

complete your renewal form, you are required to sign a statement certifying under the penalty of perjury that you complied with the board's CPE requirements as defined in WAC 4-25-830 and supporting documentation requirements as defined in WAC 4-25-833.

The board audits, on a test basis, compliance with CPE and supporting documentation requirements as certified on the renewal form. As part of this audit the board may require additional information to demonstrate your compliance with the board's rules.

[Statutory Authority: RCW 18.04.055(7), 18.04.215(5), 01-22-036, § 4-25-832, filed 10/30/01, effective 12/1/01. Statutory Authority: RCW 18.04.055 and 18.04.105(8), 99-23-047, § 4-25-832, filed 11/15/99, effective 1/1/00.]

WAC 4-25-833 What documentation must I retain to support my eligibility for CPE credits? (1) For each program for which you claim CPE credit you must retain documentation to support all of the following required information:

- (a) Program sponsor;
- (b) Title of program or description of content;
- (c) Date(s) attended;
- (d) Number of CPE credit hour(s);
- (e) Attendee name; and
- (f) Acceptable evidence of completion.

(2) Acceptable evidence supporting the requirements of subsection (1) of this section includes:

- (a) For group programs, a certificate, or other acceptable verification as defined by board policy, that is supplied by the program sponsor;
- (b) For self-study programs, a certificate supplied by the program sponsor after satisfactory completion of a workbook or examination;
- (c) For a university or college course, a record of the grade you received;
- (d) For instruction credit, evidence obtained from the program sponsor of your having been the instructor or discussion leader at the program; or
- (e) For published articles or books, evidence of publication.

(3) You are responsible for documenting your entitlement to the CPE credit you claim on your renewal form.

(4) You must retain the supporting documentation for CPE credit claimed for three years after the end of the CPE reporting period in which the credit was claimed.

[Statutory Authority: RCW 18.04.055(7), 18.04.215(5), 01-22-036, § 4-25-833, filed 10/30/01, effective 12/1/01. Statutory Authority: RCW 18.04.055 and 18.04.105(8), 99-23-048, § 4-25-833, filed 11/15/99, effective 1/1/00.]

Title 16 WAC

AGRICULTURE, DEPARTMENT OF

Chapters

- 16-143** **Red raspberry grades and standards.**
- 16-156** **Organic producer and transitional producer certification.**

- 16-202** **Application of pesticides and plant nutrients through irrigation systems.**
- 16-238** **WSDA grain inspection program—Fee schedule.**
- 16-328** **Certification of strawberry planting stock.**
- 16-333** **Certification of caneberry planting stock.**
- 16-400** **Fruit and vegetable inspection fees.**
- 16-401** **Nursery inspection fees.**
- 16-403** **Standards for apples marketed within the state of Washington.**
- 16-470** **Quarantine—Agricultural pests.**
- 16-516** **Washington potatoes.**
- 16-550** **Blueberry.**
- 16-557** **Washington asparagus commission.**
- 16-602** **Apiaries.**
- 16-662** **Weights and measures—National handbooks.**
- 16-750** **State noxious weed list and schedule of monetary penalties.**

