for immediate slaughter; and
- (c) Shipments consigned to a diagnostic laboratory or research institute approved by the department.

(2) **Infectious laryngotracheitis; infectious coryza:** Poultry cannot be imported if naturally infected or exposed to natural infection with infectious laryngotracheitis or infectious coryza. Such poultry can be imported under permit from the state veterinarian. The shipment can only be moved into the state when accompanied by an official federal form VS1-27 completed and signed by a federal or state veterinarian. The shipment will be quarantined once it reaches its Washington destination. A permit will be granted when available information indicates that the poultry to be transported will not present a disease hazard to state of Washington flocks. Exempted from the infectious laryngotracheitis and infectious coryza requirements are:

- (a) Poultry for immediate slaughter;
- (b) Poultry consigned to a diagnostic laboratory or research institute approved by the department; and
- (c) Eggs for table consumption from flocks naturally infected or vaccinated with virulent vaccines. To meet this exemption, eggs for table consumption must be washed and sanitized by methods required by the state veterinarian after consultation with Washington state poultry pathologists. Crates, equipment, and packaging material used for transportation must be cleaned and disinfected to the department's satisfaction or must be burned before leaving the slaughter, diagnostic, or egg processing premises. If crates, equipment and packaging material cannot be burned, they must be disposed of by a method in compliance with local air quality standards that still provide for destruction of pathogens.

(3) **Ornithosis:** Poultry and eggs are not to be imported into or moved intrastate in Washington if ornithosis is suspected or has been diagnosed. The state veterinarian may make an exception and issue a permit for importation or movement after proper treatment with a recommended antibiotic and observation of the appropriate withdrawal time.

[Statutory Authority: RCW 16.36.040, 99-09-024, § 16-59-030, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapter 16.36 RCW, 94-23-122, § 16-59-030, filed 11/22/94, effective 12/23/94. Statutory Authority: RCW 16.36.040 and 16.36.050, 89-06-007 (Order 1994), § 16-59-030, filed 2/17/89; Order 997, Regulations 3, 4, 5, filed 1/21/66.]

WAC 16-59-060 Shipping equipment. (1) All poultry must be moved only in clean containers. All crates or other containers used to transport live poultry into or within the state of Washington must be either new or thoroughly cleaned and disinfected and then washed with steam or hot water under pressure.

(2) All common carriers and any other conveyances used in the transportation of live poultry to or from the receiving station or destination must be free from poultry droppings, feathers and other debris.

[Statutory Authority: RCW 16.36.040, 99-09-024, § 16-59-060, filed 4/15/99, effective 5/16/99; Order 997, Regulation 6, filed 1/21/66.]

WAC 16-59-070 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-86 WAC

BRUCELLOSIS AND TUBERCULOSIS IN CATTLE AND GOATS

WAC

16-86-005	Definitions.
16-86-015	Washington cattle sale requirements.
16-86-017	Grazing permits.
16-86-020	Quarantine.
16-86-030	Sale of quarantined animals.
16-86-040	Quarantine and release.
16-86-055	Disinfecting vehicles.
16-86-060	Sale of brucellosis reactors.
16-86-070	Sale of tuberculosis reactors.
16-86-080	Branding and tagging of tuberculosis reactors.
16-86-090	Branding and tagging of brucellosis reactors.
16-86-092	Indemnity for brucellosis affected or exposed cattle.
16-86-093	Repealed.
16-86-095	Official brucellosis vaccination.
16-86-100	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-86-093	Indemnity for scrapie infected or exposed sheep or goats. [Statutory Authority: RCW 16.36.096 and 16.36.040, 90-10-045 (Order 2035), § 16-86-093, filed 4/30/90, effective 5/31/90.] Repealed by 99-09-025, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040.
16-86-100	Criminal penalty—Civil injunction. [Order 1171, § 16-86-100, filed 12/15/70; Order 855, Penalty and Injunction Clause, effective 7/19/61.] Repealed by 99-09-025, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040.

WAC 16-86-005 Definitions. For purposes of this chapter:

(1) "Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and den-

tristry in the state of Washington and approved by the United States Department of Agriculture (USDA) veterinary services to participate in state-federal cooperative programs.

(2) "Adult vaccination" means the whole herd vaccination of a herd infected with or exposed to the *Brucella abortus* organism when conducted under a herd plan agreed to by the owner and the director. A USDA approved adult dosage brucella vaccine will be used to vaccinate all female cattle in the herd above twelve months of age.

(3) "Approved brucella vaccine" means only those biological products that are approved by and produced under license of the USDA for injection into cattle for the purpose of enhancing their resistance to brucellosis.

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

(5) "Director" means the director of agriculture of the state of Washington or his or her duly authorized representative.

(6) "Immediate slaughter" means delivery within seven days to an inspected slaughter facility or restricted feedlot as defined in chapter 16-30 WAC and operating under the permission of the director.

(7) "Official calfhood vaccinate" means a female bovine animal vaccinated with an approved brucella abortus vaccine such as strain 19 vaccine or RB-51 vaccine at a calfhood dose between the ages of four and twelve months of age (one hundred twenty days to three hundred sixty-five days).

(8) "Official mature vaccinate" means a female bovine over the age of twelve months vaccinated with an approved adult dosage brucella vaccine under directions issued by the state veterinarian. Mature vaccinates must be blood tested for brucellosis at the time of vaccination and a copy of the test chart submitted to the state veterinarian with the vaccination record.

(9) "Registry tattoo" means a tattoo identifying the individual as a registered animal within the breed association.

(10) "Vaccination tattoo" means the United States registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which the animal was vaccinated with strain 19 brucella vaccine. For strain RB-51 calfhood vaccination an R precedes the shield and V. In the case of strain RB-51 mature vaccination an M precedes the shield and V. In the case of strain RB-51 adult vaccination an A precedes the shield. For strain RB-51 vaccinates, the last number of the tattoo corresponds to the last digit of the year in which vaccine was administered.

[Statutory Authority: RCW 16.36.040, 99-09-025, § 16-86-005, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.040, 90-10-045 (Order 2035), § 16-86-005, filed 4/30/90, effective 5/31/90. Statutory Authority: RCW 16.36.040 and 16.36.050, 87-08-020 (Order 1917), § 16-86-005, filed 3/25/87. Statutory Authority: Chapter 16.36 RCW, 84-08-037 (Order 1814), § 16-86-005, filed 3/30/84; Order 1539, § 16-86-005, filed 10/17/77.]

WAC 16-86-015 Washington cattle sale requirements. (1) Effective January 1, 1984, within thirty days prior to any change of ownership and in a manner prescribed by the state veterinarian, all dairy breed cattle shall be tested negative for brucellosis. The following classes of cattle are exempt from this test requirement:

(a) Calves under four months of age.

(b) Cattle sold or consigned to a restricted feedlot.

(c) Cattle sold or consigned to a federally inspected slaughter plant.

(d) Steers and spayed heifers.

(e) Official calfhood vaccinates under twenty months of age and not parturient or post parturient.

(f) Official Washington or Canadian calfhood vaccinates under thirty months of age as evidenced by less than full development of the lower permanent second incisors. This exemption applies only to Washington resident cattle which bear an eartag showing a Washington vaccination (91 V series) or a Canadian vaccination certificate. Subdivision (e) of this subsection applies to all other female dairy breed cattle unless exempted by (a), (b), (c) or (d) of this subsection. Cattle exempted under this subsection may be tested if requested by a prospective buyer or to meet import requirements of another state or foreign country.

(2) All female cattle shall be an official calfhood or Washington mature vaccinate and bear a legible vaccination tattoo prior to being sold or introduced into any breeding herd in the state of Washington. This rule does not apply to the following:

(a) Calves under four months of age. Female calves under four months acquired by any herd and natural female additions must become official calfhood vaccinates or official Washington mature vaccinates, as provided for in this chapter, to be sold for any purpose other than those set forth in (b), (c), (d), (e), or (f) of this subsection.

(b) Cattle sold or consigned to a restricted feedlot.

(c) Cattle sold or consigned to a federally inspected slaughter plant.

(d) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(e) Spayed heifers.

(f) Cattle sold to buyers in states or countries without brucellosis vaccination requirements.

(3) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for market cattle identification (MCI) test purposes. These records shall be made available to the department upon request. The following classes of cattle shall be exempt from these requirements:

(a) Cattle under twenty-four months of age and not parturient or post parturient.

(b) Steers and spayed heifers.

[Statutory Authority: RCW 16.36.040, 99-09-025, § 16-86-015, filed 4/15/99, effective 5/16/99; 97-01-067 (Order 6009), § 16-86-015, filed 12/16/96, effective 1/16/97. Statutory Authority: RCW 16.36.096 and 16.36.040, 94-05-008 (Order 5032), § 16-86-015, filed 2/3/94, effective 3/6/94; 92-21-023, § 16-86-015, filed 10/13/92, effective 11/13/92. Statutory Authority: RCW 16.36.040 and 16.36.050, 88-05-003 (Order 1964), § 16-86-015, filed 2/5/88; 87-08-020 (Order 1917), § 16-86-015, filed 3/25/87. Statutory Authority: Chapter 16.36 RCW, 84-08-037 (Order 1814), § 16-86-015, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.44 RCW, 83-06-002 (Order 1785), § 16-86-015, filed 2/17/83. Statutory Authority: Chapters 16.36 and 16.40 RCW, 81-14-078 (Order 1742), § 16-86-015, filed 7/1/81; 81-10-048 (Order 1731), § 16-86-015, filed 5/1/81; 79-09-076 (Order 1642), § 16-86-015, filed 8/30/79; 79-07-089 (Order 1634), § 16-86-015, filed 6/29/79; 78-12-053 (Order 1588), § 16-86-015, filed 11/29/78; Order 1539, § 16-86-015, filed 10/17/77.]

WAC 16-86-017 Grazing permits. Washington herd owners desiring to move cattle interstate for grazing purposes and return to Washington shall request a permit for such movement from the animal health program of the department. The state to which the animals are to be moved for grazing must approve the movement. A separate permit must be obtained from the animal health program for the return of such cattle. Grazing permits will be issued only for movements to states which are class free or A for brucellosis and which share common borders with the state of Washington. Cattle moving interstate on grazing permits are generally exempt from interstate health certificate and testing requirements unless required by the state veterinarian in either state due to changing disease conditions. Cattle moving interstate on grazing permits must meet the brand or animal identification requirements of each state before interstate movement.

[Statutory Authority: RCW 16.36.040, 99-09-025, § 16-86-017, filed 4/15/99, effective 5/16/99; Order 1539, § 16-86-017, filed 10/17/77.]

WAC 16-86-020 Quarantine. All cattle or goats that are infected or suspected of being infected with brucellosis or tuberculosis after an official test shall be quarantined as provided by law. If owners refuse to allow the department to test for the above diseases, all cattle or goats will be regarded as a menace to the health of livestock, and the premises on which they are kept shall be immediately quarantined and no animals or products of such animals shall be removed from the premises as outlined in RCW 16.36.010.

[Statutory Authority: RCW 16.36.040, 99-09-025, § 16-86-020, filed 4/15/99, effective 5/16/99; Order 1539, § 16-86-020, filed 10/17/77; Order 1171, § 16-86-020, filed 12/15/70; Order 855, Regulation 2, effective 7/19/61.]

WAC 16-86-030 Sale of quarantined animals. (1) No person shall sell or offer for sale any cattle from a brucellosis quarantined herd except steers and spayed heifers for other than immediate slaughter or for consignment to a state-federal approved sales yard for immediate slaughter. Before consignment to a state-federal approved sales yard, the cattle must be "S" branded and shall only be moved from the brucellosis quarantined herd when accompanied by an official federal form number VS1-27.

(2) Cattle from a tuberculosis quarantined herd must not be sold or offered for sale except for immediate slaughter.

[Statutory Authority: RCW 16.36.040, 99-09-025, § 16-86-030, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.050, 88-05-003 (Order 1964), § 16-86-030, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW, 83-07-029 (Order 1791), § 16-86-030, filed 3/14/83; Order 1539, § 16-86-030, filed 10/17/77; Order 1171, § 16-86-030, filed 12/15/70; Order 855, Regulation 3, effective 7/19/61.]

WAC 16-86-040 Quarantine and release. (1) Brucellosis:

(a) Any herd of cattle or goats in which brucellosis reactors are found will be quarantined. Positive or reactor classification shall be based on standards listed in *U.S. Department of Agriculture Uniform Methods and Rules for Brucellosis Eradication*. Animals positive to the brucellosis test must not be sold or offered for sale except for immediate slaughter. Quarantined animals may only be moved when accompanied by an official form number VS1-27. The quar-

antine will be released when the entire quarantined herd has passed two consecutive negative blood tests without reactors. The first test must be not less than thirty days following removal of all reactors from the herd and the second test not less than ninety days nor more than one year following the date of the previous test. Steers, spayed heifers and officially vaccinated dairy animals under twenty months of age and officially vaccinated beef animals under twenty-four months of age need not be tested.

(b) Adult vaccination may be used as a whole herd vaccination under the terms of a herd plan and based on the standards listed in *U.S. Department of Agriculture Uniform Methods and Rules for Brucellosis Eradication* dated May 6, 1992, and revised February 2, 1993, and June 16, 1994.

(2) Tuberculosis:

(a) Any herd of cattle or goats in which tuberculosis reactors are found will be quarantined and except for immediate slaughter the sale or removal of any animal out of such herds is prohibited. Herds in which only no gross legions (NGL) reactor(s) occur and in which no evidence of *Mycobacterium bovis* infection has been disclosed may be released from quarantine after a sixty-day negative caudal fold retest of the entire herd.

(b) Herds containing one or more suspects to the caudal fold tuberculosis test shall be quarantined until the suspect animals are:

(i) Retested by the comparative-cervical tuberculosis test within ten days of the caudal fold injection and the tuberculosis status of the suspect(s) has/have been determined; or

(ii) Retested by the comparative-cervical tuberculosis test after sixty days and the tuberculosis status of the suspect(s) has/ have been determined; or

(iii) Shipped under permit directly to slaughter in accordance with state or federal laws and regulations and the tuberculosis status of the suspect(s) has/have been determined.

(c) Herds in which *Mycobacterium bovis* infection has been confirmed and the herd has not been depopulated will remain under quarantine and must pass two tuberculin tests at intervals of at least sixty days and one additional test after six months from the previous negative test. These herds will also be subject to five annual tests on the entire herd following the release from quarantine.

[Statutory Authority: RCW 16.36.040, 99-09-025, § 16-86-040, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.38.060, 87-23-043 (Order 1958), § 16-86-040, filed 11/18/87; Order 1539, § 16-86-040, filed 10/17/77; Order 1171, § 16-86-040, filed 12/15/70; Order 855, Regulation 4, effective 7/19/61.]

WAC 16-86-055 Disinfecting vehicles. (1) When a vehicle is used to transport brucellosis reactor animals or brucellosis exposed animals from a brucellosis quarantined herd, the vehicle must be cleaned and disinfected immediately following the unloading of the last animal of each load.

(2) The cleaning and disinfecting of the vehicle when complete, must be approved in writing on form number VS1-27. This approval shall be made by a state animal health employee, a federal veterinary services employee or by another authorized representative of the director.

[Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-055, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapters 16.36 and 16.40 RCW. 80-04-061 (Order 1681), § 16-86-055, filed 3/25/80.]

WAC 16-86-060 Sale of brucellosis reactors. Reactors to a brucellosis test must be moved or sold only to a slaughtering establishment where state-federal approved inspection is maintained. Reactor cattle can only be moved from a quarantine premises by permit from the director or his representative. Any reactor to a brucellosis test must be marketed for slaughter within fifteen days from the date of tagging and branding.

[Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-060, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-01-071 (Order 1718), § 16-86-060, filed 12/17/80; Order 1539, § 16-86-060, filed 10/17/77; Order 1171, § 16-86-060, filed 12/15/70; Order 855, Regulation 6, effective 7/19/61.]

WAC 16-86-070 Sale of tuberculosis reactors. Reactors to a tuberculosis test must be moved or sold only to a slaughtering establishment where federal inspection is maintained. Any reactor to tuberculosis test must be marketed for slaughter within fifteen days from the date of tagging and branding.

[Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-070, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.38.060. 87-23-043 (Order 1958), § 16-86-070, filed 11/18/87; Order 1539, § 16-86-070, filed 10/17/77; Order 1171, § 16-86-070, filed 12/15/70; Order 855, Regulation 7, effective 7/19/61.]

WAC 16-86-080 Branding and tagging of tuberculosis reactors. Animals positive to the tuberculosis test will be branded by a state or federal veterinarian or their authorized representative with the letter "T" on the left jaw. The brand is to be not less than two inches nor more than three inches high. To further identify the animal or animals, the person branding will also attach to the left ear a metal tag bearing an identifying number and the word "REACTOR." It is unlawful for the owner, or his or her authorized representative, to refuse the director the right to identify the reactor animal or animals by branding and tagging.

[Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-080, filed 4/15/99, effective 5/16/99; Order 1171, § 16-86-080, filed 12/15/70; Order 855, Regulation 8, effective 7/19/61.]

WAC 16-86-090 Branding and tagging of brucellosis reactors. Animals positive to the brucellosis test will be branded by a state or federal veterinarian or his authorized representative with the letter "B" on the left jaw. The brand to be not less than two inches nor more than three inches high. To further identify the animal or animals, the person branding will attach to the left ear a metal tag bearing an identifying number and the word "REACTOR." It is unlawful for the owner, or his or her authorized representative to refuse the director the right to identify the reactor animal or animals by branding and tagging.

[Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-090, filed 4/15/99, effective 5/16/99; Order 1171, § 16-86-090, filed 12/15/70; Order 855, Regulation 9, effective 7/19/61.]

WAC 16-86-092 Indemnity for brucellosis affected or exposed cattle. As provided under RCW 16.36.096, the director may order the slaughter or destruction of any cattle affected with or exposed to brucellosis. Subject to the availability of sufficient funds, the director may pay an indemnity for any cattle ordered slaughtered or destroyed. When indemnity is approved, the amount that will be paid is fifty dollars for any grade beef breed female, one hundred dollars for any purebred registered beef breed bull or female, two hundred dollars for any grade dairy breed female or two hundred fifty dollars for any purebred registered dairy breed bull or female.

[Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-092, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096. 86-08-055 (Order 1879), § 16-86-092, filed 3/28/86. Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-11-096 (Order 1660), § 16-86-092, filed 10/26/79.]

WAC 16-86-093 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-86-095 Official brucellosis vaccination. (1) An official vaccination report of all brucellosis vaccinations must be made to the department within thirty days of vaccination. The vaccination report must be made on an approved report form (VS 4-26) issued by the department for the purpose of identifying and recording by official brucellosis vaccination ear tag or registry tattoo cattle officially brucellosis vaccinated.

(2) All vaccinations must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinated by a vaccination tattoo in the right ear. An official vaccination ear tag or registry tattoo shall be used for individual animal identification.

(3) Brucellosis vaccinations are not official until they are reported to the department on official, completed and signed forms.

[Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-095, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-095, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-095, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-10-049 (Order 1732), § 16-86-095, filed 5/1/81, effective 7/1/81; 79-09-076 (Order 1642), § 16-86-095, filed 8/30/79.]

WAC 16-86-100 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-88 WAC

CONTROL OF TUBERCULOSIS IN CERVIDAE

WAC

16-88-010 through 16-88-040 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-88-010 Definitions. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-128 (Order 5012), § 16-88-010, filed 9/21/93, effective 10/22/93.] Repealed by 99-14-031, filed 6/29/99, effective 7/30/99. Statutory Authority: RCW 16.36.040.

- 16-88-020 Testing procedures. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-128 (Order 5012), § 16-88-020, filed 9/21/93, effective 10/22/93.] Repealed by 99-14-031, filed 6/29/99, effective 7/30/99. Statutory Authority: RCW 16.36.040.
- 16-88-030 Herd status plans. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-128 (Order 5012), § 16-88-030, filed 9/21/93, effective 10/22/93.] Repealed by 99-14-031, filed 6/29/99, effective 7/30/99. Statutory Authority: RCW 16.36.040.
- 16-88-040 Intrastate, interstate, or international movement—Tuberculosis testing requirements. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-128 (Order 5012), § 16-88-040, filed 9/21/93, effective 10/22/93.] Repealed by 99-14-031, filed 6/29/99, effective 7/30/99. Statutory Authority: RCW 16.36.040.

WAC 16-88-010 through 16-88-040 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-89 WAC

SHEEP AND GOAT SCRAPIE DISEASE CONTROL

WAC

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|-----------|---|
| 16-89-005 | Purpose. |
| 16-89-010 | Definitions. |
| 16-89-015 | Scrapie program standards. |
| 16-89-020 | Identification of blackface breeding stock. |
| 16-89-030 | Quarantine. |
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| 16-89-050 | Scrapie source flocks. |
| 16-89-060 | Movement and disposition of restricted animals. |
| 16-89-070 | Importation of exposed, suspect and high risk animals. |
| 16-89-080 | Reporting scrapie. |
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| 16-89-100 | Indemnification. |
| 16-89-110 | Cleaning and disinfection. |
| 16-89-120 | Concealing the disease. |

WAC 16-89-005 Purpose. (1) Scrapie is an insidious, fatal neurological disease of sheep and goats. The disease agent has not been definitively characterized. The incubation period is very long, usually over eighteen months. There is no treatment, and the disease is always fatal. Currently there is no live animal diagnostic test for the presence of the disease. Diagnosis is made by observation of characteristic signs in the live animal and is confirmed by post-mortem examination of brain tissue.

(2) The United States Department of Agriculture (USDA) Voluntary Scrapie Flock Certification program is designed to monitor flocks and certify the scrapie status of the animals that are enrolled in the program. Any sheep or goat owner may apply to the USDA Veterinary Services area office in Olympia, Washington to participate in this program. It requires individual animal identification, keeping of good records, the reporting of acquisitions and deaths of animals to the USDA, Animal and Plant Health Inspection Service (APHIS) veterinary representative and annual inspections by the APHIS veterinary representative. At the end of five years, if all criteria have been met, the flock may be certified as being free of scrapie, as long as the flock remains on the USDA Voluntary Scrapie Flock Certification Program.

(3) The Washington state scrapie program requires that every blackface or blackface crossbred breeding sheep which is one year or older be identified with a Washington state flock identification number. Ninety seven percent of all diagnosed scrapie cases in the United States have occurred in

blackfaced breeds or crosses although whitefaced individuals can occasionally be susceptible. Blackface or blackface crossbred breeding stock of any age must be identified before transfer of ownership or possession. Few records need to be maintained, no reports of deaths or new acquisitions are required. The program is strictly a control and eradication program and does not lead to flock certification.

Enrollment in the USDA Voluntary Scrapie Flock Certification Program will fulfill the requirements of the Washington state program.

[Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-005, filed 4/15/99, effective 5/16/99.]

WAC 16-89-010 Definitions. For the purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his or her duly authorized representative.

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

(3) "Blackface breeding stock" means intact male or female sheep of blackface breeds and intact male or female sheep that are crosses of blackface and other breeds of sheep.

(4) "Flock" means a number of animals of sheep or goat species which are kept, fed and herded together having single or multiple ownership. The term "flock" shall be interchangeable with the term "herd" and shall apply to purebred and commercial sheep.

(5) "Washington flock identification number" means a unique flock identification number assigned to the owner or owners of each flock of blackface breeding sheep in the state of Washington.

(6) "Official individual identification" means the unique identification of individual animals with an alphanumeric number applied as a tamper proof tag, tattoo, electronic device, or other tag approved by USDA or the director. The Washington flock identification number can serve as the official individual identification number if it contains a unique individual animal number in addition to the flock number.

(7) "Scrapie" means a transmissible spongiform encephalopathy that is a nonfebrile, transmissible, insidious, degenerative disease affecting the central nervous system of sheep and goats.

(8) "Scrapie exposed animal" means any animal, which has been in the same flock at the same time within the previous sixty months as a scrapie positive animal excluding limited contacts. Limited contacts are contacts between animals that occur off the premises of the flock and do not occur during or up to sixty days after parturition for any of the animals involved. Limited contacts do not include commingling or transportation to other flocks for the purposes of breeding. Examples of limited contacts include incidental contact in the show/sales ring. (See Appendix III of USDA's Voluntary Scrapie Flock Certification Program.)

(9) "Scrapie high risk animal" means an animal determined by epidemiologic investigation to be a high risk for developing clinical scrapie because the animal was the progeny of a scrapie-positive dam, was born in the same contemporary lambing group as a scrapie-positive animal or was born in the same contemporary lambing group as progeny of

a scrapie-positive dam. Based upon evidence from the latest research information available and upon recommendation of the state scrapie certification board, animals that fit the criteria for high risk animals may be exempted by the director as high risk animals if they are determined by genetic testing to be QR or RR at the 171 codon or are determined by other recognized testing procedures to pose no risk.

(10) "Scrapie infected flock" means any flock in which a scrapie-positive animal has been identified by a state or federal animal health official.

(11) "Scrapie positive animal" means an animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories, USDA, laboratories accredited by the American Association of Veterinary Laboratory Diagnosticians (AAVLD) or another laboratory authorized by state or federal officials to conduct scrapie tests through histological examinations of central nervous system or by other diagnostic procedures approved for scrapie diagnosis by USDA. Animals diagnosed by experimental tests for abnormal prion will not be considered infected animals for the purposes of this rule.

(12) "Scrapie source flock" means a flock in which an animal was born and subsequently diagnosed as scrapie-positive at less than fifty-four months of age.

(13) "Voluntary scrapie flock certification program" means a national voluntary program for classification of flocks relative to scrapie.

[Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-010, filed 4/15/99, effective 5/16/99.]

WAC 16-89-015 Scrapie program standards. The USDA Voluntary Scrapie Flock Certification Program Standards, dated October 1, 1992, as amended October 17, 1997, and Scrapie in Sheep and Goats, Title 9, Code of Federal Regulations, Parts 54 and 79 as revised January 1, 1997, are adopted by reference as the basic standards for the scrapie control and eradication program in Washington state. Copies of these documents are on file at the Washington Department of Agriculture, Division of Food Safety/Animal Health, 1111 Washington Street, Olympia, Washington 98504 and are available on request.

[Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-015, filed 4/15/99, effective 5/16/99.]

WAC 16-89-020 Identification of blackface breeding stock. (1) The state veterinarian will designate the form and content of the Washington state flock identification number, approve identification devices for utilization of the flock identification number, assure availability of flock identification devices, and assign Washington flock identification numbers to owners or possessors of blackface breeding stock.

(2) Owners and possessors of blackface breeding stock will bear the costs of obtaining the identification devices and placing the device in or on the animal except the department may provide tamper proof eartags to 4-H, FFA or other organized youth projects dependent upon the availability of funds. The department may also provide such tags for cooperative research programs and under the provisions of other inter-agency agreements.

(3) All owners or possessors of blackface breeding stock in Washington state must identify all blackface breeding stock in the flock which are one year of age or older with a Washington state flock identification number. Blackface breeding stock of any age will be identified with a flock identification number before transfer of ownership or possession.

(4) Blackface breeding stock imported into the state will be identified with a flock identification number within sixty days after entry into the state.

(5) Blackface breeding stock of any age must be identified with a flock identification number prior to movement of such sheep from the premises of origin for show, sale, purchase or other movement.

(6) Blackface breeding stock sold within the state must retain the original flock identification number. In the event an animal loses a flock identification device, the owner of the animal must reidentify the animal with his or her flock identification number and must maintain records to document the original and new flock identification numbers.

(7) Acceptable devices for application of the flock identification number to blackface breeding stock will include: Tamper proof ear tags bearing the flock identification number, legible tattoos bearing the flock identification number, electronic devices with owner records correlated to the flock identification number, approved voluntary scrapie flock certification program identification devices, and other identification devices approved by the state veterinarian.

(8) Blackface animals exempt from the state requirement for identification with a state flock identification number will include:

(a) Neutered animals.

(b) Sexually intact market lambs consigned directly to an approved slaughter facility or consigned directly to an approved lamb feedlot for finish feeding for slaughter only. Animals in approved feedlots may be removed only to approved slaughter facilities or other approved feedlots. Owners or livestock dealers delivering market lambs to Washington state slaughter facilities or approved feedlots must provide to the managers of such facilities the Washington flock numbers from which the market lambs have originated. A record of the flock numbers must be maintained for two years and available for review by the director.

(c) Lambs under one year of age that have not been sold or transferred to the possession of another person or entity.

(d) Sheep over one year of age that have not been sold or transferred to the possession of another person where management practices preclude applying the identification devices within the flock. This exemption must be specifically approved by the state veterinarian for each flock.

(e) Blackface animals within a flock enrolled in the federal Voluntary Scrapie Flock Certification Program.

[Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-020, filed 4/15/99, effective 5/16/99.]

WAC 16-89-030 Quarantine. Infected and source flocks or flocks that have received high risk animals must be placed and held under quarantine until the infected or high risk animals have been depopulated or the flock has qualified for and has been enrolled in the voluntary scrapie flock certification program. Flocks not participating in the certification

program will remain under quarantine until the entire flock has been slaughtered or depopulated. Infected or high risk animals must be destroyed by means other than by slaughter under the direction of the state veterinarian.

[Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-030, filed 4/15/99, effective 5/16/99.]

WAC 16-89-040 Restriction of exposed animals.

Scrapie exposed flocks and animals from exposed flocks will be placed under a hold order when the flocks or animals are determined by the state veterinarian to be exposed. During the seven-day duration of the hold order, an epidemiological investigation will be conducted on the flock or animals to determine the risk of infection with scrapie. Flocks or animals determined by a scrapie epidemiologist to pose a substantial risk to other flocks will be maintained under a quarantine order until the flock has fulfilled Section III of the voluntary scrapie flock certification program standards or been depopulated.

[Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-040, filed 4/15/99, effective 5/16/99.]

WAC 16-89-050 Scrapie source flocks. A single trace to a flock must meet the following criteria to designate the flock as a source flock:

The scrapie positive animal must:

- (1) Be identified with a Washington state flock identification number on a tamper proof tag; or an official eartag, electronic device, ear tattoo, or flank tattoo which is correlated to the Washington state flock identification number on flock records; or
- (2) Be identified by genetic testing; or
- (3) Possess the original registry eartag or individual identification ear tag along with the movement, production, and registry records indicating birth in the source flock; or
- (4) Be traced to the flock by a veterinary epidemiologist through a thorough epidemiological investigation of records and all other available evidence.

[Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-050, filed 4/15/99, effective 5/16/99.]

WAC 16-89-060 Movement and disposition of restricted animals. Animals other than infected and high risk animals from infected and source flocks may be moved from the quarantined premises with approval of the director only under the following conditions:

- (1) By written permission the director may allow the animals to be moved under quarantine to other preapproved locations. The animals must be moved in sealed vehicles or be accompanied in transit by representatives of the director in lieu of individual identification. Animals moved under quarantine will remain under quarantine at the new location.
- (2) Infected animals and high risk animals may only be moved from the quarantined premises for destruction under the supervision of the state veterinarian or to an approved research facility by permission of the director.

[Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-060, filed 4/15/99, effective 5/16/99.]

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WAC 16-89-070 Importation of exposed, suspect and high risk animals. As defined in the basic standards for the scrapie control and eradication program, sheep and goats that are scrapie suspect, exposed, high risk animals or flock mates from scrapie infected, source, trace or exposed flocks, will not be allowed entry into Washington state except to approved scrapie research facilities. All animals must be individually identified by official identification tattoos, tags, or devices on a VS 1-27 or other approved movement document.

[Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-070, filed 4/15/99, effective 5/16/99.]

WAC 16-89-080 Reporting scrapie. Suspected and confirmed cases of scrapie must be reported by owners, veterinarians and diagnostic laboratories by phone or fax to the state veterinarian's office the next working day after suspecting or confirming scrapie in any sheep or goat.

[Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-080, filed 4/15/99, effective 5/16/99.]

WAC 16-89-090 Condemnation and destruction of scrapie infected animals or flocks. Animals or flocks determined by the director or representatives of USDA to be infected with scrapie may be condemned and destroyed by order of the director. The disposal of condemned scrapie infected animals and flocks will be under the direction of the director and the means of disposal will be other than by offering for human or animal consumption.

[Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-090, filed 4/15/99, effective 5/16/99.]

WAC 16-89-100 Indemnification. (1) Owners, individuals, partnerships, corporations or other legal entities whose animals or flocks have been destroyed or otherwise disposed of by order of the director may be eligible for indemnification in the form of cash payment for part of the value of the animals destroyed or otherwise disposed of and for reasonable actual costs for burial or disposal of animal carcasses.

(2) Indemnity payments will be paid only to an owner of sheep or goats that were born in the state of Washington or were imported into the state in compliance with existing Washington state statutes and rules. Payment of indemnity does not apply to animals belonging to the federal government or any of its agencies, this state or any of its agencies, or any municipal corporation.

(3) The amount of indemnity to be paid for each animal will be determined by the state veterinarian and will not exceed seventy-five percent of the appraised value of the animal up to the following maximum amounts:

- (a) Ewes or does one year of age or older - three hundred dollars per head.
- (b) Rams or billies one year of age or older - six hundred dollars per head.
- (c) Lambs or kids under one year of age - one hundred twenty-five dollars per head.

(4) In addition to the indemnity payments authorized in subsection (3) of this section, owners who voluntarily destroy

rams found to be genetically prone to scrapie will be paid up to twenty-five dollars of the laboratory diagnostic fee.

[Statutory Authority: RCW 16.36.040, 99-09-026, § 16-89-100, filed 4/15/99, effective 5/16/99.]

WAC 16-89-110 Cleaning and disinfection. Barns, sheds, stockyards, trucks, ferry boats and other vehicles, feed yards, stable pens, corrals, lanes and premises which have been used in confining, trailing, or transporting any sheep or goat affected or infected with any contagious, infectious or communicable diseases, will be cleaned and disinfected under state or federal supervision as directed by the state veterinarian. The owner of such premises, conveyances, or carriers will be responsible for such cleaning and disinfecting and their costs.

[Statutory Authority: RCW 16.36.040, 99-09-026, § 16-89-110, filed 4/15/99, effective 5/16/99.]

WAC 16-89-120 Concealing the disease. It is unlawful for any owner to fail to report or to attempt to conceal the existence of any transmittable spongiform encephalopathy such as the disease scrapie.

[Statutory Authority: RCW 16.36.040, 99-09-026, § 16-89-120, filed 4/15/99, effective 5/16/99.]

Chapter 16-101 WAC MILK AND MILK PRODUCTS

WAC

16-101-690 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-101-690 Civil penalties—Substandard products. [Statutory Authority: Chapter 15.36 RCW, 87-08-038 (Order 1920), § 16-101-690, filed 3/30/87, effective 7/1/87.] Repealed by 99-18-030, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.

WAC 16-101-690 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-108 WAC WASHINGTON STATE EGG SEALS AND ASSESSMENTS

WAC

16-108-010 Rate.

WAC 16-108-010 Rate. A fee of \$0.0026 cents effective June 30, 1999; \$0.00268 cents effective July 1, 1999, per dozen eggs is hereby established for every egg handler or dealer who pays assessments monthly in lieu of seals and for Washington state egg seals and facsimile type Washington state egg seals imprinted on egg containers.

[Statutory Authority: RCW 69.25.250, 99-12-076, § 16-108-010, filed 5/28/99, effective 6/28/99; 86-04-027 (Order 1878), § 16-108-010, filed 1/29/86. Statutory Authority: Chapter 69.25 RCW, 84-11-019 (Order 1824), § 16-108-010, filed 5/11/84; Order 1489, § 16-108-010, filed 1/31/77, effective 3/7/77; Order 1479, § 16-108-010, filed 8/18/76; Order 895, Regulation 1, filed 9/26/62; Order 784, Regulation 1, effective 4/1/59.]

Chapter 16-122 WAC MILK DISTRIBUTORS

WAC

16-122-001 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-122-001 Milk distributors license expiration. [Statutory Authority: RCW 15.36.061, 96-22-060, § 16-122-001, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-122-001, filed 7/25/91, effective 8/25/91.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.

WAC 16-122-001 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-124 WAC LICENSED TESTERS, WEIGHERS, SAMPLERS AND GRADERS

WAC

16-124-001 Repealed.
16-124-010 Repealed.
16-124-020 Repealed.
16-124-030 Repealed.
16-124-040 Repealed.
16-124-050 Repealed.
16-124-060 Repealed.
16-124-070 Repealed.
16-124-080 Repealed.
16-124-090 Repealed.
16-124-100 Repealed.
16-124-110 Repealed.
16-124-120 Repealed.
16-124-130 Repealed.
16-124-140 Repealed.
16-124-150 Repealed.
16-124-160 Repealed.
16-124-170 Repealed.
16-124-180 Repealed.
16-124-190 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-124-001 Promulgation. [Order 465, Promulgation, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-124-010 Illegal testing. [Order 465, Regulation 1, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-124-020 Carbon copies. [Order 465, Regulation 2, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-124-030 Absence of tester. [Order 465, Regulation 3, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-124-040 Marking of samples. [Order 465, Regulation 4, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-124-050 Samples required. [Order 465, Regulation 5, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-124-060 Stirring to sample. [Order 465, Regulation 6, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-124-070 Stoppers. [Order 465, Regulation 7, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.

- 16-124-080 Temperature. [Order 465, Regulation 8, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-090 Storing samples. [Order 465, Regulation 9, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-100 Sour cream sampling. [Order 465, Regulation 10, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-110 Pipetting. [Order 465, Regulation 11, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-120 Cleaning testing equipment. [Order 465, Regulation 12, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-130 Centrifuges and thermometers. [Order 465, Regulation 13, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-140 Tempering and readings. [Order 465, Regulation 14, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-150 Cream and moisture balances. [Order 465, Regulation 15, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-160 Laboratory. [Order 465, Regulation 16, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-170 Testers' certificates. [Order 465, Regulation 17, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-180 Statements. [Order 465, Regulation 18, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-190 Penalty. [Order 465, Penalty, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.

WAC 16-124-001 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-080 Repealed. See Disposition Table at beginning of this chapter.

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WAC 16-124-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-180 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-124-190 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-125 WAC

FARM MILK STORAGE TANKS AND BULK MILK TANKER—REQUIREMENTS

WAC

16-125-010	Definitions.
16-125-020	Construction.
16-125-030	Installation.
16-125-035	Farm tank pickup and washing requirements.
16-125-040	Repealed.
16-125-050	Repealed.
16-125-060	Repealed.
16-125-070	Repealed.
16-125-080	Repealed.
16-125-090	Repealed.
16-125-100	Repealed.
16-125-120	Bulk milk tanker requirements.
16-125-200	Recording thermometers—Installation.
16-125-210	Recording thermometer—Operation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-125-040	Tolerances. [Order 1283, § 16-125-040, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-125-050	Authorized calibrators. [Order 1283, § 16-125-050, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-125-060	Calibration charts. [Order 1283, § 16-125-060, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.

- 16-125-070 Calibration required. [Order 1283, § 16-125-070, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-125-080 Calibration (gaging) procedure. [Order 1283, § 16-125-080, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-125-090 Checking (testing) procedure. [Order 1283, § 16-125-090, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-125-100 Sealing legs. [Order 1283, § 16-125-100, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.

WAC 16-125-010 Definitions. (1) "Director" means the director of the department of agriculture, or his/her duly authorized representative.

(2) "Bulk milk hauler" means the licensed dairy technician who has primary responsibility for the measuring, weighing, or grading of milk and the collection of samples at the farm.

(3) "Bulk milk hauling" means the transportation of milk or milk products from the producer to a milk processing plant or between milk processing plants, by vehicles belonging to an individual or corporation operating under a bulk milk hauler's license.

(4) "3A standards" means current sanitary standards for dairy equipment and accepted practices as published in the *Dairy Food and Environmental Sanitation* magazine of the International Association of Milk, Food and Environmental Sanitarians (IAMFES).

[Statutory Authority: RCW 15.36.020, 99-18-032, § 16-125-010, filed 8/25/99, effective 9/25/99. Statutory Authority: Chapter 15.36 RCW, 84-18-055 (Order 1840), § 16-125-010, filed 9/5/84; Order 1283, § 16-125-010, filed 1/29/73.]

WAC 16-125-020 Construction. All new farm tanks must conform with the 3-A sanitary standards for farm milk cooling and holding tanks. Whenever a ladder or platform is needed for sampling, measuring or other purposes, it must be permanently attached to the tank or a wall. All calibrated rods must be identified with the serial number of the tank. Sight glass tubes must be of one-piece construction and permanently attached to the farm tank. All sight glass tubes must be cleaned with a clean-in-place (C.I.P.) system.

[Statutory Authority: RCW 15.36.020, 99-18-032, § 16-125-020, filed 8/25/99, effective 9/25/99; Order 1283, § 16-125-020, filed 1/29/73.]

WAC 16-125-030 Installation. Before any person installs a new tank or relocates a used tank, he or she must file drawings and detailed information about where and how the milk storage tank is to be installed with the director. There must be a minimum of two feet clearance between the sides of the tank and the walls of the milkhouse or other permanent equipment and a minimum of three feet on the working side of the tank and at the outlet valve. Adequate additional space necessary for normal milkhouse operations must be provided. There must be at least 30 inches clearance between the top of the pouring tank lip and the ceiling. Adequate space must be provided above the tank to accommodate the measuring rod.

Provisions of the National Bureau of Standards' Handbook 44 Code on Farm Milk Tanks as adopted under chapter

19.94 RCW applicable to installation and use shall be applicable.

[Statutory Authority: RCW 15.36.020, 99-18-032, § 16-125-030, filed 8/25/99, effective 9/25/99; Order 1283, § 16-125-030, filed 1/29/73.]

WAC 16-125-035 Farm tank pickup and washing requirements. (1) All milk must be picked up at least every forty-eight hours from farm tanks.

(2) All farm tanks must be emptied, washed and sanitized at least once every forty-eight hours.

[Statutory Authority: RCW 15.36.020, 99-18-032, § 16-125-035, filed 8/25/99, effective 9/25/99.]

WAC 16-125-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-125-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-125-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-125-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-125-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-125-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-125-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-125-120 Bulk milk tanker requirements. All bulk milk tankers operating in the state of Washington must comply with the provisions of 3A standard 05-14. Additional requirements are:

(1) Trucks and trailers with remote pumps, mounted on tractor or front trailer, and a system of external hoses and/or piping may be used: Provided, That

(a) External flexible hoses meet the following requirements:

(i) Hoses are the thick walled rubber type and meet 3A standards 18-01, 62-01 and 63-01 except for pump box hoses.

(ii) Hoses are capped with a sanitary cap when not in use.

(b) Piping along the length of the trailer is of the fixed type and meets the following requirements:

(i) The pipe is stainless steel and meets the requirements of 3A standards 63-02 and 33-01. Other materials may be used if they are approved by the Milk Safety Branch of the Food and Drug Administration.

(ii) The sanitary piping is enclosed in an insulated holder and both the sanitary piping and the holder are capped with a dust tight cap when disconnected.

(c) Sanitary air that meets the requirements of 3A standard 64-04 may be used to remove residual milk from the external piping system.

(d) Any milk in the external piping system that exceeds forty-five degrees Fahrenheit is discarded.

(e) Adequate facilities must be provided at all receiving stations for the proper cleaning and sanitizing of tankers including the external lines and valves.

(2) All external valves on a tanker must be provided with a means of protection against dust, dirt, and road debris.

(a) Outlet valves must be protected by dust tight covers that will comply with 3A standard 05-14.

(b) Inlet valves and valves with attached hoses must be protected by a relatively dust tight cover. This cover may be:

(i) Stainless steel with an opening for the connection of hoses that is sealed with a flexible material that will prevent the entrance of dust, dirt, or road debris.

(ii) A flexible mounting made of rubber or other approved material that is close fitting, smooth, impervious, and easily removable for cleaning.

(iii) Any other cover for which plans have been submitted to and approved by the director.

(c) All valves not connected to hoses must have a sanitary cap and an approved dust cover on them.

(3) Markings on each truck or trailer must be sufficient to identify the owner of the truck or trailer.