Chapter 16-143 WAC

RED RASPBERRY GRADES AND STANDARDS

WAC

16-143-005 through 16-143-110 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-143-005 Chapter not effective for 2000 red raspberry harvest season. [Statutory Authority: Chapters 15.17 and 69.04 RCW. 01-03-049, § 16-143-005, filed 1/10/01, effective 2/10/01.] Repealed by 01-16-033, filed 7/23/01, effective 8/23/01. Statutory Authority: Chapters 69.04 and 15.17 RCW.
- 16-143-010 What is the purpose of this chapter? [Statutory Authority: Chapters 15.17 and 69.04 RCW. 00-11-123, § 16-143-010, filed 5/22/00, effective 6/22/00.] Repealed by 01-16-033, filed 7/23/01, effective 8/23/01. Statutory Authority: Chapters 69.04 and 15.17 RCW.
- 16-143-020 What definitions apply to this chapter? [Statutory Authority: Chapters 15.17 and 69.04 RCW. 00-11-123, § 16-143-020, filed 5/22/00, effective 6/22/00.] Repealed by 01-16-033, filed 7/23/01, effective 8/23/01. Statutory Authority: Chapters 69.04 and 15.17 RCW.
- 16-143-030 What are the Washington No. 1 processing grade standards for red raspberries? [Statutory Authority: Chapters 15.17 and 69.04 RCW. 00-11-123, § 16-143-030, filed 5/22/00, effective 6/22/00.] Repealed by 01-16-033, filed 7/23/01, effective 8/23/01. Statutory Authority: Chapters 69.04 and 15.17 RCW.
- 16-143-040 When are red raspberries considered "unclassified"? [Statutory Authority: Chapters 15.17 and 69.04 RCW. 00-11-123, § 16-143-040, filed 5/22/00, effective 6/22/00.] Repealed by 01-16-033, filed 7/23/01, effective 8/23/01. Statutory Authority: Chapters 69.04 and 15.17 RCW.
- 16-143-050 What type of markings will be acceptable on each container? [Statutory Authority: Chapters 15.17 and 69.04 RCW. 00-11-123, § 16-143-050, filed 5/22/00, effective 6/22/00.] Repealed by 01-16-033, filed 7/23/01, effective 8/23/01. Statutory Authority: Chapters 69.04 and 15.17 RCW.
- 16-143-060 How may Washington No. 1 processing grade red raspberries be used, processed or sold? [Statutory Authority: Chapters 15.17 and 69.04 RCW. 00-11-123, § 16-143-060, filed 5/22/00, effective 6/22/00.] Repealed by 01-16-033, filed 7/23/01, effective 8/23/01. Statutory Authority: Chapters 69.04 and 15.17 RCW.
- 16-143-070 What are the requirements of red raspberry puree stock? [Statutory Authority: Chapters 15.17 and 69.04 RCW. 00-11-123, § 16-143-070, filed 5/22/00, effective 6/22/00.] Repealed by 01-16-033, filed 7/23/01, effective 8/23/01. Statutory Authority: Chapters 69.04 and 15.17 RCW.

- 16-143-080 How must product designated or marked as juice stock red raspberries be used, processed or sold? [Statutory Authority: Chapters 15.17 and 69.04 RCW. 00-11-123, § 16-143-080, filed 5/22/00, effective 6/22/00.] Repealed by 01-16-033, filed 7/23/01, effective 8/23/01. Statutory Authority: Chapters 69.04 and 15.17 RCW.
- 16-143-090 What uses are prohibited for juice stock red raspberries? [Statutory Authority: Chapters 15.17 and 69.04 RCW. 00-11-123, § 16-143-090, filed 5/22/00, effective 6/22/00.] Repealed by 01-16-033, filed 7/23/01, effective 8/23/01. Statutory Authority: Chapters 69.04 and 15.17 RCW.
- 16-143-100 What are the restrictions on use of adulterated red raspberries or red raspberry products? [Statutory Authority: Chapters 15.17 and 69.04 RCW. 00-11-123, § 16-143-100, filed 5/22/00, effective 6/22/00.] Repealed by 01-16-033, filed 7/23/01, effective 8/23/01. Statutory Authority: Chapters 69.04 and 15.17 RCW.
- 16-143-110 Where may guidelines for safe production of red raspberries be found? [Statutory Authority: Chapters 15.17 and 69.04 RCW. 00-11-123, § 16-143-110, filed 5/22/00, effective 6/22/00.] Repealed by 01-16-033, filed 7/23/01, effective 8/23/01. Statutory Authority: Chapters 69.04 and 15.17 RCW.

WAC 16-143-005 through 16-143-110 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-156 WAC

ORGANIC PRODUCER AND TRANSITIONAL PRODUCER CERTIFICATION

WAC

16-156-004	Definitions.
16-156-030	Certification.
16-156-035	Decertification.
16-156-050	Application for certification.
16-156-060	Fee schedule.
16-156-070	Export and transaction certificates.

WAC 16-156-004 Definitions. As used in this chapter:

- (1) "Crop" means a plant or part of a plant intended to be marketed as an agricultural product or fed to livestock.
- (2) "Department" means the department of agriculture of the state of Washington.
- (3) "Director" means the director of the department of agriculture or his or her duly authorized representative.
- (4) "Drift" is defined as the movement of prohibited substances by air, water or soil from the intended target and results in residues of prohibited substances on organic or transition to organic food in excess of five percent of the EPA tolerance level.
- (5) "Gross sales" means the sales of organic food sold during the calendar year.
- (6) "Labeling" means all written, printed, or graphic matter upon any article or any of its containers or wrappers, or accompanying such article, or used in the advertisement of such article.
- (7) "New applicant" means any person or organization who or which applies for organic or transitional certification for the first time, or when previous certification status has expired for at least one year.
- (8) "Organic food" means any agricultural product, including meat, dairy, and beverage, that:
 - (a) Is marketed using the term organic or any derivative of organic in its labeling or advertising; and
 - (b) That has had no applications of prohibited substances within three years prior to the harvest of the crop; and

(c) That is produced in compliance with standards defined in chapter 15.86 RCW and rules adopted thereunder.

(9) "Pasture" means ground covered with vegetation that is used by animals for grazing purposes.

(10) "Producer" means any person or organization who or which grows, raises or produces an agricultural product.

(11) "Prohibited substance" means a material which is disallowed in organic food production, handling, or processing.

(12) "Renewal applicant" means any person or organization who or which has applied for organic or transitional certification in the previous year.

(13) "Site" means a designated farm field, orchard, block, pasture, paddock, garden, circle, plot or other contiguous area under the same management (e.g., organic or transitional). A site may contain multiple crops.

(14) "Transitional food" means any agricultural product that:

(a) Is marketed using the term transitional in its labeling and advertising; and

(b) Satisfies all of the requirements of organic food except that it has had no applications of prohibited substances within one year prior to the harvest of the crop.

[Statutory Authority: Chapter 15.86 RCW. 01-16-032, § 16-156-004, filed 7/23/01, effective 8/23/01; 97-02-008 (Order 6011), § 16-156-004, filed 12/20/96, effective 1/20/97.]

WAC 16-156-030 Certification. (1) The conditions for obtaining organic and transitional food producer certification are as follows:

(a) Inspection of the producer by the department of agriculture showed no use of prohibited practices as defined in chapter 15.86 RCW or unless adopted thereunder; and

(b) Recordkeeping practices meet the requirements specified in WAC 16-156-040 or rules adopted under chapter 15.86 RCW; and

(c) Soil building programs, organic pest control programs, and buffer zones required under chapter 16-154 WAC were established on each site; and

(d) Completion of the organic farm plan and verification that it has been implemented; and

(e) Analysis of samples taken by the department of agriculture showed no prohibited substance usage or drift from other contaminants; and

(f) No application of prohibited substances, as defined in chapter 16-154 WAC, have been used for:

- At least three years prior to the harvest of organic food; or
- At least one year prior to the harvest of transitional food.

(2) For each site, the director must review the application, inspection report and results of any samples collected to determine that the producer has complied with the conditions for certification on that site.

(3) For each site, a certificate will be issued when the director determines that the producer has complied with the conditions for organic or transitional food producer certification on that site.

(4) Beginning in the year 2002, prior to the issuance of an organic food producer certificate:

(a) The site must have been previously certified as organic; or

(b) The site must have been certified as second year transitional in the previous year; or

(c) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous two years.

(5) Beginning in the year 2003, prior to the issuance of a second year transitional food producer certificate:

(a) The site must have been certified as first year transitional in the previous year; or

(b) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous year.

(6) Producers of organic food who are certified under this program will be able to use the words, "produced in accordance with the Washington state department of agriculture organic food certification program" in their labeling as long as their practices comply with chapter 15.86 RCW or any rules adopted thereunder.

Food produced under this organic food certification program may be identified by the use of the attached organic logo (WAC 16-156-060). This logo shall only be used for food produced by producers who have been certified organic by the Washington state department of agriculture.