(4) Cleaning and bactericidal treatment of all product contact surfaces including valves, hoses, covers, connections, appurtenances, pumps, and pump compartment of each tanker, when used, must be accomplished at least once every twenty-four hours after first use. If the tanker is not used for hauling milk for seventy-two hours after cleaning and sanitizing it must be sanitized again before it may be used for hauling milk. After sanitization each tanker must be tagged to show the date washed, place washed, and initials or signature of the person who washed the tanker. This wash tag must not be removed until the tanker is rewashed. It shall be the responsibility of the bulk milk hauler to ensure that the wash tag is present and that the tank is in fact clean prior to commencing his route.

(5) Plans and drawings relating to tankers submitted to the director will be treated with confidentiality except as required under Public Disclosure Act, chapter 42.17 RCW.

(6) Bulk milk tankers must meet the requirements under chapter 69.04 RCW and the rules adopted thereunder for transportation of food.

[Statutory Authority: RCW 15.36.020, 99-18-032, § 16-125-120, filed 8/25/99, effective 9/25/99. Statutory Authority: Chapter 15.36 RCW, 84-18-055 (Order 1840), § 16-125-120, filed 9/5/84.]

WAC 16-125-200 Recording thermometers—Installation. (1) All new farm bulk tank installations must include a recording thermometer and an automatic interval timer. Installation of a used milk tank will be regarded as a new installation.

(2) The installation and operation of recording thermometers and interval timers shall be the responsibility of the holder of the Grade A producer permit.

(3) Recording devices must not be attached to a farm tank. Recording devices may be suspended on metal brackets from the ceiling, firmly attached to the inside wall of the milk room, or at any other location acceptable to the department. The recording device must be mounted no more than

six feet from the floor or be otherwise accessible from the floor without the necessity of climbing.

(4) The sensor bulb or device must be located so as to record the temperature of the milk in the tank before the milk reaches twenty percent of the tank volume. A capillary system containing toxic gas or liquids must not be used in a bare bulb sensor device.

(5) The recorder and chart must be capable at a minimum of recording from thirty-two degrees to one hundred eighty degrees F, or above, and must be accurate within plus or minus two degrees F.

(6) The case of the recording device must be moisture-proof under operating conditions in the milk house or milk room.

(7) The recording chart must make at a minimum one revolution every seven days. A strip chart must not be used.

(8) The recording clock must be electrically operated. The recorder pen must be set to the actual time.

(9) If at any time, the recording device becomes inoperable or out of tolerance, the inspection service and the pooling agent or hauler must be notified immediately by the producer. Repair or replacement of the device must be made as soon as possible.

(10) The producer must maintain an adequate supply of recording charts. The charts must fit the specific instrument installed.

(11) To prevent stratification of the milk in the tank the interval timer must be set so the milk will be agitated for at least five minutes every hour.

[Statutory Authority: RCW 15.36.020, 99-18-032, § 16-125-200, filed 8/25/99, effective 9/25/99. Statutory Authority: Chapter 15.36 RCW, 86-17-014 (Order 1902), § 16-125-200, filed 8/8/86.]

WAC 16-125-210 Recording thermometer—Operation. (1) Milk and milk products for consumption in the raw state or for pasteurization must be cooled to forty degrees F or lower within two hours after completion of milking and maintained at that temperature until picked up: Provided, That the blend temperature after the first and subsequent milkings may not exceed fifty degrees F.

(2) In making a milk pick-up, the licensed grader and sampler must:

(a) Remove the chart from the recorder before the chart has lapsed;

(b) Mark the date and time of pick-up;

(c) Sign the chart;

(d) Date and install a new chart, if necessary;

(e) File the completed charts under protected conditions, provided for by the producer, unless they are taken to the purchaser's premises for his review.

(f) If the charts are taken from the dairy farm, they must be returned within ten days from the date they were taken: Provided, That subject to the approval of its members and the department, a pooling agent, processing plant, receiving plant or regular place of business may file the recording thermometer charts at its place of business.

(g) The official milk temperature must be taken with an accurate, properly calibrated thermometer.

(3) The temperature recording charts may be used for more than one pick-up: Provided, That all the pick-ups occur

within the maximum time interval of the chart. When the chart is used for more than one pick-up, the licensed grader and sampler must identify each lot of milk with the date, time of pick-up and his/her signature.

(4) Before removing milk from a farm bulk tank, the licensed grader and sampler must check the recording chart. If the licensed grader and sampler finds milk temperature variations extending beyond the legal limits, he/she must immediately notify the producer, or in the absence of the producer, an employee, and the producer's marketing agent. The licensed grader and sampler must sign the chart noting the date, time, stick reading and indicate that a temperature infraction has occurred. The producer's marketing agent must notify the department of agriculture of temperature standard violations detected through the official milk quality testing program. Temperature standard violations reported to the department will become part of the producer's official record.

(5) Except as otherwise provided in subsection (2) of this section, recorder charts must be held at the dairy farm for ninety days and be made available to the director.

[Statutory Authority: RCW 15.36.020, 99-18-032, § 16-125-210, filed 8/25/99, effective 9/25/99. Statutory Authority: Chapter 15.36 RCW. 86-17-014 (Order 1902), § 16-125-210, filed 8/8/86.]

Chapter 16-142 WAC

PERISHABLE PACKAGED FOOD GOODS—PULL DATING

WAC

16-142-001	Repealed.
16-142-010	Repealed.
16-142-020	Repealed.
16-142-030	Repealed.
16-142-040	Repealed.
16-142-050	Repealed.
16-142-060	Repealed.
16-142-100	What is the purpose for this rule?
16-142-110	What is the purpose for pull dates?
16-142-120	What does the pull date indicate?
16-142-130	Can products be sold after the pull date?
16-142-140	How must the pull date be shown?
16-142-150	Can pull dates be changed?
16-142-160	Where must the pull date be placed?
16-142-170	What are the storage conditions and temperature requirements for perishable packaged foods?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-142-001	Promulgation. [Order 1329, § 16-142-001, filed 1/14/74.] Repealed by 99-13-048, filed 6/9/99, effective 7/10/99. Statutory Authority: RCW 69.04.915.
16-142-010	Application. [Order 1329, § 16-142-010, filed 1/14/74.] Repealed by 99-13-048, filed 6/9/99, effective 7/10/99. Statutory Authority: RCW 69.04.915.
16-142-020	Date. [Order 1329, § 16-142-020, filed 1/14/74.] Repealed by 99-13-048, filed 6/9/99, effective 7/10/99. Statutory Authority: RCW 69.04.915.
16-142-030	Package dating. [Order 1329, § 16-142-030, filed 1/14/74.] Repealed by 99-13-048, filed 6/9/99, effective 7/10/99. Statutory Authority: RCW 69.04.915.
16-142-040	Placement of "pull date." [Order 1329, § 16-142-040, filed 1/14/74.] Repealed by 99-13-048, filed 6/9/99, effective 7/10/99. Statutory Authority: RCW 69.04.915.
16-142-050	Storage. [Order 1329, § 16-142-050, filed 1/14/74.] Repealed by 99-13-048, filed 6/9/99, effective 7/10/99. Statutory Authority: RCW 69.04.915.
16-142-060	Effective date. [Order 1329, § 16-142-060, filed 1/14/74.] Repealed by 99-13-048, filed 6/9/99, effective 7/10/99. Statutory Authority: RCW 69.04.915.

WAC 16-142-001 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-142-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-142-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-142-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-142-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-142-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-142-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-142-100 What is the purpose for this rule?
The purpose for this rule is to establish uniform standards for pull date labeling and safe storage conditions for perishable packaged food goods as described in RCW 69.04.900 through 69.04.920.

[Statutory Authority: RCW 69.04.915, 99-13-048, § 16-142-100, filed 6/9/99, effective 7/10/99.]

WAC 16-142-110 What is the purpose for pull dates?
The purpose for pull dates is to inform the consumer of the expected length of shelf life for perishable packaged foods in order to allow them a reasonable amount of time to use the product under proper care and storage conditions.

[Statutory Authority: RCW 69.04.915, 99-13-048, § 16-142-110, filed 6/9/99, effective 7/10/99.]

WAC 16-142-120 What does the pull date indicate?
The pull date indicates the last day that the product can be sold and still allow the purchaser a reasonable amount of time to use the product under normal usage and storage conditions.

[Statutory Authority: RCW 69.04.915, 99-13-048, § 16-142-120, filed 6/9/99, effective 7/10/99.]

WAC 16-142-130 Can products be sold after the pull date? Yes, products can be sold after the pull date has expired if they are still wholesome, not a danger to health and clearly labeled indicating that the pull date has expired. They must be separated from products that are still within pull date.

[Statutory Authority: RCW 69.04.915, 99-13-048, § 16-142-130, filed 6/9/99, effective 7/10/99.]

WAC 16-142-140 How must the pull date be shown?
The pull date must first show the month then the day of the month. The month can either be identified with three letters indicating the month such as DEC for December or by numbers indicating the month from one for January through twelve for December. The day of the month must be shown

using two numbers such as 06 for the sixth day or 19 for the nineteenth day. When both the month and day of the month are shown by numbers they must be separated by a space or dash. The pull date must be separated from other numbers or letters on the label so as to prevent confusion.

[Statutory Authority: RCW 69.04.915. 99-13-048, § 16-142-140, filed 6/9/99, effective 7/10/99.]

WAC 16-142-150 Can pull dates be changed? No, pull dates on perishable packaged foods subject to pull dating may not be changed, crossed-out or concealed.

[Statutory Authority: RCW 69.04.915. 99-13-048, § 16-142-150, filed 6/9/99, effective 7/10/99.]

WAC 16-142-160 Where must the pull date be placed? The pull date must be placed on the label in a conspicuous location, that is clearly discernible. The pull date must be legible and of a type size consistent with the size of other required labeling.

[Statutory Authority: RCW 69.04.915. 99-13-048, § 16-142-160, filed 6/9/99, effective 7/10/99.]

WAC 16-142-170 What are the storage conditions and temperature requirements for perishable packaged foods? Storage conditions and temperature requirements for perishable packaged foods are the same as required under chapter 246-215 WAC rules and regulations of the state board of health for food service and chapter 69.10 RCW Food storage warehouses.

[Statutory Authority: RCW 69.04.915. 99-13-048, § 16-142-170, filed 6/9/99, effective 7/10/99.]

Chapter 16-144 WAC

PROCESSING FROZEN DESSERTS

WAC

- 16-144-090 Repealed.
- 16-144-100 Repealed.
- 16-144-110 Repealed.
- 16-144-120 Repealed.
- 16-144-130 Repealed.
- 16-144-140 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-144-090 Frozen yogurt. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-076, § 16-144-090, filed 7/2/90, effective 8/2/90.] Repealed by 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.
- 16-144-100 Frozen lowfat yogurt. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-076, § 16-144-100, filed 7/2/90, effective 8/2/90.] Repealed by 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.
- 16-144-110 Frozen nonfat yogurt. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-076, § 16-144-110, filed 7/2/90, effective 8/2/90.] Repealed by 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.
- 16-144-120 Soft serve frozen yogurt mix. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-076, § 16-144-120, filed 7/2/90, effective 8/2/90.] Repealed by 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.
- 16-144-130 Soft serve frozen lowfat yogurt mix. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-076, § 16-

144-130, filed 7/2/90, effective 8/2/90.] Repealed by 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.

16-144-140 Soft serve frozen nonfat yogurt mix. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-076, § 16-144-140, filed 7/2/90, effective 8/2/90.] Repealed by 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.

WAC 16-144-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-144-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-144-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-144-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-144-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-144-140 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-150 WAC

FEDERAL MEAT INSPECTION REGULATIONS

WAC

16-150-001 through 16-150-010 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-150-001 Promulgation. [Order 1274, § 16-150-001, filed 8/14/72.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-150-010 Adopting. [Order 1274, § 16-150-010, filed 8/14/72.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.

WAC 16-150-001 through 16-150-010 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-152 WAC

FEDERAL POULTRY INSPECTION REGULATIONS

WAC

16-152-001 through 16-152-010 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-152-001 Promulgation. [Order 1273, § 16-152-001, filed 8/14/72.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
- 16-152-010 Adopting. [Order 1273, § 16-152-010, filed 8/14/72.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.

WAC 16-152-001 through 16-152-010 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-160 WAC

REGISTRATION OF MATERIALS FOR ORGANIC FOOD PRODUCTION

WAC

16-160-010	What is the purpose of this rule?
16-160-020	Definitions.
16-160-025	What materials are approved for use in organic food production, processing and handling?
16-160-030	Do I need to register my brand name material with the organic food program?
16-160-035	Brand name materials list.
16-160-040	How do I apply for registration?
16-160-050	When do registrations expire?
16-160-060	What criteria are used to determine if a brand name material is approved?
16-160-070	Application fees.
16-160-090	Refusing or canceling registration.
16-160-100	Labeling of registered brand name materials and use of organic logo.
16-160-110	Organic material registration logo.

WAC 16-160-010 What is the purpose of this rule?

This chapter specifies the review process and criteria for registering brand name materials used in organic food production, processing and handling. This chapter is promulgated pursuant to RCW 15.86.060 in which the director is authorized to adopt rules for the proper administration of chapter 15.86 RCW and establish a list of approved substances that may be used in the production, processing and handling of organic food and RCW 15.86.070 in which the director is authorized to adopt rules governing the certification of producers of organic food.

[Statutory Authority: Chapter 15.86 RCW, 99-16-054, § 16-160-010, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-010, filed 2/7/91, effective 3/10/91.]

WAC 16-160-020 Definitions. As used in this chapter:

(1) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(2) "Animal manure" means a material composed of excreta, with or without bedding materials and/or animal drugs and collected from poultry, ruminants or other animals except humans.

(3) "Applicant" means the person who submits an application to register a material pursuant to the provisions of this chapter.

(4) "Approved generic material" means any material which is approved for use in organic food production, processing or handling under chapter 15.86 RCW (Organic food products) and rules adopted pursuant to chapter 15.86 RCW.

(5) "Brand name material" means any material that is supplied, distributed or manufactured by a person.

(6) "Compost" means a material produced from a controlled process in which organic materials are digested aerobically or anaerobically by microbial action.

(7) "Crop production aid" means any substance, material, structure, or device, that is used to aid a producer of an agricultural product except for fertilizers and pesticides.

(8) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

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

(10) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

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

(12) "Distribute" means to offer for sale, hold for sale, sell, barter, deliver, or supply materials in this state.

(13) "EPA" means the United States Environmental Protection Agency.

(14) "Fertilizer" means any substance containing one or more recognized plant nutrients.

(15) "Generic material" means any type, class or group of materials that is specified under chapter 15.86 RCW or rules adopted pursuant to chapter 15.86 RCW.

(16) "Genetic engineering" means techniques that alter the molecular or cell biology of an organism by means that are not possible under natural conditions or processes. Genetic engineering includes recombinant DNA, cell fusion, micro- and macro-encapsulation, gene deletion, and doubling, introducing a foreign gene, and changing the positions of genes. It does not include breeding, conjugation, fermentation, hybridization, in-vitro fertilization and tissue culture.

(17) "Inert ingredient" means an ingredient which is not an active ingredient.

(18) "Label" means the written, printed, or graphic matter on, or attached to, the material or its immediate container.

(19) "Labeling" includes all written, printed, or graphic matter, upon or accompanying a material, or advertisement, brochures, posters, television, and radio announcements used in promoting the distribution or sale of the material.

(20) "Livestock production aid" means any substance, material, structure, or device, that is used to aid a producer in the production of livestock (e.g., parasiticides, medicines, feed additives).

(21) "Material" means any substance or mixture of substances that is intended to be used in agricultural production, processing or handling.

(22) "Organic waste-derived material" means grass clippings, leaves, weeds, bark, plantings, prunings, and other vegetative wastes, uncontaminated wood waste from logging and milling operations, food wastes, food processing wastes, and materials derived from these wastes through composting. "Organic waste-derived material" does not include products that include biosolids as defined in chapter 70.95 RCW.

(23) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(24) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant;

(c) Any substance or mixture of substances intended to be used as a spray adjuvant; and

(d) Any other substances intended for such use as may be named by the director by regulation.

(25) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculant, or soil amendments.

(26) "Post harvest material" means any substance, material, structure, or device, that is used in the post harvest handling of agricultural products.

(27) "Processing aid" means any material used in processing that does not become an ingredient in the food product (e.g., enzymes, boiler water additives, pressing aids, and filtering aids).

(28) "Prohibited material" means any material which is prohibited for use in organic food production, handling, or processing under chapter 15.86 RCW (Organic food products) and rules adopted pursuant to chapter 15.86 RCW.

(29) "Registered material" means any material that has applied for registration under this chapter, has met the criteria for approval and has been issued written approval by the department.

(30) "Registrant" means the person registering any material pursuant to the provisions of this chapter.

(31) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except for fertilizers and pesticides.

(32) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to its application or to its effect, and which is in a package or container separate from that of the pesticide with which it is to be used.

(33) "Washington application rate" is calculated by using an averaging period of up to four consecutive years that incorporates agronomic rates that are representative of soil, crop rotation, and climatic conditions in Washington state.

[Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-020; filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-020, filed 2/7/91, effective 3/10/91.]

WAC 16-160-025 What materials are approved for use in organic food production, processing and handling? Materials approved for use in organic food production, processing and handling include generic materials specified in rule and brand name products registered under this chapter. Approved generic materials are specified in the following rules.

(1) The organic crop production standards, chapter 16-154 WAC, specifies the pesticides, fertilizers, soil amendments and other materials that can be used in organic crop production.

(2) The standards for the certification of processors of organic food, chapter 16-158 WAC, specifies the processing aids and minor ingredients that can be used in the processing of organic food.

(3) The animal production standards for organic meat and dairy products, chapter 16-162 WAC, specifies the materials that can be used in the production of organic animal products.

(4) The standards for the certification of handlers of organic food, chapter 16-164 WAC, specifies the post harvest materials that can be used in the handling of organic food products.

In order for specific brand name materials to be approved for use in organic food production, processing or handling they must be registered through this chapter.

[Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-025, filed 7/30/99, effective 8/30/99.]

WAC 16-160-030 Do I need to register my brand name material with the organic food program? Every material which is manufactured within this state and/or distributed within this state for use in organic food production, processing or handling may be registered with the department. Registration is not required, but is necessary for a product to appear on the brand name materials list or to label or advertise itself as approved for use in organic food production, processing or handling.

[Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-030, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-030, filed 2/7/91, effective 3/10/91.]

WAC 16-160-035 Brand name materials list. The department maintains a list of registered materials and brand name materials that have been denied registration. The list is provided to all producers, processors and handlers of organic food who apply for certification with the department. A registered material that appears on the brand name materials list has been reviewed to verify that all of its ingredients comply with organic standards.

[Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-035, filed 7/30/99, effective 8/30/99.]

WAC 16-160-040 How do I apply for registration? Applications for brand name material registration must be made on a form designated by the department. Applications, must be accompanied by the appropriate fee, and must be postmarked by October 31 of each year. Applications made after the set deadline may be processed as the department can review the application. Applications received after October 31 may appear on the annual brand name materials list if received in time to complete the registration prior to the publication of the list. The application form shall include:

(1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicants;

(2) The name of the material;

(3) A copy of the labeling accompanying the material and a statement of all claims to be made for it, including the directions and precautions for use;

(4) The complete formula of the material including the active and inert ingredients;

(5) A description of the manufacturing process including all materials used for the extraction and synthesis of the material, if appropriate;

(6) The intended uses of the product;

(7) The source or supplier of all ingredients; and

(8) Any additional information deemed necessary.

The director may require a full description of the tests made and the results thereof upon which the claims are based. Trade secrets are confidential and exempt from public disclosure under the Uniform Trade Secrets Act, chapter 19.108 RCW. RCW 42.17.260(1).

[Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-040, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-040, filed 2/7/91, effective 3/10/91.]

WAC 16-160-050 When do registrations expire? All registrations expire on October 31st of each year.

If a renewal application has been submitted and the application fee paid, then the registration of any material which has been approved by the director and is in effect on the 31st day of October continues in full force and effect until the director notifies the applicant that the registration has been renewed, or until it is otherwise denied in accordance with chapter 34.05 RCW.

[Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-050, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-050, filed 2/7/91, effective 3/10/91.]

WAC 16-160-060 What criteria are used to determine if a brand name material is approved? The director reviews the information provided under WAC 16-160-040. A brand name material that meets the following criteria will be registered.

(1) General requirements.

(a) Its composition is such as to warrant the proposed claims for it;

(b) Its labeling and other material required to be submitted comply with state and federal laws;

(c) It does not contain ingredients that are genetically engineered;

(d) It does not contain ingredients that appear on the EPA's List 1 or 2 of inert pesticide ingredients.

(2) Pesticide and spray adjuvants.

(a) The material does not contain ingredients that are prohibited under chapter 16-154 WAC; and

(b) The ingredients are approved under chapter 16-154 WAC; or

The ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-154 WAC; or

The ingredients appear on the EPA's List 4A or 4B of Inert Pesticide Ingredients; or

The ingredients meet the following conditions:

(i) Would not be harmful to human health or the environment;

(ii) Are necessary to the production or handling of organic products; and

(iii) Are consistent with organic principles.

(3) Fertilizers, organic waste derived materials, compost, animal manures, soil amendments, and crop production aids.

(a) All fertilizers, organic waste derived materials, compost, animal manures and soil amendments must meet standards for allowable levels of nonnutritive substances under chapter 15.54 RCW. Washington application rates shall be used to ensure that the maximum acceptable cumulative metal additions to soil are not exceeded.

(b) All organic waste derived materials, compost and animal manures must consist of acceptable feedstocks. Acceptable feedstocks include materials approved under WAC 16-154-070. Prohibited feedstocks include mixed municipal solid waste, sewage sludge, biosolids, glossy paper, recycled gypsum, dangerous waste, special waste, waste or by-product from processes that create organochlorines, cement kilns, secondary steel mills, waste categorically excluded from the dangerous waste regulations and other materials prohibited under this chapter. Applications for registering organic waste derived materials, composts and animal manures must include an inspection of the facility. Inspections of facilities entail an examination of the feedstocks and may entail an examination of any other information deemed necessary to the requirements of chapter 15.86 RCW and this chapter.

(c) The material does not contain ingredients that are prohibited under chapter 16-154 WAC.

(d) The ingredients are approved under chapter 16-154 WAC; or the ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-154 WAC; or the ingredients appear on the EPA's List 4A or 4B of Inert Pesticide Ingredients; or the ingredients meet the following conditions:

(i) Would not be harmful to human health or the environment;

(ii) Are necessary to the production of organic products; and

(iii) Are consistent with organic principles.

(4) Post harvest materials.

(a) The material does not contain ingredients that are prohibited under chapter 16-164 WAC or WAC 16-154-120; and

(b) The ingredients are approved under WAC 16-154-120 or chapter 16-164 WAC; or

The ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-154 WAC; or

The ingredients appear on the EPA's List 4A or 4B of Inert Pesticide Ingredients; or

The ingredients meet the following conditions:

(i) Would not be harmful to human health or the environment;

(ii) Are necessary to the handling of the organic products; and

(iii) Are consistent with organic principles.

(5) Processing aids.

(a) The material does not contain ingredients that are prohibited under chapter 16-158 WAC; and

(b) The ingredients are approved under chapter 16-158 WAC; or

The ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-158 WAC; or

The ingredients appear on the United States Food and Drug Administration list of food additives generally regarded as safe; or

The ingredients meet the following conditions:

(i) Would not be harmful to human health or the environment;

(ii) Are necessary to the processing of organic products; and

(iii) Are consistent with organic principles.

(6) **Livestock production aids (parasiticides and medicines, vitamins, minerals, livestock feed additives).**

(a) The material does not contain ingredients that are prohibited under chapter 16-162 WAC; and

(b) The ingredients are approved under chapter 16-162 WAC; or

The ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-162 WAC; or

The ingredients appear on the United States Food and Drug Administration list of food additives generally regarded as safe; or

The ingredients meet the following conditions:

(i) Would not be harmful to human health or the environment;

(ii) Are necessary to the production or handling of the organic livestock products; and

(iii) Are consistent with organic principles.

[Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-060, filed 7/30/99, effective 8/30/99; 91-20-013, § 16-160-060, filed 9/20/91, effective 10/21/91; 91-05-007, § 16-160-060, filed 2/7/91, effective 3/10/91.]

WAC 16-160-070 Application fees. Whenever the department receives an application for registration of materials under this chapter, the department may conduct an inspection. This inspection may entail a survey of required records, examination of facilities, testing representative samples for prohibited materials, and any other information deemed necessary to the requirements of this chapter.

The application fee for initial registration of a pesticide, spray adjuvant, processing aid or post harvest material is two hundred dollars per material. The application fee for initial registration of a fertilizer, soil amendment, organic waste derived material, compost, animal manure, crop production aid, or livestock production aid is one hundred dollars per material.

The application fee for renewing a registration for a pesticide, spray adjuvant, processing aid or post harvest material is one hundred dollars per material. The application fee for renewing a registration for a fertilizer, soil amendment, organic waste derived material, compost, animal manure, crop production aid, or livestock production aid is fifty dollars per material.

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Renewal registrations postmarked after October 31 pay a late fee of twenty dollars per pesticide, spray adjuvant, processing aid or post harvest material; and ten dollars per fertilizer, soil amendment, organic waste derived material, compost, animal manure, crop production aid, or livestock production aid.

Additional inspections, if required, will be billed at twenty dollars per hour plus mileage which shall be charged at the rate established by the state office of financial management.

Additional samples (in addition to one sample provided for), if required shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged, it shall be at twenty dollars per hour plus mileage which shall be charged at the rate established by the state office of financial management.

[Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-070, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-070, filed 2/7/91, effective 3/10/91.]

WAC 16-160-090 Refusing or canceling registration. Initial registration.

(1) If it does not appear to the director that the brand name material is such as to warrant the proposed claims for it or if the brand name material and its labeling do not comply with the provisions of this chapter, the director shall notify the registrant of the manner in which the brand name material and its labeling fails to comply with the provisions of this chapter so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant does not make corrections, the director shall deny registration of the material in accordance with chapter 34.05 RCW.

Renewal registration.

(2) When the director determines that a material or its labeling does not comply with the provisions of this chapter, or that false or inaccurate information was provided by the registrant, the director shall cancel the registration of a material in accordance with chapter 34.05 RCW.

Revoking registration.

(3) When the director determines that a material or its labeling does not comply with the provisions of this chapter, or if false or inaccurate information was provided by the registrant, the director shall cancel the registration of such material in accordance with chapter 34.05 RCW.

[Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-090, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-090, filed 2/7/91, effective 3/10/91.]

WAC 16-160-100 Labeling of registered brand name materials and use of organic logo. A person whose material is registered under this chapter may use the words "approved material under Washington state department of agriculture organic food program" and may use the logo specified in WAC 16-160-110 in the labeling of the material. Approved generic materials that are not registered under this chapter must not use the statement nor the logo in the labeling of the material. Registration by no means implies the Washington department of agriculture endorses the use of the product.

[Statutory Authority: Chapter 15.86 RCW, 99-16-054, § 16-160-100, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-100, filed 2/7/91, effective 3/10/91.]

WAC 16-160-110 Organic material registration logo.



[Statutory Authority: Chapter 15.86 RCW, 99-16-054, § 16-160-110, filed 7/30/99, effective 8/30/99.]

Chapter 16-165 WAC FOOD INSPECTION

WAC

16-165-100	Food establishments—Inspection criteria—Purpose.
16-165-110	Food processor licensing—New application—Inspection criteria.
16-165-120	Food establishments—Definitions.
16-165-130	Food establishments—Inspection criteria definitions—Interpretations.
16-165-140	Food establishment—Inspection criteria.
16-165-150	Food establishment inspection rating system—Inspection score.
16-165-160	Food establishments—Basis for enforcement action.

WAC 16-165-100 Food establishments—Inspection criteria—Purpose. The purpose of the following rules is to:

(1) Establish an inspection criteria and a rating system that will be used to determine whether food processing establishments which process, handle or store food in intrastate commerce, are in compliance with chapters 16.49, 69.04, 69.07 and 69.10 RCW, and regulations adopted thereunder, including Title 21 CFR.

(2) Identify steps leading to enforcement actions by the department.

(3) Establish criteria for licensing food establishments under chapters 69.07 and 69.10 RCW.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 99-13-001, § 16-165-100, filed 6/3/99, effective 7/4/99.]

WAC 16-165-110 Food processor licensing—New application—Inspection criteria. To qualify for a new food processing plant license issued under chapter 69.07 RCW,

the Washington Food Processing Act, a food processing facility must first make application to the department. After the department receives a complete application, the department will inspect the facility. The facility must be in compliance with the following requirements prior to issuance of a license:

The food processing facility must achieve a score of ninety points or higher on the preclicensing inspection AND be in compliance with licensing criteria. Refer to WAC 16-165-140 for the inspection criteria. For the purposes of licensing, a food processing facility may incur a one-point debit of a licensing criteria that has sliding scale.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 99-13-001, § 16-165-110, filed 6/3/99, effective 7/4/99.]

WAC 16-165-120 Food establishments—Definitions.

(1) Definitions for terms used in this chapter may be found in chapters 69.04, 69.07 and 69.10 RCW, and Title 21 CFR as adopted, unless otherwise provided in this chapter.

(2) For the purposes of this chapter, the following definitions apply:

(a) "Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice.

(b) "Critical violation" means a violation of the inspection criteria that is a direct violation of RCW 69.04.040 (1), (2), (3) or (4) with respect to adulterated food or a violation that results in food adulteration that could cause injury or illness in consumers, or that has the potential to contribute to conditions resulting in such adulteration.

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

(d) "Director" means the director of agriculture.

(e) "Establishment or food establishment" means any premise, plant, building, room, area, or facility which processes, prepares, handles or stores food or food products for sale in intrastate commerce including food processors, food storage warehouses, custom slaughter operations, refrigerated lockers, and dairy manufacturing plants.

(f) "Licensing criteria violation" means any violation of the inspection criteria required to be in compliance prior to the issuance of a food processor's license under chapter 69.07 RCW.

(g) "Sanitize" means to adequately treat food contact surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance, and in substantially reducing numbers of other undesirable microorganisms, but without adversely affecting the product or its safety for the consumer.

(h) "Significant violation" means any violation of the inspection criteria not deemed to be a critical violation as defined in WAC 16-165-140(2).

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 99-13-001, § 16-165-120, filed 6/3/99, effective 7/4/99.]

WAC 16-165-130 Food establishments—Inspection criteria definitions—Interpretations. WSDA will use the definitions and interpretations in this section to determine if a food establishment inspection complies with the inspection criteria.

(1) "**Clean and adequate protective clothing and hair restraints**" means the clothing or the outside layer of clothing, which can occasionally or incidentally contact food, either directly or indirectly, is:

- (a) Clean at the start of the work shift; and
- (b) Changed when the clothing becomes so soiled during the course of the work shift that contamination of food, food packaging or food contact surfaces becomes imminent; and
- (c) Suitable to the specific food processing operation for protection against the contamination of food, food packaging, and food contact surfaces.

Clean and effective hair restraints, such as hairnets, or beard nets if appropriate, are worn for the protection of food from contamination. Hats, caps, scarves or other head cover are acceptable if the hair is properly contained to protect food from contamination. Hair spray and/or tying back the hair in ponytails, etc., are not considered effective hair restraints.

(2) "**Adequate washing and sanitizing of hands as necessary**" means washing and sanitizing hands thoroughly to protect against contamination of food from undesirable microorganisms in an adequate hand wash facility by:

(a) Using proper hand washing methods which consist of:

- (i) Applying soap to hands;
- (ii) Using warm water;
- (iii) Scrubbing hands thoroughly;
- (iv) Rinsing and drying hands using methods that prevent food contamination;
- (b) Washing hands before beginning work, after each absence from the work station, and any time hands become soiled or contaminated; and
- (c) Sanitizing hands when appropriate in addition to, but not in place of, the proper hand washing methods.

(3) "**Garments and personal belongings stored appropriately; not a source of contamination**" means personal belongings and garments, either personal or plant supplied, are stored or kept separately from food processing, handling and storage operations such as in an area, locker, cupboard, or other closeable unit that is dedicated to the storing or hanging of personal belongings and clothing so not to become a source of contamination to food, food packaging or food contact surfaces; and

No food, packaging materials, utensils or equipment used in the food processing operation are kept, stored or commingled with personal belongings or garments.

(4) "**Processes separated as required**" means there is a separation of processes for the purpose of reducing potential contamination in food processing operations where contamination is likely to occur. One or more of the following means may accomplish this:

- (a) Location;
- (b) Time;
- (c) Partition;
- (d) Air flow;
- (e) Enclosed systems; or
- (f) Other effective method.

(5) "**Adequate light**" means a minimum of 25 foot candles at the working surfaces of food processing areas and a

minimum of 10 foot candles at the floor level in all other food processing areas.

(6) "**Detergents, sanitizers and toxic materials properly identified**" means:

- (a) Labeling any container containing detergent, sanitizer or toxic material with the:
 - (i) Product name;
 - (ii) Chemical description;
 - (iii) Directions for use;
 - (iv) Any required precautionary and warning statements;
 - (v) First aid instructions;
 - (vi) Name and address of the manufacturer or distributor;

and

- (vii) Any other additional information required by the federal Environmental Protection Agency or other laws or rules; or

(b) Small transport or use containers for detergents, sanitizers or toxic materials are used only under the following conditions:

- (i) The contents are properly identified on the container. Labeling the container with the common name is acceptable if the original storage container is on hand and properly identified;
- (ii) No food container is used as a container for detergents, sanitizers or toxic materials;
- (iii) No container used for detergents, sanitizers or toxic materials, is used as a food container.

(7) "**Product contact surfaces clean and maintained in a sanitary condition, cleaned and sanitized prior to each use or as essential**" means:

(a) Product contact surfaces of equipment, utensils, containers and other articles used in the processing of food, when its continued use is apparent, are not soiled with any residue or contaminant that could adulterate food products as defined in RCW 69.04.210; and

(b) Food residues are removed from food product contact surfaces frequently enough to prevent residues from becoming unwholesome or unfit for food, decomposed, filthy, putrid, or injurious to health; and

(c) The food product contact surfaces are sanitized prior to use and after cleaning.

(8) "**Product contact surfaces clean and maintained in a sanitary condition, cleaned and sanitized prior to each use or as essential: Critical violation**" means it is a critical violation if a food product contact surface comes into contact with potentially hazardous food and the surface is not sanitized after cleaning or prior to use.

Product contact surfaces that become contaminated, but are cleaned and sanitized prior to use are not considered a critical violation.

(9) "**Nonproduct contact surfaces of equipment cleaned and maintained in a sanitary condition**" means nonproduct contact surfaces of equipment used in the processing of food are kept reasonably free from dirt, old food residues, foreign material, dust, mold, mildew, slime and other accumulations that occur because of day-to-day food processing operations.

(10) "**In-use food contact equipment and utensils appropriately stored: Protected from contamination**

between uses" means the utensils used in the processing of foods, such as knives, scrapers, scoops, shovels, cutters, and other hand tools and equipment, are placed or stored in a manner to prevent food contact surfaces from being contaminated with filth. Filth includes, but is not limited to, microorganisms, unsuitable toxic chemicals, and microscopic physical contaminants.

Storage and placement of utensils or equipment in the following manner is considered inappropriate storage:

- (a) In contact with the floor, dirty equipment frames, other insanitary nonfood contact surfaces;
- (b) In contact with containers of nonpotable water (other than sterilizing solutions); and
- (c) In contact with other contaminants.

(11) **"In-use food contact equipment and utensils appropriately stored: Protected from contamination between uses: Critical violation"** means that it is a critical violation when a utensil or piece of equipment is or has been stored in such a manner that it becomes obviously contaminated with filth and its continued use is apparent.

Utensils and equipment that become contaminated are not considered a critical violation if the utensils and equipment are cleaned and sanitized prior to the next use.

(12) **Water supply—"Safe and of sanitary quality"** means the water supply used in the processing of food is potable from an approved source and is monitored in accordance with applicable laws and rules. Water from an approved source and monitored in accordance with applicable laws and rules means:

(a) Food processors who produce bottled water meet the requirements of 21 CFR, Part 129 and comply with the state department of health, division of drinking water requirements for a group A water system (chapter 246-290 WAC).

(b) Food processors who produce ice comply with the state department of health, division of drinking water requirements for a group A water system (chapter 246-290 WAC).

(c) Food processors with twenty-five or more employees and operating sixty days or more annually comply with the state department of health, division of drinking water requirements for a group A water system (chapter 246-290 WAC).

(d) Processors with less than twenty-five employees or operating less than sixty days annually, except single-family residences employing only household members, comply with the state department of health, division of drinking water requirements for a group B water system (chapter 246-291 WAC).

(e) Processors that operate from single-family residences on private water supplies meet the department of health, division of drinking water requirements for a group B water system (chapter 246-291 WAC) with respect to monitoring for bacteriological, chemical and physical properties. Processors that do not use water as an ingredient or incorporate water into their product need only meet the bacteriological testing requirements.

(f) Water used for certain purposes within the food processing operation (such as circulated water used in the washing of soil from raw agricultural commodities or fluming) is acceptable if:

- (i) The water does not impart harmful or deleterious substances or additives to food products; and

- (ii) The food products in contact with the water undergo a final potable water wash/rinse; and

- (iii) The water meets the requirements of the good manufacturing practices under 21 CFR, Part 110.

(13) **"Current satisfactory water test"** means analysis verifying the bacteriological, physical and chemical safety of the water has been conducted according to appropriate group A or B water system monitoring schedules or, in the case of bottled water operations, according to the requirements of Title 21 CFR, Part 129 and that reports of such analysis are on file at the processing facility and available for review by WSDA during routine facility inspection.

(14) **"Ice from an approved source"** means:

- (a) Ice is manufactured on the premises of a food establishment with water that is safe and of sanitary quality; or

- (b) Ice is supplied by an establishment that is under license and inspection of a federal, state or local government agency, and proof of the water's potability is on file with the food processing plant using the ice.

(15) **"Ice properly handled"** means ice is processed, handled and held according to sanitary practices provided in 21 CFR, Part 110, and ice used in the processing of food is protected from contamination by taking the necessary precautions during its manufacture, storage, transport and use. Necessary precautions include, but are not limited to:

- (a) Storage bins and containers of water are covered;

- (b) All storage and packaging containers, including ice house or storage room contact surfaces, are sanitary, readily cleanable, and do not impart deleterious materials to the ice. Wooden totes are not to be used for the transporting or holding of ice;

- (c) Scoops, shovels and other utensils used in the handling of ice are in a sanitary condition, properly stored, readily cleanable, and do not impart deleterious materials to the ice;

- (d) The ice does not come into contact with floor areas where foot traffic is possible; and

- (e) Equipment used to manufacture ice is in a sanitary condition, readily cleanable and does not impart any deleterious or other foreign substances to the ice.

(16) **"No cross connections, no back siphonage"** means there is no backflow from or cross connection between piping systems that discharge waste water sewage and piping systems that carry water for food manufacturing. This includes any cross connection between a potable water system and:

- (a) A system in which the water contains boiler additives; or

- (b) A CIP (clean in place) system; or

- (c) A recirculating system used to wash or flume food products, such as raw fruits or vegetables.

(17) **"Adequate floor drains and plumbing to convey wastes and sewage from the plant, into approved sewage disposal system"** means:

- (a) Plumbing is designed, sized, installed and maintained in accordance with applicable state and local plumbing codes so that sewage and liquid disposable waste is readily conveyed from the plant;

(b) Floor drainage is sufficient to prevent excessive pooling of water or other disposable waste;

(c) Plumbing and drains do not provide a source of contamination to food, potable water, food contact surfaces or food packaging material or create any insanitary condition; and

(d) Sewage is disposed into a municipal sewer system or other system approved by a federal, state or local agency having jurisdiction.

(18) **"Adequate, readily accessible toilet facilities"** means:

(a) A food establishment provides its employees with toilet facilities that are located within a reasonable distance to the work area, and the toilet facilities are maintained in accordance with 21 CFR, Part 110.37, and:

(i) Toilet facilities are located on the premises of a licensed food establishment; or

(ii) If the food establishment shares space in a multiple building complex, toilet facilities are located within the complex and within a reasonable distance from the work area; or

(iii) A domestic toilet facility is sufficient if the food processing operation is a family operation where only family members are employed and if the domestic toilet facility meets applicable requirements provided in 21 CFR, Part 110.37.

(b) Outhouses, chemical toilets or other nonflush toilets may not be used in a food establishment.

(19) **"Toilets clean, in good repair, not opening directly into process areas, self-closing doors"** means toilet rooms are kept clean, free of trash and litter, in good repair and all toilet room doors are self-closing and do not open directly into a food processing area.

(20) **"Hand wash facilities adequate and convenient, with hot and cold or tempered water"** means food handlers in a food establishment have access to one or more hand washing facilities with hot, cold, or tempered running water, and:

(a) There is at least one hand wash facility located in the food processing area in a location convenient to each food handling area when hands come into contact with or manipulate unwrapped or un packaged ready to eat food. (Hand sanitizing stations may be required if appropriate); or

(b) Hand wash facilities are located in rest rooms or other areas in operations where food is not manipulated by hand and hands do not contact the food; or

(c) Hand wash facilities are located in rest rooms or other areas and hand sanitizing stations are located in food processing areas in operations where food would normally undergo further preparation (for example washing, cleaning, cooking or other processing) either in the plant or by the consumer that would adequately eliminate physical, chemical and microbiological contaminants introduced by handling.

(21) **"Hand dips provided as necessary"** means hand sanitizing stations are provided, and properly positioned and maintained in all food operations as provided in subsection (20)(c) of this section.

(a) For the purposes of this subsection "properly positioned" means:

(i) Food handlers have ready access to hand sanitizing stations when returning from the toilet, hand wash stations, lunch and breaks and whenever necessary while working; and

(ii) At least one hand sanitizing station is inside the process room entryways on each side of the processing table, lines and equipment where food is manipulated by hand, and at least one hand sanitizing station for every ten food handlers at processing tables, lines and equipment.

(b) For the purposes of this subsection "properly maintained" means sanitizing solutions are checked and recharged to a strength equal to 10 PPM chlorine or 25 PPM iodine, and changed every four hours while in use.

(c) Hand sanitizing stations are recommended for all food operations provided for in subsection (20)(c) of this section.

(22) **"Food protected from contamination in storage"** means food is stored under conditions that protect food against physical, chemical and microbial contamination, as well as against deterioration of the food and the container.

(23) **"Food protected from contamination in storage: Critical violation"** means it is a critical violation when:

(a) A storage situation allows potential contamination of products. This includes, but is not limited to, the storing of raw materials in such a fashion that they cross-contaminate finished food products, particularly ready to eat food. For example, the storage of raw fish and seafood, meat, poultry and other food which inherently contains pathogenic and spoilage microorganisms, as well as soil and other foreign material, is in direct contact with other food in the same container or in any other cross-contaminating circumstance with finished food products; or

(b) Raw materials or food products from unapproved or uncertified sources are used that are inherently associated with food-borne illnesses. Raw products include, but are not limited to:

(i) Unpasteurized milk and dairy products;

(ii) Unpasteurized eggs used in products which are not heated to pasteurization temperatures during processing;

(iii) Home canned low-acid foods;

(iv) Raw uncertified shellfish; and

(v) Uninspected meat products.

(24) **"Adequate records maintained as required"** means all records are maintained as provided under Title 21 CFR, Part 113 Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Part 114, Acid Foods; Part 129, Bottled Water; and any other law or rule requiring recordkeeping, EXCEPT that water tests under Part 129 are covered under subsection (13) of this section, "Current satisfactory water test."

(25) **"Adequate records maintained as required: Critical violation"** means it is a critical violation when a record is not maintained on any food process and/or controls as provided for in subsection (24) of this section, or so poorly maintained that the information intended to be conveyed by the record is lacking or cannot be determined.

(26) "Products coded as required" means all products are coded as provided under Title 21 CFR, Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Part 114, Acidified Foods; Part 129, Processing and Bottling of Bottled Drinking Water; and any other law or rule requiring that products be coded.

(27) "Products coded as required: Critical violation" means it is a critical violation when a product is not coded as required in subsection (26) of this section, or so inadequately coded with respect to the food product, the plant where manufactured, the date manufactured, time or batch manufactured, cannot be readily identified.