(7) Producers of transitional food who are certified under this program will be able to use the words "produced in accordance with the Washington department of agriculture transitional food certification program" in their labeling as long as their practices comply with this chapter and chapter 15.86 RCW and rules adopted thereunder.

Food produced under this transitional food certification program may be identified by use of the attached transitional logo (WAC 16-156-060). These logos shall only be used for transitional food produced by producers who have been certified transitional by the Washington state department of agriculture.

(8) In no event shall food be sold as Washington certified organic or Washington certified transitional prior to the issuing of an organic or transitional food producer certificate by the department of agriculture for that crop year. First year applicants and new sites shall be inspected by the department before an organic or transitional food producer certificate is issued.

(9) The logos to identify organic food and transitional food shall not be changed except for increases or decreases in size, as appropriate.

[Statutory Authority: Chapter 15.86 RCW. 01-16-032, § 16-156-030, filed 7/23/01, effective 8/23/01; 97-02-008 (Order 6011), § 16-156-030, filed 12/20/96, effective 1/20/97; 92-11-001, § 16-156-030, filed 5/6/92, effective 6/6/92; 90-02-001, § 16-156-030, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-030, filed 3/8/88.]

WAC 16-156-035 Decertification. Whenever the director finds that a producer who has been certified under this program has:

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

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

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

(4) Failed to provide records as required by this chapter, WAC 16-154-060 or 16-162-100; or

(5) Failed to allow inspection to take place.

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

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

[Statutory Authority: Chapter 15.86 RCW. 01-16-032, § 16-156-035, filed 7/23/01, effective 8/23/01; 97-02-008 (Order 6011), § 16-156-035, filed 12/20/96, effective 1/20/97; 92-11-001, § 16-156-035, filed 5/6/92, effective 6/6/92; 91-09-028, § 16-156-035, filed 4/11/91, effective 5/12/91; 90-02-001, § 16-156-035, filed 12/21/89, effective 1/21/90.]

WAC 16-156-050 Application for certification. (1)

All producers of organic food products must be certified by the department or through a recognized organic certification agency, except for producers that sell less than five thousand dollars annually in value of agricultural products directly to consumers.

(2) Applications to the department for organic food certification must be made on an annual basis at least sixty days prior to the harvest of organic food products. The application, accompanied by the appropriate fee, must be submitted to the department on forms furnished by the department.

(3) Organic food producer and transitional food producer certificates shall expire on March 31st of the year following their issuance.

[Statutory Authority: Chapter 15.86 RCW. 01-16-032, § 16-156-050, filed 7/23/01, effective 8/23/01; 97-02-008 (Order 6011), § 16-156-050, filed 12/20/96, effective 1/20/97; 92-11-001, § 16-156-050, filed 5/6/92, effective 6/6/92; 90-02-001, § 16-156-050, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-050, filed 3/8/88.]

WAC 16-156-060 Fee schedule. (1) The cost per application shall be based on the following fee schedule.

Renewal applicants -

Application fees shall be based on the previous calendar year's gross sales of organic food. In the event that the current calendar year's gross sales exceed the previous year's gross sales, the department may bill the producer for the additional fee. In the event that the current calendar year's gross sales are less than the previous year's gross sales, the producer may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1, shall pay a late fee of fifty dollars. Renewal applicants that are adding additional sites to their organic certification must pay a new site fee of fifty dollars for each additional site.

New applicants -

Application fees shall be based on an estimate of the current year's gross sales of organic food. In the event that the current calendar year's gross sales exceed the estimate, the department may bill the producer for the additional fee. In the event that the current calendar year's gross sales are less than

the estimate, the producer may request a refund for the reduced fee. In addition, new applicants pay a seventy-five dollar new applicant fee. New applicants that are seeking organic certification for more than one site must pay a site fee of fifty dollars for each additional site. The fee shall accompany the application.