(28) "Packaging material properly handled and stored" means:

A food contact surface of food packaging material is protected from potential sources of contamination during handling and storage. This includes, but is not limited to:

(a) Boxes, liners and other primary containers are stored off floors or other insanitary surfaces;

(b) Top containers in a nested stack of lined or primary containers are inverted or otherwise protected;

(c) All single service containers, caps, roll stock, liner jars, bottles, jugs and other preformed containers are stored in closed sanitary tubes, wrappings, boxes or cartons prior to use;

(d) The forming, make-up or other package assembly is conducted in a manner that precludes contamination; and

(e) The handling of packaging material and containers prior to filling or wrapping is conducted so not to expose them to contamination by dust, foreign material or other contaminants.

(29) "Potentially hazardous food" means any food, whole or in part, capable of supporting the germination, growth and/or toxin production by infectious or toxic microorganisms is at temperatures between 38°F and 145°F, and/or food is otherwise harmful to health.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 99-13-001, § 16-165-130, filed 6/3/99, effective 7/4/99.]

WAC 16-165-140 Food establishment—Inspection criteria. The food inspection criteria shall be in accordance with the following table for determining:

(1) If a food establishment is in compliance with chapters 16.49, 69.04, 69.07 and 69.10 RCW, and rules adopted thereunder;

(2) The debit value for each significant violation; and

(3) Whether a violation is critical, or a licensing requirement:

INSPECTION CRITERIA Critical Inspection Criteria		
Criteria Item-Critical*		Licensing Requirement?
1.	Food products free from adulteration.	Yes
2.	Persons with apparent infections or communicable diseases properly restricted.	Yes

INSPECTION CRITERIA Critical Inspection Criteria		
Criteria Item-Critical*		Licensing Requirement?
3.	Adequate washing and sanitizing of hands as necessary, gloves used in food handling sanitary conditions.	Yes
4.	Product contact surfaces clean and maintained in a sanitary condition; cleaned and sanitized prior to each use or as essential.	Yes
5.	In use food contact equipment and utensils appropriately stored; protected from contamination between uses.	No
6.	Water used safe and of adequate sanitary quality; from approved source.	Yes
7.	No cross connections; no back-siphonage.	Yes
8.	Ice from approved source.	Yes
9.	Hot and cold water, under pressure, in areas where foods are processed or equipment washed.	Yes
10.	Adequate, readily accessible toilet facilities provided.	Yes
11.	No evidence of human defecation or urination about the premises.	Yes
12.	Handwash facilities adequate and convenient, including hot and cold or tempered water.	Yes
13.	Food protected from contamination in storage.	No
14.	Critical control points and factors such as time, temperature, pressure, flow rate, pH, Aw, inhibitors adequate to ensure safety of product.	Yes
15.	Process registered as required; processes approved as required.	Yes
16.	Persons involved in LACF, acidified food, pasteurized operation licensed or certified as required.	No
17.	Adequate records maintained as required.	No
18.	Products coded as required.	No
19.	Required critical control point monitoring devices such as retort thermometers, recorder/controllers, pH meters, approved, accurate and in place.	Yes
20.	Required critical control point monitoring, measurements, test, and analysis on products and containers performed as required.	No

INSPECTION CRITERIA Critical Inspection Criteria		
Criteria Item-Critical*	Licensing Requirement?	
21. Potentially hazardous foods maintained at proper temperatures.	Yes	
*A critical violation results in an establishment not being in substantial compliance, therefore no debit values are assigned.		

INSPECTION CRITERIA Significant Inspection Criteria			
Criteria Item-Significant	Debit Value	Licensing Requirement?	
1. Jewelry, watches other personal items not a source of contamination.	1	No	
2. Clean and adequate protective clothing and hair restraints.	1-2	No	
3. Use of tobacco, eating and drinking of food and beverages and gum chewing restricted to appropriate areas.	1	No	
4. Garments and personal belongings stored appropriately, not a source of potential contamination.	2	No	
5. Employee work procedures preclude contamination.	1-2	No	
6. Grounds: Free from pest attractions, breeding places, harborage, excessive dust and other contaminants.	1	No	
7. Suitable size and location, construction including walls, floors, ceiling, counters, shelving, other fixtures, smooth, readily cleanable and in good repair.	1-5	Yes	
8. Processes separated as required.	1-2	Yes	
9. No operations in domestic living or sleeping quarters (including domestic kitchens).	0	Yes	
10. Adequate light.	1-2	Yes	
11. Lights; glass over food protected; breakproof.	1	No	

INSPECTION CRITERIA Significant Inspection Criteria			
Criteria Item-Significant	Debit Value	Licensing Requirement?	
12. Adequate ventilation to minimize vapors, steams, noxious fumes.	1-2	Yes	
13. Drip or condensate from ceiling, fixtures, pipes, ducts not a potential source of contamination.	1-3	No	
14. Screened or protected to exclude pests.	1-2	No	
15. Building, fixtures, facilities clean; including transport vehicles.	1-5	Yes	
16. Detergents, sanitizers, toxic materials safely used and stored.	1-3	No	
17. Detergents, sanitizers and toxic materials properly identified.	1-2	No	
18. Product contact surfaces clean and maintained in a sanitary condition; cleaned and sanitized prior to each use or as essential.	1-2	No	
19. Nonproduct contact surfaces of equipment clean and maintained in a sanitary condition.	1-2	No	
20. In use food contact equipment and utensils appropriately stored; protected from contamination between uses.	1-2	No	
21. Effective measures taken to exclude pests from the facility. No harborage/breeding areas.	1-2	No	
22. Pesticides safely used and stored.	1-3	No	
23. No evidence of rodents, insects, birds or other animals.	1-5	Yes	
24. Current satisfactory water supply test.	5	Yes	
25. Water supply sufficient in quantity for intended operations.	2	Yes	
26. Adequate floor drains and plumbing to convey wastes and sewage from plant.	1-2	Yes	

INSPECTION CRITERIA Significant Inspection Criteria		
Criteria Item-Significant	Debit Value	Licensing Requirement?
27. Sewage and waste lines protected not a source of contamination.	1-2	Yes
28. Adequate offal, rubbish and waste disposal.	1-2	Yes
29. Toilet facilities clean and in good repair, no direct opening to process area, self-closing door.	1-2	Yes
30. Soap and single service towels or suitable drying devices provided at handwash facilities. Adequate refuse receptacles provided.	1-2	No
31. Readily understandable handwash signs provided at handwash facilities.	1	No
32. Hand dips provided as necessary.	1-2	No
33. Design, material and workmanship durable, readily cleanable and in good repair. Contact surfaces nontoxic and corrosion resistant.	1-3	Yes
34. Design and use preclude contamination with lubricants, fuel, contaminated water, paint, rust, compressed air/gas and other contaminants.	1-3	No
35. Freezers and cold storage units equipped with adequate thermometers.	1	No

INSPECTION CRITERIA Significant Inspection Criteria		
Criteria Item-Significant	Debit Value	Licensing Requirement?
36. Incoming raw materials, ingredients or processed food from an approved source, in an obvious sanitary condition. Items inspected on receipt, suitable for intended use, segregated as necessary and properly stored (clean storage containers, facilities, products properly covered), frozen foods stored frozen, properly thawed; ingredients properly identified; raw materials washed or cleaned as required.	1-5	No
37. Adequate records maintained as required - noncritical.	1	No
38. Products coded as required - noncritical.	1	No
39. Required monitoring, measurements, tests, analysis on products and containers performed as required - noncritical.	1	No
40. No contaminating material used, stored or transported with supplies, ingredients or processed foods.	1-2	No
41. Packing material properly handled and stored.	1	No
42. Food products not misbranded, including pull dates.	1	Yes
43. Cleaning operations - conducted to minimize contamination.	1-3	No

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 99-13-001, § 16-165-140, filed 6/3/99, effective 7/4/99.]

WAC 16-165-150 Food establishment inspection rating system—Inspection score. (1) A food establishment is rated as follows at the completion of an inspection conducted by the department:

(a) A food establishment will be debited the point value assigned to the inspection item listed in WAC 16-165-140 for each violation found during an inspection.

(b) The sum of the points debited for an inspection are subtracted from the maximum point value of one hundred. The remaining sum is the establishment's score for that inspection.

(c) When the department on a food establishment inspection identifies a critical violation, no score will be listed unless the critical violation is satisfactorily corrected during the inspection.

(2) An establishment is considered in substantial compliance with the inspection criteria if:

- No critical violations are found, or if critical violations are found and corrected prior to completion of the inspection; and
- The establishment's inspection score is ninety points or above.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 99-13-001, § 16-165-150, filed 6/3/99, effective 7/4/99.]

WAC 16-165-160 Food establishments—Basis for enforcement action. (1) The department may issue a notice of correction for:

(a) Food establishments that score less than ninety points on an inspection; or

(b) Critical violations found during an inspection of a food establishment.

(2) The department may review and consider initiating enforcement action, such as license suspension, civil penalties, and/or other penalties provided in chapters 16.49, 69.04, 69.07, or 69.10 RCW when:

(a) Food establishments score less than ninety points on two separate inspections within a consecutive three-year period; or

(b) Food establishments fail to correct critical violations during an inspection.

(3) Nothing herein shall prevent the department from:

- (a) Choosing not to pursue a case administratively.
- (b) Issuing a notice of correction in lieu of pursuing administrative action.

(c) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 99-13-001, § 16-165-160, filed 6/3/99, effective 7/4/99.]

Chapter 16-167 WAC

INTRASTATE COMMERCE IN FOODS

WAC

16-167-010	Purpose and authority.
16-167-020	Pesticide chemicals.
16-167-030	Food additives.
16-167-040	Color additives.
16-167-050	General requirements.

WAC 16-167-010 Purpose and authority. (1) Consistent with the concept of uniformity where possible with the federal regulations adopted under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. the following federal regulations are specifically made applicable to all persons subject to chapters 69.04 and 69.07 RCW by virtue of RCW 69.04.392, 69.04.394, 69.04.396 and 69.04.398. Although those regulations are automatically applicable to all persons

subject to chapters 69.04 and 69.07 RCW, the department is nevertheless adopting as its own rules the following existing regulations of the federal government published in the Code of Federal Regulations revised as of the dates stated in the rule.

(2) The purpose of this rule is to adopt the following portion of the federal regulations promulgated under Title 21 CFR, Title 40 CFR and FDA Compliance Policy Guidelines as Washington standards for food safety to ensure uniformity with United States standards and to protect the consuming public from possible harm due to the purchase or consumption of adulterated or misbranded food.

(3) These rules are promulgated under authority of RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-010, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-010, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-010, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-010, filed 12/27/94, effective 1/27/95.]

WAC 16-167-020 Pesticide chemicals. The following federal regulations are adopted as Washington tolerances for pesticide chemicals: 40 CFR Revised as of July 1, 1998.

(1) Parts 180 - Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities.

(a) Subpart A - Definitions and Interpretative Regulations.

(b) Subpart C - Specific Tolerances.

(2) Part 185 - Tolerances for Pesticides in Food.

(3) Part 186 - Tolerances for Pesticides in Animal Feeds.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-020, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-020, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-020, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-020, filed 12/27/94, effective 1/27/95.]

WAC 16-167-030 Food additives. The following federal regulations prescribing the conditions under which such food additives may safely be used are adopted as Washington food additive regulations. 21 CFR Chapter 1 Revised as of April 1, 1998.

(1) Part 170 - Food Additives.

(2) Part 172 - Food Additives Permitted for Direct Addition to Food for Human Consumption.

(3) Part 173 - Secondary Direct Food Additives Permitted in Food for Human Consumption.

(4) Part 174 - Indirect Food Additives: General.

(5) Part 175 - Indirect Food Additives: Adhesives and Components of Coatings.

(6) Part 176 - Indirect Food Additives: Paper and Paperboard Components.

(7) Part 177 - Indirect Food Additives: Polymers.

(8) Part 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers.

(9) Part 179 - Irradiation in the Production, Processing and Handling of Food.

(10) Part 180 - Food Additives Permitted in Food on an Interim Basis or in Contact with Food Pending Additional Study.

(11) Part 181 - Prior-Sanctioned Food Ingredients.

(12) Part 182 - Substances Generally Recognized as Safe.

(13) Part 184 - Direct Food Substances Affirmed as Generally Recognized as Safe.

(14) Part 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe.

(15) Part 189 - Substances Prohibited From Use in Human Food.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-030, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-030, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-030, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-030, filed 12/27/94, effective 1/27/95.]

WAC 16-167-040 Color additives. The following federal regulations prescribing the use or limited use of such color additives are adopted as Washington color additive regulations. 21 CFR Chapter 1 Subchapter A-General Revised as of April 1, 1998.

(1) Part 70 - Color Additives.

(2) Part 73 - Listing of Color Additives Exempt From Certification.

(3) Part 74 - Listing of Color Additives Subject to Certification.

(4) Part 81 - General Specifications and General Restrictions for Provisional Color Additives for Use in Foods, Drugs and Cosmetics.

(5) Part 82 - Listing of Provisionally Listed Colors and Specifications.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-040, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-040, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-040, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-040, filed 12/27/94, effective 1/27/95.]

WAC 16-167-050 General requirements. The following federal regulations concerning food are adopted as Washington requirements for regulating food in intrastate commerce.

(1) 21 CFR Chapter 1 Subchapter A-General Revised as of April 1, 1998.

(a) Part 1 - General Enforcement Regulations.

(i) Subpart A General Provisions.

(ii) Subpart B General Labeling Requirements.

(b) Part 2 - General Administrative Rulings and Decisions.

(i) Subpart A General Provisions.

(ii) Subpart B Human and Animal Foods.

(c) Part 7 - Enforcement Policy.

(2) 21 CFR Chapter 1 Subchapter B-Food for Human Consumption, Revised as of Federal Register: July 8, 1998, (Volume 63, Number 130) Page 37030-37056.

(a) Part 100 - General.

(b) Part 101 - Food Labeling.

(c) Part 102 - Common or Usual Name for Nonstandardized Foods.

(d) Part 104 - Nutritional Quality Guidelines for Foods.

(e) Part 105 - Foods for Special Dietary Use.

(f) Part 106 - Infant Formal Quality Control Procedures.

(g) Part 107 - Infant Formula.

(h) Part 108 - Emergency Permit Control.

(i) Part 109 - Unavoidable Contaminants in Food for Human Consumption and Food Packaging Material.

(j) Part 110 - Current Good Manufacturing Practice in Manufacturing, Packing and Holding Human Food.

(k) Part 111 - Current Good Manufacturing Practices for Dietary Supplements.

(l) Part 113 - Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

(m) Part 114 - Acidified Foods.

(n) Part 123 - Fish and Fishery Products.

(o) Part 129 - Processing and Bottling Bottled Drinking Water.

(p) Part 130 - Food Standards: General.

(q) Part 131 - Milk and Cream.

(r) Part 133 - Cheeses and Related Cheese Products.

(s) Part 135 - Frozen Desserts.

(t) Part 136 - Bakery Products.

(u) Part 137 - Cereal Flours and Related Products.

(v) Part 139 - Macaroni and Noodle Products.

(w) Part 145 - Canned Fruits.

(x) Part 146 - Canned Fruit Juices.

(y) Part 150 - Fruit Butters, Jellies, Preserves and Related Products.

(z) Part 152 - Fruit Pies.

(aa) Part 155 - Canned Vegetables.

(bb) Part 156 - Vegetable Juices.

(cc) Part 158 - Frozen Vegetables.

(dd) Part 160 - Eggs and Egg Products.

(ee) Part 161 - Fish and Shellfish.

(ff) Part 163 - Cacao Products.

(gg) Part 164 - Tree Nut and Peanut Products.

(hh) Part 165 - Beverages.

(ii) Part 166 - Margarine.

(jj) Part 168 - Sweeteners and Table Syrups.

(kk) Part 169 - Food Dressings and Flavorings.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-050, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-050, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-050, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-050, filed 12/27/94, effective 1/27/95.]

Chapter 16-200 WAC
FEEDS, FERTILIZERS AND LIVESTOCK
REMEDIES

WAC

16-200-695	Definitions.
16-200-705	Purpose.
16-200-7061	What information must I include with my registration application concerning total metals and application rates?
16-200-742	Repealed.
16-200-750	Definitions and terms.
16-200-755	Label format.
16-200-760	Brand and product names.
16-200-790	Ingredient statement.
16-200-795	Directions for use and precautionary statements.
16-200-815	Adulteration.
16-200-830	Nonprotein nitrogen.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

16-200-742	Fertigation. [Statutory Authority: RCW 15.54.800. 91-01-015 (Order 2066), § 16-200-742, filed 12/7/90, effective 1/7/91.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
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WAC 16-200-695 Definitions. The definitions set forth in this section shall apply throughout this chapter unless context otherwise requires:

(1) "Organic" means a material containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth. When the term "organic" is utilized in the label or labeling of any commercial fertilizer, it shall be qualified as either "synthetic organic" or "natural organic," with the percentage of each specified.

(2) "Natural organic" means a material derived from either plant or animal products containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(3) "Synthetic organic" means a material that is manufactured chemically (by synthesis) from its elements and other chemicals, containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(4) "Unit" means one percent (by weight) of a ton.

(5) "AOAC" means the association of official analytical chemists.

(6) "Commercial fertilizer" means a substance containing one or more recognized plant nutrients and that is used for its plant nutrient content or that is designated for use or claimed to have value in promoting plant growth, and shall include limes, gypsum, and manipulated animal and vegetable manures. It does not include unmanipulated animal and vegetable manures, organic waste-derived material, and other products exempted by the department by rule.

(7) "Fertigation" means a method of applying commercial fertilizers with irrigation water to fertilize land or plants.

(8) "Fertilizer component" means a commercial fertilizer ingredient containing one or more recognized plant nutrients which is incorporated in the commercial fertilizer for its plant nutrient value.

(9) "Maximum acceptable cumulative metals additions to soil" means the amount of total metals that can be added to soil over a forty-five-year period of time without exceeding

the Canadian standards which have been adopted in RCW 15.54.800(3) as Washington standards for metals.

(10) "Organic waste-derived material" means grass clippings, leaves, weeds, bark, plantings, prunings, and other vegetative wastes, uncontaminated wood waste from logging and milling operations, food wastes, food processing wastes, and materials derived from these wastes through composting. "Organic waste-derived material" does not include products that include biosolids.

(11) "Maximum application rate" means the maximum amount of commercial fertilizer expressed by weight (such as: pounds, ounces, kilograms, or milligrams) or volume (such as: gallons, quarts, fluid ounces, liters, or milliliters) to be applied to an area of a specified size (such as: acres, square feet, hectares, or square meters) in a period of time stated in years.

[Statutory Authority: RCW 15.54.325 and 15.54.800. 99-08-037, § 16-200-695, filed 3/31/99, effective 5/1/99. Statutory Authority: Chapter 15.54 RCW. 99-02-035, § 16-200-695, filed 12/30/98, effective 1/30/99. Statutory Authority: RCW 15.54.800. 91-01-015 (Order 2066), § 16-200-695, filed 12/7/90, effective 1/7/91. Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-695, filed 9/17/87.]

WAC 16-200-705 Purpose. The following sections concerning the protection of ground water, labeling requirements and examination of fertilizer minerals and limes (WAC 16-200-708 through 16-200-742) are established in this chapter under the authority of the Commercial Fertilizer Act, chapter 15.54 RCW.

This chapter also describes the requirements for registration of commercial fertilizers, including the information which must be submitted as part of the registration application, the sample preparation and analysis methods which must be used, the maximum application rates the department will use to determine whether a commercial fertilizer may be registered, the Washington standards for metals (in pounds per acre per year), and the acts which are unlawful under this chapter.

[Statutory Authority: RCW 15.54.325 and 15.54.800. 99-08-037, § 16-200-705, filed 3/31/99, effective 5/1/99. Statutory Authority: Chapter 15.54 RCW. 99-02-035, § 16-200-705, filed 12/30/98, effective 1/30/99. Statutory Authority: RCW 15.54.800. 91-01-015 (Order 2066), § 16-200-705, filed 12/7/90, effective 1/7/91. Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-705, filed 9/17/87.]

WAC 16-200-7061 What information must I include with my registration application concerning total metals and application rates? (1) You are required to submit the following metals information with your registration application:

(a) Total concentration of each metal in each commercial fertilizer reported in parts per million (PPM) which is equivalent to milligrams of metal per kilogram of fertilizer (mg/kg), or micrograms per gram;

(b) Copy of the laboratory report on total metals analysis;

(c) Method of analysis;

(d) Method of sample preparation; and

(e) Minimum detection limits for each method used.

(2) The department may request quality assurance and quality control documentation for analytical procedures and/or for the laboratory which performed the analyses.

(3) The analytical data and maximum application rate will be used to determine if a commercial fertilizer meets or exceeds the Washington standards for metals.

(4) For all commercial fertilizers that have application rates on their labels, the maximum application rate shall be disclosed for each commercial fertilizer on the registration application form.

[Statutory Authority: RCW 15.54.325 and 15.54.800, 99-08-037, § 16-200-7061, filed 3/31/99, effective 5/1/99. Statutory Authority: Chapter 15.54 RCW, 99-02-035, § 16-200-7061, filed 12/30/98, effective 1/30/99.]

WAC 16-200-742 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-200-750 Definitions and terms. (1) The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials (AAFCO), as they appear in the 1998 official publication of the association, except as the department designates otherwise in specific cases.

Note: A copy of the 1998 official publication of the association of American Feed Control Officials is on file with the department. Copies may be obtained from AAFCO Treasurer; Georgia Department of Agriculture; Plant Food, Feed and Grain Division; Capitol Square; Atlanta, GA 30334.

(2) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the AAFCO, as they appear in the 1998 official publication of the association, except as the department designates otherwise in specific cases.

(3) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of RCW 15.53.901(2): Raw meat, loose salt, hay, straw, stover, silages, cobs, husks, and hulls when unground and when not mixed or intermixed with other materials: Provided, That these commodities are not adulterated within the meaning of RCW 15.53.902.

(4) The term "quantity statement" means the net weight (mass) as defined in RCW 19.94.010 (1)(i), net volume (liquid or dry) or count.

(5) The following definitions, in addition to the official definitions adopted by AAFCO, as published in the 1998 edition, are adopted:

(a) Pea meal is a pea product resulting from the grinding of whole peas which are reasonably free of other crop seeds, weeds, and mold. It shall contain not less than twenty percent crude protein and not more than eight percent crude fiber.

(b) Pea by-products meal is a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. It shall contain not less than fifteen percent crude protein nor more than thirty percent crude fiber.

(c) Pea screenings meal consists primarily of the various separates obtained from the screening and cleaning of peas. It shall contain not less than ten percent crude protein nor more than thirty-eight percent crude fiber.

(d) Pea bran consists primarily of the various separates obtained from the pea splitting operation. It shall contain not less than ten percent crude protein nor more than thirty-eight percent crude fiber.

(e) Grass seed by-products meal or pellets is a ground product consisting of light and broken seeds, hulls, chaff, straw, and a portion of the weed seeds; excluding sand, dirt, and heavy weed seeds.

(f) Grass seed screenings meal or pellets is the product obtained from the cleaning of various grass seed and shall be comprised chiefly of hulls.

(g) Dehydrated grass meal is the aerial portion of the plant cut prior to formation of seed reasonably free of other crop plants, weeds, and mold, which has been finely ground and dried by thermal (artificial) means. If a species name is used, the product must correspond thereto.

(h) Facility is defined as any place where a commercial feed is manufactured, sold or stored for later distribution.

[Statutory Authority: RCW 15.53.9012, 99-17-043, § 16-200-750, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-750, filed 7/9/96, effective 8/9/96; Order 1016, filed 5/20/66.]

WAC 16-200-755 Label format. (1) Except as provided for in subsection (2) of this section, commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this section on the principal display panel of the product and in the following general format:

(a) Product name and brand name if any;

(b) If a drug is used, the label shall include:

(i) The word "medicated" directly following and below the product name in type size, no smaller than one-half the type size of the product name;

(ii) The purpose of the medication (claim statement);

(iii) An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with WAC 16-200-770(5);

(c) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by WAC 16-200-795 and 16-200-830 appear elsewhere on the label;

(d) The guaranteed analysis of the feed required under the provisions of RCW 15.53.9016 (1)(b). This shall include the following items, unless exempted in subsection (2) of this section, in the order listed:

(i) Minimum percentage of crude protein;

(ii) Maximum or minimum percentage of equivalent protein from nonprotein nitrogen as required in WAC 16-200-770(8);

(iii) Minimum percentage of crude fat;

(iv) Maximum percentage of crude fiber;

(v) Moisture guarantees shall be shown as a part of the guaranteed analysis on the labels of all canned pet foods and specialty pet foods. When water is added in the preparation of canned foods for animals, water must be listed as an ingredient;

(vi) For mineral feeds the guaranteed analysis shall include the following, if added:

(A) Minimum and maximum percentages of calcium (Ca);

- (B) Minimum percentage of phosphorus (P);
 - (C) Minimum and maximum percentages of salt (NaCl);
- and
- (D) Other minerals;
 - (vii) Vitamins in such terms as specified in WAC 16-200-770(4);
 - (viii) Total sugars as invert on dried molasses products or products being sold primarily for their sugar content;
 - (ix) Viable lactic acid producing microorganisms for use in silages in terms specified in WAC 16-200-770(10);
 - (e) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of RCW 15.53.9016 (1)(c):

(i) The name of each ingredient as defined in the 1998 Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the department;

(ii) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the 1998 Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients: Provided, That:

(A) When a collective term of a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label;

(B) The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state;

(f) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code; however the street address may be omitted if it is shown in the current city directory or telephone directory;

(g) Quantity statement.

(2) Exemptions.

(a) A mineral guarantee is not required when the feed or feed ingredient is not intended, or represented or does not serve as a principal source of that mineral to the animal.

(b) Guarantees for vitamins are not required when the commercial feed is neither formulated for, nor represented in any manner as a vitamin supplement.

(c) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(d) Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, and no specific label claims are made.

(3) The information required by subsection (1)(a) and (b) and (d) through (g) of this section must appear in its entirety on one side of the label or container.

(4) The information required by subsection (1)(c) of this section shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above

information. When the information required by subsection (1)(c) of this section is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "see back of label for directions for use." None of the information required by RCW 15.53.9016 shall be subordinated or obscured by other statements or designs.

(5) No printed or written matter or design (e.g., picture of animal or bird) of any kind shall be attached to, appear on, or be distributed with feed if such matter is misleading or incorrect, or at variance in any respect with the information on the principal label. Labeling which suggests that presence of added enzyme-bearing materials improves utilization of a commercial feed is prohibited.

(6) No statement may appear on a label which refers to or compares properties of the package contents to some other competitive products unless such other competitive product is specifically identified. A negative statement is not allowed on a label except when this provides information deemed by the director to be beneficial to the purchaser.

(7) Customer-formula feed shall be labeled with the information prescribed using labels, invoice, delivery ticket, or other shipping document bearing the following information:

(a) The name and address of the manufacturer;

(b) The name and address of the purchaser;

(c) The date of delivery;

(d) The product name and the quantity statement;

(e) The product name and quantity statement of each commercial feed and each other ingredient used in the customer-formula feed must be on file at the plant producing the product. These records must be kept on file for one year after the date of the last sale. This information shall be available to the purchaser, the dealer making the sale, and the department on request;

(f) The direction for use and precautionary statements as required by WAC 16-200-795 and 16-200-830;

(g) If a drug is used, the labeling shall include:

(i) The purpose of the medication (claim statement);

(ii) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with WAC 16-200-770(5).

(8) When bulk commercial feeds are sacked and offered for sale, each container shall be accompanied by a label in accordance with the provisions of RCW 15.53.9016(1).

(9) All bulk deliveries of commercial feed shall be accompanied by a label or a shipping document in accordance with the provisions of RCW 15.53.9016(1).

[Statutory Authority: RCW 15.53.9012, 99-17-043, § 16-200-755, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-755, filed 7/9/96, effective 8/9/96.]

WAC 16-200-760 Brand and product names. (1) The brand or product name must be appropriate for the intended use of the feed and not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "dairy feed," for example, must be suitable for that purpose.

(2) When not specifically stated in chapter 15.53 RCW or otherwise designated by the department, the department will be guided by the definitions of feed ingredients and feed

terms as established in the 1998 official publication of the Association of American Feed Control Officials in accepting product names for single ingredient feeds.

(3) A name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any component of a mixture unless all components are included in the name: Provided, That if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name, if in the opinion of the department, the ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product, that it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients, and that it is not otherwise false or misleading.

(4) The word vitamin, or a contraction thereof, or any word suggesting vitamin, can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in WAC 16-200-770(4).

(5) The term "mineralized" shall not be used in the name of a feed except "trace mineralized salt." When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(6) When the brand name carries a percentage value, it shall be understood to signify protein and/or protein equivalent content. If any other percentage values are used in brand names, they must be followed by the proper description.

(7) Commercial feed shall be considered as a distinct brand when differing either in guaranteed analysis, trademark name, or any other characteristic method of marking: Provided, That a brand may be sold in various physical forms.

(8) The word "protein" shall not be permitted in the brand name of a feed that contains added nonprotein nitrogen.

(9) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made from cattle, swine, sheep and goats.

[Statutory Authority: RCW 15.53.9012, 99-17-043, § 16-200-760, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-760, filed 7/9/96, effective 8/9/96; Order 1164, § 16-200-760, filed 10/1/70; Order 1016, filed 5/20/66.]

WAC 16-200-790 Ingredient statement. (1) As provided in WAC 16-200-755 (1)(e), the name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name defined in the Official Definitions of Feed Ingredients as published in the 1998 Official Publication of the Association of American Feed Control Officials, the common or usual name, or one approved by the department.

(2) The name of each ingredient must be shown in letters or type of the same size.

(3) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(4) The term "dehydrated" may precede the name of any product that has been artificially dried.

(5) A single ingredient product defined by the Association of American Feed Control Officials, as published in the 1998 official publication of Association of American Feed Control Officials, is not required to have an ingredient statement.

(6) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (i.e., sugar).

(7) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

(8) The term "degermed" must precede the name of any product from which the germ was wholly or partially removed.

(9) The use of commercial, copyrighted brand, or trade names in the guarantees and ingredient listing shall not be permitted.

[Statutory Authority: RCW 15.53.9012, 99-17-043, § 16-200-790, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-790, filed 7/9/96, effective 8/9/96; Order 1164, § 16-200-790, filed 10/1/70; Order 1016, filed 5/20/66.]

WAC 16-200-795 Directions for use and precautionary statements. (1) Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or nonnutritive additives) shall:

(a) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and

(b) Include, but not be limited to, all information described by all applicable regulations of the Code of Federal Regulations, Title 21, parts 500-599 under the Federal Food, Drug and Cosmetic Act as provided in the 1998 edition.

Note: The Food and Drug Administration's regulations are published in the Code of Federal Regulations, and are available in book format from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. A copy of the 1998 edition, Parts 200-599 is on file with the department.

(2) Adequate directions for use and precautionary statements as identified in subsection (1) of this section are required for feeds containing nonprotein nitrogen as specified in WAC 16-200-830.

(3) Adequate directions for use and precautionary statements necessary for safe and effective use as identified in subsection (1) of this section are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

[Statutory Authority: RCW 15.53.9012, 99-17-043, § 16-200-795, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-795, filed 7/9/96, effective 8/9/96.]

WAC 16-200-815 Adulteration. (1) Pursuant to RCW 15.53.902, the terms "poisonous or deleterious substances" include but are not limited to the following:

(a) A commercial feed or feed ingredient which contains more than twenty parts per billion aflatoxin B1, B2, G1, G2, individually or total;

(b) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20% for breeding and dairy cattle; 0.30% for slaughter cattle; 0.30% for sheep; 0.35% for lambs; 0.45% for swine; and 0.60% for poultry;

(c) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.004% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine and 0.03% for poultry;

(d) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight;

(e) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents;

(f) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B1 (Thiamine);

(g) Any substance which is prohibited by the Code of Federal Regulations, Title 21, Part 589, effective April 1, 1998.

(2) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more than one viable prohibited (primary) noxious weed seeds per pound and not more than twenty-five viable restricted (secondary) noxious weed seeds per pound.

[Statutory Authority: RCW 15.53.9012. 99-17-043, § 16-200-815, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-815, filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.902. 82-23-057 (Order 1776), § 16-200-815, filed 11/17/82.]

WAC 16-200-830 Nonprotein nitrogen. (1) Urea and other nonprotein nitrogen products defined in the 1998 official publication of the Association of American Feed Control Officials are accepted ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein.

(2) If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of nonprotein nitrogen added as such, or the equivalent crude protein from all forms of nonprotein nitrogen, added as such, or exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a caution statement: CAUTION: USE AS DIRECTED. The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(3) The presence of added nonprotein nitrogen shall not require a duplication of the feeding directions or the warning or caution statements on medicated feed labels which contain

adequate feeding directions and/or warning statements as long as those statements include sufficient information to insure the safe and effective use of this product due to the presence of nonprotein nitrogen.

(4) Nonprotein nitrogen defined in the 1998 Official Publication of the Association of American Feed Control Officials, when so indicated, are acceptable ingredients in commercial feeds distributed to nonruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from nonprotein nitrogen sources when used in nonruminant rations shall not exceed 1.25% of the total daily ration.

[Statutory Authority: RCW 15.53.9012. 99-17-043, § 16-200-830, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-830, filed 7/9/96, effective 8/9/96; Order 1164, § 16-200-830, filed 10/1/70; Order 1016, filed 5/20/66.]

Chapter 16-202 WAC

APPLICATION OF PESTICIDES AND PLANT NUTRIENTS THROUGH IRRIGATION SYSTEMS

WAC

16-202-1000
16-202-2000

Chemigation.
Fertigation.

WAC 16-202-1000 Chemigation. After October 31, 1988, the following shall apply:

(1) No pesticide may be applied through an irrigation system, unless its registered label contains statement(s) specifically permitting this means of application: Provided, That applications of spray adjuvants are exempt from requirements of this section.

(2) Any person calibrating, loading, starting up, monitoring during application, or shutting down a chemigation system shall be knowledgeable about the system, and shall be under the direct supervision of a certified applicator.

(3) Any irrigation system used for chemigation shall contain the following functional equipment:

(a) A backflow prevention device or system in the water supply line, upstream from the point of pesticide introduction. Discharge of water into a reservoir tank prior to pesticide injection is acceptable: Provided, That there is an air gap between the outlet end of the fill pipe and the top (or overflow rim) of the reservoir tank of at least twice the inside diameter of the fill pipe;

(b) An automatic, quick-closing check valve in the pesticide injection pipeline to prevent the flow of liquid back toward the injection pump;

(c) A normally closed, solenoid-operated valve located on the intake side of the injection pump, connected with the system interlock to prevent fluid from being withdrawn from the supply tank during shutdown;

(d) An interlocking control to automatically shut off the injection pump when the water pump stops or when water pressure decreases to a point where pesticide distribution is affected; and

(e) A metering pump fitted into the system interlock specified in (d) of this subsection.

(4) The department may issue permits exempting specific irrigation systems or locations from requirements of subsection (3) of this section: Provided, That alternative

technology is substituted which will adequately fulfill the function of each waived requirement. In evaluating a permit request, the department may consult qualified engineers and Washington State University personnel.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-202-1000, filed 10/20/99, effective 11/20/99.]

WAC 16-202-2000 Fertigation. The following shall apply to fertigation:

(1) Any irrigation system used for fertigation shall contain the following functional equipment:

(a) A backflow prevention device or system in the water supply line, upstream from the point of fertilizer introduction. Discharge of water into a reservoir tank prior to fertilizer injection is acceptable: Provided, that there is an air gap between the outlet end of the fill pipe and the top (or overflow rim) of the reservoir tank of at least twice the diameter of the fill pipe;

(b) An automatic, quick-closing check valve in the fertilizer injection pipeline to prevent the flow of the liquid back toward the injection pump;

(c) A normally closed, solenoid-operated valve located on the intake side of the injection pump, connected with the system interlock to prevent fluid from being withdrawn from the supply during shutdown;

(d) An interlocking control to automatically shut off the injection pump when the water pump stops or when water pressure decreases to a point where fertilizer distribution is affected;

(e) A metering pump fitted into the system interlock specified in (d) of this subsection.

(2) The department may issue permits exempting specific irrigation systems or locations from requirements of subsection (1) of this section: Provided, That alternative technology is substituted which will adequately fulfill the function of each waived requirement. In evaluating a permit request, the department may consult qualified engineers and Washington State University personnel.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-202-2000, filed 10/20/99, effective 11/20/99.]

Chapter 16-212 WAC

WSDA GRAIN INSPECTION PROGRAM—FEE SCHEDULE

WAC

16-212-010	Definitions.
16-212-030	General provisions for hourly charges.
16-212-060	Official inspection and/or weighing fees under the United States Grain Standards Act.
16-212-070	Official services under the Agricultural Marketing Act of 1946.
16-212-080	Miscellaneous fees.
16-212-082	Fees for services performed under state regulation.

WAC 16-212-010 Definitions. (1) "Department" means the Washington state department of agriculture.

(2) "Ton" means two thousand pounds avoirdupois.

(3) "Overtime" means any time worked on Saturdays, Sundays, or holidays and all time worked before or after the regularly scheduled working hours, Monday through Friday,

unless alternate work schedules have been established at inspection sites.

(4) "Fees" means any charge made by the department for inspection and handling of any commodity or for services related to weighing or storage of grains or commodities.

(5) "Occasional work stoppage" means the union stop work meetings usually held once per month.

[Statutory Authority: RCW 22.09.790. 99-15-082, § 16-212-010, filed 7/20/99, effective 8/20/99. Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-010, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-010, filed 3/2/83; Order 1118, § 16-212-010, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 1, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

WAC 16-212-030 General provisions for hourly charges.

(1) Straight time, rate per hour \$ 26.34

This hourly rate will be applied in any situation where the fees generated are not sufficient to provide revenue equivalent to the published hourly rate, per employee, including applicable supervisory and clerical hours, and where no other hourly rate, fee, guarantee of expenses or contractual agreement exists or is specified in this schedule of fees and charges. Whenever the lot size or workload is not of sufficient size to generate revenue equivalent to the published hourly rate, per employee, an additional fee shall be assessed so that total revenue generated is equal to the published hourly rate, per employee: Provided, That such revenue insufficiency may be established on the basis of the average hourly revenue generated at the worksite over the Monday through Sunday work week, upon written request of the applicant for service. In the absence of such request, fees shall be assessed on a daily basis.

(2) Overtime, and night shift rate per hour . . . \$ 6.87

Whenever a service is requested before or after regularly scheduled working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of \$6.87 per hour, per employee, including applicable supervisory and clerical hours, shall be charged in addition to the regular inspection and weighing fees.

(a) Requests for service on Saturdays, Sundays, or holidays, or for work shifts other than the inspection office's established standard workday hours, Monday through Friday, must be received by the inspection office no later than two hours prior to the inspection office's established daily closing time of the last regularly scheduled working day prior to the requested service. When the request is not received within the established time frames, service will be provided where personnel are available, but an additional fee of \$4.57 per hour, per employee, will be assessed for the hours of the requested service.

(b) Requests for service which are beyond the scope or volume normally provided at an inspection site must be received by the inspection office no later than two hours prior to the inspection office's established daily closing time of the last regularly scheduled working day prior to the date of the requested service in order for the department to guarantee to have adequate staff available to perform the service.

(c) Whenever an employee is notified after leaving the worksite to return to a worksite after the inspection office's established standard workday hours, or on a Saturday, Sunday or holiday, two additional hours per employee, will be charged at the rate of \$11.47 per hour and added to other fees charged.

(d) Scheduled night shifts.

(i) The department must be given at least seven calendar days notice, in writing, to establish a scheduled night shift. If the full seven-day notice is not given, a fee of \$6.87 per hour, per employee, will be assessed until the seven day notice period has elapsed.

(ii) The department shall be given at least twenty-one calendar days' notice, in writing, of cancellation of any scheduled night shift operation. If the full twenty-one day notice is not given, a fee of \$6.87 per hour, per employee, will be assessed for each hour under the regular night shift schedule that would have been worked until the twenty-one day notice period has elapsed.

(3) Standby rate per hour \$ 28.77

Whenever a service is requested before or after the inspection office's established standard workday, Monday through Friday or anytime on Saturdays, Sundays or holidays, and service cannot be performed through no fault of the department, four hours at the standby rate of \$28.77 per hour, per employee, shall be charged. Additional charges at the standby rate per hour, per employee shall be assessed for all hours over four that continue to be staffed at the request of the applicant. Whenever a service is requested before or after working hours, Monday through Friday or anytime on a Saturday, Sunday or holiday, and a cancellation of the request is not received two hours prior to the inspection office's established daily closing time of the last regularly scheduled working day prior to the requested service, the four hour standby charge per employee, will be assessed.

(4) Guarantee of expense. When a service is requested that requires assignment of personnel at a facility where the volume of work at the established fees is not adequate to pay the cost of providing the service, a guarantee of the expense of providing the service is required. These facilities may enter into agreement with the department at guaranteed staffing levels and negotiated minimum hours and unit fees.

(5) Official commercial inspection services may be provided, on-site, at the applicant's request. When appropriate space, equipment and security can be provided, the program is able to provide appropriate licensed personnel, and a guarantee of expense can be negotiated.

[Statutory Authority: RCW 22.09.790, 99-15-082, § 16-212-030, filed 7/20/99, effective 8/20/99; 98-12-058, § 16-212-030, filed 5/29/98, effective 6/29/98. Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-030, filed 4/20/94, effective 5/21/94; 87-01-032 (Order 1913), § 16-212-030, filed 12/12/86; 84-14-065 (Order 1836), § 16-212-030, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-030, filed 3/2/83. Statutory Authority: RCW 22.09.460, 81-24-066 (Order 1751), § 16-212-030, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW. 80-06-100 (Order 1705), § 16-212-030, filed 5/30/80; Order 1490, § 16-212-030, filed 3/1/77; Order 1404, § 16-212-030, filed 6/30/75; Order 1267, § 16-212-030, filed 5/31/72; Order 1118, § 16-212-030, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 3, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

WAC 16-212-060 Official inspection and/or weighing fees under the United States Grain Standards Act.

(1) Combination inspection and weighing fees. Ships, barges, unit trains and transfers of bulk grain.

- (a) From vessel to elevator, per ton \$ 0.128
- (b) Bin transfers, per ton \$ 0.128
- (c) From elevator to vessel, per ton \$ 0.128
- (d) From railcars of a unit train, sampled by diverter samplers, batch weighed and inspected under the subplot inspection plan in units of not less than five cars, per ton \$ 0.128

(2) Inspection only of railroad boxcars, open hopper-type cars, original inspection. Sampling only services are available at the inspection only rates shown in this fee schedule.

- (a) Carlots sampled by United States Department of Agriculture approved diverter type mechanical samplers, per car \$ 15.50

Batch grades may contain up to the maximum number of cars allowable under Federal Grain Inspection Service regulations/instructions. The per car sampling charge will be assessed for each car included in the batch grade.

- (b) When sampled by United States Department of Agriculture approved grain trier, original and subsequent original inspections, per car \$ 24.00

(3) Inspection only of trucks, per truck \$ 15.00

(4) Reinspections of railroad boxcars, open-type cars, covered hopper-type cars, ship subplot samples, barge lots, truck lots, and submitted samples.

- (a) When based on an official file sample, per reinspection \$ 9.00
- (b) When based on a new sample, for railcars only, per reinspection \$ 24.00
- (c) When based on a new sample, for trucks only, per reinspection \$ 15.00

(d) FGIS approved per factor reinspections will be provided at the applicable file sample or new sample rate listed in this section.

- (5) Submitted samples,
 - (a) Standardized grains, except canola per inspection \$ 7.75
 - (b) Canola, per inspection \$ 14.20

(6) Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of canola, identical to the fees assessed by the Federal Grain Inspection Service.

(7) Factor analysis and/or certification.

- (a) Nongrade determining factors added to existing certificates, or requested on ship subplot analyses, that do not affect the grade: per factor \$ 2.50

Submitted sample certificates of grade for barley may show, on request, dockage to the nearest one-tenth percent without additional charge. Submitted sample certificates of grade for wheat may show, on request, foreign material when it is not a grade determining factor, without additional charge.

- (b) Factor certification only (maximum of one factor), per certificate \$ 2.50
 - (i) Additional factors added to a factor certificate, per factor \$ 2.50

(A maximum of \$7.50 will be charged for factor only certification.)

(ii) When submitted samples are not of sufficient size to provide official grade analysis, obtainable factors will be provided, upon request of the applicant, at the factor only rate.

(8) Official analysis of constituents (protein, oil, etc.) by near-infrared transmittance.

(a) Official constituent analysis of wheat, soybeans, or other FGIS approved commodities when in conjunction with official inspection for grade, per test \$ 6.25

(b) Official constituent analysis of wheat, soybeans, or other FGIS approved commodities when not in conjunction with official inspection for grade, per test \$ 8.50

When based on official sample (including new sample reinspection) add the applicable sampling charges.

(c) Official constituent analysis of wheat, soybeans, or other FGIS approved commodities: Submitted sample or reinspection based on official file sample \$ 8.50

(9) Inspection of bagged grain, per cwt . . . \$ 0.0624 effective June 30, 1998; \$0.065 effective July 1, 1998.

(10) Checkloading bagged grain, per hour, per employee \$ 26.34

(11) Waxy corn determination, on request, per determination \$ 12.75

(12) FGIS approved mycotoxin testing.

(a) Screening or quantitative testing determinations, based on official sample, except thin layer chromatography, per test \$ 37.50

(b) Submitted samples, screening or quantitative determinations, except thin layer chromatography, per test \$ 26.34

(c) Reinspection, based on official file, screening or quantitative, except thin layer chromatography, per test \$ 26.34

(d) Reinspection, based on a new sample, screening or quantitative, except thin layer chromatography, per test \$ 37.50

(e) Thin layer chromatography determinations will be assessed at a rate identical with the fees charged by the Federal Grain Inspection Service.

(13) Stowage examinations - ships, barges, or vessels.

(a) Per stowage space or tank, or return to stowage space or tank, per examination \$ 24.00

(b) Initial inspection, minimum charge . . . \$ 120.00

(c) Subsequent inspections, minimum charge \$ 72.00

(d) Travel time, two hour minimum, per hour, per employee \$ 26.34

Note: Stowage examinations may be conducted on vessels at anchor, at the convenience of the designated grain inspection area office, on request. Inspections at anchor will be made during daylight hours only, and only under safe working and weather conditions. The applicant is responsible for providing safe transportation to and from the vessel by licensed tug or water taxi. Two vessel or ship's agent representatives will be provided to accompany each inspector providing stowage exam services. Tanker inspections may require additional inspection personnel. When appropriate, hourly and/or minimum charges listed in the fee schedule will be assessed to the inspection and travel time charges shown in this section.

(e) A minimum of four hours per inspector at the applicable overtime rate shall also be assessed on Saturdays, Sundays, or holidays.

(14) Other stowage examinations.

(a) Sea van-type containers (when checkloading is not required) \$ 8.10

(b) Railroad cars, trucks and other containers, not in conjunction with loading, per container \$ 8.10

(15) Diverter-type samples, per hour, per employee \$ 26.34

(16) Ship samples:

(a) Ship composite samples.

(i) Initial set of samples to applicant (maximum of three samples) no charge

(ii) Additional samples or samples at the request of other interested parties, per sample (two sample minimum when not requested with initial set) \$ 5.25

(17) Weighing services.

(a) Class X weighing services.

(i) From railroad boxcars, open or covered hopper-type cars (without inspection required) or vessels to elevator (grain only), per ton \$ 0.107

(ii) From elevator to boxcars, open or covered hopper-type cars, barges (without inspection required) or vessels (without inspection, grain only), per ton \$ 0.107

(iii) Bin transfers (grain only), per ton \$ 0.107

(iv) Trucks, per truck or weight lot \$ 7.50

(b) Class Y weighing services, per hour, per employee \$ 26.34

(c) Checkweighing of bagged grain, per hour, per employee \$ 26.34

(d) Scale certification/checktesting of official weighing scales.

(i) Weights and measures scale specialist, per employee-hour \$ 34.87

(ii) Grain inspection personnel, per hour, per employee \$ 26.34

[Statutory Authority: RCW 22.09.790, 99-15-082, § 16-212-060, filed 7/20/99, effective 8/20/99; 98-12-058, § 16-212-060, filed 5/29/98, effective 6/29/98. Statutory Authority: Chapter 22.09 RCW, 94-10-002 (Order 5040), § 16-212-060, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-060, filed 7/10/92, effective 8/10/92; 87-01-032 (Order 1913), § 16-212-060, filed 12/12/86; 84-14-065 (Order 1836), § 16-212-060, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-060, filed 3/2/83. Statutory Authority: RCW 22.09.460, 81-24-066 (Order 1751), § 16-212-060, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW, 80-06-100 (Order 1705), § 16-212-060, filed 5/30/80; Order 1490, § 16-212-060, filed 3/1/77; Order 1404, § 16-212-060, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-060, filed 5/31/72; Order 1118, § 16-212-060, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 4, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

WAC 16-212-070 Official services under the Agricultural Marketing Act of 1946.

(1) Inspection or analysis of graded and nongraded commodities.

(a) Inspection of bagged commodities at inspection points, per cwt \$ 0.0624 effective June 30, 1998; \$0.065 effective July 1, 1998.

(b) Bulk commodity inspection at inspection points, per ton \$ 0.30

(c) Minimum charge for bulk or bagged commodities (one hour) \$ 26.34

(d) Submitted sample inspection, per sample \$ 14.20

(2) Weighing and combination inspection/weighing services for bulk commodities.

(a) Weighing only, other than grain, per ton \$ 0.117

(b) Combination inspection/weighing of bulk commodities under federal grade standards, state standards, or for factor determinations, per ton \$ 0.128

(c) Weigh grain by-products into portable containers including fitness examination of the container, weigh and sample the by-product (thirty ton maximum) \$ 15.00

(3) Factor analysis.

(a) Moisture only \$ 5.25

(b) Additional factors, the determination of which are not required to establish grade, or otherwise not required by regulation, added to an existing certificate, per factor \$ 2.50

(c) Certification, factor only (maximum two factors), per certificate \$ 3.00

(d) Additional factors added to a factor certificate, per factor \$ 2.50

(A maximum of \$13.75 will be charged for grading factors only.)

(e) Analysis of rapeseed, mustard seed, confectionary sunflower seed, safflower seed, or other commodities with established FGIS factor only inspection procedures, per certificate \$ 14.20

(f) Sampling only fees identified in subsection (4)(a) and (b) of this section will be assessed in addition to the factor analysis fees for rapeseed, mustard seed, confectionary sunflower seed, safflower seed, or other commodities with established FGIS factor only inspection procedures when official sampling is requested.

(4) Sampling only, bulk commodities.

(a) Trucks or containers, per carrier \$ 15.00

(b) Boxcars, open or covered hopper-type cars, per car \$ 24.00

(5) Processed commodity and defense personnel support center (DPSC) inspection fees.

(a) Per hour per employee, two hour minimum \$ 26.34

(b) In addition to the charges, if any, for sampling and other requested service, a fee will be assessed for each laboratory analysis or test identical with the amount charged by the Federal Grain Inspection Service for laboratory tests performed under authority of the Agricultural Marketing Act and for any postage or other costs of mailing not included in these fees.

(6) Sanitation inspections.

(a) Initial inspection no charge

(b) Reinspections, four hour minimum, per hour, per employee \$ 26.34

(7) Stowage examinations under the Agricultural Marketing Act will be provided as per WAC 16-212-060 (13) and (14).

(8) Mycotoxin testing fees.

(a) Screening or quantitative testing determinations, except thin layer chromatography, per test \$ 37.50

(b) Thin layer chromatography determinations will be assessed at a rate identical with the fees charged by the Federal Grain Inspection Service.

(9) Falling numbers determinations, per determination \$ 12.75
Liquefaction number, per determination \$ 0.50

[Statutory Authority: RCW 22.09.790. 99-15-082, § 16-212-070, filed 7/20/99, effective 8/20/99; 98-12-058, § 16-212-070, filed 5/29/98, effective 6/29/98. Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-070, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-070, filed 7/10/92, effective 8/10/92; 87-01-032 (Order 1913), § 16-212-070, filed 12/12/86; 84-14-065 (Order 1836), § 16-212-070, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-070, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-070, filed 12/2/81; Order 1490, § 16-212-070, filed 3/1/77; Order 1404, § 16-212-070, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-070, filed 5/31/72; Order 1118, § 16-212-070, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 8, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 891, filed 7/2/62; Order 790, effective 9/1/59.]

WAC 16-212-080 Miscellaneous fees.

(1) Mailing of samples shall be charged at the actual mailing costs, minimum charge \$ 2.00

(2) Fees for pickup of samples on routes established by the department, per sample \$ 0.60

(3) Fees for services performed at places other than established grain and commodity inspection points.

(a) Travel time, per employee, will be charged at the applicable straight time or overtime rate from office to inspection point and return.

(b) Mileage will be charged at the current general administration private vehicle mileage reimbursement rate, except where suitable transportation is provided by the applicant. Mileage is assessed on a per call, door to door basis and will be charged in addition to all other inspection fees, hourly rates and applicable charges.

(c) If the travel is of sufficient duration to require payment of subsistence or per diem to the employee, an amount equal to the established subsistence and/or per diem rate (WAC 82-28-040 and 82-28-050) shall be assessed, except where applicable subsistence and lodging are furnished, or paid, by the applicant.

(d) Incidental costs of telephone, mailing, etc. shall be at the actual cost.

(e) Facsimile transmissions, per page \$ 1.00

(4) Certificate charges for certificates under the United States Grain Standards Act or the Agricultural Marketing Act of 1946.

(a) Divided original certificates, per certificate \$ 1.50

(b) Extra copies of inspection, protein, weight, falling number, commodity or aflatoxin certificates, per copy \$ 3.00

(5) Phytosanitary certificates

(a) When performed in conjunction with official inspection, per certificate \$ 6.75

(b) When performed without official inspection, add sampling fee, per hour, per employee \$ 26.34

(6) Timely payment. Payment of fees and charges is due within thirty days after the date of the statement.

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

[Statutory Authority: RCW 22.09.790, 99-15-082, § 16-212-080, filed 7/20/99, effective 8/20/99; 98-12-058, § 16-212-080, filed 5/29/98, effective 6/29/98. Statutory Authority: Chapter 22.09 RCW, 94-10-002 (Order 5040), § 16-212-080, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-080, filed 7/10/92, effective 8/10/92; 84-14-065 (Order 1836), § 16-212-080, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-080, filed 3/2/83. Statutory Authority: RCW 22.09.460, 81-24-066 (Order 1751), § 16-212-080, filed 12/2/81; Order 1490, § 16-212-080, filed 3/1/77; Order 1404, § 16-212-080, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-080, filed 5/31/72; Order 1118, § 16-212-080, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 9, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

WAC 16-212-082 Fees for services performed under state regulation. (1) Inspection of commodities under state of Washington standards or other state, national, or international standards or criteria specified by the applicant, except as noted in this section.

(a) Cultivated buckwheat, safflower, submitted sample inspection for factors or grade, per sample \$ 7.50

(b) Rapeseed (except Canola), other commodities not listed above; inspection under Washington state standards or other specified standards or criteria, submitted sample inspection for factors or grade, per sample \$ 13.95

(c) Sampling only fees will be assessed at the rates shown in WAC 16-212-070 (4)(a) and (b) and will be assessed in addition to the sample inspection fee when lot inspection is requested.

(d) Inspection of bagged commodities per cwt \$ 0.0624 effective June 30, 1998; \$ 0.065 effective July 1, 1998.

(e) Combination inspection and weighing fees assessed at the rates shown in WAC 16-212-060 (1)(a), (b), (c), and (d).

(2) Cracked corn, corn screenings, and mixed grain screenings will be inspected and/or weighed at applicable rates shown in WAC 16-212-060.

(3) Unofficial analysis of constituents (protein, oil, etc.) by near-infrared transmittance provided at the applicable rates shown in WAC 16-212-060.

(4) Fees for laboratory analysis of commodities covered by this section, or for the analysis of constituents or conditions of grains or commodities inspected under WAC 16-212-060 or 16-212-070 not provided for in the official standards will be assessed at the current rates established by the federal, state or private laboratory providing the analysis. These fees will be assessed in addition to all other inspection and sampling fees, hourly rates and applicable charges.

Note: This fee is applied in addition to the inspection fee for grading under state standards.

(5) For other laboratory analysis not identified herein, a fee will be assessed for each test or analysis identical with the

amount charged by USDA or Washington state agency laboratories.

[Statutory Authority: RCW 22.09.790, 99-15-082, § 16-212-082, filed 7/20/99, effective 8/20/99; 98-12-058, § 16-212-082, filed 5/29/98, effective 6/29/98. Statutory Authority: Chapter 22.09 RCW, 94-10-002 (Order 5040), § 16-212-082, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-082, filed 7/10/92, effective 8/10/92; 87-01-032 (Order 1913), § 16-212-082, filed 12/12/86; 84-14-065 (Order 1836), § 16-212-082, filed 7/2/84.]

Chapter 16-218 WAC

HOPS—CERTIFICATION ANALYSES—FEES

WAC

16-218-001	Repealed.
16-218-010	Schedule of fees for physical grading.
16-218-02001	Schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-218-001	Promulgation. [Statutory Authority: RCW 22.09.830(2), 93-15-069, § 16-218-001, filed 7/16/93, effective 8/16/93; Order 1156, § 16-218-001, filed 7/1/70; Order 1095, Promulgation, § 16-218-001, filed 6/28/68, effective 8/1/68; Emergency Order 1093, § 16-218-001, filed 6/28/68; Order 995, filed 12/8/65; Order 815, effective 7/1/60.] Repealed by 99-23-073, filed 11/16/99, effective 12/17/99. Statutory Authority: RCW 22.09.790.
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WAC 16-218-001 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-218-010 Schedule of fees for physical grading. The schedule of fees, payable to the department for certification of hops pursuant to the standards established by the Federal Grain Inspection Service of the United States Department of Agriculture shall be as follows:

- (1) Lot inspection. One dollar and twenty-five cents per bale in each lot, minimum charge shall be thirty dollars.
- (2) Sample inspection. Thirty-five dollars per unofficial sample submitted.
- (3) Supplemental certificates. Five dollars per certificate.
- (4) Appeal inspection. Charges for appeal inspections shall be made by the Federal Grain Inspection Service, Portland, Oregon, and payment for appeal inspections shall be made to them.
- (5) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages shall be charged at the current established sampler hourly rate and mileage shall be charged at the rate established by the state office of financial management.

To be considered available for sampling and certification, each and every bale in the lot of hops shall be readily accessible so that each bale may be properly stenciled and samples drawn from those bales selected by the inspector.

[Statutory Authority: RCW 22.09.790, 99-23-073, § 16-218-010, filed 11/16/99, effective 12/17/99. Statutory Authority: RCW 22.09.830(2), 93-15-069, § 16-218-010, filed 7/16/93, effective 8/16/93. Statutory Authority: Chapter 22.09 RCW, 86-17-032 (Order 1905), § 16-218-010, filed 8/15/86; 80-08-048 (Order 1710), § 16-218-010, filed 6/30/80; 79-04-077 (Order 1596), § 16-218-010, filed 3/30/79; 78-07-074 (Order 1580), § 16-218-010,

filed 6/30/78; Order 1372, § 16-218-010, filed 7/5/74; Order 1156, § 16-218-010, filed 7/1/70, effective 8/1/70; Order 1095, § 16-218-010, filed 6/28/68, effective 8/1/68; Emergency Order 1093, § 16-218-010, filed 6/28/68; Order 995, Regulation 1, filed 12/8/65; Order 815, Regulations 1 and 2, effective 7/1/60.]

WAC 16-218-02001 Schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder.

The following is the schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder:

(1) Official samples of hops drawn by department personnel shall be composited either from the cores drawn for grade analysis, or from cores specifically drawn on a schedule for brewing value only. A minimum charge of \$30.00 per sample is established for each of the analyses listed in this subsection:

- (a) ASBC spectrophotometric with moisture \$0.35/bale
- (b) ASBC spectrophotometric without moisture \$0.30/bale
- (c) ASBC conductometric \$0.30/bale
- (d) EBC conductometric \$0.30/bale

An official brewing value certificate shall be used.

(2) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages shall be charged at the current established sampler hourly rate and mileage shall be charged at the rate established by the state office of financial management.

To be considered available for sampling and certification, each and every bale in the lot of hops shall be readily accessible so that each bale may be properly stenciled and samples drawn from those bales selected by the inspector.

(3) The following fees shall be charged by the department for samples submitted to the chemical and hop laboratory for analysis:

- (a) ASBC spectrophotometric \$30.00
- (b) ASBC conductometric \$30.00
- (c) EBC conductometric \$30.00
- (d) EBC conductometric (Wollmer, Zurich, Mebak, Verzele, Ganzlin and hard and/or soft resins) \$60.00
- (e) Spectrophotometric of tannins, Wollmer, etc \$55.00
- (f) Methylene chloride \$80.00
- (g) Tannin \$55.00
- (h) Ash \$20.00
- (i) SO₂ \$25.00
- (j) H₂O \$10.00
- (k) HPLC \$100.00
- (l) Total oil \$25.00
- (m) Oil constituents analysis \$145.00
- (n) Wort test, particle size \$10.00

(4) A fee shall be charged by the department for any other analysis not listed in this section such as isoconversion products from alpha and beta resins and possible adulterants such as residues. Fees shall be based on labor costs, labora-

tory equipment costs, chemical and material costs, administrative and overhead costs.

[Statutory Authority: RCW 22.09.790. 99-23-073, § 16-218-02001, filed 11/16/99, effective 12/17/99; 97-05-003, § 16-218-02001, filed 2/5/97, effective 3/8/97. Statutory Authority: RCW 22.09.830(2). 93-15-069, § 16-218-02001, filed 7/16/93, effective 8/16/93. Statutory Authority: Chapter 22.09 RCW. 86-17-032 (Order 1905), § 16-218-02001, filed 8/15/86; 79-04-077 (Order 1596), § 16-218-02001, filed 3/30/79; 78-07-074 (Order 1580), § 16-218-020 (codified as WAC 16-218-02001), filed 6/30/78.]

Chapter 16-228 WAC

GENERAL PESTICIDE REGULATIONS

WAC

- 16-228-010 Repealed.
- 16-228-020 Repealed.
- 16-228-1010 Definitions.
- 16-228-1020 Rights of complainants.
- 16-228-1030 Rights of person aggrieved.
- 16-228-1040 Investigative response time.
- 16-228-1100 Statement of purpose—Penalty assignment.
- 16-228-1110 Definitions—Penalty assignment.
- 16-228-1120 Calculation of penalty.
- 16-228-1130 Penalty assignment schedule—Table A.
- 16-228-1140 Penalty assignment schedule—Table B.
- 16-228-115 Repealed.
- 16-228-1150 Other dispositions of alleged violations.
- 16-228-116 Repealed.
- 16-228-117 Repealed.
- 16-228-120 Repealed.
- 16-228-1200 Restriction on distribution, transportation, storage and disposal.
- 16-228-1220 Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers.
- 16-228-1230 State restricted use pesticides for use by certified applicators only.
- 16-228-1240 Aquatic pesticides.
- 16-228-125 Repealed.
- 16-228-1250 Phenoxy herbicide restrictions.
- 16-228-1260 Tributyltin.
- 16-228-1270 Use of pesticides on small seeded vegetable seed crops and seed alfalfa.
- 16-228-130 Repealed.
- 16-228-1300 Distribution records.
- 16-228-1320 Applicator requirements.
- 16-228-1330 Compliance with federal requirements.
- 16-228-1370 Waste pesticide disposal.
- 16-228-1380 Regulation of application of vertebrate control pesticides.
- 16-228-1385 Special restrictions on the use of Compounds 1080, 1081 and phosphorus paste.
- 16-228-140 Repealed.
- 16-228-1400 Pesticide labeling requirements.
- 16-228-1410 Home and garden products—Definition.
- 16-228-1420 Complete pesticide formula.
- 16-228-143 Repealed.
- 16-228-1430 Adequate containers.
- 16-228-1440 Artificial coloring.
- 16-228-145 Repealed.
- 16-228-1450 Pesticide-fertilizer registration and labeling.
- 16-228-14501 Repealed.
- 16-228-1455 Pesticide-fertilizer mix restrictions.
- 16-228-1460 Experimental use permits.
- 16-228-1500 License denied, revoked or suspended.
- 16-228-1520 Financial responsibility insurance certificate (FRIC).
- 16-228-1530 Pesticide licenses—Renewal dates—Penalties.
- 16-228-1540 Examination requirements.
- 16-228-155 Repealed.
- 16-228-1550 Apparatus display signs.
- 16-228-1555 Requirements on placement of commercial applicator apparatus license plates and windshield identification.
- 16-228-157 Repealed.
- 16-228-1570 Permits.
- 16-228-1580 Change of exemptions.
- 16-228-1585 Ground maintenance on an occasional basis—Exempt from licensing requirements.
- 16-228-1590 Pesticide dealer and dealer manager licenses.
- 16-228-160 Repealed.

16-228-161	Repealed.	16-228-115	Pesticide labeling requirements. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-115, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-115, filed 4/10/84; Order 1470, § 16-228-115, filed 5/14/76. Formerly WAC 16-222-030.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-162	Repealed.		
16-228-164	Repealed.		
16-228-166	Repealed.		
16-228-168	Repealed.		
16-228-170	Repealed.		
16-228-172	Repealed.		
16-228-180	Repealed.	16-228-116	Complete pesticide formula. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-116, filed 11/30/89, effective 12/31/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-185	Repealed.		
16-228-190	Repealed.		
16-228-195	Repealed.		
16-228-2000	Inspection and reporting criteria for complete wood destroying organism inspections.		
16-228-2020	Inspection and report prerequisite to wood destroying organism treatment.	16-228-117	Home and garden products—Definition—Registration fee. [Statutory Authority: Chapter 15.58 RCW. 89-22-074 (Order 2019), § 16-228-117, filed 10/31/89, effective 12/1/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-2030	Limited wood destroying organism inspections.		
16-228-2040	Reporting criteria for limited wood destroying organism inspections.		
16-228-210	Repealed.	16-228-120	Artificial coloring. [Order 1470, § 16-228-120, filed 5/14/76. Formerly WAC 16-222-040.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-213	Repealed.		
16-228-214	Repealed.		
16-228-215	Repealed.		
16-228-220	Repealed.	16-228-125	Experimental use permits. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-125, filed 4/10/84; Order 1470, § 16-228-125, filed 5/14/76. Formerly WAC 16-220-070.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-223	Repealed.		
16-228-225	Repealed.		
16-228-227	Repealed.		
16-228-230	Repealed.		
16-228-232	Repealed.	16-228-130	Pesticide-fertilizer registration and labeling. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-130, filed 4/10/84; Order 1470, § 16-228-130, filed 5/14/76. Formerly WAC 16-222-090.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-233	Repealed.		
16-228-320	Repealed.		
16-228-330	Repealed.		
16-228-340	Repealed.		
16-228-400	Repealed.		
16-228-410	Repealed.	16-228-140	Pesticide-fertilizer mix restrictions. [Order 1470, § 16-228-140, filed 5/14/76. Formerly WAC 16-222-100.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-420	Repealed.		
16-228-430	Repealed.		
16-228-600	Repealed.		
16-228-650	Repealed.		
16-228-655	Repealed.	16-228-143	Pirt surcharge. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-143, filed 11/30/89, effective 12/31/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-660	Repealed.		
16-228-905	Repealed.		
16-228-910	Repealed.		
16-228-915	Repealed.	16-228-145	Adequate containers. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-145, filed 11/30/89, effective 12/31/89; Order 1470, § 16-228-145, filed 5/14/76. Formerly WAC 16-222-110.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-920	Repealed.		
16-228-925	Repealed.		
16-228-930	Repealed.		

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-228-010	Definitions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-077 (Order 5060), § 16-228-010, filed 12/16/94, effective 1/16/95. Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-010, filed 3/17/92, effective 4/17/92. Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-010, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-010, filed 7/1/88. Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-010, filed 8/16/85. Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-010, filed 4/10/84; Order 1538, § 16-228-010, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-010, filed 5/14/76. Formerly WAC 16-220-200 (part).] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-14501	Sale or possession of sodium fluoracetate, fluoracetamide, and phosphorus pastes. [Order 1470, § 16-228-145 (codified as WAC 16-228-14501), filed 5/14/76. Formerly WAC 16-222-120.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
		16-228-155	Pesticides—Not for distribution to home and garden users. [Statutory Authority: RCW 15.58.040 (2)(h). 98-15-026, § 16-228-155, filed 7/7/98, effective 8/7/98. Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-155, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-155, filed 4/10/84; Order 1538, § 16-228-155, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-155, filed 5/14/76. Formerly WAC 16-222-145.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-020	Pesticide licenses—Renewal dates—Penalties. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-228-020, filed 7/25/91, effective 8/25/91.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-157	Waste pesticide disposal. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-157, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-157, filed 7/1/88.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
		16-228-160	Restriction on distribution, transportation, storage and disposal. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-160, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-160, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-160, filed 4/10/84; Order 1538, § 16-228-160, filed 7/29/77, effective 9/1/77; Order 1470, §

- 16-228-160, filed 5/14/76. Formerly WAC 16-222-150.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-161 Distribution records. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-161, filed 4/10/84.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-162 Phenoxo herbicide restrictions. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-07-006 (Order 1996), § 16-228-162, filed 3/3/89; 84-09-011 (Order 1817), § 16-228-162, filed 4/10/84; 80-03-040 (Order 1679), § 16-228-162, filed 2/20/80.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-164 State restricted use pesticides for use by certified applicators only. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 91-06-019 (Order 2073), § 16-228-164, filed 2/26/91, effective 3/29/91; 89-24-029 (Order 2022), § 16-228-164, filed 11/30/89, effective 12/31/89; 89-07-006 (Order 1996), § 16-228-164, filed 3/3/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-166 Aquatic pesticides. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-07-006 (Order 1996), § 16-228-166, filed 3/3/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-168 Change of exemptions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-168, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-168, filed 4/10/84; Order 1538, § 16-228-168, filed 7/29/77, effective 9/1/77.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-170 Pesticide dealer and dealer manager licenses. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-170, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-170, filed 4/10/84; Order 1470, § 16-228-170, filed 5/14/76. Formerly WAC 16-222-170.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-172 Permits. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-172, filed 4/10/84; Order 1538, § 16-228-172, filed 7/29/77, effective 9/1/77.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-180 License denied, revoked or suspended. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-180, filed 3/17/92, effective 4/17/92. Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-180, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-180, filed 4/10/84; Order 1538, § 16-228-180, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-180, filed 5/14/76.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-185 Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-185, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-185, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-185, filed 4/10/84; Order 1538, § 16-228-185, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-185, filed 5/14/76. Formerly WAC 16-222-180.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-190 Applicator requirements. [Statutory Authority: RCW 17.21.030 and 17.21.100. 90-22-022 (Order 2057), § 16-228-190, filed 10/30/90, effective 11/30/90. Statutory Authority: Chapters 17.21 and 15.58 RCW. 90-11-024, § 16-228-190, filed 5/9/90, effective 6/9/90; 88-14-074 (Order 1981), § 16-228-190, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-190, filed 4/10/84; Order 1538, § 16-228-190, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-190, filed 5/14/76. Formerly chapter 16-222 WAC.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-195 Compliance with federal requirements. [Order 1470, § 16-228-195, filed 5/14/76.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-210 Financial responsibility insurance certificate (FRIC). [Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-210, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-210, filed 4/10/84; Order 1470, § 16-228-210, filed 5/14/76.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-213 Requirements on placement of commercial applicator apparatus license plates and windshield identification. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-213, filed 11/30/89, effective 12/31/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-214 Apparatus display signs. [Statutory Authority: Chapter 17.21 RCW. 92-15-001, § 16-228-214, filed 7/1/92, effective 8/1/92.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-215 Application fee and FAA certificate. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-215, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-215, filed 7/1/88; Order 1470, § 16-228-215, filed 5/14/76.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-220 Examination requirements. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-220, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-220, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-220, filed 4/10/84; Order 1470, § 16-228-220, filed 5/14/76.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-223 Ground maintenance on an occasional basis—Exempt from licensing requirements. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-223, filed 11/30/89, effective 12/31/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-225 Regulation of application of vertebrate control pesticides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-225, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-225, filed 4/10/84; Order 1538, § 16-228-225, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-225, filed 5/14/76. Formerly WAC 16-220-210.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-227 Tributyltin. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-227, filed 7/1/88.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-230 Special restrictions on the use of Compounds 1080, 1081 and phosphorus paste. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-230, filed 4/10/84; Order 1470, § 16-228-230, filed 5/14/76. Formerly WAC 16-220-215.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-232 Chemigation. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-232, filed 7/1/88.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-233 Investigative response time. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-233, filed 11/30/89, effective 12/31/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-320 Heptachlor treated grain seed—Definition. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-090 (Order 1641), § 16-228-320, filed 6/29/79.] Repealed by

- 99-07-113, filed 3/24/99, effective 4/24/99. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-228-330 Use and distribution. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-090 (Order 1641), § 16-228-330, filed 6/29/79.] Repealed by 99-07-113, filed 3/24/99, effective 4/24/99. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-228-340 Establishing tolerances for the chemical ethylene dibromide (EDB). [Statutory Authority: Chapters 17.21 and 69.04 RCW. 84-12-034 (Order 1827), § 16-228-340, filed 5/30/84.] Repealed by 99-07-112, filed 3/24/99, effective 4/24/99. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-228-400 Inspection and reporting criteria for complete wood destroying organism inspections. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-400, filed 3/17/92, effective 4/17/92.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-410 Inspection and report prerequisite to wood destroying organism treatment. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-410, filed 3/17/92, effective 4/17/92.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-420 Limited wood destroying organism inspections. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-420, filed 3/17/92, effective 4/17/92.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-430 Reporting criteria for limited wood destroying organism inspections. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-430, filed 3/17/92, effective 4/17/92.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-600 Use of pesticides on small seeded vegetable seed crops and seed alfalfa. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-019 (Order 5064), § 16-228-600, filed 12/9/94, effective 1/9/95; 88-21-098 (Order 1989), § 16-228-600, filed 10/19/88.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-650 Declaration of an agricultural emergency. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-077 (Order 5060), § 16-228-650, filed 12/16/94, effective 1/16/95.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-655 Agricultural activities permitted under an agricultural emergency. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-077 (Order 5060), § 16-228-655, filed 12/16/94, effective 1/16/95.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-660 Record keeping required for agricultural emergencies. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-077 (Order 5060), § 16-228-660, filed 12/16/94, effective 1/16/95.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-905 Statement of purpose—Penalty assignment. [Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-905, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-910 Definitions—Penalty assignment. [Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-910, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-915 Calculation of penalty. [Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-915, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-920 Penalty assignment schedule—Table A. [Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-920, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

- 16-228-925 Penalty assignment schedule—Table B. [Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-925, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-930 Other dispositions of alleged violations. [Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-930, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

WAC 16-228-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-1010 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Agricultural commodity" means any plant, or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.

(2) "Agricultural emergency" means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a pesticide treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss.

(3) "Authorized agent" is any person who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

(4) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated synthetic material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized persons and domestic animals from gaining access to the bait. The cover shall be provided with a lock that can be unlocked only by a combination, key, special tool, or forced entry. Fragile materials are unacceptable.

(5) "Bait station" may be any location where baits are placed to allow target pests to gain access to the bait.

(6) "Bulk fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

(7) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only.

(8) A "complainant" is defined as a person who has requested an inspection of an area in which a pesticide violation is believed to have occurred.

(9) "Complete wood destroying organism inspection" means (a) an inspection of a structure for the purpose of determining (i) evidence of infestation(s), and (ii) damage, and (iii) conducive conditions; or (b) any wood destroying organism inspection which is conducted as the result of a telephone solicitation by an inspection firm or pest control business, even if the inspection would otherwise fall within the definition of a limited wood destroying organism inspection.

(10) "Conducive conditions" means those conditions which may lead to or enhance an infestation of wood destroying organisms.

(11) "Controlled disposal site" means any place where solid or liquid waste is disposed: Provided, That the area has been designated as a disposal site for waste materials by the appropriate jurisdictional agency: Provided further, That the site is fenced, barricaded or otherwise enclosed or attended by some person in charge to facilitate control-access of domestic animals, pets, and unauthorized persons.

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

(13) "Diluent" means a material, liquid or solid, serving to dilute the pesticide product to field strength for adequate coverage (such as water).

(14) "Director" means the director of the department or a duly authorized representative.

(15) "Dry pesticide" is any granular, pelleted, dust or wettable powder pesticide.

(16) "EPA" means the United States Environmental Protection Agency.

(17) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(18) "Fertilizer" as included in this order means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

(19) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended (61 stat. 163, 7 U.S.C. Sec. 136 et seq.).

(20) "Floor level" is considered to be the floor upon which people normally walk—not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

(21) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(22) "Fumigant" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

(23) "Highly toxic pesticide" for the purpose of this chapter, means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 156.10 for toxicity Category I due to oral inhalation or dermal toxicity.

(24) "Landscape application" means an application by a certified applicator of any EPA registered pesticide to any exterior landscape plants found around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, or cemeteries or similar areas. This definition shall not apply to: (a) Applications made by certified private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs sponsored by governmental entities; and (c) commercial pesticide applicators making structural applications.

(25) "Limited wood destroying organism inspection" means the inspection of a structure for purposes of identifying or verifying evidence of an infestation of wood destroying organisms.

(26) "Person" is defined as any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(27) A "person aggrieved" by a violation is defined as a person who has reasonable grounds to believe that he or she has been subjected to harm or an unreasonable risk by such violation.

(28) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators by the director for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the private applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(29) "Private-commercial applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

(30) "State restricted use pesticide" means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW that are restricted to use only by certified applicators.

(31) "Substantial economic loss" means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

(32) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social and environmental

costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(33) "Waste pesticide" is any pesticide formulation which cannot be used according to label directions in Washington state because of cancellation or suspension of its federal or state registration, or deterioration of the product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

(34) "Wood destroying organisms" means those organisms including, but not limited to, subterranean termites, dampwood termites, carpenter ants, wood boring beetles of the family anobiidae (deathwatch beetle), and wood decay fungus (rot). Wood destroying organisms shall not include such organisms which occurred prior to the manufacturing or processing of the lumber, e.g., pocket rot.

(35) "Wood destroying organism inspection" means the service of inspecting a building for the presence of wood destroying organism pests destructive to its structural components, and/or their damage, and/or conducive conditions. For purposes of these rules a wood destroying organism inspection shall be either a "complete wood destroying organism inspection" or a "limited wood destroying organism inspection."

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1010, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1020 Rights of complainants. If an inspection is conducted by the department of an area in which a pesticide violation is believed to have occurred, a complainant shall:

(1) Be promptly provided with the department's decision, as set forth in the "notice of intent to assess civil penalty and/or deny, suspend, or revoke a license," or in any document issuing a warning or determining no action; the department will endeavor to provide notice concurrently with the department's service of such document on the alleged violator.

(2) Be entitled, upon written request to the department, to have his or her name protected from disclosure in any communication with persons outside the department and in any record published, released, or made available pursuant to chapter 17.21 RCW: Provided, That in any adjudicative proceeding under chapter 34.05 RCW the identity of complainant shall be disclosed to the alleged violator upon request of the alleged violator.

(3) Be otherwise entitled to those rights of persons aggrieved as set forth in WAC 16-228-1030, if aggrieved, except that the complainant shall be provided, automatically without request, a copy of the final order referred to therein.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1020, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1030 Rights of person aggrieved. A person aggrieved shall:

(1) Be entitled to be notified promptly of any final action taken by the department pursuant to an investigation under chapter 17.21 RCW; the department will provide notice concurrently with service of notice on the violator: Provided, That such person has made timely written application to the

department requesting such notice. Written application to the department requesting such notice shall be received no later than the date of service of a final order.

(2) Within thirteen days of the date of mailing of a final order to a person aggrieved, the person aggrieved may request in writing that the director reconsider the matter, shall specify in writing why said person believes the penalty decision is inappropriate, and shall serve such request on the violator.

(3) Upon reconsideration, the director will reconsider the entire matter including any written statement submitted by any party, and may adjust the penalty decision set forth in the final order if the director finds that the penalty was inappropriate.

(4) If such person is aggrieved by the director's order on reconsiderations, within twenty days of service of the order he or she may request in writing an adjudicative proceeding under chapter 34.05 RCW, shall specify in writing why the person believes the penalty decision is inappropriate, and shall serve such request on the alleged violator. The subject of such proceeding shall be limited to the appropriateness of the penalty decision of the director on reconsideration based on a review of the record as supplemented by any new evidence received by the presiding officer. The alleged violator shall be given notice and an opportunity to participate in the proceeding by the department. The proceeding shall be heard by a presiding officer who has not heard the adjudicative proceeding on the merits against the alleged violator. Chapter 34.05 RCW and chapter 16-08 WAC shall govern the conduct of such proceeding and any review thereon.

(5) Upon the filing of any request for proceeding pursuant to subsection (2) of this section, any final order of the director shall be automatically stayed pending resolution of such request and expiration of any time period for pursuing additional relief. The director shall provide written notice to the alleged violator of any such resolution, thereby reinstating the rights of the alleged violator to seek further relief.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1030, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1040 Investigative response time. Upon receipt of a verified report of loss as set forth in RCW 17.21.190, the department shall initiate an investigation. Investigation of a complaint concerning immediate acute pesticide exposure to humans or animals shall be initiated immediately. Other complaint investigations shall be initiated no later than forty-eight hours after receipt of the verified report of loss.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1040, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1100 Statement of purpose—Penalty assignment. For the purpose of fair, uniform determination of penalty as set forth in WAC 16-228-1110 through 16-228-1150, the director hereby declares:

(1) Regulatory action is necessary to deter violations of the pesticide laws and rules, and to educate persons about the consequences of such violation(s); and

(2) Any regulatory action taken by the department against any person who violates the provisions of chapter

17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder shall be commensurate with the seriousness of the violation under the circumstances; and

(3) Each person shall be treated fairly in accordance with the rules set forth in this chapter.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1100, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1110 Definitions—Penalty assignment.

In addition to the definitions set forth in RCW 17.21.020, 15.58.030, and WAC 16-228-1010, the following shall apply to WAC 16-228-1100 through 16-228-1150:

(1) "Adverse effect(s)" means a possibility of pesticide exposure that could cause damage or injury to humans, animals, plants, or the environment.

(2) "Knowingly" means that the alleged violator knew or should have known that conditions existed that would result in adverse effect(s) or knew that a violation would occur.

(3) "Level of violation" means that the alleged violation is a first, second, third, fourth, fifth, or more violation(s).

(a) First violation. This means the alleged violator has committed no prior incident(s) which resulted in a violation or violations within three years of committing the current alleged violation.

(b) Second violation. This means the alleged violator committed one prior incident which resulted in a violation or violations within three years of committing the current alleged violation.

(c) Third violation. This means the alleged violator committed two prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(d) Fourth violation. This means the alleged violator committed three prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(e) Fifth or more violation. This means the alleged violator committed at least four prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(4) "Not probable" means that the alleged violator's conduct more likely than not would not have an adverse effect.

(5) "Probable" means that the alleged violator's conduct more likely than not would have an adverse effect.

(6) "Unknowingly" means that the alleged violator did not act knowingly.

(7) "Violation" means commission of an act or acts prohibited by chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1110, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1120 Calculation of penalty. (1) Median penalty selection. In the disposition of administrative cases, the department shall determine the penalty by first determining the penalty assignment schedule table listed in either WAC 16-228-1130 or 16-228-1140 that is applied based on the type of violation alleged. The department shall then determine the penalty range based on the level of violation, adverse effect(s) at the time of the incident(s) giving rise to

the violation, and the knowledge of the alleged violator. The median penalty is then selected as the penalty unless a proportionate adjustment is required and/or there are aggravating or mitigating factors as provided herein. The median penalty under Table A listed in WAC 16-228-1130 may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation in the penalty assignment schedule table. The median penalty under Table B listed in WAC 16-228-1140 may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation. The median penalty under Table A and B may not be proportionately adjusted and/or mitigated to a level less than the minimum penalty listed for the violation.

(2) Proportionate adjustment of median penalty. The department reserves the right to proportionately increase the civil penalty and proportionately decrease the licensing action when circumstances in the particular case demonstrate the ineffectiveness of the licensing action as a deterrent including but not limited to violations by persons who are not licensed and violations by certified private applicator(s), or proportionately decrease the civil penalty and proportionately increase the licensing action when circumstances in the particular case demonstrate the ineffectiveness of a civil penalty action as a deterrent.

(3) Aggravating factors. The department may consider circumstances enhancing the seriousness of the violation, including, but not limited to, the following:

(a) Each separate additional incident of violation(s) alleged within a single notice of intent to have been committed by the alleged violator within the same calendar year.

(b) The high magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation.

(c) The similarity of the current alleged violation to previous violations that occurred within three years of the current alleged violation.

(d) The extent to which the alleged violation is part of a pattern of the same or substantially similar conduct by others which necessitates a greater deterrent factor.

(4) Mitigating factors. The department may consider circumstances reducing the seriousness of the violation including, but not limited to, the following:

(a) A voluntary disclosure of a violation by the alleged violator.

(b) The low magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1120, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1130 Penalty assignment schedule—Table A. Pesticide use, application, disposal, licensing, distribution, recommendation, and label violations (See WAC 16-228-1150 for other dispositions of alleged violations, including warning letters.)

Level of Violation	Adverse Effect(s)	Unknowingly			Knowingly		
		Minimum	Median	Maximum	Minimum	Median	Maximum
First	a. Not probable	\$100 and 1 day suspension	\$200 and 3 days suspension	\$300 and 5 days suspension	\$200 and 3 days suspension	\$300 and 5 days suspension	\$400 and 7 days suspension
	b. Probable	\$150 and 1 day suspension	\$250 and 3 days suspension	\$350 and 5 days suspension	\$250 and 3 days suspension	\$350 and 5 days suspension	\$450 and 7 days suspension
Second	a. Not probable	\$200 and 3 days suspension	\$300 and 5 days suspension	\$400 and 7 days suspension	\$300 and 5 days suspension	\$400 and 7 days suspension	\$500 and 9 days suspension
	b. Probable	\$300 and 3 days suspension	\$350 and 5 days suspension	\$450 and 7 days suspension	\$350 and 5 days suspension	\$450 and 7 days suspension	\$550 and 9 days suspension
Third	a. Not probable	\$400 and 10 days suspension	\$700 and 15 days suspension	\$1000 and 20 days suspension	\$500 and 10 days suspension	\$1000 and 20 days suspension	\$1500 and 30 days suspension
	b. Probable	\$500 and 10 days suspension	\$1800 and 20 days suspension	\$3000 and 25 days suspension	\$700 and 20 days suspension	\$2100 and 30 days suspension	\$3500 and 40 days suspension
Fourth	a. Not probable	\$600 and 15 days suspension	\$1800 and 20 days suspension	\$3000 and 25 days suspension	\$700 and 20 days suspension	\$2100 and 30 days suspension	3500 and 40 days suspension
	b. Probable	\$700 and 20 days suspension	\$2100 and 30 days suspension	\$3500 and 40 days suspension	\$800 and 30 days suspension	\$2400 and 40 days suspension	\$4000 and 50 days suspension
Fifth or More	a. Not Probable	\$800 and 20 days suspension	\$3400 and 40 days suspension	\$6000 and 60 days suspension	\$900 and 50 days suspension	\$3700 and 60 days suspension	\$6500 and 7 days suspension
	b. Probable	\$900 and 50 days SUSPENSION OR DENIAL OR REVOCATION	\$3700 and 60 days SUSPENSION OR DENIAL OR REVOCATION	\$6500 and 70 days SUSPENSION OR DENIAL OR REVOCATION	\$1000 and 50 days SUSPENSION OR DENIAL OR REVOCATION	\$4250 and 70 days SUSPENSION OR DENIAL OR REVOCATION	\$7500 and 90 days SUSPENSION OR DENIAL OR REVOCATION

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1130, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1140 Penalty assignment schedule—Table B. Records, posting of storage for category one pesticides, removal of examination material, and impersonating state official other violations not listed in Table A (See WAC 16-228-1150 for other dispositions of alleged violations, including warning letters.)

(WAC 16-228-1140 Table B)

Level of Violation	Adverse Effect(s)	Unknowingly			Knowingly		
		Minimum	Median	Maximum	Minimum	Median	Maximum
First	a. Not probable	\$100 and 1 day suspension	\$150 and 2 days suspension	\$200 and 3 days suspension	\$150 and 2 days suspension	\$200 and 3 days suspension	\$250 and 4 days suspension
	b. Probable	\$150 and 1 day suspension	\$200 and 2 days suspension	\$250 and 3 days suspension	\$200 and 2 days suspension	\$250 and 3 days suspension	\$300 and 4 days suspension
Second	a. Not probable	\$200 and 2 days suspension	\$250 and 3 days suspension	\$300 and 4 days suspension	\$250 and 3 days suspension	\$300 and 4 days suspension	\$350 and 5 days suspension
	b. Probable	\$250 and 2 days suspension	\$300 and 3 days suspension	\$350 and 4 days suspension	\$300 and 3 days suspension	\$350 and 4 days suspension	\$400 and 5 days suspension
Third	a. Not probable	\$300 and 3 days suspension	\$350 and 4 days suspension	\$400 and 5 days suspension	\$350 and 4 days suspension	\$400 and 5 days suspension	\$450 and 6 days suspension
	b. Probable	\$350 and 3 days suspension	\$400 and 4 days suspension	\$450 and 5 days suspension	\$400 and 4 days suspension	\$450 and 5 days suspension	\$500 and 6 days suspension
Fourth	a. Not probable	\$400 and 4 days suspension	\$450 and 5 days suspension	\$500 and 6 days suspension	\$450 and 5 days suspension	\$500 and 6 days suspension	\$550 and 7 days suspension
	b. Probable	\$450 and 4 days suspension	\$500 and 5 days suspension	\$550 and 6 days suspension	\$500 and 5 days suspension	\$550 and 6 days suspension	\$600 and 7 days suspension
Fifth or More	a. Not Probable	\$500 and 5 days suspension	\$550 and 6 days suspension	\$600 and 7 days suspension	\$550 and 6 days suspension	\$600 and 7 days suspension	\$650 and 8 days suspension
	b. Probable	\$550 and 5 days suspension	\$600 and 6 days suspension	\$650 and 7 days suspension	\$600 and 6 days suspension	\$650 and 7 days suspension	\$750 and 8 days suspension

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1140, filed 10/20/99, effective 11/20/99.]

WAC 16-228-115 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-1150 Other dispositions of alleged violations. Nothing herein shall prevent the department from:

- (1) Choosing not to pursue a case administratively.
- (2) Issuing a warning letter in lieu of pursuing administrative action.
- (3) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate. Prior violation(s)

covered by a prior settlement agreement may be used by the department for the purpose of determining the appropriate penalty for the current alleged violation(s) if not prohibited by the agreement.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1150, filed 10/20/99, effective 11/20/99.]

WAC 16-228-116 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-117 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-1200 Restriction on distribution, transportation, storage and disposal. (1) No person shall handle, transport, store, display, apply, dispose of or distribute pesticides in such a manner as to endanger humans and their environment or to endanger food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. Toxicities of pesticides shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for consumption by humans or animals. Any vehicle or other equipment shall be inspected by the owner or authorized agent for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated shall not be returned to service until the contamination has been removed.

(3) Pesticide containers shall be secured during transit by use of side or end racks, bracing, chocks, tiedowns, or other means to prevent their sliding, falling, tipping, rolling, or falling off the vehicle with normal vehicle acceleration, deceleration, or change in direction.

(4) Valves shall be tightly closed and manhole covers shall be secured on cargo or portable tanks used for transporting pesticides, whether tanks are full or empty.

(5) Portable tanks shall be secured to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies shall not be relied upon for securement.

(6) Pesticides shall not be delivered to a pesticide consignee unless the consignee or authorized agent is present to accept delivery of the pesticides and signs a delivery slip and the pesticides are secured in a proper storage.

(7) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(8) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The use of the same "checkstand" or food packaging area is prohibited for the distribution of highly toxic pesticides.

(9) All pesticide incidents involving undesirable impacts on human health shall be reported to the Washington state department of social and health services.

(10) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause injury to humans and/or animals. Pesticides with obscured or damaged labels shall not be displayed or offered for sale.

(11) No person shall distribute or sell any pesticide unless it is in the registrant's or the manufacturer's unbroken, immediate container and there is affixed to the container its registered pesticide label.

(12) A user of a pesticide may distribute a properly labelled pesticide to another user who is legally entitled to use that pesticide without obtaining a pesticide dealer's license if the exclusive purpose of distributing the pesticide is keeping it from becoming a hazardous waste as defined in chapter 70.105 RCW.

(13) The distribution and use of DDT and DDD shall be prohibited in this state except for uses allowed by the Environmental Protection Agency or the Center for Disease Control of the United States Department of Health and Human Services.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1200, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1220 Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers. (1) Any person handling, applying, or disposing of pesticides or pesticide containers shall do so in such a manner to minimize hazard to commercially important pollinating insect species. Due care shall be taken to regulate the timing and technique of pesticide applications to or around blossoming plants.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner as to pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants and animals, or wildlife: Provided, That a pesticide labeled for aquatic use and used as directed shall not be considered a violation of this subsection: Provided further, That disposing of pesticides at disposal sites approved by the appropriate agency complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

(3) No person shall pollute streams, lakes, and other water supplies in pesticide loading, mixing, and application. Adequate, functioning devices and procedures to prevent backsiphoning shall be used.

(4) None of the following pesticides shall be applied by aircraft or airblast sprayers immediately adjacent to occupied schools in session, hospitals, nursing homes or other similar establishments under conditions that may result in contamination of these establishments or their premises:

(a) Disulfoton (DiSyston)-Liquid

(b) Parathion

(c) Phorate (Thimet)-Liquid

(5) No person shall apply pesticides if weather conditions are such that physical drift or volatilization may cause damage to adjacent land, including humans, desirable plants or animals.

(6) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices shall be maintained for all pesticides and their containers.

(b) The provisions of (d) and (e) of this subsection and subsection (7) of this section shall not apply to empty pesticide containers when adequately decontaminated (e.g., three successive rinsings); shall not apply to categories 2, 3, and 4 pesticide formulations labeled for home and garden use only.

(c) For the purposes of (d) and (e) of this subsection and subsection (7) of this section, pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Category 1 — Pesticides labeled with the signal word "danger" and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except (v) below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry.

- (i) Closed vehicle.
- (ii) Closed trailer.
- (iii) Building or room or fenced area with a fence at least six feet high.
- (iv) Foot locker or other container which can be locked.
- (v) Unattended trucks or trailers which have solid sideracks and secured tailgate at least six feet above ground, ramp or platform level.

(vi) Bulk storage containers fifty gallons and larger with tight screw-type bungs and/or secured or locked valves.

(e) Category 2 — pesticides labeled with the signal word "warning" and categories 3 and 4 — pesticides labeled with the signal word "caution" and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in (d) of this subsection: Provided, That metal containers, twenty-eight gallons and larger, with tight screw-type bungs and/or secured or locked valves and sealed five gallon containers (requiring tool to unseal) shall be considered secured storage.

(7) Requirements for posting of storage for category 1 pesticides:

(a) For purposes of this subsection, warning signs shall show the skull and crossbones symbol and the words: "Danger/Poison (or Pesticide or Chemical) Storage Area/Keep Out" in letters large enough to be legible at a distance of thirty feet.

(b) Warning signs shall be posted:

(i) On enclosures specified in subsection (6)(d) of this section, when such enclosures are unattended;

(ii) At each entrance or exit from a storage area and on each exterior wall, so that a sign is visible from any direction;

(iii) If the pesticide storage area is contained in a larger, multipurpose structure, warning signs shall be clearly visible on each exterior wall of the structure within thirty feet of the pesticide storage area and from the main entrance to the larger structure: Provided, That posting of the main entrance shall not be required, if a sign is visible from the entrance which clearly identifies the possibility that pesticides may be stored on the premises, (i.e., XYZ Pest Control or XYZ Wood Treatment, Inc.);

(8) No person shall disperse a pesticide or pesticide rinse from any aircraft while in flight except over the target field and at the customary application height for that crop:

Provided, That emergency dumping shall not be considered a violation of this section.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1220, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1230 State restricted use pesticides for use by certified applicators only. (1) Pesticides containing the following active ingredients are hereby declared state restricted use pesticides for the protection of groundwater and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator and only for those uses covered by the certified applicator's license category(s).

Common Chemical Name	Also Known As*
alachlor	Lasso
aldicarb	Temik
atrazine	
bromacil	Hyvar, Krovar
carbofuran	Furadan
cyanazine	Bladex
DCPA	Dacthal
1,3-dichloropropene	Telone
disulfoton	Di-Syston
diuron	Karmex, Krovar
heptachlor	
hexazinone	Velpar
metolachlor	Dual
metribuzin	Lexone, Sencor
oxamyl	Vydate
picloram	Tordon
prometon	Pramitol
simazine	Princep
tebuthiuron	Spike

* This column is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) Pesticides defined by the following categories are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.

(a) Any EPA restricted use pesticide not listed in this rule.

(b) 2,4-D - all dry formulations and all liquid formulations distributed in quantities larger than one gallon to be used in counties located east of the crest of the Cascade Mountains. The following types of formulations are exempt from this requirement:

(i) Dry formulations labeled and intended for home and garden use only;

(ii) Liquid amine formulations of any concentration up to and including one gallon in size when purchased and used in all counties located east of the crest of the Cascade Mountains; and

(iii) One gallon containers of liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use.

(c) Strychnine and its salts

(3) Pesticides which are not classified as EPA restricted use pesticides and which are labeled and intended only for the following uses are exempt from the requirements of this section:

(a) Home and garden use;

(b) Pet products;

(c) Cooling tower, air conditioner, industrial systems and humidifier biocides;

(d) Use within wholly enclosed structures (with floors) or fumigation chambers. Greenhouses are not considered as wholly enclosed structures for the purposes of this section.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1230, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1240 Aquatic pesticides. (1) All pesticide formulations labeled for application onto or into water to control pests in or on water are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator.

(2) Pesticides which are not classified as EPA restricted use pesticides and which are labeled only for the following uses shall be exempt from this section:

(a) Swimming pools

(b) Wholly impounded ornamental pools or fountains

(c) Aquariums

(d) Closed plumbing and sewage systems

(e) Enclosed food processing systems

(f) Air conditioners, humidifiers, and cooling towers

(g) Industrial heat exchange, air washing, and similar industrial systems

(h) Disinfectants

(i) Aquatic environments in states other than Washington

(3) Distribution of pesticides bearing combined labeling for uses into or onto water and for other uses may be made by licensed pesticide dealers to noncertified applicators, if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it is not to be applied into or onto water. If requested by the department, dealers shall furnish records on the sales of pesticides labeled for application into or onto water, whether sold for that use or not. Records shall include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased.

(4) Licensed dealers shall keep records as specified in WAC 16-228-1300(1) on each distribution of pesticides designated in subsection (1) of this section. The director shall have access to these records immediately upon request.

(5) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides designated in subsection (1) of this section by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization to the

dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license or certification number.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1240, filed 10/20/99, effective 11/20/99.]

WAC 16-228-125 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-1250 Phenoxy herbicide restrictions. (1) The distribution, use and application of all high volatile ester and dust formulations of phenoxy herbicides shall be prohibited throughout the state.

(2) Pesticide dealers shall make available to the purchaser a copy of the rules pertaining to the use of dicamba and/or phenoxy hormone-type herbicides, including 2,4-D and MCPA, in the area in which the material will be applied.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1250, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1260 Tributyltin. (1) The distribution for use in Washington state of paint, stain, paint additives, or similar products containing any chemical form of tributyltin for use in interiors of inhabited structures (i.e., residences, office buildings, institutions, recreational vehicles, and retail stores) shall be prohibited: Provided, That this section shall not apply to specialty products, such as tile grout additives or cooling tower biocides.

(2) No tributyltin-containing paint, stain, paint additives, or similar products as specified in subsection (1) of this section may be registered for distribution unless its label clearly indicates that it shall not be used on interior surfaces of inhabited structures or that it shall be used on exterior surfaces only.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1260, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1270 Use of pesticides on small seeded vegetable seed crops and seed alfalfa. (1) For purposes of pesticide registration, the following crops, when grown to produce seed specifically for crop reproduction purposes, are considered nonfood and nonfeed sites of pesticide use:

Common Name	Synonyms
alfalfa	
arugula	Mediterranean salad, rucola, roquette, Gargir
beet	
broccoli raab	Rapani, Choy Sum, Chinese flowering cabbage
Brussels sprouts	
cabbage	
carrot	
cauliflower	
Chinese cabbage	Pe-tsai
Chinese kale	Chinese broccoli
Chinese mustard	Pak Choi (Choy), Bok Choi (Choy) Taisai, celery mustard, spoon cabbage

Common Name	Synonyms
collard	
coriander	cilantro
dill	
endive	
kale	bore kale
kohlrabi	
leek	
lettuce	
mustard	
onion (bulb)	
onion (bunching)	
parsley	
parsnip	
radish (other than daikon)	
rape	
rutabaga	
spinach	
spinach mustard	
swiss chard	spinach beet
turnip	

(2) For the seed crops listed in subsection (1) of this section, the following conditions shall be met:

(a) All seed screenings shall be disposed of in such a way that they cannot be distributed or used for food or feed. The seed conditioner shall keep records of screening disposal for three years from the date of disposal and shall furnish the records to the director forthwith upon request. Disposal records shall consist of documentation from a controlled dump site, incinerator, or other equivalent disposal site and shall show the lot numbers, amount of material disposed of, its grower(s), and the date of disposal.

(b) No portion of the seed plant, including but not limited to green chop, hay, pellets, meal, whole seed, cracked seed, roots, bulbs, leaves and seed screenings may be used or distributed for food or feed purposes.

(c) All seed from the crops listed in subsection (1) of this section grown or conditioned in this state shall bear a tag or container label which forbids use of the seed for human consumption or animal feed.

(d) No seed from the crops listed in subsection (1) of this section grown or conditioned in this state may be distributed for human consumption or animal feed.

(3) Violation of any condition listed in subsection (2) of this section is declared to be a violation of chapters 17.21 and 15.58 RCW.

(4) Any seed crop certified under provisions of RCW 15.86.070, the Organic Food Products Act, shall be exempt from the requirements of this section.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1270, filed 10/20/99, effective 11/20/99.]

WAC 16-228-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-1300 Distribution records. (1) Pesticide dealers shall furnish records to the director immediately upon request on the distribution of any pesticide except those

labeled only for home and garden. These requests shall be limited to records necessary for investigations of suspected violations, damage complaints, monitoring distribution and use under provisions of special local needs registrations, emergency exemptions from federal registration and experimental use permits, and monitoring of any pesticide suspected of unreasonable adverse effects on the environment. The records shall contain the following information:

- (a) Name and address of purchaser;
- (b) Name and address of certified applicator (if different from (a) above if applicable);
- (c) Name of authorized agent (if applicable);
- (d) Brand and specific pesticide name and/or EPA registration number;
- (e) Number of pounds or gallons of the pesticide distributed;
- (f) Date of distribution;
- (g) Certified applicator number (if applicable).

(2) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license or certification number.

(3) Pesticide dealers shall keep records of distribution of state restricted use pesticides for a period of seven years from the date of distribution.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1300, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1320 Applicator requirements. (1) Certified applicators and all persons applying pesticides to more than one acre of agricultural land in a calendar year including public entities engaged in roadside spraying shall keep records on a form prescribed by the director which shall include the following:

- (a) The name and address of the person for whom the pesticide was applied.
- (b) The address or exact location of the land where the pesticide was applied. If the application is made to one acre or more of agricultural land, the field must be located on the map on the prescribed form.
- (c) The year, month, day and time the pesticide was applied.
- (d) The product name used on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide which was applied.

(e) The direction from which the wind is blowing and estimated velocity of the wind in miles per hour (mph) and the temperature in degrees Fahrenheit at the time the pesticide was applied: Provided, That this subsection (e) shall not apply to applications of baits in bait stations and pesticide applications within structures.

(f) The total amount of pesticide applied such as pounds, gallons, ounces, etc.

(g) The amount of pesticide applied per acre or one thousand square feet or other appropriate measure.

(i) For PCO classification or residential ornamental applications, the amount shall be recorded to the nearest ounce of product or to the nearest gallon of liquid spray per site.

(ii) Fumigation records shall include the pounds of gas released per one thousand cubic feet of space, the temperature, and the duration of the exposure period.

(h) The concentration of pesticide that was applied. Liquid applications may be recorded as amount of product per one hundred gallons of liquid spray or other appropriate measure.

(i) The pests to be controlled (for PCO classification only).

(j) Specific crop or site to which pesticide was applied.

(k) Apparatus license plate number.

(l) The licensed applicator's name, certified pesticide applicator license number, address, telephone number, and the name and license number(s) if applicable of the individual or individuals making the application.

(m) The number of acres or other appropriate measure to which the pesticide was applied.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept for a period of seven years from the date of the application of the pesticide to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

(4) Upon written request, the applicator shall provide the customer with a record of each application of pesticides to his/her land, for the current season, which shall contain the information listed in WAC 16-228-1330(1).

(5) Except as stated in subsection (6) of this section, the information required in subsection (1) of this section shall be kept on the appropriate page of the pesticide record form (figures 1-8): Provided, That computerized records may be maintained as long as the records can be produced in the form and format prescribed by the department.

(6) The department may allow by written permit the information required in subsection (1) of this section to be kept in a different form and format than that described in figures 1-8: Provided, That the following criteria are met:

(a) The pesticide application record keeping system is computerized;

(b) The pesticide application record keeping system was in place and operational prior to July 23, 1989;

(c) The pesticide application record keeping system contains all the information required by subsection (1) of this section, and can be produced in a form and format acceptable to the department.

(7) All apparatus shall be kept in good repair and only that apparatus capable of performing all functions necessary to ensure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to land, including humans, desirable plants and animals, from subsequent applications.

(8) On demand of the director, the applicator shall make immediately available for inspection the pesticides being applied and the apparatus used for the application: Provided,

That this inspection is made at the site of application or where the apparatus is located.

(9) The applicator shall make available necessary safety equipment in proper working order and advise employees on its use to meet the safety requirements of the pesticide label.

(10) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(11) All containers used for prepared mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate cautions.

State of Washington
Department of Agriculture
Order WA9209-10074

PESTICIDE APPLICATION RECORD (Version 1)

NOTE: This form must be completed same day as the application and it must be retained for 7 years (Bel. RCW 17.23)

1. Date of Application - Year: Month: Day: Time:
2. Name of Person for whom the pesticide was applied:
Firm Name (if applicable):
Street Address: City: State: Zip:
3. Licensed Applicator's Name (if different from #2 above): License No.
Firm Name (if applicable): Tel. No.
Street Address City: State: Zip:
4. Name of person(s) who applied the pesticide (if different from #3 above):
License No(s), if applicable:
5. Application Crop or Site:
6. Total Area Treated (acre, sq. ft., etc.):
7. Was this application made as a result of a WSDA Permit? No Yes (if yes, give Permit No.) #.
8. Pesticide Information (please list all information for each pesticide in the tank mix)

a) Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied
			/	
			/	
			/	
			/	

9. Address *or exact location* of application. NOTE: if the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form

10. Wind direction and estimated velocity during the application:
11. Temperature during the application:
12. Apparatus license plate number (if applicable):
13. Air Ground Chemigation
14. Miscellaneous Information:

Location of Application: If the application covers more than one township or range please indicate the township & range for the top left section of the map only:

Township

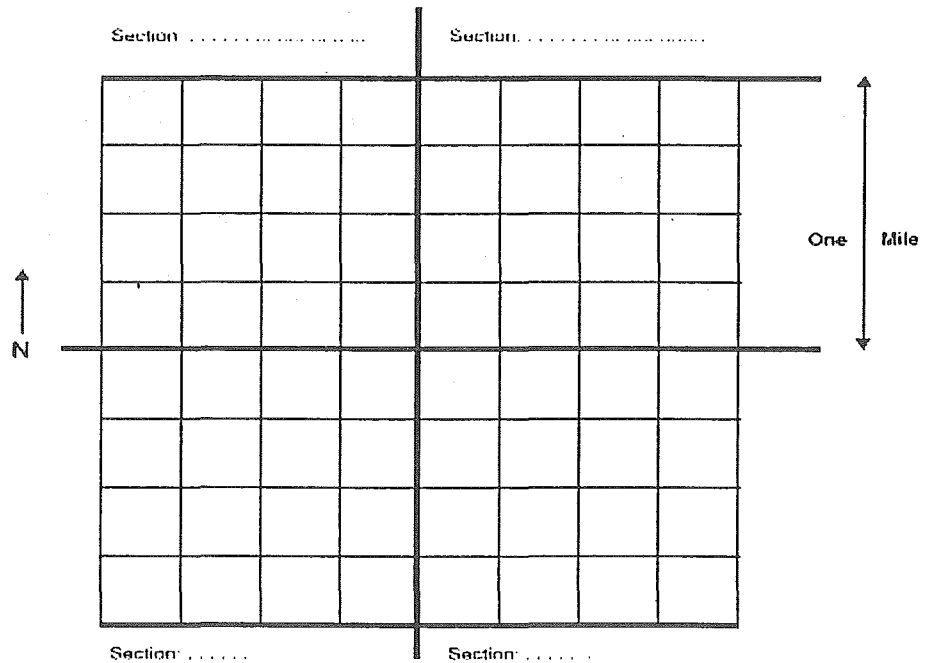
Range: E OR W (please indicate)

Section(s)

County

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

Division of Agriculture
 Department of Ecology
 Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 2)

NOTE: Application information must be completed same day as the application and must be retained for seven years (Ref. RCW 17.21)

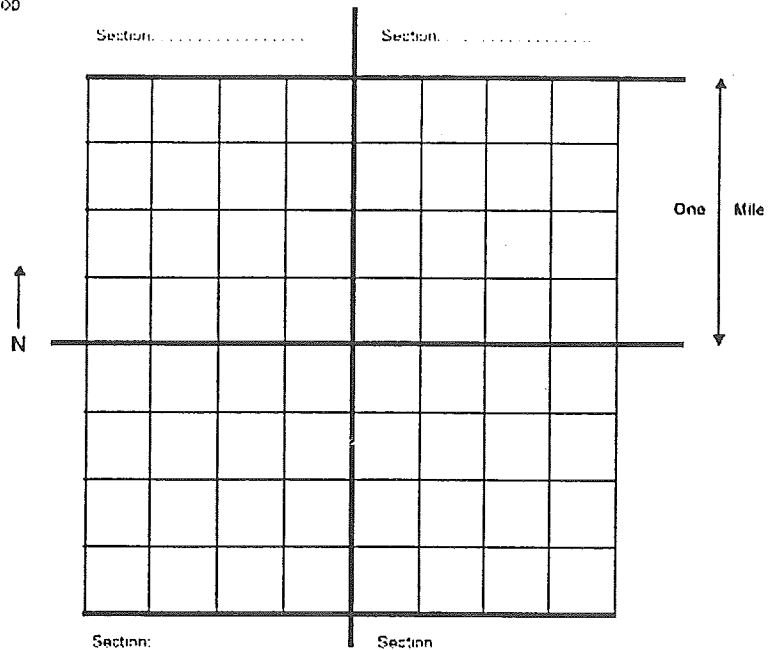
1 Name & Address of Person for Whom Pesticide was Applied			2 Applicator Name and Address (if different from 1): To: No. _____ Lt: No. _____					
3 Address or exact location of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form)			4 Misc. Info.					
5 Date and Time of Application	6 Crop or Site Treated	7 Acres Treated (or other measure)	8 PRODUCT NAME	9 FFA Registration Number	10 Amount of Product Applied Rate per acre (or other measure) Total Product Applied		11 Concentration	12 Weather Conditions, Apparatus, License Plate No. and Name and License No. of person(s) who applied pesticide
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only:

Township _____
 Range: E OR W (please indicate) _____
 Section(s) _____
 County _____

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



State of Washington
Department of Agriculture
Olympia, Washington 98512

PESTICIDE APPLICATION RECORD (Version 3)

NOTE: This form must be completed same day as the application and it must be retained for 7 years (WAC 16-228-021)

- 1 Date of Application - Year: Month: Day(s):
- 2 Name of Person for whom the pesticide was applied:
 Firm Name (if applicable):
 Street Address: City: State: Zip:
- 3 Licensed Applicator's Name (if different from #2 above): License No.
 Firm Name (if applicable): Tel. No.
 Street Address: City: State: Zip:
- 4 Air Ground Chemigation
- 5 Application Crop or Site:
- 6 Total Area Treated (acre, sq. ft., etc.)
- 7 Was this application made as a result of a WSDA Permit? No Yes (if yes, give Permit No.) #.
- 8 Pesticide Information (please list all information for each pesticide in the tank mix)

a) Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied
			/	
			/	
			/	
			/	
			/	

9. Address *or exact location* of application. NOTE: if the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10 Date	11 Name of person(s) making the application	12 License No.	13 Apparatus Lic. Plate No.	14 Time		15 Acres Completed	16 Wind		17 Temp.
				Start	Stop		Dir	Vel	

WSP-1228 (Rev. 4/98)

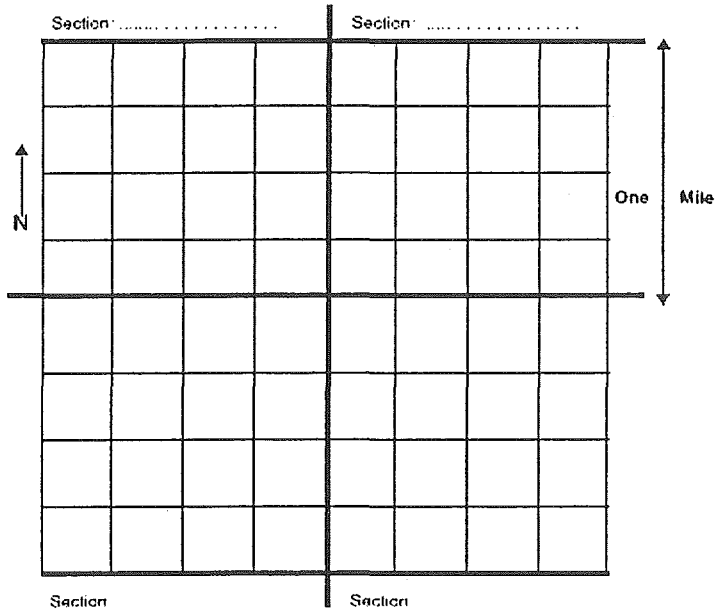
10. Date	11. Name of person(s) making the application	12. License No.	13. Apparatus Lic. Plate No.	14. PPE		15. Acres Completed	16. Wind		17. Temp
				Start	Stop		Dir	Vel.	

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only:

Township
 Range, E or W (please indicate)
 Section(s)
 County:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

State of Washington
Department of Agriculture
Clatsop Washington 97132

PESTICIDE APPLICATION RECORD (Version 4)

NOTE: This form must be completed same day as the application
and it must be retained for 2 years (Bel. HCW 17.21)

- A. Date of Application - Year: Month: Day
- B. Firm Name: Telephone No:
- Commercial Applicator's Name: License No.
- Street Address: City: State: Zip:
- C. Name of person(s) who applied the pesticide
- License No(s)
- D. Pesticide Information (please list all information for each pesticide in the tank mix)

<u>Product Name</u>	<u>EPA Reg. No.</u>	<u>Concentration</u>
		<u>Amount - (Lbs. Ots., etc.) of brand per 100 gallons of tank mix. Amount and unit must be specified.</u>

E. Application crop or site: F. Apparatus License Plate No

G. Record the following information for the specific conditions during each application:

	<u>CUSTOMER</u>		<u>AMOUNT APPLIED</u> (gas, of mix)	<u>AREA TREATED</u> (sq. ft., etc.)	<u>TIME</u>	<u>TEMP</u> F°	<u>WIND</u>	
	<u>a) full name</u>	<u>b) location of application - street address</u>					<u>DIR</u>	<u>VEL mph</u>
1. a)								
b)								
2. a)								
b)								
3. a)								
b)								
4. a)								
b)								
5. a)								
b)								
6. a)								
b)								
7. a)								
b)								
8. a)								
b)								
9. a)								
b)								

WSP 4254 (Rev. 4/94)

DAILY PESTICIDE APPLICATION RECORD (Version 5)

For Commercial Pest Control Operators Only

NOTE: This form must be completed same day as the application and retained for seven years (Haf. RCW 17.27)

A. FIRM NAME AND ADDRESS

TELEPHONE NUMBER

B. APPLICATOR NAME

LICENSE NO.

C. PERSON MAKING APPLICATION

LICENSE NO.

D. DATE

E. APPARATUS LICENSE NO.

	CUSTOMER (FULL NAME, LOCATION, ELEVATION, TREATMENT)	APPLICATOR NAME (LICENSE NUMBER, ADDRESS, CITY, STATE, ZIP)	APPL. TIME (DATE, TIME, WIND DIR, VELOCITY)	APPLICATION SITE (CROP, WEED, SOIL, FOLIAGE, ETC.)	PESTICIDE APPL. QUANTITY OR OTHER MEASURE
1. a)	_____	_____	_____	_____	____/____
b)	_____	_____	_____	_____	____/____
c)	_____	_____	_____	_____	____/____
2. a)	_____	_____	_____	_____	____/____
b)	_____	_____	_____	_____	____/____
c)	_____	_____	_____	_____	____/____
3. a)	_____	_____	_____	_____	____/____
b)	_____	_____	_____	_____	____/____
c)	_____	_____	_____	_____	____/____
4. a)	_____	_____	_____	_____	____/____
b)	_____	_____	_____	_____	____/____
c)	_____	_____	_____	_____	____/____
5. a)	_____	_____	_____	_____	____/____
b)	_____	_____	_____	_____	____/____
c)	_____	_____	_____	_____	____/____
6. a)	_____	_____	_____	_____	____/____
b)	_____	_____	_____	_____	____/____
c)	_____	_____	_____	_____	____/____
7. a)	_____	_____	_____	_____	____/____
b)	_____	_____	_____	_____	____/____
c)	_____	_____	_____	_____	____/____

OPTIONAL: MILEAGE START _____ MILEAGE END _____

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1320, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1330 Compliance with federal requirements. (1) All pilots and aircraft, used for or engaged in the commercial application of pesticides shall comply fully with the appropriate rules and regulations of the Federal Aviation Administration.

(2) All applicants for an aerial applicators license shall comply with FAA certification requirements. The department may require a current copy of the FAA operating certificate prior to issuance of a license.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1330, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1370 Waste pesticide disposal. Under authority of chapter 15.58 RCW, the department may establish a waste pesticide disposal program for farmers, or other parties regulated under chapter 17.21 RCW or licensed under chapter 15.58 RCW.

(1) Upon review and determination that a pesticide is no longer useable, the department may declare a pesticide to be a "waste pesticide."

(2) The department may take possession of a waste pesticide with the owner's written consent for the purpose of disposal.

(3) For the purpose of waste pesticide disposal, the department may:

(a) Become identified as a hazardous waste generator;

(b) Enter into contracts or cooperative agreements to carry out portions of or all of the waste pesticide disposal program. The department may also enter into cooperative agreements to carry out portions of or all of the development of education programs relating to waste pesticide disposal and programs for dissemination of information concerning the department's disposal program.

(4) The department may accept pesticides whose active ingredients are not clearly identifiable for disposal. These pesticides may be analyzed by either the department or a private laboratory. If upon analysis the material is not a pesticide, not identified or not acceptable for disposal, it shall be returned to the owner and/or not accepted for disposal.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1370, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1380 Regulation of application of vertebrate control pesticides. Vertebrate control pesticides shall be used only under the following conditions:

(1) Vertebrate control pesticides shall be placed only in locations that are not readily accessible to nonpest animals, children, and unauthorized persons, and in a manner that shall preclude contamination of food, feed, drugs, and other consumer commodities. Exposure of rodenticides baits within buildings shall not be above floor levels.

(2) Baits shall be colored or otherwise formulated so that they will be identifiable from foods common to the establishment in which the bait is placed.

(3) When the use of bait boxes is necessary to ensure that baits are not readily accessible to nonpest animals, children, and unauthorized persons, the bait boxes shall be of sturdy construction and designed to accomplish that purpose, and shall be labeled clearly with letters on contrasting background showing the following information:

(a) Any information required by the EPA or Washington state registered label for the bait or the concentrate from which it was formulated.

(b) The name of the active ingredient(s).

(c) The name of the firm and/or applicator, address, and the telephone number.

(4) Containers used for exposing vertebrate control baits to pests shall be composed of tough, nonabsorbent, corrosion resistant materials and designed so they cannot be readily overturned or carried off by pest animals. Those containers that are used for exposing vertebrate control pesticides outside of bait boxes shall bear a legible warning label with wording not less restrictive than requirements on bait boxes being used as per WAC 16-228-1380(3), (except for the size of lettering). Food containers, such as "meat boats" and "souffle cups" are unacceptable. Containers used for liquid bait exposure shall be water and/or liquid impervious.

(5) All vertebrate control pesticide stocks, when not in use or when unattended, shall be kept in locked storage or locked service vehicles.

(6) All containers used for storing or transporting vertebrate control pesticides shall bear an EPA or department registered label.

(7) Servicemen's kits which contain vertebrate control pesticides shall be handled with extra caution and shall not be left where children or other unauthorized persons or nontarget animals might remove contents.

(8) Upon completion of a baiting operation, all bait boxes, containers, and/or throw bags, if they may become readily accessible to the public, shall be recovered for disposal in an approved manner.

(9) Wherever poisoned carcasses jeopardize public sanitation, or create a health hazard to wildlife, domestic animals, or the public, they shall be recovered and disposed of by burning, burying not less than three feet below the soil surface, or placed in proper waste containers and delivered to an approved disposal site.

(10) Thallium-containing compounds shall not be used for vertebrate control.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1380, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1385 Special restrictions on the use of Compounds 1080, 1081 and phosphorus paste. Com-

[2000 WAC Supp—page 94]

pounds 1080 and 1081, and phosphorus paste shall be restricted for use as follows:

(1) No person shall possess or use these pesticides except federal, state, county, or municipal officers or their employees for use in their official duties in pest control; research or chemical laboratories in their respective fields; pest control applicators and operators licensed by the state; and wholesalers or jobbers who distribute, sell, or export these pesticides to the aforementioned persons.

(2) No person shall use these pesticides in occupied structures such as private homes, apartment houses, other human dwellings or food service establishments. Those persons authorized in subsection (1) above shall use these pesticides only in buildings such as grain elevators, seed houses, or warehouses. The portions of these buildings being baited must be under control of the licensee. A controlled building is one that is locked or attended and that is under at least once-a-day surveillance by the licensee, unless authorized as per WAC 16-228-1385 (7).

(3) Compounds 1080 and 1081 and phosphorous paste shall be used only by authorized persons who have read and will comply with the "Instructions For Using Sodium Fluoroacetate (Compound 1080)," by the National Research Council and all other labeling of the registrant, and are familiar with hazards of the above compounds.

(4) Compounds 1080 and 1081 and phosphorous paste may be used in warehouses, grain elevators, seed houses and industrial buildings only when warning signs are used which are not less than eight by ten inches with the words "DANGER" — "FATAL POISON" — "RODENT BAITS" in red letters not less than one inch in height on a contrasting background and the skull and crossbones, in red, not smaller than the letters. These signs must be conspicuously posted at all entrances to the building and portions of the building under control of the licensee. Below is the suggested format:

DANGER

FATAL POISON - RODENT BAIT

IN THIS AREA

(skull/crossbones) DO NOT TOUCH BAITS (skull/crossbones)

OR DEAD ANIMALS

Name, address, and phone number
of applicator

Name of the rodenticide

All authorized personnel in the building must be notified of the baiting; a diagram showing the number of bait stations and the location of each on the premises must be readily available on the property; and a copy of such diagram must be in the possession of the licensee who is performing the baiting operation.

(5) No person shall use Compounds 1080 and 1081, or phosphorus paste unless all unused baits are recovered and disposed of appropriately at the end of the baiting operation, and carcasses shall be recovered daily and disposed of as per

WAC 16-228-1380(9), unless a permit issued pursuant to WAC 16-228-1385(7) provides alternative requirements.

(6) When placed in burrows, baits should be put far enough into the burrow so that domestic animals cannot reach them readily. Baits applied to dumps should be placed beneath objects, in containers, or into holes so that it is inaccessible. Appropriate warning cards, as per WAC 16-228-1380(4) shall be conspicuously displayed in adequate numbers whenever Compounds 1080 and 1081 or phosphorus baits are used on public property or on private property accessible to the public.

(7) Any authorized person desiring to use these pesticides in any areas other than licensee-controlled buildings, controlled dumps, sanitary sewers or in emergency situations where application sites are controlled and attended, such as waterfronts, shall apply for and obtain a permit from the director prior to applying the pesticide. These permits may be issued by the department if, after an on-site inspection, the department determines that:

(a) Good housekeeping and sanitary procedures are being followed to help control the rodent population;

(b) Rodent populations and conditions are such that an emergency situation exists and less toxic rodenticides and other control measures will not be adequate for the needed rodent control;

(c) The applicant designates a competent trained person to be named on the permit, who will accept responsibility for properly collecting and disposing of dead rodents; and

(d) A date is given for completion of the baiting operation (not more than thirty days duration) when the licensee will service the bait boxes (if any) and determine if a renewal of the permit is necessary.

(8) All compound 1080 solutions shall be dyed black. All 1080 baits shall be discolored.

(9) Compounds 1080 and 1081 shall be kept in a locked container within locked storage or locked service vehicle.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1385, filed 10/20/99, effective 11/20/99.]

WAC 16-228-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-1400 Pesticide labeling requirements.

(1) Pesticide labeling shall meet the standards or criteria of the Federal Insecticide, Fungicide and Rodenticide Act.

(2) Conditions set forth as part of an exemption from registration under provisions of section 18 of FIFRA shall be considered labeling for purposes of enforcement.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1400, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1410 Home and garden products—Definition. For purposes of this section, "home and garden use only" means any pesticide determined by the department to be packaged and labeled solely for use by the general public in and around a residence. In making this determination, the department shall consider, but not be limited to, the following criteria:

(a) Packaging;

(b) Package size;

(c) Label instructions;

(d) Application method;

(e) Equipment to be used;

(f) Rates of application.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1410, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1420 Complete pesticide formula. The complete pesticide formula shall include a listing of each active and inert ingredient and the percentage of each ingredient. This information will be kept confidential and is exempt from disclosure as a public record as provided by RCW 15.58.065. Information required by this section may be submitted on company letterhead marked "confidential" in red ink on each sheet or each "EPA confidential statement of formula" information sheet.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1420, filed 10/20/99, effective 11/20/99.]

WAC 16-228-143 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-1430 Adequate containers. Containers, i.e., packages, cartons, bags, cans, barrels, bins, etc., in which pesticides are sold, offered for sale, or transported within the state of Washington shall be of sufficient strength and of such construction as to alleviate danger of spillage or breakage. Pesticides found to be packaged in unsafe containers shall be placed under "stop sale" order. Containers shall meet the minimum federal specifications.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1430, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1440 Artificial coloring. (1) No highly toxic pesticide in powdered or granular form or highly toxic pesticide baits having a label recommendation for use in any building, ship, or similar enclosure shall be sold within the state of Washington unless it is distinctly colored or discolored in such a way that it does not resemble any food.

(2) A pesticide in liquid form with colors resembling a beverage or liquid food, which does not have a distinctive odor, shall have an odorous substance added that is distinctly different from any beverage or liquid food.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1440, filed 10/20/99, effective 11/20/99.]

WAC 16-228-145 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-1450 Pesticide-fertilizer registration and labeling. (1) Each pesticide-fertilizer mix containing different pesticide active ingredients and/or percentages must be registered with the director: Provided, That the fertilizer portion shall be considered an inert ingredient for the purpose of this order: And provided further, That such registrations may be to the nearest one-tenth of one percent by weight of all active ingredient/s, except for nitrification inhibitor-pesticide mixes as stated in (4) below.

(2) A specimen pesticide-fertilizer label shall be registered with the director before distribution or sale. These labels shall bear the following items:

(a) A pesticide ingredient statement identifying the active ingredient(s) and showing the percent by weight of each active ingredient;

(b) EPA registration number of each pesticide used to formulate the pesticide-fertilizer mix;

(c) Crop(s) on which the pesticide-fertilizer mix may be used and the amount of pesticide-fertilizer mix to be applied per acre;

(d) Timing of application (for instance, preplant) and the preharvest interval;

(e) Net weight of the shipment;

(f) Name and address of the registrant or manufacturer;

(g) Any other information required by the director.

(3) Labeling bearing all of the information specified in (2) above and a complete specimen label for each pesticide product used to formulate the pesticide-fertilizer mix shall accompany each pesticide-fertilizer mix shipment. All or portions of the information required in (2) above may occur on the invoice of a custom mix: Provided, That an appropriate specimen invoice has been registered by the director as pesticide labeling.

(4) Pesticide-fertilizer mixes containing nitrification inhibitors or agents intended for nitrogen stabilization only, and no other pesticide active ingredients, may be registered without specifying the percentage of active ingredient. The amount of active ingredient in the mix must be stated on the label that accompanies each shipment.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1450, filed 10/20/99, effective 11/20/99.]

WAC 16-228-14501 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-1455 Pesticide-fertilizer mix restrictions. No person shall distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1455, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1460 Experimental use permits. (1) Pesticides shall not be distributed or used for experimental purposes unless a written permit has been obtained from the director. All distribution and use of pesticides for experimental purposes shall be subject to restrictions and conditions described in the experimental use permit. Applications for experimental use permits shall include the following (when applicable):

(a) Name of the active ingredient and/or product name and/or EPA registration number of the product to be used;

(b) Person responsible for carrying out provisions of the experimental permit and means of locating this person in case of emergency;

(c) Target pest(s);

(d) Crop or site and location(s) to which the pesticide is to be applied;

(e) Disposition of any treated food or feed and of subsequent crops from treated sites;

(f) Rate of application of formulation or active ingredient and number of applications;

(g) Timing and duration of the proposed program;

(h) Area to which the pesticide is to be applied;

(i) Total amount of pesticide to be applied;

(j) Federal experimental use permit number and text;

(k) Labeling to accompany the pesticide in the field;

(l) Any other information required by the director.

(2) An experimental use permit shall not be issued for use of a pesticide on a food or feed unless a tolerance greater than residues anticipated from the treatment or exemption from the requirement of a tolerance has been obtained from the Environmental Protection Agency, provisions for destruction of the treated food or feed and any crop residue have been made, or adequate demonstration has been made to the department that no detectable pesticide residue from the experimental program will be present in food or feed. The director may require evidence to substantiate any of the above.

(3) Collective experimental use permits may be issued by the director for experimental programs conducted by recognized research institutions on land owned or controlled by the institution.

(4) The director may monitor the implementation of any experimental use permit. This may include collection of samples, inspection of premises, records and equipment, and any other related activities specified by the director. The conditions of any experimental use permit may require notification of a designated department office prior to application and/or presence of a departmental representative at the application. Experimental use permits shall be considered labeling for purposes of enforcement. Violations of these permits shall be considered use inconsistent with the label.

(5) Summaries of experimental results and environmental effects shall be retained by the holder of the permit for three years and shall be submitted to the department upon request of the director.

(6) Pesticides intended for experimental use must be contained in secure containers, the labeling of which must present such precautions as are known to be necessary to protect the health of persons who may come in contact with the pesticide and to prevent unreasonable adverse effects on the environment.

(7) The director may limit the amount of pesticide, acres or areas to be treated, licensing, or qualifications of persons exercising the permit, or any other condition of an experimental use permit. The director may deny, amend, suspend or revoke any experimental use permit if it is found to be in violation of applicable federal regulations, in violation of chapters 15.58 and 17.21 RCW or rules adopted thereunder, or if the director deems such action necessary to protect public health and the environment.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1460, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1500 License denied, revoked or suspended. (1) The director may deny, suspend, or revoke any provision of a license, registration, permit or certification

issued under chapters 17.21 and 15.58 RCW if he finds that the applicant or the holder of the license, permit, or certification has committed any of the following acts each of which is declared to be a violation:

(a) Made false or fraudulent claims through any media misrepresenting the effect of materials or methods to be utilized;

(b) Made a pesticide recommendation or gave advice or used a pesticide inconsistent with the labeling, the EPA or Washington state registration for that pesticide, an EPA or Washington state experimental use permit for that pesticide, an exemption from registration under provisions of section 18 of FIFRA, or in violation of the EPA or Washington state restrictions on the use of that pesticide;

(c) Applied known ineffective or improper pesticides or materials;

(d) Operated a faulty or unsafe apparatus;

(e) Operated in a faulty, careless or negligent manner;

(f) Refused or neglected to comply with the provisions of the applicable sections of chapters 15.58 and 17.21 RCW, the rules adopted thereunder, or of any lawful order of the director;

(g) Refused or neglected to keep and maintain records required by chapters 15.58, 17.21 RCW, and rules adopted thereunder, or to make reports when and as required;

(h) Made false or fraudulent records, invoices, reports, and/or recommendations;

(i) Caused the application of a pesticide without having a licensed or certified applicator or operator in direct supervision;

(j) Operated an unlicensed apparatus or an apparatus without a license plate issued for that particular apparatus as provided for in chapter 17.21 RCW or failed to locate the apparatus license plate on the apparatus in a manner required by the department;

(k) Failed to properly display, when required, a department issued certified commercial ground applicator vehicle sticker;

(l) Used, or supervised the use of a pesticide which is restricted to use by certified applicators without having qualified as a certified applicator;

(m) Used fraud or misrepresentation in making an application for a license, permit, or certification or renewal of a license, permit or certification;

(n) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit or certification;

(o) Aided or abetted a certified applicator, or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW, conspired with such a certified applicator or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW or allowed one's license, permit, or certification to be used by another person;

(p) Made false, misleading or erroneous statements or reports during or after an inspection concerning any infestation or infection of pests found on land or in connection with any pesticide complaint or department investigation;

(q) Impersonated any state, county, or city inspector or official;

(r) Is not qualified to perform as a pest control consultant or pesticide dealer manager or certified applicator in the classifications in which he/she is licensed to operate or has operated, regardless of whether or not he/she has previously passed an examination provided for in chapter 15.58 RCW;

(s) To have in his/her possession a department pesticide applicator, operator, dealer manager or pest control consultant examination or to remove or cause to remove any said examination from the department without expressed consent from the department; or

(t) Made or failed to make an inspection, statement, or report in violation of WAC 16-228-2000 through 16-228-2040.

(2) A penalty fee assessed as a result of a late license or registration renewal does not prevent the department from taking additional regulatory action against the violator.

(3) No pesticide dealer or dealer manager license shall be denied, suspended, or revoked, simply because a pesticide purchased from that dealer was applied in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder, unless the department finds the dealer or dealer manager in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1500, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1520 Financial responsibility insurance certificate (FRIC). (1) A commercial pesticide applicator's license shall not be issued until a properly executed financial responsibility insurance certificate is filed with the department which shall certify: (Forms to be supplied by the department).

(a) Name of insured (identical to name on application form)

(b) Address of insured

(c) Policy number

(d) Plane number(s) (if applicable)

(e) Effective period

(f) Amount of insurance. Minimum requirements are:

(i) Public liability (personal injury) fifty thousand dollars; and property damage fifty thousand dollars; or

(ii) Alternately providing both public liability (personal injury), and property damage liability coverage within the same limit, providing such policy is issued in an amount of not less than one hundred thousand dollars.

(iii) Amount of deductible (if applicable): Maximum deductible, five thousand for all applicators.

(g) List of any pesticides or group of pesticides not covered by the policy.

(h) Acknowledgement of provisions for ten days' prior written notice of cancellation or reduction of the insurance coverage.

(2) The department may waive the requirements of this section, wholly or in part, if a properly executed surety bond in a form prescribed by the director is offered as evidence of financial responsibility, as provided for in RCW 17.21.160 and 17.21.170.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1520, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1530 Pesticide licenses—Renewal dates—Penalties. (1) The following pesticide licenses shall expire on the December 31st following their issuance:

(a) Commercial pesticide applicator licenses issued under the authority of RCW 17.21.070;

(b) Commercial pesticide operator licenses issued under the authority of RCW 17.21.110;

(c) Private applicator licenses issued under the authority of RCW 17.21.126;

(d) Public operator licenses issued under the authority of RCW 17.21.220.

(e) Private-commercial applicator licenses issued under the authority of RCW 17.21.122;

(f) Pesticide dealer-manager licenses issued under the authority of RCW 15.58.200;

(g) Demonstration and research licenses issued under the authority of RCW 17.21.129.

(2) The following pesticide licenses shall expire on the final day of February of each year:

(a) Pest control consultant licenses issued under the authority of RCW 15.58.210;

(b) Public pest control consultant licenses issued under the authority of RCW 15.58.220.

(3) Pesticide renewal applications for licenses issued under the authority of chapter 17.21 RCW shall be filed on or before January 1st of the appropriate year.

(4) If an application for renewal of any pesticide license issued under the authority of chapter 17.21 RCW is not filed on or prior to January 1st following the expiration date of the license, a penalty shall be assessed as provided in RCW 17.21.140.

(5) If an application for renewal of a pesticide dealer license issued under the authority of chapter 15.58 RCW is not filed on or before the master license expiration date, the master license delinquency fee shall be assessed under chapter 19.02 RCW and shall be paid by the applicant before the renewal license is issued.

(6) If an application for renewal of any license issued under the authority of chapter 15.58 RCW, other than the pesticide dealer license, is not filed on or before the expiration date of the license, penalty equivalent to the license fee shall be assessed and added to the original fee, and shall be paid by the applicant before the renewal license is issued.

(7) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

(8) An applicant shall complete the application form for a pesticide license and pay the required license application fee prior to being given pesticide examinations, unless prior arrangements have been made.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1530, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1540 Examination requirements. (1) An examination fee of ten dollars shall be paid prior to administration of any pesticide license examination at other than a regularly scheduled examination session. Scheduled exam sessions occur every Tuesday at the Olympia and Yakima pesticide management division offices. The department

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reserves the right to restrict the number of applicants examining at any given time.

(2) Any individual who fails any pesticide licensing examination twice shall be required to wait at least fourteen days before retaking that examination a third time. Subsequent testing shall be at the director's discretion.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1540, filed 10/20/99, effective 11/20/99.]

WAC 16-228-155 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-1550 Apparatus display signs. (1) A certified applicator making a landscape application shall display the name and telephone number of the applicator or applicator's employer on any power equipment.

(2) A certified applicator making a right of way application shall display the name and telephone number of the applicator or the applicator's employer and the words "VEGETATION MANAGEMENT APPLICATION."

(3) Apparatus display signs shall be attached to and prominently displayed on the application apparatus and shall be clearly visible.

(4) Lettering of the apparatus display signs shall be, at a minimum, two inches in height and shall be printed in color contrasting to the background.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1550, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1555 Requirements on placement of commercial applicator apparatus license plates and windshield identification. (1) Apparatus license plates, as provided for in chapter 17.21 RCW, shall be attached to and prominently displayed on the apparatus for which they have been issued: Provided, That an apparatus license plate may be affixed to a vehicle which contains the particular apparatus. Attached plates shall be clearly visible and in a location easily accessible for inspection by the department.

(2) Each vehicle involved in the operations of a certified commercial ground application business, which does not prominently display a department issued apparatus license plate on its exterior or on the specific apparatus when that apparatus is exteriorly visible, shall be required to have a department issued sticker affixed to the lower left side of the windshield.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1555, filed 10/20/99, effective 11/20/99.]

WAC 16-228-157 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-1570 Permits. (1) Private applicator certification, demonstration and research applicator certification, user permits and private-commercial applicator licenses shall be considered as certified applicator permits as provided for in RCW 17.21.030 and 15.58.040 (2)(h).

(2) User permits may be issued by the director as temporary applicator certification in emergency situations. User

permits will be issued in a form prescribed by the director, which shall include the following:

- (a) Permit number
 - (b) Date of issuance
 - (c) Expiration date, which shall be not longer than one year from the date of issuance
 - (d) Name and address of certified applicator
 - (e) Crop or site and area to which the pesticide will be applied
 - (f) Amount of pesticide obtained
 - (g) Any other information prescribed by the director.
- (3) Pesticide dealers shall keep user permits for a period of one year from the date of issuance, and the director shall have access to these records upon request.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1570, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1580 Change of exemptions. The licensing exemption for jurisdictional health officers as provided for in RCW 17.21.220; and research personnel provided for in RCW 17.21.203 shall not apply when applying EPA restricted use pesticides or state restricted use pesticides which are restricted to use by certified applicators only: Provided, That research personnel shall be required to obtain a demonstration and research applicator certification.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1580, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1585 Ground maintenance on an occasional basis—Exempt from licensing requirements. Grounds maintenance persons are exempt from licensing requirements as a commercial pesticide applicator, as provided under chapter 17.21 RCW, only if they perform ground maintenance on an occasional basis not amounting to a regular occupation. Exempted persons shall only perform pesticide applications to the grounds of residential dwellings and shall only use home and garden products.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1585, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1590 Pesticide dealer and dealer manager licenses. (1) When more than one pesticide dealer is engaged in the business from the same outlet or location, each pesticide dealer shall obtain a license for said outlet or location.

(2) A licensed pesticide dealer manager shall be available to the staff, customers, and department representatives at all times that an outlet or location distributes pesticides. A dealer manager may be the designated dealer manager of more than one outlet or location only if the dealer manager can be physically present at both outlets or locations during all times of pesticide distribution and handling.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1590, filed 10/20/99, effective 11/20/99.]

WAC 16-228-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-161 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-162 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-164 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-166 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-168 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-172 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-180 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-185 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-190 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-195 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-2000 Inspection and reporting criteria for complete wood destroying organism inspections. All persons licensed to conduct wood destroying organism inspections shall comply with the following criteria when performing complete wood destroying organism inspections.

(1) The inspector shall make a thorough inspection of accessible areas of the subject structure which are not excluded. The inspection shall be conducted by making a careful visual examination, and/or probing with inspection instruments.

(2) Substructural crawl areas shall be inspected when accessible.

(3) Upon completion of an inspection, a wood destroying organism report shall be issued to the person paying for and/or otherwise requesting the inspection. Such report shall include the following: Provided, That all diagrammatic representations may be omitted from the report provided to the person paying for or otherwise requesting the inspection, but shall be maintained on file pursuant to subsection (3)(k) of this section.

- (a) Date of inspection;
- (b) Name of seller/owner and purchaser (when applicable);
- (c) Street address of structure inspected. When there is more than one structure that may be used as a dwelling at a

given street address it shall be clearly indicated which structure was inspected;

(d) Name of structural inspector and department pesticide license number;

(e) Substructural crawl areas which are not accessible due to inadequate clearance, or foundation walls/partitions, etc., which block access, shall be clearly indicated on the complete wood destroying organism inspection report including any diagram which is a part of that report. It shall be stated on the report that such areas may be vulnerable to attack by wood destroying organisms, and should be made accessible for inspection if feasible. In the event that it is neither feasible or necessary to make access into such areas, a statement indicating the reason(s) shall be included on the report;

(f) With the exception of areas within the living quarters of an occupied structure, all areas which are excluded from the inspection shall be clearly indicated on any complete wood destroying organism inspection report;

(g) Evidence of infestation of wood destroying organisms which shall include:

(i) Common name of the wood destroying organism(s). Termites shall be described as either dampwoods or subterraneans. Wood boring beetles shall be described by the appropriate family name, i.e., anobiidae (deathwatch beetles). Buprestid and Cerambycid beetles shall not be described as "powder post beetles";

(ii) Statement describing specific evidence of infestation(s) observed;

(iii) If evidence of infestation(s) is observed only in wood which is not normally considered a part of the structure i.e., form boards, cellulose debris, roots, stumps, landscaping wood/lumber, etc., the report shall so state;

(iv) Diagrammatic representation of areas infested sufficient to identify the approximate location of areas infested;

(h) Optional method of control. When infestations of dampwood termites or rot fungus are localized in a structure, or observed only in wood which is not normally considered a part of the structure, such as form boards, cellulose debris, roots, stumps, landscaping wood/lumber, it shall be stated in the report that such infestations may be eliminated by removal of all infested wood and correction of any contributing conducive conditions;

(i) Damage caused by wood destroying organisms:

(i) A statement describing any damage which was observed in accessible areas of the structure which were not excluded from the inspection.

(ii) A diagrammatic representation indicating such areas of damage;

(j) Conducive conditions for an infestation of wood destroying organisms. Written statements and diagrammatic representation of the following shall be provided:

(i) Inadequate clearance: Where there is less than eighteen inches clear space between the bottom of floor joists and the unimproved ground area in any crawl space or portion thereof.

(ii) Earth-wood contact: Where wood of the structure is in direct contact with the soil. This does not include wood that has been treated for direct soil contact.

(iii) Cellulose debris: Where wood by-product material can be raked or is larger than can be raked, or where any stumps, roots, form boards, etc., are on the ground of a crawl space.

(iv) Excess moisture: Where there is standing water or evidence of seasonal standing water in crawl space or basement. Plumbing and other moisture leaks.

(v) Inadequate ventilation: Where there is detectable excessive moisture content in the wood of a substructure, and/or an active infestation of wood destroying organisms which can be attributed to the lack of sufficient ventilation in the substructure;

(k) A record of the complete wood destroying organism inspection report shall be maintained on file by the structural inspector or employer for a period of seven years. Such record shall be made available to the department upon request.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-2000, filed 10/20/99, effective 11/20/99.]

WAC 16-228-2020 Inspection and report prerequisite to wood destroying organism treatment. All persons licensed to conduct wood destroying organism inspections shall conduct either a limited or complete wood destroying organism inspection prior to treatment.

(1) A limited or complete wood destroying organism inspection shall be conducted and a report issued to the person paying for and/or otherwise requesting the inspection prior to the contracting of any treatment for wood destroying organisms, except when the treatment is for preventative purposes only. In situations when treatment is for preventative purposes, the person requesting treatment shall provide the following preauthorization:

I have requested that..... perform a preventative treatment for control of..... on the structure located at..... I acknowledge that this preventative treatment may be performed without inspection.

(2) A limited or complete wood destroying organism inspection report or treatment preauthorization form shall accompany or be included within any proposal/estimate for treatment of wood destroying organisms.

(3) When no evidence of infestation is observed, and any proposed treatment is for preventative purposes only, a limited or complete wood destroying organism inspection report shall include:

(a) A statement describing that no evidence of infestation was observed, and the treatment proposed is for preventative purposes only. Such statement shall stand out by having larger print than the main body of the report, or by being highlighted or underlined.

(b) The initials of the person, or representative thereof, that requested the inspection shall be inscribed directly under or adjacent to the statement as described in (a) of this subsection. Such initials shall be obtained prior to the commencement of any preventative treatment.

(4) Treatment performed for wood destroying organisms under an existing warranty shall not require the preparation of a limited or complete wood destroying organism inspection report.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-2020, filed 10/20/99, effective 11/20/99.]

WAC 16-228-2030 Limited wood destroying organism inspections. A limited wood destroying organism inspection shall not be construed as a complete wood destroying organism inspection. In no case shall a limited wood destroying organism inspection report be submitted in lieu of a complete wood destroying organism inspection report to a lending institution, title company, real estate office or agent, or other person, when a complete wood destroying organism inspection has been requested for the purpose of verifying that a structure is free of visible evidence of wood destroying organisms, their damage, or conducive conditions.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-2030, filed 10/20/99, effective 11/20/99.]

WAC 16-228-2040 Reporting criteria for limited wood destroying organism inspections. All persons licensed to conduct wood destroying organism inspections shall comply with the following criteria when performing a limited wood destroying organism inspection.

(1) A limited wood destroying organism inspection report shall include the following: Provided, That all diagrammatic representations may be omitted from the report provided to the person paying for or otherwise requesting the inspection, but shall be maintained on file pursuant to subsection (2) of this section:

(a) Date of inspection;
 (b) Name of person or agency requesting the inspection, proposal, or estimate;
 (c) Address of structure inspected;
 (d) Name of structural inspector and WSDA license number;

(e) A statement describing specific evidence of infestation(s) observed;

(f) If evidence of infestation(s) is observed only in wood which is not normally considered a part of the structure, i.e., form boards, cellulose debris, roots, stumps, landscaping wood/lumber, etc., the report shall so state;

(g) Common name of wood destroying organisms. Termites shall be described as either dampwoods or subterraneans. Wood boring beetles shall be described by the appropriate family name, i.e., anobiidae (deathwatch beetles). Buprestid and Cerambycid beetles shall not be described as "powder post beetles";

(h) A diagrammatic representation of area of infestation sufficient to identify the appropriate location of areas infested: Provided, That a diagram shall not be necessary when the homeowner/caretaker presents an insect and/or wood sample to the inspector, and this is the only evidence of infestation(s) observed;

(i) Optional method of control: When infestations of dampwood termites or rot fungus are localized in a structure, or observed only in wood which is not normally considered a part of the structure, such as form boards, cellulose debris, roots, stumps, landscaping wood/lumber, it shall be stated in the report that such infestations may be eliminated by removal of all infested wood and correction of any contributing conducive conditions.

(2) A record of the limited wood destroying organism inspection report shall be maintained on file by the structural

inspector or employer for a period of one year. Such records shall be made available to the department upon request.

[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-2040, filed 10/20/99, effective 11/20/99.]

WAC 16-228-210 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-213 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-214 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-215 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-220 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-223 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-225 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-227 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-230 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-232 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-233 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-320 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-330 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-340 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-400 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-410 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-420 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-430 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-600 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-650 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-655 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-660 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-905 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-910 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-915 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-920 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-925 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-930 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-316 WAC
SEED CERTIFICATION

WAC

- 16-316-474 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Application and fees.
16-316-717 Field pea 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 \$18.87
(b) Field inspection fee per acre except millet and hybrid sorghum \$ 2.63
(c) Millet - first acre \$28.06
- each additional acre \$ 5.61
(d) Hybrid sorghum - first acre \$28.06
- each additional acre \$11.22
(e) Special field inspection fee per acre \$ 2.24
(f) Late application fee \$17.68
(g) Reinspection fee \$35.39

minimum for each field which did not pass field inspection plus \$ 0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is. \$35.39
(h) Final certification fee \$0.225
per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee \$0.105
per cwt. of production from fields inspected which is utilized for seed, which shall be charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.
(i) Sampling fee \$0.105
per cwt. of clean seed sampled, with minimum charge of ten dollars per sample, which shall be charged to conditioning plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

[Statutory Authority: RCW 15.49.310 and 15.49.370(3). 99-24-042, § 16-316-474, filed 11/24/99, effective 12/25/99; 98-12-032, § 16-316-474, filed 5/28/98, effective 6/28/98; 97-16-026, § 16-316-474, filed 7/29/97, effective 8/29/97. Statutory Authority: RCW 15.49.310. 96-14-091, § 16-316-474, filed 7/2/96, effective 8/2/96. 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 16-316-717 Field pea standards. (1) Field pea - land, isolation, and field standards:

Seed Certification

16-316-727

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

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

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

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

(2) Field pea - seed standards:

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

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

** Other tolerance for weed seed:

OBJECTIONABLE WEED SEED

	MAXIMUM
Registered	1/lb
Certified	2/lb

[Statutory Authority: RCW 15.49.310 and 15.49.370(3), 99-24-042, § 16-316-717, filed 11/24/99, effective 12/25/99. Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-717, filed 5/27/94, effective 6/27/94; 93-24-043 (Order 5019), § 16-316-717, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-717, filed 6/9/92, effective 7/10/92; 81-15-032 (Order 1744), § 16-316-717, filed 7/10/81.]

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	2	50	5	none found	none found
Certified	2	25	10	none found	10

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

(2) Inseparable other crops.

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

(4) None found in all classes of 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

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

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

[Statutory Authority: RCW 15.49.310 and 15.49.370(3). 99-24-042, § 16-316-727, filed 11/24/99, effective 12/25/99. 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 16-319 WAC

FOREST TREE SEED CERTIFICATION

WAC

16-319-041 Application for certification of forest reproductive material.

WAC 16-319-041 Application for certification of forest reproductive material. (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

- (a) The application should show all classes for which certification services are requested.
- (b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.
- (c) Applicant shall be responsible for payment of fees for certification services.
- (d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.
- (e) Certifying agency reserves the right to refuse certification service to applicant.
- (f) Application for audit certification reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) Timing of application requests for certification services:

- (a) Application requests for source identified subclass B and lower classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.
- (b) For source identified subclass A and higher certification class, the applicant shall make application for service, and present a written plan to the certifying agency two weeks prior to the beginning of the collection season. The written plan will include the following:
 - (i) For subzone collection, areas shall be defined by legal description.
 - (ii) Details of the collection organization including names of buyers and field supervisors, estimated harvest volume, receiving station location(s), and other pertinent information.

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

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

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

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

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

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

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

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

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

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

- (4) Fee schedule:
 - (a) Tree cones and seed -

Certification Classes	Field Inspection	Audit	Fee Due
Tested and Selected	\$24.12/hr.	\$24.12/hr.	When billed
Source Identified Classes:			
Lots 11 bu. and more	\$0.80/bu.	\$24.12/hr.	
Lots 6-10 bu.	\$19.41/lot	\$24.12/hr.	
Lots 0-5 bu.	\$11.75/lot	\$24.12/hr.	
Audit	None	\$24.12/hr.	When billed

- (b) Tree certification - \$24.12/hr.
- Seedling certification - experience has shown that seedling certification normally requires a minimum of five nursery visits totalling approximately thirty-two hours. Plantation certification procedures shall be billed at the hourly rate.

(c) Other services including education to comply with the standards, development of record system, verification of

source of pollen, cuttings, audit of forest reproductive material not offered for certification by applicant or other services requested, etc. at \$24.12/hr. payable when billed.

(d) OECD certification (certificates of provenance) - \$0.57 per certificate plus the hourly audit rate. (Auditors shall issue certificates.)

[Statutory Authority: RCW 15.49.370(3), 99-24-043, § 16-319-041, filed 11/24/99, effective 12/25/99; 98-12-031, § 16-319-041, filed 5/28/98, effective 6/28/98; 96-11-044 (Order 5097), § 16-319-041, filed 5/8/96, effective 6/8/96. Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-041, filed 5/22/87; 84-13-079 (Order 1834), § 16-319-041, filed 6/21/84; 80-10-001 (Order 1704), § 16-319-041, filed 7/24/80; 79-05-070 (Order 1625), § 16-319-041, filed 4/30/79; Order 1506, § 16-319-041, filed 4/11/77; Order 1369, § 16-319-041, filed 6/12/74; Order 1189, § 16-319-041, filed 4/16/71; Order 1151, § 16-319-041, filed 4/16/70.]

Chapter 16-334 WAC

RULES RELATING TO THE PRODUCTION OF GARLIC SEED CERTIFICATION

WAC

16-334-040 Inspection and testing requirements for certification.

WAC 16-334-040 Inspection and testing requirements for certification. (1) The department shall conduct the following inspections for white rot fungus:

- (a) One growing season inspection for all field plantings;
- (b) One inspection at harvest or during storage;

(2) The department shall collect samples and conduct laboratory analysis for stem and bulb nematode on the following:

- (a) Soil from all sites prior to planting;

(b) Plants from foundation and registered blocks, collected at approximately 20 foot intervals and composited on a one acre basis;

(c) Plants from certified blocks equal to or greater than one quarter acre intended to be planted back for recertification, collected at approximately 20 foot intervals and composited on a one acre basis;

(d) Plants from certified blocks of less than a quarter acre intended for recertification, comprising a reasonable sample of not more than five percent of the total plants.

(3) The department may require additional inspections or tests as needed.

(4) Inspection fees as established in chapter 16-401 WAC and laboratory analysis fees as established in chapter 16-470 WAC are applicable to this program.

(5) Payment is due upon completion of each inspection or test. Billing may be arranged subject to department policies and processes.

[Statutory Authority: Chapter 15.14 RCW. 00-01-148, § 16-334-040, filed 12/21/99, effective 1/21/00; 98-11-048, § 16-334-040, filed 5/18/98, effective 6/18/98.]

Chapter 16-401 WAC

NURSERY INSPECTION FEES

WAC

16-401-019 Schedule of fees and charges—Billing policies and procedures.
16-401-020 Repealed.
16-401-021 Schedule of fees and charges—Facility inspection—Effective July 1, 1999.

16-401-023 Schedule of fees and charges—Establishing hourly rates.
16-401-025 Repealed.
16-401-026 Schedule of fees and charges—Applicable rates and charges—Effective July 1, 1999.
16-401-030 Repealed.
16-401-031 Schedule of fees and charges—Miscellaneous charges—Effective July 1, 1999.
16-401-040 Repealed.
16-401-041 Nursery dealer license fees—Effective July 1, 1999.
16-401-050 Annual assessment—Fruit tree material.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-401-020 Schedule of fees and charges—Facility inspection—Effective June 30, 1999. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-020, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-020, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-020, filed 9/17/87; Order 1315, § 16-401-020, filed 5/30/73; Order 1204, § 16-401-020, filed 5/28/71, effective 7/1/71; Order 1152, § 16-401-020, filed 5/28/70, effective 7/1/70.] Repealed by 99-21-050, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapters 15.13 and 15.14 RCW.

16-401-025 Schedule of fees and charges—Applicable rates and charges—Effective June 30, 1999. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-025, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-025, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-025, filed 9/17/87. Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-025, filed 3/21/79; Order 1315, § 16-401-025, filed 5/30/73; Order 1152, § 16-401-025, filed 5/28/70, effective 7/1/70.] Repealed by 99-21-050, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapters 15.13 and 15.14 RCW.

16-401-030 Schedule of fees and charges—Miscellaneous charges—Effective June 30, 1999. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-030, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-030, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-030, filed 9/17/87. Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-030, filed 3/21/79; Order 1315, § 16-401-030, filed 5/30/73; Order 1152, § 16-401-030, filed 5/28/70, effective 7/1/70.] Repealed by 99-21-050, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapters 15.13 and 15.14 RCW.

16-401-040 Nursery dealer license fees—Effective June 30, 1999. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-040, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-040, filed 12/1/92, effective 1/1/93; 92-13-034 (Order 2094), § 16-401-040, filed 6/10/92, effective 7/1/92. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-040, filed 9/17/87.] Repealed by 99-21-050, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapters 15.13 and 15.14 RCW.

WAC 16-401-019 Schedule of fees and charges—Billing policies and procedures. (1) All billable services provided under chapter 15.13 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing service for established accounts. Accounts not paid-in-full within thirty days of billing are considered delinquent.

(2) All delinquent accounts are assessed a late charge equal to one and one-half percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system is twenty dollars. All billable services of less than twenty dollars are due and payable-in-full at the time that service is rendered.

(4) No person with an account ninety days or more in arrears will receive service except on the basis of payment in full at the time service is rendered. Such accounts will not be restored to monthly billing status until all past due accounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety days or more in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-019, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-019, filed 12/1/92, effective 1/1/93.]

WAC 16-401-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-401-021 Schedule of fees and charges—Facility inspection—Effective July 1, 1999. (1) Any plant material at a location licensed as a nursery dealer under chapter 15.13 RCW is subject to regulatory inspections. A nursery inspection report will be issued, without additional charge except as provided in subsection (2) of this section, stating the results of the inspection.

(2) A fee may be charged for repeated, subsequent inspections of license locations where plant material does not meet the requirements set forth in chapter 15.13 RCW: Provided, That the license location is subject to no more than two paid inspections each license period. Fees are assessed on the basis of the time required for the inspection at the applicable hourly rate provided in WAC 16-401-026.

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-021, filed 5/26/99, effective 6/26/99.]

WAC 16-401-023 Schedule of fees and charges—Establishing hourly rates. (1) Requested services are provided at the applicable hourly rate. The nonbusiness hourly rate applies for service provided before 8:00 a.m. or after 5:00 p.m. during the work day and for all services provided on Saturday, Sunday, or a holiday listed in subsection (2) of this section.

(2) Holidays mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.

(3) The hourly charge is assessed in one-half hour increments.

(4) Persons requesting service with less than twenty-four hours notice during nonbusiness hours may be subject to a

charge of two additional hours at the nonbusiness hourly rate, if the department is required to pay call back to the employee(s) providing the requested service.

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-023, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-023, filed 12/1/92, effective 1/1/93.]

WAC 16-401-025 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-401-026 Schedule of fees and charges—Applicable rates and charges—Effective July 1, 1999. The following rates apply for requested inspection services:

- (1) Hourly rate
 - (a) Business hours \$ 26.90
 - (b) Nonbusiness hours (see WAC 16-401-023) \$ 34.40

(2) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be prorated among applicants if more than one applicant is provided service during a work day or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry entity, university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

(a) There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.

(b) Phytosanitary certificates issued more than twenty-four hours from the time of the inspection, first certificate \$ 12.90

(c) Additional phytosanitary certificates. . . \$ 4.20 ea.

(4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treatment (steam cleaning, hydro-washing, etc.) is charged at the applicable hourly rate.

(a) There is no additional charge for the first certificate.

(b) Additional certificates \$ 4.20 ea.

(5) Inspections for garden brown snail certification or other miscellaneous inspection certification are charged at the applicable hourly rate.

(a) For the first certificate no charge

(b) For additional certificates \$ 4.20 ea.

(6) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee of \$ 10.75

(7) For a certificate of plant health for noncommercial movement of plant materials between states by unlicensed

persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection \$ 5.35

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate, per WAC 16-401-026, applies. One certificate for one service is issued at no charge. Additional certificates are issued at the \$4.20 rate.

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-026, filed 5/26/99, effective 6/26/99.]

WAC 16-401-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-401-031 Schedule of fees and charges—Miscellaneous charges—Effective July 1, 1999. The following rates for miscellaneous charges on requested inspections shall apply.

- (1) Postage, special handling services and other miscellaneous costs exceeding five dollars are charged at the actual cost.
- (2) Other requested office services, not specifically provided for, are charged a fee based on the portion of an hour at the applicable hourly rate in WAC 16-401-026.
- (3) Nursery stickers and nursery stock inspection certificate tags:
 - (a) In lots of 250 \$ 5.35 per lot
 - (b) Less than 250 (minimum 10) \$ 0.26 each
- (4) Authorization by the department to preprint Washington nursery stock inspection certificates on shipping containers, yearly authorization fee or renewal \$ 26.90

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-031, filed 5/26/99, effective 6/26/99.]

WAC 16-401-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-401-041 Nursery dealer license fees—Effective July 1, 1999. Annual license fees as established below, must accompany the application for nursery dealer license:

- (1) Retail nursery dealer license fee:
 - (a) Gross business sales of horticultural plants and turf less than two thousand five hundred dollars \$ 37.67
 - (b) Gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee is \$ 80.72
 - (c) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$ 161.45
- (2) Wholesale nursery dealer license fee:
 - (a) Gross business sales of horticultural plants and turf less than fifteen thousand dollars \$ 80.72
 - (b) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$ 161.45
- (3) As provided in RCW 15.13.285, a surcharge of twenty percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section, is established.
- (4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270, per permit \$ 5.35

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-041, filed 5/26/99, effective 6/26/99.]

WAC 16-401-050 Annual assessment—Fruit tree material. As provided in RCW 15.13.310, an annual assessment of one percent on the gross sale price of the wholesale market value for all fruit trees, fruit tree related ornamental trees, fruit tree seedlings, fruit tree rootstock, and all other rootstock used for fruit tree propagation produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer, is established.

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-050, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-050, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-050, filed 9/17/87.]

**Chapter 16-403 WAC
STANDARDS FOR APPLES MARKETED WITHIN
WASHINGTON**

WAC
16-403-141 Red Delicious, Delicious, Golden Delicious—Minimum soluble solids.

WAC 16-403-141 Red Delicious, Delicious, Golden Delicious—Minimum soluble solids. For harvest of the crop of the current growing season, apples of the Red Delicious and Delicious varieties cannot be shipped prior to October 1, unless they have at least ten percent soluble solids as determined by refractometer. Apples of the Golden Delicious varieties, cannot be shipped prior to the general release as established by the Delicious maturity committee of the Washington state horticultural association unless they have at least ten and one-half percent soluble solids as determined by refractometer.

[Statutory Authority: Chapter 15.17 RCW. 99-14-036, § 16-403-141, filed 6/29/99, effective 7/30/99; 86-14-026 (Order 1892), § 16-403-141, filed 6/25/86.]

**Chapter 16-406 WAC
STANDARDS FOR APRICOTS**

WAC
16-406-020 Tolerances.
16-406-025 Application of tolerances.
16-406-030 Marking and packing requirements.
16-406-050 Definition of terms.

WAC 16-406-020 Tolerances. (1) In order to allow for variations incident to proper grading and handling, not more than a total of ten percent of the apricots in any lot may be below the requirements of grade, provided that not more than five percent shall be seriously damaged by insects, and not more than one percent shall be allowed for decay or internal breakdown: Provided, That in addition in Washington No. 1 not more than ten percent, by count, of the apricots in any lot may be damaged but not seriously damaged by bruising.

(2) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of Washington No. 1 apricots required in the combination, but individual containers may have not more than ten percent less than the percentage of Washington No. 1 required, provided that the entire lot averages within the percentage specified.

[Statutory Authority: Chapter 15.17 RCW. 99-17-003, § 16-406-020, filed 8/4/99, effective 9/4/99; Order 1015, Regulation B, filed 4/29/66; Order 771, effective 4/28/58.]

WAC 16-406-025 Application of tolerances. (1) The contents of individual samples are subject to the following limitations: Provided, That the averages for the entire lot are within the tolerances specified for this grade.

(2) For packages which contain more than ten pounds, and a tolerance of ten percent or more is provided, individual samples in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than ten pounds and a tolerance of less than ten percent is provided, individual samples in any lot shall have not more than double the tolerance specified: Provided, That not more than one apricot which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any sample.

(3) Washington No. 1 grade. For packages containing ten pounds or less: Not more than ten percent of the samples may have more than three times the tolerances specified, except that at least one defective apricot may be permitted in any sample: Provided, That not more than one apricot or more than six percent (whichever is the larger amount) may be affected by decay or internal breakdown.

(4) Washington No. 2 grade. For packages containing ten pounds or less: Not more than ten percent of the samples may contain more than three times the tolerances specified.

[Statutory Authority: Chapter 15.17 RCW. 99-17-003, § 16-406-025, filed 8/4/99, effective 9/4/99.]

WAC 16-406-030 Marking and packing requirements. (1) When the numerical count is used, the apricots in any container shall not vary more than one fourth inch in diameter. In order to allow for variations incident to proper sizing, not more than ten percent, by count, of the apricots in any package may be below the minimum size specified. The determination of grade may be made on the count basis.

(2) When apricots are prepared for market and/or offered for sale in containers, open or closed, such containers shall have stamped thereon the variety, grade, and packer's, grower's or shipper's name and address, count, or net weight and minimum diameter.

(These marking requirements do not apply to apricots being sold or shipped to canneries)

[Statutory Authority: Chapter 15.17 RCW. 99-17-003, § 16-406-030, filed 8/4/99, effective 9/4/99; Order 1015, Regulation C, filed 4/29/66; Order 771, effective 4/28/58.]

WAC 16-406-050 Definition of terms. As used in these grades:

(1) "Mature" means having reached the stage of maturity which will insure a proper completion of the ripening process.

(2) "Well formed" means having the shape characteristic of the variety.

(3) "Damage" means that the apricot is injured to an extent readily apparent in the process of proper grading and handling. Well healed growth cracks not over three eighths of an inch in length, punctures not over three sixteenths of an

inch in diameter, stem pulls not over three-eighths of an inch in diameter (except for the Riland variety - growth cracks not over three-eighths of an inch in length, punctures not over one-fourth of an inch in diameter and stem pulls not over one-half inch in diameter) or smooth shallow limb rubs not more than one-fourth of an inch in diameter or russetting affecting not to exceed one-tenth of the surface of the apricot shall not be regarded as damage. Bruises not to exceed five percent of the surface of the apricot shall not be regarded as damage.

(4) Hail marks that are shallow and superficial or not more than three-eighths of an inch in diameter in the aggregate, or when the skin has been broken, except that not to exceed one well healed hail mark, such mark not to exceed one-eighth of an inch in diameter will not be considered as damage.

(5) "Serious damage" means immaturity, or any deformity or injury which causes breaking of the skin in excess of three-eighths of an inch in diameter or which seriously affects the appearance, but well healed growth cracks, not over one-half inch in length, shall not be regarded as serious damage. Except for the Riland variety - growth cracks that are not well healed and not over one-half inch in length shall not be regarded as serious damage. Bruises not to exceed ten percent of the surface of the apricot shall not be regarded as serious damage. Hail marks that are not more than three-sixteenth of an inch deep, or not more than one-half of an inch in diameter in the aggregate or when the skin has been broken, except that not to exceed four well healed hail marks, each such mark not to exceed one-eighth of an inch in diameter, will not be considered as serious damage.

(6) "Diameter" means the greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end. Apricots having a diameter of one and one-half inches or larger, ring measurement, may be considered large, while the apricots having a diameter of less than one and one-half inches may be designated as small.

(7) The following will be taken into consideration in determining maturity:

(a) Ambering—Replacement of the green color of the flesh immediately around the pit by an amber shade is recognized by many authorities on apricots as an indicator of maturity.

(b) Springiness—This condition develops in connection with the separation of the flesh from the pit and is an indication that the fruit is reaching proper tree maturity for picking for fresh shipment. Springiness may be detected by external pressure on the fruit or by cutting the apricot in half at right angles to the longitudinal axis and noting how one-half or both halves slip away from the pit.

(c) Taste—On a tree whose fruit is ready for harvest for fresh shipment it is usually impossible to find at least an occasional fruit which has lost sufficient of its green taste to be fairly palatable. In using this test, do not be misled by fruits which may be maturing abnormally because of worm infestation.

(d) Separation of fruit from stem—The manner in which fruit may be separated from its stem is some indication of maturity, the more immature fruit tending to tear the adjacent skin and flesh more than fruit which is near proper maturity.

(8) The following varieties shall not be considered to have reached that stage of maturity which will insure a proper completion of the ripening process until they have developed characteristic turning or yellow (shades Nos. 3 or 4 on U.S. standard ground color chart) on the minimum percentage of surface area as stated opposite the varietal name:

Moorpark	—20%
Gilbert or Newcastle	—50%
Tilton	—40%
Blenheim	—40%
Royal	—40%

[Statutory Authority: Chapter 15.17 RCW, 99-17-003, § 16-406-050, filed 8/4/99, effective 9/4/99; Order 1015, Regulation E, filed 4/29/66; Order 771, effective 4/28/58.]

Chapter 16-412 WAC

STANDARDS FOR CANTALOUPE

WAC

16-412-010 through 16-412-060 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-412-010	Scope. [Order 358, Preface, effective 5/18/42.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
16-412-020	Variation between lot and individual package tolerances. [Order 358, effective 5/18/42.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
16-412-030	U.S. No. 1 grade. [Order 358, effective 5/18/42.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
16-412-040	U.S. commercial grade. [Order 358, effective 5/18/42.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
16-412-050	Definition of terms. [Order 358, effective 5/18/42.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
16-412-060	Markings. [Order 358, effective 5/18/42.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.

WAC 16-412-010 through 16-412-060 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-424 WAC

ONION STANDARDS

WAC

16-424-010 through 16-424-030 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-424-010	Grades and tolerance. [Order 186, effective 9/1/35.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
16-424-020	Definition of terms. [Order 186, effective 9/1/35.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
16-424-030	Variation between lot and individual package tolerance. [Order 186, effective 9/1/35.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.

WAC 16-424-010 through 16-424-030 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-449 WAC

WASHINGTON CONTROLLED ATMOSPHERE STORAGE REQUIREMENTS FOR WINTER PEARS

WAC

16-449-010 Requirements.

WAC 16-449-010 Requirements. Winter pears to be classified as controlled atmosphere storage pears, which meet the following requirements, other than those specifically set forth in chapter 15.30 RCW.

(1) Oxygen content of each room shall not exceed 5 percent oxygen within 20 days after sealing of room.

(2) Winter pears shall be retained in a controlled atmosphere storage, under required degrees of temperature and percentage of air components, for a period of not less than 45 days for the Bosc variety, and not less than 60 days for all other varieties of winter pears, to qualify as having been stored in controlled atmosphere storage.

(3) No person in this state shall place or stamp the letters "CA" or a similar designation in conjunction with a number or numbers upon any container or sub-container of any fruits or vegetables, unless the director has inspected such fruits or vegetables and issued a state lot number for such fruits or vegetables in conjunction with a certificate stating their quality and condition, that they were stored in a warehouse licensed under the provisions of this chapter and that they meet all other requirements of this chapter or rules adopted hereunder: Provided, That if such fruits or vegetables are not allowed to enter the channels of commerce within two weeks of such inspection or a subsequent similar inspection by the director the letters "CA" and the state lot number shall be eradicated by the licensee.

(4) Preconditioned winter pears: In order to bear the "CA" stamp, all winter pears must be certified as meeting controlled atmosphere storage requirements prior to the preconditioning.

[Statutory Authority: Chapter 15.17 RCW, 99-21-003, § 16-449-010, filed 10/8/99, effective 11/8/99; Order 1543, § 16-449-010, filed 11/8/77; Order 1326, § 16-449-010, filed 9/27/73.]

Chapter 16-451 WAC

RHUBARB, HOT-HOUSE OR CELLAR GROWN

WAC

16-451-010 through 16-451-070 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-451-010	Extra fancy grade. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
16-451-020	Fancy grade. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
16-451-030	Cull rhubarb. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
16-451-040	Tolerances for preceding grades. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99.

- 16-451-050 Definitions of terms. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
- 16-451-060 Marking requirements. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
- 16-451-070 Rhubarb box. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.

WAC 16-451-010 through 16-451-070 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-458 WAC

FRUIT AND VEGETABLE INSPECTION DISTRICT BOUNDARIES

WAC

- 16-458-004 Repealed.
- 16-458-075 Fruit and vegetable district two.
- 16-458-080 Fruit and vegetable district three.
- 16-458-085 Fruit and vegetable district four.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-458-004 Promulgation. [Order 1471, § 16-458-004, filed 7/2/76.] Repealed by 99-17-002, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15.17 RCW.

WAC 16-458-004 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-458-075 Fruit and vegetable district two.

Fruit and vegetable district two shall consist of Kittitas, Klicikitat, Skamania, Yakima and that portion of Benton County lying west of a line running south from the Columbia River known as the center line of Range 27E, and north of Sellards Road from its junction with Range 27E on the east, thence west to the Yakima County line; this includes the Prosser, Kiona, and Benton City areas.

[Statutory Authority: Chapter 15.17 RCW. 99-17-002, § 16-458-075, filed 8/4/99, effective 9/4/99; Order 1471, § 16-458-075, filed 7/2/76.]

WAC 16-458-080 Fruit and vegetable district three.

Fruit and vegetable district three shall consist of all counties located west of the Cascade Mountains, Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman counties, and that portion of Benton County lying south and east of the Sellards Road, from its junction with Yakima County on the west thence east to the center line of Range 27E, thence north to the Columbia River; this excludes the Benton City, Kiona and Prosser areas.

[Statutory Authority: Chapter 15.17 RCW. 99-17-002, § 16-458-080, filed 8/4/99, effective 9/4/99; 87-24-009 (Order 1959), § 16-458-080, filed 11/20/87, effective 1/1/88; Order 1471, § 16-458-080, filed 7/2/76.]

WAC 16-458-085 Fruit and vegetable district four.

Fruit and vegetable district four shall consist of Chelan, Douglas and Okanogan counties.

[Statutory Authority: Chapter 15.17 RCW. 99-17-002, § 16-458-085, filed 8/4/99, effective 9/4/99; Order 1471, § 16-458-085, filed 7/2/76.]

Chapter 16-460 WAC

TOMATOES

WAC

- 16-460-005 through 16-460-100 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-460-005 Applicability. [Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 357, effective 5/1/42.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
- 16-460-008 Promulgation. [Order 1055, Promulgation, filed 6/9/67, effective 7/10/67.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
- 16-460-040 Washington No. 1 grade, size, tolerances—Application of tolerances. [Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 357, effective 5/1/42.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
- 16-460-080 Definition of terms. [Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 357, effective 5/1/42.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
- 16-460-100 Marking requirements. [Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 699, effective 5/25/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.

WAC 16-460-005 through 16-460-100 Repealed. See Disposition Table at beginning of this chapter.

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.

Apples of the Red Delicious and Delicious varieties must be certified as to quality and condition and must meet all the requirements of chapter 16-403 WAC, Standards for Apples Marketed Within Washington. Apples of the Red Delicious and Delicious varieties not allowed to enter channels of commerce within twenty-one days following the original date of inspection as indicated by a state lot stamp, will require recertification for meeting the minimum firmness requirement as stated in WAC 16-403-142.

(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. 99-14-036, § 16-461-010, filed 6/29/99, effective 7/30/99; 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 16-462 WAC

GRAPE PLANTING STOCK—REGISTRATION AND CERTIFICATION

WAC

16-462-010	Grape planting stock program—General.
16-462-015	Definitions.
16-462-020	Requirements for participation in the grape planting stock program.
16-462-021	Requirements for registered blocks.
16-462-022	Requirements for certified planting stock.
16-462-025	Foundation, registered, and certified grape planting stock—Inspections.
16-462-030	Certified grape nursery stock—Application and fees.
16-462-035	Certified grape nursery stock—Tagging and identity.
16-462-045	Repealed.
16-462-050	Certified grape planting stock—Requirements.
16-462-055	Certified grape planting stock—Grades and standards.
16-462-060	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-462-045	Effective date. [Order 1397, § 16-462-045, filed 4/7/75; Order 1193, § 16-462-045, filed 4/19/71.] Repealed by 99-12-025, filed 5/25/99, effective 6/25/99. Statutory Authority: Chapter 15.14 RCW.
16-462-060	Certified grape nursery stock—Aseptic shoot tip propagation. [Statutory Authority: Chapter 15.14 RCW. 90-10-043, § 16-462-060, filed 4/27/90, effective 5/28/90.] Repealed by 99-12-025, filed 5/25/99, effective 6/25/99. Statutory Authority: Chapter 15.14 RCW.

WAC 16-462-010 Grape planting stock program—

General. (1) Grapevines or parts of grape plants may be designated as registered stock or certified stock, if they and the stock from which they were produced have been inspected, indexed, and tested in accordance with procedures and requirements outlined in rule and found to be in compliance with all standards and requirements established in this chapter.

(2) The issuance of a state of Washington plant tag, stamp, or other document under this chapter means only that the tagged, stamped or otherwise documented planting stock has been subjected to standards and procedures described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding 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 grape planting stock certification program is voluntary.

[Statutory Authority: Chapter 15.14 RCW. 99-12-025, § 16-462-010, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-010, filed 4/2/86; Order 1193, § 16-462-010, filed 4/19/71; Order 1084, § 16-462-010, filed 4/2/68.]

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WAC 16-462-015 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Aseptic shoot tip propagation" means aseptically removing a vegetative shoot tip from growth arising from a dormant cutting from a foundation plant or from green growth (i.e., softwood) from a foundation plant during the growing season and aseptically transferring this shoot tip to a suitable vessel containing an appropriate culture medium.

(2) "Certified grape planting stock" means vines, rooted cuttings, cuttings or grafted plants taken or propagated directly from foundation vines, registered vines or certified plants grown in a green house for one year and certified in compliance with the provisions of this chapter.

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

(4) "Director" means the director of the department of agriculture or the director's designee.

(5) "Foundation block" means a planting of grapevines established, operated and maintained by Washington State University, that are indexed and found free from viruses designated in this chapter and that are not off-type.

(6) "Index" means determining whether a virus infection is present by means of inoculation from the plant to be tested to an indicator plant or by any other testing method approved by the department.

(7) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(8) "Off-type" means appearing under visual examination to be different from the variety listed on the application for registration or certification, or exhibiting symptoms of a genetic or nontransmissible disorder.

(9) "Registered block" means a planting of registered grapevines maintained by a nursery and used as a source of propagation material for certified grapevines.

(10) "Registered vine" means any vine propagated from the foundation block, identified by the number assigned to the original vine in the foundation block from which it was propagated, and registered with the Washington state department of agriculture, in compliance with provisions of this chapter.

(11) "Virus-like" means a graft-transmissible disorder with symptoms resembling a characterized virus disease, including, but not limited to, disorders caused by viroids and phytoplasmas.

[Statutory Authority: Chapter 15.14 RCW. 99-12-025, § 16-462-015, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-015, filed 4/2/86; 78-10-072 (Order 1583), § 16-462-015, filed 9/27/78; Order 1397, § 16-462-015, filed 4/7/75; Order 1193, § 16-462-015, filed 4/19/71; Order 1084, § 16-462-015, filed 4/2/68.]

WAC 16-462-020 Requirements for participation in the grape planting stock program. (1) The applicant shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of registered blocks and planting stock.

(2) The applicant must maintain the identity of registered vines. The applicant must maintain records identifying the source of certified planting stock.

(3) The applicant shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to planting stock entered in this program. The applicant shall keep all registered blocks and certified planting stock clean cultivated except for cover crops.

(4) Following notification by the department the applicant shall remove and destroy immediately any registered vine or certified planting stock found to be off-type or affected by a virus or virus-like disease or a quarantined pest.

(5) The foundation block, registered blocks and certified planting stock must be located at least one hundred feet from any land on which noncertified or nonregistered grape vines have been grown within the past ten years.

[Statutory Authority: Chapter 15.14 RCW. 99-12-025, § 16-462-020, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-020, filed 4/2/86; 78-10-072 (Order 1583), § 16-462-020, filed 9/27/78; Order 1193, § 16-462-020, filed 4/19/71; Order 1084, § 16-462-020, filed 4/2/68.]

WAC 16-462-021 Requirements for registered blocks. (1) All registered grapevines must be identified by the number assigned to the original grapevine in the foundation block from which they were taken.

(2) With the exception of practices allowed in subsections (3) and (4) of this section, registered plants must be propagated directly from cuttings taken from the foundation block.

(3) Plants propagated from the foundation block by aseptic shoot tip propagation and grown entirely under greenhouse conditions may serve as a source of softwood cuttings or shoot tip culture used to establish a registered block or registered grapevines.

(4) Registered grapevines may be propagated from other registered grapevines within the same registered block for the purpose of increasing the size of the registered block or for replacement grape vines.

(5) Grapevines of different varieties in registered blocks must be separated by a minimum of twelve feet within the row. The distance between rows of different varieties must be a minimum of eight feet.

[Statutory Authority: Chapter 15.14 RCW. 99-12-025, § 16-462-021, filed 5/25/99, effective 6/25/99.]

WAC 16-462-022 Requirements for certified planting stock. (1) Certified planting stock must be propagated from cuttings taken from registered or foundation grapevines.

(2) Cuttings from registered blocks must be sorted and kept separate by variety and selection number or clone.

(3) Treatment to control soil-borne pests may be required at any time by the department.

(4) All certified planting stock other than greenhouse grown plants must comply with the grades and standards for Washington certified grape planting stock as listed in WAC 16-462-055.

(5) Certification is based solely on visual inspection of grape planting stock that is found to meet requirements prescribed in WAC 16-462-050 and other requirements of this chapter.

[Statutory Authority: Chapter 15.14 RCW. 99-12-025, § 16-462-022, filed 5/25/99, effective 6/25/99.]

WAC 16-462-025 Foundation, registered, and certified grape planting stock—Inspections. (1) Inspections of foundation, registered and certified planting stock will be performed by the department at times it determines to be suitable for the detection of virus and virus-like disease symptoms.

(2) The foundation block and registered blocks must be indexed and reindexed periodically, as required to comply with the North American Plant Protection Organization (NAPPO) standards for phytosanitary measures - requirements for the importation of grapevines into a NAPPO member country.

(3) Two inspections of foundation and registered planting stock must be performed by the department during each growing season.

(4) Except for varieties to be used solely as rootstock, foundation and registered grape vines used for the production of certified planting stock must be pruned to allow some fruiting.

(5) Certified planting stock must be inspected three times per growing season by the department, twice during the growing season and once during or after harvest.

(6) Certification or registration will be refused or withdrawn for any planting stock which is infested or infected with any quarantine pest.

[Statutory Authority: Chapter 15.14 RCW. 99-12-025, § 16-462-025, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-025, filed 4/2/86; Order 1193, § 16-462-025, filed 4/19/71; Order 1084, § 16-462-025, filed 4/2/68.]

WAC 16-462-030 Certified grape nursery stock—Application and fees. (1) The applicant shall furnish all information requested on the application form and shall give consent to the department to take plants or plant parts from any planting stock enrolled in the program as registered for inspection or indexing.

(2) Application for inspection shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.

(3) Inspection, phytosanitary certification, indexing and testing fees are due upon completion of services.

(4) Fees for inspection, phytosanitary certification, and testing shall be assessed at the appropriate rate established in chapters 16-401 and 16-470 WAC. Mileage for inspections and other on-site services shall be charged at a rate established by the state office of financial management.

[Statutory Authority: Chapter 15.14 RCW. 00-01-149, § 16-462-030, filed 12/21/99, effective 1/21/00; 99-12-025, § 16-462-030, filed 5/25/99, effective 6/25/99; 93-17-022 (Order 5001), § 16-462-030, filed 8/11/93, effective 9/11/93; 86-08-078 (Order 1883), § 16-462-030, filed 4/2/86; 78-10-072 (Order 1583), § 16-462-030, filed 9/27/78; Order 1397, § 16-462-030, filed 4/7/75; Order 1193, § 16-462-030, filed 4/19/71; Order 1084, § 16-462-030, filed 4/2/68.]

WAC 16-462-035 Certified grape nursery stock—Tagging and identity. (1) Certification tags issued by the department must be securely attached by the grower to each certified planting stock, including rooted cuttings, cuttings and grafted plants.

(2) Any person selling Washington certified grape nursery stock is responsible for the identity of such nursery stock. Persons issued tags authorized by this chapter must account by variety for stock produced and sold. They must keep and allow the department to inspect and copy records necessary to verify this.

[Statutory Authority: Chapter 15.14 RCW. 99-12-025, § 16-462-035, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-035, filed 4/2/86; Order 1193, § 16-462-035, filed 4/19/71; Order 1084, § 16-462-035, filed 4/2/68.]

WAC 16-462-045 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-462-050 Certified grape planting stock—Requirements. Specific requirements for grape planting stock are based solely on visual inspections conducted according to WAC 16-462-025. Certified plants must be apparently free of grape fanleaf virus, grape leafroll virus, grape corky bark virus, rupestris stem pitting virus, grape phylloxera, rootknot nematode, crown gall and other visible diseases or serious pest injuries.

[Statutory Authority: Chapter 15.14 RCW. 99-12-025, § 16-462-050, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-050, filed 4/2/86.]

WAC 16-462-055 Certified grape planting stock—Grades and standards. All certified stock offered for sale must be bundled in accordance with commercial practice and correctly identified by one or more legible printed labels.

(1) Grades for rooted cuttings are as follows:

(a) Grade No. 1 must have one live cane at least nine inches long and must be well rooted.

(b) Grade No. 2 must have one live cane at least six inches long and must be well rooted.

(2) Cuttings must have at least three buds and be at least nine inches long. The basal bud must be within one-half inch of the basal end.

(3) Two year plants shall meet the same standard as rooted cutting Grade No. 1.

(4) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent by count, of the plants or cuttings in any lot may fail to meet the requirements of the grades set forth in this section.

[Statutory Authority: Chapter 15.14 RCW. 99-12-025, § 16-462-055, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-055, filed 4/2/86.]

WAC 16-462-060 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-470 WAC

QUARANTINE—AGRICULTURAL PESTS

WAC

16-470-900	Schedule of fees and charges—Billing policies and procedures.
16-470-905	Schedule of fees and charges—Establishing hourly rates.
16-470-910	Repealed.

[2000 WAC Supp—page 114]

16-470-911	Schedule of fees and charges—Applicable fees and charges—Effective July 1, 1999.
16-470-915	Repealed.
16-470-916	Schedule of fees and charges—Fees for post entry inspection services—Effective July 1, 1999.
16-470-920	Repealed.
16-470-921	Schedule of fees and charges—Miscellaneous fees—Effective July 1, 1999.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-470-910	Schedule of fees and charges—Applicable fees and charges—Effective June 30, 1999. [Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-910, filed 5/26/99, effective 6/26/99; 92-07-023, § 16-470-910, filed 3/10/92, effective 4/10/92.] Repealed by 99-21-049, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapter 17.24 RCW.
16-470-915	Schedule of fees and charges—Fees for post entry inspection services—Effective June 30, 1999. [Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-915, filed 5/26/99, effective 6/26/99; 92-07-023, § 16-470-915, filed 3/10/92, effective 4/10/92.] Repealed by 99-21-049, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapter 17.24 RCW.
16-470-920	Schedule of fees and charges—Miscellaneous fees—Effective June 30, 1999. [Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-920, filed 5/26/99, effective 6/26/99; 92-07-023, § 16-470-920, filed 3/10/92, effective 4/10/92.] Repealed by 99-21-049, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapter 17.24 RCW.

WAC 16-470-900 Schedule of fees and charges—Billing policies and procedures. (1) All billable services provided under chapter 17.24 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing. Accounts not paid in full within thirty days of billing are considered delinquent.

(2) All delinquent accounts are assessed a late charge equal to one percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system is twenty dollars. All billable services of less than twenty dollars are due and payable on the date that service is rendered.

(4) No person with an account ninety days or more in arrears will receive service except on the basis of payment in full at the time service is rendered. Such accounts are not restored to monthly billing status until all past due amounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety days or more in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

[Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-900, filed 5/26/99, effective 6/26/99; 92-07-023, § 16-470-900, filed 3/10/92, effective 4/10/92.]

WAC 16-470-905 Schedule of fees and charges—Establishing hourly rates. (1) Requested services are provided at the applicable hourly rate except as provided in WAC 16-470-905(5). The hourly rate for nonbusiness hours applies for service provided before 8:00 a.m. or after 5:00

p.m. during the work day and for all services provided on Saturday, Sunday, or on a holiday listed in subsection (2) of this section.

(2) Holidays shall mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.

(3) Charges are assessed in one-half hour increments.

(4) Persons requesting service with less than twenty-four hours notice during nonbusiness hours, may be subject to a charge of two additional hours at the nonbusiness hourly rate if the department is required to pay call back to the employee(s) providing the requested service.

(5) For large projects, the department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate.

[Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-905, filed 5/26/99, effective 6/26/99; 92-07-023, § 16-470-905, filed 3/10/92, effective 4/10/92.]

WAC 16-470-910 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-470-911 Schedule of fees and charges—Applicable fees and charges—Effective July 1, 1999.

(1) Hourly rate

- (a) Business hours \$26.90
- (b) Nonbusiness hours (see WAC 16-407-905) . \$34.40

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Plant pathology laboratory diagnostic fees are as follows:

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+samples
virus	\$80.70 ea	\$59.15 ea	\$45.20 ea	\$17.20 ea	\$ 2.65 ea
bacteria	35.60 ea	34.40 ea	32.25 ea	31.20 ea	31.20 ea
fungus	37.65 ea	32.25 ea	31.20 ea	30.10 ea	27.90 ea
nematode	27.90 ea	25.80 ea	23.65 ea	23.65 ea	21.50 ea

Note: To receive volume rates, samples must be submitted as a unit and identification request must be for one specific virus, bacterium, fungus, or nematode.

(4) For large projects, the department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate.

[Statutory Authority: Chapter 17.24 RCW. 99-22-076, § 16-470-911, filed 11/2/99, effective 12/3/99; 99-12-035, § 16-470-911, filed 5/26/99, effective 6/26/99.]

WAC 16-470-915 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-470-916 Schedule of fees and charges—Fees for post entry inspection services—Effective July 1, 1999.

(1) Site inspection and/or permit review and approval \$53.80

(2) Subsequent inspections of post entry plant materials are provided at the applicable hourly rate.

(3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.

[Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-916, filed 5/26/99, effective 6/26/99.]

WAC 16-470-920 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-470-921 Schedule of fees and charges—Miscellaneous fees—Effective July 1, 1999.

(1) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections or post entry inspections that are not a part of a regular work schedule. Such charges may be prorated among applicants if more than one applicant is provided service during a workday or trip when per diem is applicable.

(2) Postage, special handling services and other miscellaneous costs exceeding five dollars are charged back at the actual cost.

(3) Certificates of inspection, phytosanitary certificates, and other official documents are provided subject to the charges and conditions established in WAC 16-401-026.

[Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-921, filed 5/26/99, effective 6/26/99.]

**Chapter 16-532 WAC
HOPS**

WAC
16-532-020 Hop board.

WAC 16-532-020 Hop 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. Nine members shall be affected producers elected as provided in this section. The director shall appoint one member of the board 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 the entire state of Washington.

(3) **Board membership qualifications.**

The affected producer members of the board shall be practical producers of hops 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 hops 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.

(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 nine and the member appointed by the director position ten.

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

Positions one, two, three and ten - until June 30, 1967

Positions four, five and six - until June 30, 1966

Positions seven, eight and nine - until June 30, 1965

(d) Terms of office for the board members serving at the time of the 1992 amendment of this section shall be as follows:

Positions one, two, three and ten - until December 31, 1994

Positions four, five and six - until December 31, 1993

Positions seven, eight and nine - until December 31, 1992

(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 major 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 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meetings by written petition filed with the director signed by not less than five affected producers. At the inception of this order nominations may be made at the issuance hearing.

(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. 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 major 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 upon 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 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 be reimbursed for actual subsistence and traveling expenses incurred through attendance at meetings or other board activities: Provided, That such expenses shall be authorized by resolution by unanimous approval of the board at a regular meeting.

(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.

(f) To establish a "hop 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, 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 by written notice to each producer and by regular wire news services and radio-television press.

(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: 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. 99-10-095, § 16-532-020, filed 5/5/99, effective 6/5/99. Statutory Authority: Chapter 15.65 RCW. 92-09-068, § 16-532-020, filed 4/14/92, effective 5/15/92; 88-24-028 (Order 1992), § 16-532-020, filed 12/2/88; Marketing Order Article II, §§ A through K, filed 7/1/64.]

**Chapter 16-545 WAC
TURFGRASS SEED COMMISSION**

WAC

16-545-010	Definitions of terms.
16-545-015	Turfgrass seed districts.
16-545-020	Turfgrass seed board.
16-545-030	Marketing order purposes.
16-545-040	Assessments and collections.
16-545-041	Time—Place—Method for payment and collection of assessments.
16-545-050	Obligations of the board.
16-545-080	Separability.

WAC 16-545-010 Definitions of terms. For the purpose of this marketing order:

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

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

(3) "Act" means the Washington State Agriculture Enabling Act of 1961 or chapter 15.65 RCW.

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

(5) "Affected producer" means any person who produces, or causes to be produced, in commercial quantities, turfgrass seed in the state of Washington.

(6) "Commercial quantity" means all the turfgrass seed produced for sale in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing or distributing turfgrass seed not produced by the handler and shall include any lending agencies for a commodity credit corporation loan to producers.

(8) "Turfgrass seed commodity board" referred to as "board" means the turfgrass seed commodity board formed under WAC 16-545-020.

(9) "Turfgrass seed" means Kentucky bluegrass, perennial ryegrass, tall fescue, hard fescue, slender fescue, and creeping red fescue. Forage fescue and reclamation grass seed are excluded from this order.

(10) "Turfgrass seed by-products" means turfgrass seed straw and screenings.

(11) "Marketing season" or "fiscal year" means the twelve-month period beginning on June 1 of any year and ending with the last day of May, both dates being inclusive.

(12) "Producer-handler" is both a "producer" and a "handler" with respect to turfgrass seed and is covered by this order as a producer when engaged in the business of producing turfgrass seed or a handler when engaged in processing, selling, marketing or distributing turfgrass seed.

(13) "Affected area" or "production area" means that portion of the state of Washington located east of the summit of the Cascade Mountains.

(14) "Sell" includes offer for sale, expose for sale, and have in possession for sale, exchange, barter or trade.

(15) "Affected unit" means one pound net pay weight of turfgrass seed.

[Statutory Authority: RCW 15.65.050. 99-02-064, § 16-545-010, filed 1/6/99, effective 2/6/99.]

WAC 16-545-015 Turfgrass seed districts. (1) District 1 consists of Chelan, Douglas, Ferry, Okanogan, Pend Oreille, Spokane and Stevens counties.

(2) District 2 consists of Asotin, Columbia, Garfield, Walla Walla, and Whitman counties.

(3) District 3 consists of Adams, Franklin, Grant, and Lincoln counties.

(4) District 4 consists of Benton, Kittitas, Klickitat, and Yakima counties.

[Statutory Authority: RCW 15.65.050. 99-02-064, § 16-545-015, filed 1/6/99, effective 2/6/99.]

WAC 16-545-020 Turfgrass seed board. (1) Administration. The provisions of this order and the applicable provisions of the act is administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board consists of seven members. Five members are affected producers elected under provisions of this order. One member is an affected handler appointed by the elected producers. The director appoints one member of the board who is neither an affected producer nor an affected handler to represent the department and the public.

(b) Each district has one board member.

(i) Positions one through four represent each of the numbered districts.

(ii) Position five represents the district with the highest reported value of production of turfgrass seed the previous three years.

(iii) Position six is a handler appointed by the elected producers.

(iv) Position seven is the member appointed by the director.

(3) Board membership qualifications.

(a) The affected producer members of the board must be practical producers of turfgrass seed in the district in and for which they are nominated and elected and must 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 turfgrass seed within the state of Washington for a period of three years and has during that time derived a substantial portion of his or her income therefrom and who is not engaged in business as a handler or other dealer.

(b) The affected handler member of the board must be a practical handler of turfgrass seed and must 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 turfgrass seed within the state of Washington for a period of five years and has during that period derived a substantial portion of his or her 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 is three years. One-third of the membership as nearly as possible must be elected each year.

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

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

Positions one and three - three years, ending on January 31, 2002.

Positions two and five - two years, ending on January 31, 2001.

Positions four and six - one year, ending on January 31, 2000.

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

(5) Nomination and election of board members.

(a) Each year the director shall call for nomination meetings in those districts whose board members term is about to expire. The meetings must be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every meeting must be published in a newspaper of general circulation within the affected district at least ten days in advance of the date of the meeting and in addition, written notice of every meeting must be given to all affected producers within the affected district according to the list maintained by the director under RCW 15.65.200 of the act. Nonreceipt of notice by any interested person will not invalidate the proceedings at the nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at the nomination meetings. Nominations may also be made within five days after the meeting by written petition filed with the director, signed by at least five affected producers. At the inception of this order, nominations may be made at the issuance hearing.

(b) 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. Nominating petitions for producers must be signed by at least five affected producers of the district from which the candidate will be elected. The final date for filing nominations must be at least twenty days after the notice was mailed.

(6) Election of board members.

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

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

(c) Notice of every election for board membership must be published in a newspaper of general circulation within the affected district at least ten days in advance of the date of the election. At least ten days before every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of the affected producers maintained by the director in accordance with RCW 15.65.200 of the act. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing their qualifications. Nonreceipt of a ballot by an affected producer will not invalidate the election of any board member.

(d) The appointed handler member of the initial board shall be elected by a majority of the elected members at the first meeting.

(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 remaining members shall select a qualified person to fill the unexpired term.

(9) **Quorum.** A majority of the members is a quorum for the transaction of all business and to execute the duties of the board.

(10) **Board compensation.** No member of the board will 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.

(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 other officers as the board deems advisable.

(c) To employ and discharge at its discretion the 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 execute 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. The expenses and costs may be paid by check; draft or voucher in the form and the 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 to defray the costs of formulating the order.

(f) To establish a "turfgrass seed board marketing revolving fund" and to deposit the fund 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 under this order. The records, books and accounts must be audited at least once every five years subject to procedures and methods lawfully prescribed by the state auditor. The books and accounts must be closed as of the last day of each fiscal year of the commission. A copy of the audit shall be delivered within thirty days after completion 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 may deem necessary. The board must pay the premium for the bond or bonds from assessments collected. The bond may not be necessary if any blanket bond covering officials or employees of the state of Washington covers any board member or employee.

(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 unless, changed by the board. All records, books and minutes of board meetings must be kept at the headquarters.

(k) To adopt rules of a technical or administrative nature, under chapter 34.05 RCW (Administrative Procedure Act).

(l) To execute RCW 15.65.510 covering the obtaining of information necessary to effectuate the order and the act, along with the necessary authority and procedure for obtaining the 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 by the act or order.

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

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

(p) To sue or be sued.

(12) **Procedures for board.**

(a) The board shall hold regular meetings, at least quarterly, with the time and date fixed by resolution of the board and 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 proposed budget must be presented for discussion at the meeting. Notice of the annual meeting must be filed in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the annual meeting must be given 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 twenty-four hours written notice to the members. A board member may waive in writing his or her notice of any special meeting.

[Statutory Authority: RCW 15.65.050, 99-02-064, § 16-545-020, filed 1/6/99, effective 2/6/99.]

WAC 16-545-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of turfgrass seed to help themselves establish orderly, fair, sound, efficient, unhampered marketing, grading and standardization of turfgrass seed. To execute the purposes of the order, the board shall provide for a program in one or more of the following areas:

(1) Provide for research in the production, processing or distribution of turfgrass seed and expend the necessary funds for the purposes. Insofar as practicable, the research must be carried out by experiment stations of Washington State University, but if in the judgment of the board that the experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities

therefor, the project may be carried out by other research agencies selected by the board.

(2) Provide for collection and dissemination of information pertaining to turfgrass seed and turfgrass seed by-products.

(3) Establish and conduct programs to develop markets for turfgrass seed by-products.

(4) Under no circumstances are any sections of this marketing order to be construed as authorizing or permitting any programs pertaining to marketing or promotion of turfgrass seed.

[Statutory Authority: RCW 15.65.050. 99-02-064, § 16-545-030, filed 1/6/99, effective 2/6/99.]

WAC 16-545-040 Assessments and collections. (1) **Assessments.** (a) The assessment on all varieties of turfgrass seed subject to this marketing order shall be 0.3 percent (three tenths of one percent) of the net receipts at the first point of sale and shall be deducted by the first purchaser from the price paid to the grower. The assessment shall be remitted to the commission board in accordance with procedures adopted by the commission board.

(b) The assessments shall not be payable on any turfgrass seed used by the affected producer on their premises for feed, seed and personal consumption.

(2) **Collections.** Excess moneys collected by the board under the order during the fiscal year may be carried over and used during the next successive fiscal year. The board may also recommend that excess moneys at the close of a fiscal year be refunded on a pro rata basis to the affected producers from whom the moneys were collected.

(3) **Penalties.** Any due and payable assessment levied in the specified amount as may be determined by the board under the act and the order, is a personal debt of the person assessed or who owes the debt, and it is due and payable to the board when payment is called for by the board. If a person fails to pay the board the full amount of the assessment by the date due, the board may add to the unpaid assessment or sum an amount not exceeding ten percent of the amount to defray the cost of enforcing the collecting the assessment. In the event of failure of the person or persons to pay the full amount due, the board may bring a civil action against the person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and the 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. 99-02-064, § 16-545-040, filed 1/6/99, effective 2/6/99.]

WAC 16-545-041 Time—Place—Method for payment and collection of assessments. Effective with the growing season of 1999, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-545-040:

(1) All first handlers of turfgrass seed grown in the state of Washington, or the person acting on behalf of a first buyer, shall withhold the amount of assessment from their remit-

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tance to growers of turfgrass seed and transmit it to the commission.

(2) All assessments will be due and payable to the commission within thirty days of collection. With the submission of the assessments, a report listing the name, address, volume handled or purchased and amount deducted or collected for each producer must be submitted to the commission on forms provided by or approved by the commission.

(3) Any assessments paid after the above deadlines shall be accompanied by an administrative fee of 10% in accordance with RCW 15.65.440 of the act.

[Statutory Authority: RCW 15.65.050. 99-02-064, § 16-545-041, filed 1/6/99, effective 2/6/99.]

WAC 16-545-050 Obligations of the board. Obligations incurred by the board or employee or agent 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 the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees 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) established under this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatever 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 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. 99-02-064, § 16-545-050, filed 1/6/99, effective 2/6/99.]

WAC 16-545-080 Separability. If any provisions of the order are declared invalid, or the applicability to any person, circumstances or thing is held invalid, the validity of the remainder provisions or of the applicability to any other person, circumstances or thing shall not be affected.

[Statutory Authority: RCW 15.65.050. 99-02-064, § 16-545-080, filed 1/6/99, effective 2/6/99.]

Chapter 16-575 WAC WINE COMMISSION

WAC
16-575-015

Rate of assessment—Method of adjustment—Notice.

WAC 16-575-015 Rate of assessment—Method of adjustment—Notice. (1) Beginning on July 1, 1999 the assessment rate for vinifera grapes grown in this state shall not be less than three dollars per ton nor more than six dollars per ton. The assessment rate for wine producers shall not be

less than \$0.02 per gallon nor more than \$0.04 per gallon. The Washington wine commission may adjust the assessment amount levied on wine producers and grape growers as needed to fund necessary commission activities. Provided, that any adjustment in the assessment rate by the commission be levied in an equal and proportional manner upon both the wine producers and grape growers. In determining whether to adjust the assessment amount the commission shall consider the following factors:

(a) The commission's budgetary needs, including but not limited to a qualitative and quantitative review of programs carried out in the preceding year by the commission. This review should consider whether the program met its goals, benchmarks and objectives and whether the program constitutes the best use of the wine commission's finite resources;

(b) Projected grape production;

(c) Changes in administrative costs;

(d) Changes in the industry outside the control of the wine commission.

(2) The commission shall provide grape growers and wine producers notice of changes in assessment rates in a timely and reasonable manner and in no instance shall the notice be less than thirty days from the date the assessment is due.

[Statutory Authority: Chapter 15.88 RCW and 1997 c 303. 99-12-104, § 16-575-015, filed 6/2/99, effective 7/3/99.]

Chapter 16-604 WAC

PUBLIC LIVESTOCK MARKETS—HEALTH, BRANDS AND WEIGHTS AND MEASURES

WAC

16-604-010 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-604-010 Brand inspection regulations. [Statutory Authority: Chapter 16.65 RCW. 94-13-069 (Order 5049), § 16-604-010, filed 6/9/94, effective 7/10/94. Statutory Authority: RCW 16.65.445 and 16.65.390. 92-06-013, § 16-604-010, filed 2/24/92, effective 3/26/92; Order 1102, § 16.604.010 (codified as WAC 16-604-010), filed 11/18/68, effective 12/19/68; Order 1059, Regulation 2, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 2, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 788, effective 6/17/59.] Repealed by 99-04-069, filed 2/1/99, effective 3/4/99. Statutory Authority: Chapter 16.65 RCW.

WAC 16-604-010 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-645 WAC

HOPS BALES—WEIGHTS AND TARES

WAC

16-645-005 Hops—Bale.
16-645-010 Hops—Tare.

WAC 16-645-005 Hops—Bale. The standard weight for a bale of hops is fixed at from one hundred seventy-five to two hundred thirty pounds.

[Statutory Authority: RCW 19.94.190 [(1)](a). 99-06-072, § 16-645-005, filed 3/2/99, effective 4/2/99.]

WAC 16-645-010 Hops—Tare. (1) The amount of tare to be deducted from the gross weight of each bale of hops grown and sold is fixed at five pounds per bale for bales wrapped in burlap cloth. The tare for bales wrapped in plastic baling cloth is fixed at zero.

(2) Any vendor of hops using heavier sacking than specified above or using any extraneous material in the baling thereof shall have the additional sacking or extraneous material deducted as additional tare.

[Statutory Authority: RCW 19.94.190 [(1)](a). 99-06-072, § 16-645-010, filed 3/2/99, effective 4/2/99.]

Chapter 16-662 WAC

WEIGHTS AND MEASURES—NATIONAL HANDBOOKS

WAC

16-662-105 Adoption—Weighing and measuring equipment requirements—Package checking—Packaging and labeling—Method of sale—Price verification.
16-662-110 Modifications to NIST Handbook 44.

WAC 16-662-105 Adoption—Weighing and measuring equipment requirements—Package checking—Packaging and labeling—Method of sale—Price verification.

(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment shall be those contained in the 1999 Edition of the National Institute of Standards and Technology (NIST) Handbook 44, published by the U.S. Department of Commerce, entitled the *National Institute of Standards and Technology Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices*.

(2) The procedures for checking the accuracy of the net contents of packaged goods shall be those contained in the Third Edition of National Bureau of Standards (NBS) Handbook 133 published by the United States Department of Commerce, entitled the *National Bureau of Standards Handbook 133 - Third Edition - Checking the Net Contents of Packaged Goods* as modified by NIST Handbook 133 Supplements 1, 2, 3, and 4, issued in 1990, 1991, 1992, and 1994 respectively.

(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification shall be those contained in the 1999 Edition of National Institute of Standards and Technology Handbook 130, entitled the *NIST Handbook 130 - Uniform Laws And Regulations in the areas of legal metrology and motor fuel quality*, specifically:

(a) Weights and measures requirements for all food and nonfood commodities in package form shall be the *Uniform Packaging and Labeling Regulation* requirements as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, 1998 Edition.

(b) Weights and measures requirements for the method of sale of food and nonfood commodities shall be those found in the *Uniform Regulation for the Method of Sale of Commodities* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, 1999 Edition.

(c) Weights and measures requirements for price verification shall be the *Examination Procedures for Price Verification* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, 1999 Edition.

[Statutory Authority: RCW 19.94.195. 99-07-056, § 16-662-105, filed 3/16/99, effective 4/16/99; 98-13-072, § 16-662-105, filed 6/15/98, effective 7/16/98. Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-105, filed 6/4/97, effective 7/5/97.]

WAC 16-662-110 Modifications to NIST Handbook

44. The following modifications are made to Handbook 44, identified in WAC 16-662-105:

(1) General Code:

(a) Section G-T. Tolerances. In paragraphs (b), (c), and (d) of subsection G-T.1. "Acceptance Tolerances", change "30 days" to "90 days."

(b) Section G-UR. User Requirements. In the last sentence of subsection G-UR.4.1. "Maintenance of Equipment", change "device user" to "device owner or operator."

(2) Scale Code: Section UR.3. Use Requirements. At the end of subsection UR.3.7.(a) add "and homeowner refuse."

(3) Vehicle-Tank Meters Code: Section UR.2.2 Ticket Printer; Customer Ticket. Change the effective dates in brackets at the end of the section to read as follows (Nonretroactive as of June 30, 1999. To become retroactive as of January 1, 2001.)

(4) Appendix D Definitions, Direct Sale. Replace with the following: "A sale in which both parties in the transaction are present when the quantity is being determined."

[Statutory Authority: RCW 19.94.195. 99-07-056, § 16-662-110, filed 3/16/99, effective 4/16/99. Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-110, filed 6/4/97, effective 7/5/97.]

Chapter 16-750 WAC

STATE NOXIOUS WEED LIST AND SCHEDULE OF MONETARY PENALTIES

WAC

16-750-001	State noxious weed list—Purpose.
16-750-003	Definitions.
16-750-004	Noxious weed region descriptions.
16-750-005	State noxious weed list—Class A noxious weeds.
16-750-011	State noxious weed list—Class B noxious weeds.
16-750-015	State noxious weed list—Class C noxious weeds.
16-750-020	Noxious weeds—Civil infractions—Schedule of monetary penalties.
16-750-025	Plant monitor list—Purpose.
16-750-105	State noxious weed control board—Powers—Duties—Responsibilities.
16-750-115	State noxious weed control board—Membership.
16-750-120	State noxious weed control board—Nominations—Elections—Terms of office—Vacancies.
16-750-130	State noxious weed control board—Organization.
16-750-135	State noxious weed control board—Meetings.
16-750-140	State noxious weed control board—Committees.
16-750-145	State noxious weed control board—Executive secretary—Definition.
16-750-150	State noxious weed control board—Executive secretary—Hiring and dismissal.

16-750-155	State noxious weed control board—Exchange time.
16-750-165	State noxious weed control board—Budget and finances.
16-750-175	Repealed.
16-750-185	State noxious weed control board—Access to public records and documents.
16-750-190	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-750-175	State noxious weed control board—Reports. [Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-175, filed 12/2/92, effective 1/2/93.] Repealed by 99-24-029, filed 11/23/99, effective 1/3/00. Statutory Authority: Chapter 17.10 RCW.
16-750-190	State noxious weed control board—Rule amendments. [Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-190, filed 12/2/92, effective 1/2/93.] Repealed by 99-24-029, filed 11/23/99, effective 1/3/00. Statutory Authority: Chapter 17.10 RCW.

WAC 16-750-001 State noxious weed list—Purpose.

In accordance with RCW 17.10.080 a state noxious weed list of the names of those plants which the state noxious weed control board finds to be highly destructive, competitive, or difficult to control by cultural or chemical practices is adopted.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-001, filed 11/23/99, effective 1/3/00; 91-24-072, § 16-750-001, filed 12/2/91, effective 1/2/92. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-001, filed 3/7/88.]

WAC 16-750-003 Definitions.

(1) The definitions in this section shall apply throughout this chapter, unless the context plainly requires otherwise:

(a) "Action" means the transaction of the official business of the Washington state noxious weed control board including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, and final actions.

(b) "Board" means the Washington state noxious weed control board, or a duly authorized representative.

(c) "Director" means the director of the department of agriculture, or the director's appointed representative.

(d) "Executive secretary" means the executive secretary of the Washington state noxious weed control board.

(e) "Department" means the department of agriculture of this state.

(f) "Final action" means a collective positive or negative decision, or an actual vote by a majority of board members when sitting as a body or entity, upon a motion, proposal, resolution, or order.

(g) "Meeting" means meetings at which action is taken.

(h) "Regular meetings" means recurring meetings held in accordance with a periodic schedule in compliance with applicable statute or rule.

(2) The definitions in this subsection apply throughout this chapter, chapter 17.10 RCW, and any rules adopted thereunder unless the context plainly requires otherwise:

(a) "Control" means to prevent all seed production and to prevent the dispersal of the following propagules of aquatic noxious weeds - turions, fragments, tubers, and nutlets.

(b) "Contain" means to confine a noxious weed and its propagules to an identified area of infestation.

(c) "Eradicate" means to eliminate a noxious weed within an area of infestation.

(d) "Prevent the spread of noxious weeds" means to contain noxious weeds.

(e) Class A noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state.

(f) Class B noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region.

(g) "Class B designate" means those Class B noxious weeds whose populations in a region or area are such that all seed production can be prevented within a calendar year.

(h) Class C are any other noxious weeds.

(3) Any county noxious weed control board may enhance the clarity of any definition contained in subsection (2) of this section, making that definition more specific, but shall not change its general meaning.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-003, filed 11/23/99, effective 1/3/00; 97-06-108, § 16-750-003, filed 3/5/97, effective 4/5/97; 93-01-004, § 16-750-003, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-003, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-003, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-003, filed 12/7/89, effective 1/7/90; 88-18-001 (Order 24, Resolution No. 24), § 16-750-003, filed 8/25/88.]

WAC 16-750-004 Noxious weed region descriptions.

The state of Washington is divided into ten regions for the purpose of designating Class B noxious weeds.

(1) Region 1 description. A region consisting of all lands lying within the boundaries of Clallam and Jefferson counties.

(2) Region 2 description. A region consisting of all lands lying within the boundaries of Whatcom, Skagit, Snohomish, San Juan, and Island counties.

(3) Region 3 description. A region consisting of:

(a) All lands lying within the boundaries of Okanogan County.

(b) All lands lying within the boundaries of Chelan and Douglas counties and north of Highway 2.

(4) Region 4 description. A region consisting of:

(a) All lands lying within the boundaries of Ferry, Stevens, and Pend Oreille counties.

(b) All lands lying within the boundaries of Spokane County and north of the Spokane River.

(5) Region 5 description. A region consisting of all lands lying within the boundaries of Grays Harbor, Mason, Kitsap, Thurston, Pierce, and King counties.

(6) Region 6 description. A region consisting of:

(a) All lands lying within the boundaries of Kittitas and Grant counties.

(b) All lands lying within the boundaries of Chelan and Douglas counties and south of Highway 2.

(c) All lands lying within the boundaries of Yakima County and north of Highway 12 from the Yakima — Lewis County line to Yakima and north of Highway 82 from Yakima to the Yakima — Kittitas County line.

(d) All lands lying within the boundaries of Ranges 28E, 29E, and 30E of Adams County.

(7) Region 7 description. A region consisting of:

(a) All lands lying within the boundaries of Lincoln and Whitman counties.

(b) All lands lying within the boundaries of Spokane County and south of the Spokane River.

(c) All lands lying within the boundaries of Ranges 31E, 32E, 33E, 34E, 35E, 36E, 37E, and 38E of Adams County.

(8) Region 8 description. A region consisting of all lands lying within the boundaries of Pacific, Lewis, Wahkiakum, Cowlitz, Skamania, and Clark counties.

(9) Region 9 description. A region consisting of:

(a) All lands lying within the boundaries of Benton and Klickitat counties.

(b) All lands lying within the boundaries of Yakima County and south of Highway 12 from the Yakima — Lewis County line to Yakima and south of Highway 82 from Yakima to the Yakima — Kittitas County line.

(c) All lands lying within the boundaries of Franklin County and west of Highway 395.

(10) Region 10 description. A region consisting of:

(a) All lands lying within the boundaries of Asotin, Garfield, Columbia, and Walla Walla counties.

(b) All lands lying within the boundaries of Franklin County and east of Highway 395.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-004, filed 11/23/99, effective 1/3/00; 91-24-072, § 16-750-004, filed 12/2/91, effective 1/2/92; 88-18-001 (Order 24, Resolution No. 24), § 16-750-004, filed 8/25/88.]

WAC 16-750-005 State noxious weed list—Class A noxious weeds.

Common Name	Scientific Name
bean-caper, Syrian	Zygophyllum fabago
blueweed, Texas	Helianthus ciliaris
broom, Spanish	Spartium junceum
buffalobur	Solanum rostratum
clary, meadow	Salvia pratensis
cordgrass, salt meadow	Spartina patens
crupina, common	Crupina vulgaris
flax, spurge	Thymelaea passerina
four o'clock, wild	Mirabilis nyctaginea
goatsrue	Galega officinalis
hawkweed, yellow devil	Hieracium floribundum
hogweed, giant	Heracleum mantegazzianum
hydrilla	Hydrilla verticillata
johnsongrass	Sorghum halepense
knapweed, bighead	Centaurea macrocephala
knapweed, Vochin	Centaurea nigrescens
lawnweed	Soliva sessilis
mustard, garlic	Alliaria petiolata
nightshade, silverleaf	Solanum elaeagnifolium
sage, clary	Salvia sclarea
sage, Mediterranean	Salvia aethiops
saltcedar	Tamarix ramosissima
spurge, eggleaf	Euphorbia oblongata
starthistle, purple	Centaurea calcitrapa
thistle, Italian	Carduus pycnocephalus

thistle, milk
thistle, slenderflower
velvetleaf
woad, dyers

Silybum marianum
Carduus tenuiflorus
Abutilon theophrasti
Isatis tinctoria

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-005, filed 11/23/99, effective 1/3/00; 98-24-026, § 16-750-005, filed 11/23/98, effective 1/2/99; 97-24-051, § 16-750-005, filed 11/26/97, effective 1/2/98. Statutory Authority: RCW 17.10.080.96-06-030, § 16-750-005, filed 2/29/96, effective 3/31/96. Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-005, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-005, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-005, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-005, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-005, filed 11/29/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-005, filed 3/7/88.]

Name Will be a "Class B designate" in all lands lying within:

- (6) bugloss, annual
Anchusa arvensis
 - (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.
- (7) camelthorn
Alhagi maurorum
 - (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 and except the area west of Highway 17 and north of Highway 26 in Adams 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 5, 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.

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
Alopecurus myosuroides
 - (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
Echium vulgare
 - (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 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.
- (3) broom, Scotch
Cytisus scoparius
- (4) bryony, white
Bryonia alba
 - (a) regions 1, 2, 3, 4, 5, 6, 8, 9
 - (b) region 7 except Whitman County
 - (c) Franklin County of region 10.
- (5) bugloss, common
Anchusa officinalis
 - (a) regions 1, 2, 3, 5, 6, 8, 9, 10

- (8) carrot, wild
Daucus carota
 - (a) regions 3, 7, 10 (except where intentionally cultivated)
 - (b) Spokane and Ferry counties of region 4 (except where intentionally cultivated)
 - (c) region 6, except Yakima County (except where intentionally cultivated)
 - (d) region 9, except Yakima County (except where intentionally cultivated).
- (9) catsear, common
Hypochaeris radicata
 - (a) regions 3, 4, 6, 7, 10
 - (b) region 9 except Klickitat County.
- (10) chervil, wild
Anthriscus sylvestris
 - (a) regions 1, 3, 4, 6, 7, 9, 10
 - (b) region 5 except those portions of Thurston County within T15, 16, 17N, R2, 3, 4W
 - (c) region 2 except Guemes Island in Skagit County
 - (d) region 8 except Clark County.

Noxious Weed List

16-750-011

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(11) cinquefoil, sulfur <i>Potentilla recta</i>	(a) regions 1, 3, 8, 10 (b) region 2 except Skagit County (c) region 4 except Stevens, Ferry, and Pend Oreille counties (d) region 5 except Thurston County (e) region 6 except Yakima County (f) region 7 except Spokane County (g) region 8 except Lewis County (h) region 9 except Klickitat County.	(20) hawkweed, orange <i>Hieracium aurantiacum</i>	(c) Thurston County lying within T17N, R1W, S31; T16N, R2W, S30 W1/2; T16N, R3W, S25, SE1/4; T16N, R3W, S36, N1/2; T16N, R2W, S31, NW1/4. (a) regions 3, 6, 9, 10 (b) Clallam County of region 1 (c) Skagit County of region 2 (d) Ferry County of region 4 (e) Thurston and King counties of region 5 (f) Lincoln and Adams counties of region 7 (g) Lewis County of region 8.
(12) cordgrass, smooth <i>Spartina alterniflora</i>	(a) regions 1, 3, 4, 5, 6, 7, 9, 10 (b) region 2 except Padilla Bay of Skagit County (c) region 8 except bays and estuaries of Pacific County.	(21) hawkweed, polar <i>Hieracium atratum</i>	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 outside the boundaries of Mt. Rainier National Park.
(13) cordgrass, common <i>Spartina anglica</i>	(a) regions 1, 3, 4, 5, 6, 7, 8, 9, 10 (b) region 2 except bays and estuaries of Skagit and Island counties and except bays and estuaries north of Everett in Snohomish County.	(22) hawkweed, smooth <i>Hieracium laevigatum</i>	(a) regions 1, 3, 4, 5, 6, 7, 8, 9, 10 (b) San Juan, Island, and Skagit counties of region 2.
(14) daisy, oxeye <i>Leucanthemum vulgare</i>	(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.	(23) hawkweed, yellow <i>Hieracium caespitosum</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 10 (b) region 4 except north of T32N in Pend Oreille County and east Highway 395 and north of Highway 20 in Stevens County (c) region 9 except sections 32, 33 and 34 of T6N, R12E, and sections 4, 5, 6, and 7 of T5N, R12E, and section 12 of T5N, R11E, of Klickitat County.
(15) elodea, Brazilian <i>Egeria densa</i>	(a) regions 3, 4, 6, 7, 9, 10 (b) Lewis County of region 8 (c) Clallam County of region 1.	(24) hedgeparsley <i>Torilis arvensis</i>	(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.
(16) fanwort <i>Cabomba caroliniana</i>	(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10 (b) region 8 except T8N, R3W of Cowlitz County.	(25) helmet, policeman's <i>Impatiens glandulifera</i>	(a) regions 1, 3, 4, 6, 7, 8, 9, 10 (b) region 2 except Whatcom County (c) region 5 except Pierce and Thurston counties.
(17) fieldcress, Austrian <i>Rorippa austriaca</i>	(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.	(26) herb-Robert <i>Geranium robertianum</i>	(a) regions 3, 4, 6, 7, 9, 10
(18) gorse <i>Ulex europaeus</i>	(a) regions 3, 4, 6, 7, 9, 10 (b) Skagit and Whatcom counties of region 2 (c) Thurston, Pierce, and King counties of region 5 (d) Wahkiakum, Cowlitz, and Lewis counties of region 8 (e) Clallam County of region 1.	(27) houndstongue <i>Cynoglossum officinale</i>	(a) Kittitas County of region 6.
(19) hawkweed, mouseear <i>Hieracium pilosella</i>	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 except Thurston County	(28) indigobush <i>Amorpha fruticosa</i>	(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.
		(29) knapweed, black <i>Centaurea nigra</i>	(a) regions 1, 2, 3, 4, 5, 7, 9, 10

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(30) knapweed, brown <i>Centaurea jacea</i>	(b) region 6 except Kittitas County	(35) knotweed, giant <i>Polygonum sachalinense</i>	(d) region 10 except Garfield County.
	(c) region 8 except Clark County.		(a) Kittitas County of region 6.
(31) knapweed, diffuse <i>Centaurea diffusa</i>	(a) regions 1, 2, 3, 4, 5, 7, 9, 10	(36) knotweed, Japanese <i>Polygonum cuspidatum</i>	(a) Kittitas County of region 6.
	(b) region 6 except Kittitas County	(37) kochia <i>kochia scoparia</i>	(a) Skagit and Whatcom counties of region 2
(32) knapweed, meadow <i>Centaurea jacea x nigra</i>	(c) region 8 except Clark County.		(b) Pend Oreille County of region 4
	(a) regions 1, 2, 5, 8	(38) lepyrodiclis <i>Lepyrodiclis holosteoides</i>	(c) King County of region 5
(33) knapweed, Russian <i>Acroptilon repens</i>	(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 30E. lying in Grant County; all W.M.		(d) Kittitas County of region 6.
	(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	(39) loosestrife, garden <i>Lysimachia vulgaris</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10
(34) knapweed, spotted <i>Centaurea biebersteinii</i>	(d) Franklin County of regions 9 and 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, 5, 7, 9, 10	(40) loosestrife, purple <i>Lythrum salicaria</i>	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10
	(b) region 6 except Kittitas County		(b) region 5 except King County
	(c) region 8 except Clark County.		(c) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line.
	(a) regions 1, 2, 5, 7, 8		(a) regions 1, 4, 7, 8
	(b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County		(b) region 2 except Snohomish County
	(c) Adams County of region 6 except for the area west of Highway 17 and North of Highway 26		(c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside Grays Harbor, Mason, Kitsap, and Thurston counties of region 5
	(d) Intercounty Weed District No. 52		(e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line
	(e) region 10 except Franklin County.		(f) Pierce County, except those areas lying within T2D, 21, 22N, R1W and R1E, all sections
	(a) regions 1, 2, 3, 5, 6, 8, 9		
	(b) Ferry County of region 4		
	(c) Adams and Whitman counties of region 7		

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(41) loosestrife, wand <i>Lythrum virgatum</i>	(g) 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	(43) oxtongue, hawkweed <i>Picris hieracioides</i>	(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.
	(h) region 9 except Benton County		(ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County
	(i) region 10 except Walla Walla County		(d) region 10 except Walla Walla County.
	(j) Intercounty Weed Districts No. 51 and No. 52.		(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
	(a) regions 1, 4, 7, 8		(b) region 8 except Skamania County.
	(b) region 2 except Snohomish County		(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
	(c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside		(b) region 8 except Clark, Cowlitz, and Wahkiakum counties.
	(d) region 5 except King County		(a) regions 1, 2, 3, 4, 5, 7, 8, 10
	(e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line		(b) Intercounty Weed Districts No. 51 and 52
	(f) 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		(c) Kittitas County of region 6
(g) region 9 except Benton County			
(h) region 10 except Walla Walla County			
(i) 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:			
(42) nutsedge, yellow <i>Cyperus esculentus</i>		(44) parrotfeather <i>Myriophyllum aquaticum</i>	
		(45) pepperweed, perennial <i>Lepidium latifolium</i>	

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(46) primrose, water <i>Ludwigia hexapetala</i>	(d) Adams County of region 6 except for the area west of Highway 17 and north of Highway 26. (a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10 (b) region 8 except T8N, R3W, S14 of Cowlitz County.		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
(47) puncturevine <i>Tribulus terrestris</i>	(a) Skagit County of region 2 (b) Kittitas County of region 6 (c) Adams County (d) Clallam County of region 1.		(e) Stevens County north of Township 33 North of region 4 (f) Ferry and Pend Oreille counties of region 4 (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.
(48) ragwort, tansy <i>Senecio jacobaea</i>	(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 Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.	(52) snapdragon, dwarf <i>Chaenorrhinum minus</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) region 4 except Spokane County (c) region 7 except Spokane County.
(49) rocket, garden <i>Eruca Vesicaria ssp. sativa</i>	(a) regions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 (except where intentionally cultivated).	(53) sowthistle, perennial <i>Sonchus arvensis ssp. arvensis</i>	(a) regions 1, 2, 3, 4, 7, 8, 9, 10 (b) Adams County of region 6 (c) region 5 except for sections 28, 29, 30, 31, 32, and 33 in T19N, R1E of Thurston and Pierce counties.
(50) sandbur, longspine <i>Cenchrus longispinus</i>	(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 (d) Kittitas County of region 6.	(54) spurge, leafy <i>Euphorbia esula</i>	(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.
(51) skeletonweed, rush <i>Chondrilla juncea</i>	(a) regions 1, 2, 3, 5, 8, 9 (b) Franklin County except T13N, R36E; and T14N, R36E (c) Adams County except those areas lying east 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	(55) starthistle, yellow <i>Centaurea solstitialis</i>	(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 region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State

Noxious Weed List

16-750-011

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
	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	(58) thistle, plumeless <i>Carduus acanthoides</i>	(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.
	(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	(59) thistle, Scotch <i>Onopordum acanthium</i>	(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
	(d) Franklin County	(60) toadflax, Dalmatian <i>Linaria dalmatica</i> <i>ssp. dalmatica</i>	(c) Franklin County (a) regions 1, 2, 5, 8, 10 (b) Douglas County of region 3 lying south of T25N, west of R25E, and east of R28E
	(e) region 9 except Klickitat County		(c) Okanogan County lying within T 33, 34, 35N, R19, 20, 21, 22E, except the southwest, southeast, and northeast quarters of the northeast quarter of section 27, T35N, R21E; and the northeast quarter of the southeast quarter of section 27, T35N, R21E
	(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.		(d) Kittitas, Chelan, Douglas, and Adams counties of region 6 (e) Intercounty Weed District No. 51 (f) Weed District No. 3 of Grant County (g) Lincoln and Adams counties (h) The western two miles of Spokane County of region 7 (i) 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.
(56) Swainsonpea <i>Sphaerophysa salsula</i>	(a) regions 1, 2, 3, 4, 5, 7, 8	(61) watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	(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 (e) in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4.
	(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.		
(57) thistle, musk <i>Carduus nutans</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10		

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-011, filed 11/23/99, effective 1/3/00; 98-24-026, § 16-750-011, filed 11/23/98, effective 1/2/99; 97-24-051, § 16-750-011, filed 11/26/97, effective 1/2/98; 97-06-108, § 16-750-011, filed 3/5/97, effective 4/5/97. Statutory Authority: RCW 17.10.080. 96-06-030, § 16-750-011, filed 2/29/96, effective 3/31/96. 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	Gypsophila paniculata
beard, old man's	Clematis vitalba
bindweed, field	Convolvulus arvensis
canarygrass, reed	Phalaris arundinacea
cockle, white	Silene latifolia ssp. alba
cocklebur, spiny	Xanthium spinosum
crass, hoary	Cardaria draba
dodder, smoothseed alfalfa	Cuscuta approximata
goatgrass, jointed	Aegilops cylindrica
henbane, black	Hyoscyamus niger
houndstongue	Cynoglossum officinale
knotweed, giant	Polygonum sachalinense
knotweed, Japanese	Polygonum cuspidatum
mayweed, scentless	Matricaria perforata
poison-hemlock	Conium maculatum
rye, cereal	Secale cereale
spikeweed	Hemizonia pungens
St. Johnswort, common	Hypericum perforatum
tansy, common	Tanacetum vulgare
thistle, bull	Cirsium vulgare
thistle, Canada	Cirsium arvense
toadflax, yellow	Linaria vulgaris
whitetop, hairy	Cardaria pubescens
wormwood, absinth	Artemisia absinthium

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-015, filed 11/23/99, effective 1/3/00; 98-24-026, § 16-750-015, filed 11/23/98, effective 1/2/99; 97-06-108, § 16-750-015, filed 3/5/97, effective 4/5/97. Statutory Authority: RCW 17.10.080. 96-06-030, § 16-750-015, filed 2/29/96, effective 3/31/96. 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.]

WAC 16-750-020 Noxious weeds—Civil infractions—Schedule of monetary penalties. Civil infractions under chapter 17.10 RCW shall be assessed a monetary penalty according to the following schedule:

(1) Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control the noxious weeds will be assessed the following monetary penalties. The penalties are assessed per parcel, per noxious weed species, per day after expiration of the notice to control filed pursuant to RCW 17.10.170:

- (a) Any Class A noxious weed:
 - 1st offense within five years \$ 750

- 2nd and any subsequent offense 1,000
- (b) Any Class B designate noxious weed in the noxious weed control region in which the land lies:
 - 1st offense within five years \$ 500
 - 2nd offense 750
 - 3rd and any subsequent offense 1,000
- (c) Any Class B nondesignate noxious weed in the noxious weed control region in which the land lies; or any Class C noxious weed:
 - 1st offense within five years \$ 250
 - 2nd offense 500
 - 3rd offense 750
 - 4th and any subsequent offense 1,000

(2) Any person who enters upon any land in violation of an order in force pursuant to RCW 17.10.210 will be assessed as follows:

- 1st offense within five years \$ 500
- 2nd offense 750
- 3rd and any subsequent offense 1,000

(3) Any person who interferes with the carrying out of the provisions of chapter 17.10 RCW shall be assessed as follows:

- 1st offense within five years \$ 500
- 2nd offense 750
- 3rd and any subsequent offense 1,000

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-020, filed 11/23/99, effective 1/3/00; 97-06-108, § 16-750-020, filed 3/5/97, effective 4/5/97; 93-01-004, § 16-750-020, filed 12/2/92, effective 1/2/93.]

WAC 16-750-025 Plant monitor list—Purpose. The purpose of the monitor list is to gather more information on suspect weeds as well as monitor for occurrence or spread. Information collected may be used to justify future inclusion on the state noxious weed list. There is no regulatory aspect to this list. Reasons for plant inclusion on the monitor list include:

- (1) There is reason to believe the species is invasive or poses a potential threat to Washington.
- (2) Additional information is needed on distribution, abundance, or biology.
- (3) The species was once present in Washington and on the state noxious weed list. It is now being monitored for reoccurrence.
- (4) There is need to verify existence (site investigation), verify identification, and/or obtain voucher specimen.
- (5) It exists in an adjacent state or province or occurs on an adjacent state or province's noxious weed list and is not known to occur in Washington.

Native species of Washington will not be included on the monitor list. Each weed included on the monitor list will be included by vote of the noxious weed committee. A sponsor is required in order to place a weed on the monitor list. The current monitor list is kept in the state noxious weed board office.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-025, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-025, filed 12/2/92, effective 1/2/93.]

WAC 16-750-105 State noxious weed control board—Powers—Duties—Responsibilities. The powers and duties of the board include:

(1) Adopting rules defining the words "control," "contain," "eradicate," and the term "prevent the spread of noxious weeds";

(2) Conducting elections to the board, and adopting rules as set forth in this chapter establishing a position number for each elected position to the board and designating in which county noxious weed control board members are eligible to vote for each elected position;

(3) Electing officers, conducting meetings, holding hearings, appointing committees, entering upon any property to administer chapter 17.10 RCW, and adopting the necessary rules to carry out its powers and duties identified herein;

(4) When petitioned, holding a hearing in a county to determine the need for activation of the county noxious weed control board and, if such a need is found to exist, ordering the county legislative authority to activate and appoint members to such board;

(5) Each year or more often, adopting a state noxious weed list, classifying the weeds on the list, and entering written findings for the inclusion of each weed on the list;

(6) Sending a copy of the state noxious weed list to each activated county noxious weed control board, regional noxious weed control board, weed district, and each county legislative authority of each county with an inactivated noxious weed control board;

(7) When petitioned and following a hearing, ordering any county noxious weed board to include a noxious weed from the state list on the county board or district's weed list;

(8) Adopting a schedule of monetary penalties for each violation of chapter 17.10 RCW classified as a civil infraction and submitting the schedule to the appropriate courts;

(9) Employing an executive secretary whose qualifications, duties, and responsibilities are set forth in this chapter and RCW 17.10.070;

(10) Preparing and distributing a biennial written report showing the expenditure of state funds on noxious weed control; specifying how the funds were spent; the status of state, county, and district programs; recommending the continued best use of state funds; and recommending the long-term needs regarding weed control;

(11) Advising the director as provided for in chapter 17.10 RCW.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-105, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-105, filed 12/2/92, effective 1/2/93.]

WAC 16-750-115 State noxious weed control board—Membership. The board is comprised of nine voting members and three nonvoting members selected as follows:

(1) Four of the members are elected by the members of activated county noxious weed control boards eligible to vote for the elected position established by the state noxious weed board. Two members are elected from the west side of the

state, the crest of the Cascades being the dividing line, and two from the east side of the state.

(2) The director is a voting member.

(3) One member is elected by the directors of activated weed districts formed under chapter 17.04 or 17.06 RCW.

(4) The Washington state association of counties appoints one voting member who must be a member of a county legislative authority.

(5) The director appoints two voting members to represent the public interest, one from the west side and one from the east side of the state.

(6) The director appoints three nonvoting members representing scientific disciplines relating to weed control.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-115, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-115, filed 12/2/92, effective 1/2/93.]

WAC 16-750-120 State noxious weed control board—Nominations—Elections—Terms of office—Vacancies.

(1) Nominations and elections to board positions are conducted by regular mail.

(2) The board calls for nominations to elected positions at least sixty days prior to expiration of position terms.

(3) The board sends ballots to eligible activated county noxious weed control boards or weed district directors by regular mail at least forty-five days prior to expiration of each position term.

(4) Ballots must be returned no later than thirty days before expiration of each term. Only official ballots will be accepted. Photocopied ballots will be considered invalid.

(5) The board chairperson appoints a committee to count ballots and certify elections at least thirty days prior to expiration of each term.

(6) Results of elections are announced prior to the next scheduled board meeting.

(7) For the purpose of conducting nominations or elections, the board uses the current list of county noxious weed control board voting members and weed district directors.

(8) Any person who is a resident in and member of an activated county noxious weed control board in the counties represented by positions 1, 2, 3, and 4 may enter his or her name, or that of any qualified person in nomination for election to the board position by voting members of the above activated county noxious weed control boards.

(9) Any director of an active weed district formed under chapter 17.04 or 17.06 RCW may enter a name in nomination for election to position 5 on the board.

(10) Each candidate or each person nominating such candidate must complete a certificate of nomination, and must return it to the board postmarked by the date specified.

(11) The board creates a ballot listing the names in alphabetical order beginning with the last name first, of the candidates nominated to the position of the board: Provided, That the board shall remove the name of any person nominated who notifies the board in writing that he or she is unwilling to serve on the board.

(12) The ballot, along with the statement, if any, of each candidate in the election will be mailed by regular mail to each voting member of an activated county noxious weed control board or director of an active weed district. Only county board members or weed district directors within the established position area are eligible to vote for the board member to represent that area.

(13) Each voting member of an activated county noxious weed control board or director of an activated weed district may cast one vote for the candidates appearing on the appropriate ballot and return it to the board as provided above and as per the dates specified.

(14) The candidate receiving the highest number of votes is elected: Provided, That if the candidate fails to receive more than fifty percent of the votes cast in an election, a second election will be held between such candidate and the candidate receiving the next highest votes and: Provided further, That if there is only one candidate, that candidate will be deemed elected unanimously.

(15) The term of office for all members of the board is three years from the date of election or appointment.

(16) Vacancies among board members appointed by the director will be filled by the director. Vacancies among elected members will be filled by special election by those entities eligible to elect that position for the expired term. Special elections follow the same procedure as regular elections. Board members appointed to fill vacancies will serve out the existing term.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-120, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-120, filed 12/2/92, effective 1/2/93.]

WAC 16-750-130 State noxious weed control board—Organization. The organization of the board is as follows:

(1) The officers of the board are the chairperson, vice-chairperson, and secretary. The title of the chief administrative officer is the executive secretary.

(2) Duties of officers.

(a) The chairperson presides at all meetings of the board, has the power to appoint committees, acts as ex officio member of all committees except the executive committee, serves as chairperson of the executive committee, serves as official signer of agreements between the board and public or private agencies, and performs such other duties as pertain to the office.

(b) The vice-chairperson performs the duties of the chairperson in his or her absence, acts as an ex officio member of all committees, and any other duties delegated by the chairperson. The vice-chairperson will assume the duties of and serve out the term of the chairperson upon permanent departure of the chairperson.

(c) The secretary is the official keeper of the minutes and, approves them, and presents them to the board for adoption. In the absence of the chairperson and vice-chairperson, the secretary performs the duties of the chairperson.

(d) The duties of the executive secretary, in addition to administrative duties assigned elsewhere in this chapter, are to keep a record of the proceedings of the board, notify all board members, county noxious weed control boards, and weed districts of meetings, act as an ex officio nonvoting

member of all committees, negotiate agreements with public and private agencies on behalf of the board, and perform other responsibilities as delegated by the chairperson.

(3) Term of office. Term of office for officers of the board is twelve months effective July 27 of the year elected and ending July 26 of the following year.

(4) Election of officers. Elections will be held at the first meeting of the fiscal year in July. Officers are elected by a majority vote of the voting members present.

(5) Vacancies of officers other than chairperson, shall be filled by election of the voting board members present.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-130, filed 11/23/99, effective 1/3/00; 97-06-108, § 16-750-130, filed 3/5/97, effective 4/5/97; 93-01-004, § 16-750-130, filed 12/2/92, effective 1/2/93.]

WAC 16-750-135 State noxious weed control board—Meetings. (1) All meetings of the board are open and public and all persons are permitted to attend any meeting of the board, except as otherwise provided in the Open Public Meetings Act, chapter 42.30 RCW.

(2) Members of the public are not required, as a condition to attendance at a board meeting, to register names, other information, or otherwise to fulfill any condition prior to attending.

(3) Interruptions. In the event that any meeting is interrupted by any person as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of individuals who are interrupting the meeting, the chairperson may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by a majority vote of the board members present. In such a session, the board will follow the procedures set forth in the Open Public Meetings Act (RCW 42.30.050).

(4) Adoption of rules, regulations, resolution, etc. The board shall not adopt any rules, regulations, resolution, etc. except in a meeting open to the public and then only at a meeting, the date of which is fixed by rule, or at a meeting of which notice has been given according to the provisions of the Open Public Meetings Act. Any action taken at meetings failing to comply with this section is null and void.

(5) Regular meetings—Schedule—Publication in State Register—Notice of change. The board will meet once every two months and at other times determined by the chairperson or by a majority of the voting members. If any regular meeting falls on a holiday, the meeting will be held on the next business day. The executive secretary files with the code reviser a schedule of the time and place of regular meetings on or before January of each year for publication in the Washington State Register. Notice of any change from this meeting schedule will be published in the State Register for distribution at least twenty days prior to the rescheduled meeting date.

(6) Notice. Ten days notice of all meetings will be given by mailing a copy of the notice and agenda to each board member, county noxious weed control board, and weed district.

(7) Special meetings. The ten-day notice may be waived for special meetings which may be called at any time by the chairperson, director, or a majority of the voting board mem-

bers. Special meeting notification shall follow the procedures for special meetings set forth in the Open Public Meetings Act (RCW 42.30.080).

(8) Adjournments. If a meeting is adjourned before the advertised time, a written notice will be posted at the meeting place that specifies when the meeting was adjourned.

(9) Executive sessions.

(a) The board may hold an executive session during a regular meeting which may be called by the chairperson or a majority of voting board members present. No official actions will be taken at executive sessions. Executive sessions may deal only with matters authorized by RCW 42.30.110.

(b) Before convening in executive session, the chairperson shall publicly announce the purpose of excluding the public from the meeting place and the time when the executive session will be concluded. The executive session may be extended to a later time by announcement of the chairperson.

(10) Agenda. The agenda will be prepared by the executive secretary in consultation with the chairperson. Items may be submitted by all board members to the executive secretary at least fifteen days prior to the board meeting.

(11) Attendance. Each board member is expected to attend all board and assigned committee meetings. In the event a board member is unable to attend, he or she is requested to provide the chairperson or executive secretary with the reasons for the absence prior to the meeting. Any voting member who misses two consecutive board meetings without providing the chairperson or the executive secretary with the reasons for the absences prior to the meeting may be removed from the board, following due notice and a hearing. Removal procedures may be initiated by a quorum vote of the board.

(12) Voting procedures. Board voting procedures on all matters are as follows:

(a) Five voting members constitute a quorum to conduct the affairs of the board.

(b) The chairperson may vote on all matters coming before the board.

(c) A roll call of all voting board members present may be requested on all motions by any member.

(d) All members have the right to move or second motions.

(e) Proxy voting is not permitted.

(13) Minutes. The minutes of all regular and special meetings, except executive sessions, will be promptly recorded and such records are open to public inspection.

(14) Press releases. All press releases and official information concerning board activities will be released from the board office.

(15) Public participation.

(a) Any person wishing to make a formal presentation at a regularly scheduled meeting of the board must notify the executive secretary of the subject matter at least fifteen days before the meeting.

(b) Permission to appear before the board will be granted by the executive secretary in consultation with the chairperson before the meeting. Permission includes the date and time of the meeting and the time set for formal presentation.

(c) The chairperson may, at his or her discretion, recognize anyone in the audience who indicates at the time of the meeting a desire to speak.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-135, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-135, filed 12/2/92, effective 1/2/93.]

WAC 16-750-140 State noxious weed control board—Committees. Standing committees shall fairly reflect the composition of the board and unless advertised and open to the public, not more than four voting members may attend a committee meeting.

(1) Executive committee. An executive committee is authorized to deal with housekeeping and personnel matters, subject to board approval at the next scheduled board meeting. The chairperson appoints the executive committee with approval of the board.

(2) Standing committees. The standing committees of the board are: Budget, executive, noxious weed, and education. The board chairperson appoints the chairperson and other members of each committee.

(3) Ad-hoc committees may be appointed from time to time.

(4) Committee voting procedures.

(a) All members of a particular committee have the right to vote. Other members in attendance may enter into discussion, but shall have no vote.

(b) Proxy voting is not permitted.

(c) All questions decided by the committee will be by majority of the committee members present.

(5) Advisory committees. Advisory committees are established by the board as deemed necessary to the functioning of the board. Advisory committees are limited in their scope to the purposes determined by the board.

(6) Notice. Notice of committee meetings shall be given to the executive secretary.

(7) Committee reports.

(a) Committee reports and recommendations are submitted to the board in writing except when committees meet in conjunction with the board.

(b) Minority reports may be submitted by members of a committee, if signed by those members.

(8) Committee compensation. Board members attending meetings of committees will, upon request, be reimbursed on the same basis as for attendance at regularly called board meetings.

(9) All committee appointments will be reviewed in July of even-numbered years.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-140, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-140, filed 12/2/92, effective 1/2/93.]

WAC 16-750-145 State noxious weed control board—Executive secretary—Definition. The executive secretary acts as the chief administrative officer for the board and:

(1) Implements and administers the statutes, administrative rules, and policies of the noxious weed control program assigned to the board;

(2) Plans, develops, and prepares administrative rules and policies for the state noxious weed control program in conjunction with the board and the department; arranges public hearings in compliance with the Administrative Procedure Act and acts as chief hearing officer for the board; conducts elections for positions on the board;

(3) Coordinates the educational and weed control efforts of county and regional noxious weed control boards and weed districts;

(4) Coordinates board activities with the department, maintains a liaison and performs coordinating activities with other public and private agencies;

(5) Negotiates agreements, on behalf of the board, with federal agencies, tribes, and other public and private agencies;

(6) Represents the board before the state legislature; coordinates the development, edits, and oversees the production of the biennial report to the county noxious weed boards and weed districts on how state funds were spent and recommendations for the continued best use of state funds for noxious weed control;

(7) Plans, prepares, and presents programs on noxious weed control, specific weed species, and the role of the board; acts as the principal spokesperson of the board to the media, technical audiences, and the public;

(8) Maintains a collection of scientific and technical information relating to noxious weeds and integrated vegetation management; prepares written findings for the inclusion of species on the state noxious weed list;

(9) Develops, maintains, and ensures dissemination of information relating to noxious weeds to county noxious weed control boards and weed districts and keeps the general public and program participants informed of board activities and accomplishments;

(10) Provides technical advice to county noxious weed boards and weed districts on the state noxious weed law and related rules;

(11) Plans and coordinates state-wide approaches to selected noxious weeds, assists in the development of state-wide noxious weed survey standards, coordinates efforts with department weed specialists;

(12) Coordinates the activities of the board by scheduling all regular and committee meetings; in consultation with the chair, prepares meeting agendas; prepares all board correspondence; updates board on local, state, and federal noxious weed activities; acts as an ex officio, nonvoting member of all committees;

(13) Records the official minutes of the board and ensures their distribution; maintains all board records, acts as public record officer;

(14) Oversees fiscal management of the board's administrative budget and cooperates with the department in budget development;

(15) Supervises all board employees, approves hiring, rehiring, promotion, and termination of all board employees and ensures these processes and any disciplinary actions comply with state and department personnel policies; notifies board and department prior to initiating an adverse personnel action against any employee;

(16) Performs other assignments as determined by the board.

[Statutory Authority: Chapter 17.10 RCW, 99-24-029, § 16-750-145, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-145, filed 12/2/92, effective 1/2/93.]

WAC 16-750-150 State noxious weed control board—Executive secretary—Hiring and dismissal. The board has the responsibility for hiring and removing from office the executive secretary. The executive secretary may be dismissed by a majority vote of the full board upon the recommendation of the chairperson and the executive committee. Prior to initiating a dismissal the executive committee will notify the department. Neglect of duty, gross inefficiency, gross incompetence, gross misconduct, malfeasance or willful violation of obligations may give cause for a recommendation for dismissal or dismissal. Before any action is taken by the board to dismiss the executive secretary, the chairperson and one member of the executive committee will confer with the executive secretary and provide in writing and fully explain the charges and contemplated recommendation for dismissal. The privilege of a hearing before the executive committee or full board will be granted to the executive secretary prior to any formal action taken by the board. The executive secretary is granted thirty days preparation time for the hearing and is entitled to present evidence, to be assisted by favorable witnesses, and to confront unfavorable witnesses at the hearing.

[Statutory Authority: Chapter 17.10 RCW, 99-24-029, § 16-750-150, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-150, filed 12/2/92, effective 1/2/93.]

WAC 16-750-155 State noxious weed control board—Exchange time. The board shall provide exchange time in lieu of overtime pay to its employees for hours worked in excess of forty hours per week. The time shall accrue on an hour-for-hour basis. Exchange time has no cash value.

[Statutory Authority: Chapter 17.10 RCW, 99-24-029, § 16-750-155, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-155, filed 12/2/92, effective 1/2/93.]

WAC 16-750-165 State noxious weed control board—Budget and finances. (1) All board funds must be expended in a manner consistent with board wishes. The executive secretary is authorized to make these expenditures as appropriate. All matters related to payment of compensation and other expenses of the board are subject to the State Budget and Accounting Act (chapter 43.88 RCW).

(2) Budget approval. The executive secretary prepares the biennial budget after consulting the budget committee. The budget will provide for costs associated with salary, personal benefits, travel, equipment, and goods and services for the operation of the board. The budget is reviewed by the board for recommendation to and approval by the department and office of financial management.

(3) The board reserves the right to pursue additional funds for its administrative budget independent of the department.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-165, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-165, filed 12/2/92, effective 1/2/93.]

WAC 16-750-175 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-750-185 State noxious weed control board—Access to public records and documents. (1) In accordance with the Public Records Disclosure Act of Washington, the board shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of RCW 42.17.260(6), 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records.

(2) The provisions of chapter 42.17 RCW shall be liberally construed to promote full access to public records so as to assure continuing public confidence and to assure the public interest will be fully protected.

(3) Place and times for inspection and copying. The executive secretary will make public records available for inspection upon request.

(4) Charges for copying. No fee shall be charged for the inspection of public records. The executive secretary may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the board for its actual costs incident to such copying.

(5) Responses to requests. Responses to requests for public records shall be made promptly. Within five business days of receiving a public record request the board will respond as follows:

- (a) With the record requested;
- (b) Acknowledgment of the request and a reasonable estimate of the time it will take to provide the requested records or documents;
- (c) Denying the public record request.

Denials of requests will be accompanied by a written statement of the specific reasons the request is being denied and shall have received a prompt review and final determination by the board's executive committee. Additional time may be required to respond to a request due to time needed to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt. In acknowledging receipt of a public record request that is unclear, the executive secretary may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the board will not respond to it.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-185, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-185, filed 12/2/92, effective 1/2/93.]

WAC 16-750-190 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 16-752 WAC
NOXIOUS WEED CONTROL**

WAC

16-752-115	Repealed.
16-752-120	Repealed.
16-752-125	Repealed.
16-752-130	Repealed.
16-752-135	Repealed.
16-752-140	Repealed.
16-752-145	Repealed.
16-752-146	Repealed.
16-752-147	Repealed.
16-752-150	Repealed.
16-752-155	Repealed.
16-752-160	Repealed.
16-752-165	Repealed.
16-752-170	Repealed.
16-752-700	Establishing quarantine for purple nutsedge.
16-752-705	What articles are regulated under the quarantine of purple nutsedge and what do you need to ship regulated articles into Washington?
16-752-710	Acts prohibited by this purple nutsedge quarantine.
16-752-715	Disposal of articles regulated under this purple nutsedge quarantine.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

16-752-115	Noxious weeds grant program—Purpose. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-115, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-115, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
16-752-120	Noxious weeds grant program—Forms. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-120, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
16-752-125	Noxious weeds grant program—Who may apply. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-125, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-125, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
16-752-130	Noxious weeds grant program—Application procedure. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-130, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-130, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
16-752-135	Noxious weeds grant program—Content of grant application. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-135, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-135, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
16-752-140	Noxious weeds grant program—Application evaluation—Ranking and notice of acceptance or rejection of application. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-140, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-140, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
16-752-145	Noxious weeds grant program—Evaluation criteria. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-145, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-145, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
16-752-146	Minimum standards for all grant project performance. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-146, filed 9/20/90, effective 10/21/90.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
16-752-147	Minimum standards for A and B designate control work—Grant funding. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-147, filed 9/20/90, effective 10/21/90.] Repealed by 99-11-

- 087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-150 Noxious weeds grant program—Legal requirements. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-150, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-155 Noxious weeds grant program—Project monitoring, evaluation and reporting. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-155, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-155, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-160 Noxious weeds grant program—Billing of expenses. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-160, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-165 Noxious weeds grant program—Records retention, final report, unused allocated moneys. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-165, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-165, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-170 Noxious weeds grant program—Emergency and interim funding. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-170, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-170, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.

WAC 16-752-115 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-125 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-135 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-145 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-146 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-147 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-155 Repealed. See Disposition Table at beginning of this chapter.

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WAC 16-752-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-165 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-700 Establishing quarantine for purple nutsedge. Purple nutsedge (*Cyperus rotundus*) is a highly invasive, herbaceous perennial and is commonly considered one of the most serious noxious weeds in agronomic crops in the world. Purple nutsedge propagates by seed, rhizomes, bulbs and nutlets. Soil containing nutlets is the primary mode by which purple nutsedge spreads. The establishment of purple nutsedge in Washington would cause reduction in native vegetation and great economic loss to the agricultural industries of the state. The director of agriculture, pursuant to authorities in chapter 17.24 RCW, RCW 17.10.074 (1)(c) and chapter 15.13 RCW, has determined that the regulation and exclusion of purple nutsedge and its parts, seeds, rhizomes, bulbs and nutlets is necessary to protect the environmental quality and agricultural crops of the state of Washington.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c), 00-02-033, § 16-752-700, filed 12/29/99, effective 1/29/00.]

WAC 16-752-705 What articles are regulated under the quarantine of purple nutsedge and what do you need to ship regulated articles into Washington? (1) All plants or plant parts, including seeds and propagules, of purple nutsedge (*Cyperus rotundus*).

(2) Any of the following articles entering the state of Washington from the states of Alabama, Arizona, Arkansas, California, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas and Virginia, the territories of Puerto Rico and the Virgin Islands, and any other state, territory or district of the United States where purple nutsedge is found are regulated under this quarantine as hosts or possible carriers of purple nutsedge:

(a) All plants with roots, including planting medium and containers, except house plants;

(b) Soil, humus, compost or manure, except for commercially packaged products;

(c) Sod;

(d) Plant crowns, tubers or roots for propagation; and

(e) Any other article or means of conveyance, when it is determined by the department to present a hazard of spreading live purple nutsedge due to infestation or exposure to infestation.

(3) Shipment of the regulated articles described in subsection (2) of this section into or within the state of Washington must be accompanied by a certificate of inspection issued by an authorized state or federal regulatory authority from the state or entity of origin. The certificate of inspection must certify that the regulated article(s) has been inspected and

found free of purple nutsedge and its plant parts, seeds, rhizomes, bulbs and nutlets.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-705, filed 12/29/99, effective 1/29/00.]

WAC 16-752-710 Acts prohibited by this purple nutsedge quarantine. (1) Except under the terms of a compliance agreement with the department, the movement into or within the state of Washington of the following is prohibited:

(a) All purple nutsedge plants and purple nutsedge plant parts, including seeds and propagules; and

(b) Soil, humus, compost, bark, sawdust, ground wood products or manure contaminated with purple nutsedge seed, rhizomes, bulbs or nutlets.

(2) Planting or propagation of purple nutsedge is prohibited.

(3) Shipment of any of the regulated articles described in WAC 16-752-705(2) into or within the state of Washington without a certificate of inspection issued in accordance with WAC 16-752-705(3) is prohibited.

(4) The department may issue permits allowing actions otherwise prohibited under this section subject to the department's conditions and provisions necessary to prevent the introduction, escape or spread of purple nutsedge as prescribed in the permits.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-710, filed 12/29/99, effective 1/29/00.]

WAC 16-752-715 Disposal of articles regulated under this purple nutsedge quarantine. Any regulated articles that are in violation of this purple nutsedge quarantine are subject to destruction, shipment out-of-state or other disposition in a manner prescribed by the department. Any such action will be at the expense of the owner or owner's agent and without compensation.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-715, filed 12/29/99, effective 1/29/00.]

Title 36 WAC DEPARTMENT OF LICENSING (PROFESSIONAL ATHLETICS)

Chapters

36-12	Professional boxing and wrestling.
36-13	Professional wrestling rules.
36-14	Professional martial arts.

Chapter 36-12 WAC

PROFESSIONAL BOXING AND WRESTLING

WAC

36-12-195	License fees, renewals and requirements.
36-12-364	Rule exceptions boxing bouts.
36-12-365	Repealed.

36-12-367
36-12-370
36-12-385
36-12-400
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36-12-415
36-12-425
36-12-435
36-12-445
36-12-450
36-12-465
36-12-475
36-12-485

Repealed.
Repealed.
Repealed.
Repealed.
Repealed.
Repealed.
Repealed.
Repealed.
Repealed.
Repealed.
Application of brief adjudicative proceedings.
Preliminary record in brief adjudicative proceedings.
Conduct of brief adjudicative proceedings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

36-12-365

Definitions. [Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-365, filed 5/10/91, effective 6/10/91.] Repealed by 00-02-054, filed 12/31/99, effective 1/31/00. Statutory Authority: RCW 67.08.017(1).

36-12-367

Participants. [Statutory Authority: Chapter 67.08 RCW. 97-01-035, § 36-12-367, filed 12/10/96, effective 1/10/97; 91-11-038, § 36-12-367, filed 5/10/91, effective 6/10/91.] Repealed by 00-02-054, filed 12/31/99, effective 1/31/00. Statutory Authority: RCW 67.08.017(1).

36-12-370

Ring. [Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-370, filed 5/10/91, effective 6/10/91; Rule .04.370, filed 9/22/60, 3/17/60.] Repealed by 00-02-054, filed 12/31/99, effective 1/31/00. Statutory Authority: RCW 67.08.017(1).

36-12-385

Department inspector. [Statutory Authority: Chapter 67.08 RCW. 97-01-035, § 36-12-385, filed 12/10/96, effective 1/10/97; 91-11-038, § 36-12-385, filed 5/10/91, effective 6/10/91.] Repealed by 00-02-054, filed 12/31/99, effective 1/31/00. Statutory Authority: RCW 67.08.017(1).

36-12-400

Timekeepers and announcers. [Statutory Authority: Chapter 67.08 RCW. 97-01-035, § 36-12-400, filed 12/10/96, effective 1/10/97; 91-11-038, § 36-12-400, filed 5/10/91, effective 6/10/91; Rule .04.400, filed 9/22/60, 3/17/60.] Repealed by 00-02-054, filed 12/31/99, effective 1/31/00. Statutory Authority: RCW 67.08.017(1).

36-12-410

Matches. [Statutory Authority: Chapter 67.08 RCW. 97-01-035, § 36-12-410, filed 12/10/96, effective 1/10/97; 91-11-038, § 36-12-410, filed 5/10/91, effective 6/10/91; Rule .04.410, filed 12/6/67; Rule .04.410, filed 12/21/62; Rule .04.410, filed 9/22/60, 3/17/60.] Repealed by 00-02-054, filed 12/31/99, effective 1/31/00. Statutory Authority: RCW 67.08.017(1).

36-12-415

Tickets. [Statutory Authority: Chapter 67.08 RCW. 97-01-035, § 36-12-415, filed 12/10/96, effective 1/10/97; 91-11-038, § 36-12-415, filed 5/10/91, effective 6/10/91.] Repealed by 00-02-054, filed 12/31/99, effective 1/31/00. Statutory Authority: RCW 67.08.017(1).

36-12-425

Contracts. [Statutory Authority: Chapter 67.08 RCW. 97-01-035, § 36-12-425, filed 12/10/96, effective 1/10/97; 91-11-038, § 36-12-425, filed 5/10/91, effective 6/10/91.] Repealed by 00-02-054, filed 12/31/99, effective 1/31/00. Statutory Authority: RCW 67.08.017(1).

36-12-435

Records. [Statutory Authority: Chapter 67.08 RCW. 97-01-035, § 36-12-435, filed 12/10/96, effective 1/10/97; 91-11-038, § 36-12-435, filed 5/10/91, effective 6/10/91.] Repealed by 00-02-054, filed 12/31/99, effective 1/31/00. Statutory Authority: RCW 67.08.017(1).

36-12-445

Buildings. [Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-445, filed 5/10/91, effective 6/10/91.] Repealed by 00-02-054, filed 12/31/99, effective 1/31/00. Statutory Authority: RCW 67.08.017(1).

36-12-450

Miscellaneous provisions. [Statutory Authority: Chapter 67.08 RCW. 97-01-035, § 36-12-450, filed 12/10/96, effective 1/10/97; 91-11-038, § 36-12-450, filed 5/10/91, effective 6/10/91; Rule .04.450, filed 12/21/62; Rule .04.450, filed 9/22/60, 3/17/60.] Repealed by 00-02-054, filed 12/31/99, effective 1/31/00. Statutory Authority: RCW 67.08.017(1).