Gross Sales	Annual Fee
\$ 0 - \$ 12,000	\$ 165
\$ 12,001 - \$ 15,000	\$ 200
\$ 15,001 - \$ 20,000	\$ 220
\$ 20,001 - \$ 25,000	\$ 275
\$ 25,001 - \$ 30,000	\$ 330
\$ 30,001 - \$ 35,000	\$ 385
\$ 35,001 - \$ 42,500	\$ 465
\$ 42,501 - \$ 50,000	\$ 550
\$ 50,001 - \$ 65,000	\$ 660
\$ 65,001 - \$ 80,000	\$ 825
\$ 80,001 - \$ 100,000	\$ 990
\$ 100,001 - \$ 125,000	\$ 1,100
\$ 125,001 - \$ 150,000	\$ 1,150
\$ 150,001 - \$ 175,000	\$ 1,320
\$ 175,001 - \$ 200,000	\$ 1,375
\$ 200,001 - \$ 240,000	\$ 1,540
\$ 240,001 - \$ 280,000	\$ 1,595
\$ 280,001 - \$ 325,000	\$ 1,650
\$ 325,001 - \$ 375,000	\$ 1,720
\$ 375,001 - \$ 425,000	\$ 2,200
\$ 425,001 - \$ 500,000	\$ 2,300
\$ 500,001 - \$ 750,000	\$ 2,750
\$ 750,001 and up	\$ 2,000

plus one-tenth
of one percent
(0.10%) of gross
organic sales

(2) Transitional acreage fee - Each applicant shall pay a fee of five dollars per acre for the land for which they are requesting transition to organic certification.

(3) Two inspections per year within the state of Washington are provided for under the above fee schedule. Additional inspections (in addition to two inspections provided for), if required for certification or maintenance of certification by the director, or requested by the producer, shall be at \$30/hr. plus mileage set at the rate established by the state office of financial management.

Out-of-state inspections, if necessary or requested, shall be at the rate of \$30/hr. plus transportation costs.

(4) One sample per year is provided for under the above fee schedule. Additional samples (in addition to one sample provided for), if required for certification or maintenance of certification by the director, or requested by the organic producer, shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged to obtain a sample, it shall be at \$30/hr. plus mileage set at the rate established by the state office of financial management.



[Statutory Authority: Chapter 15.86 RCW. 01-16-032, § 16-156-060, filed 7/23/01, effective 8/23/01; 97-24-006, § 16-156-060, filed 11/21/97, effective 12/22/97; 97-02-008 (Order 6011), § 16-156-060, filed 12/20/96, effective 1/20/97; 91-09-028, § 16-156-060, filed 4/11/91, effective 5/12/91; 90-02-001, § 16-156-060, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-060, filed 3/8/88.]

WAC 16-156-070 Export and transaction certificates. (1) Organic export and transaction certificates are issued to verify that a specific shipment of organic food products has been produced, processed, and handled in accordance with chapter 15.86 RCW and rules adopted thereunder.

(2) Applications for export and transaction certificates must be submitted on forms furnished by the department. The applicant must furnish all information requested on the application. A separate application must be made for each export and transaction certificate.

(3) The fee for export and transaction certificates shall be thirty dollars per application.

[Statutory Authority: Chapter 15.86 RCW. 01-16-032, § 16-156-070, filed 7/23/01, effective 8/23/01.]

Chapter 16-202 WAC

APPLICATION OF PESTICIDES AND PLANT NUTRIENTS THROUGH IRRIGATION SYSTEMS

WAC

16-202-1000	Repealed.
16-202-1001	What is the purpose of this chapter?
16-202-1002	How are specific terms and phrases defined in this chapter?
16-202-1003	What are the general requirements in performing a chemigation operation?
16-202-1004	Who may calibrate, load, start up, operate, monitor, or shut down a chemigation system?
16-202-1005	What are the site posting requirements for chemigation?
16-202-1006	What are the recordkeeping requirements for an application?
16-202-1007	What are the identification requirements for application tanks?
16-202-1008	What are the placement requirements for application tanks?
16-202-1009	Under what conditions is an application tank exempt from secondary and operational area containment rules?
16-202-1010	How should rinsate or backflush water from a filtration device be handled?
16-202-1011	What are the general antipollution safety device requirements for a chemigation system?
16-202-1012	What measures must be used to prevent backflow into the irrigation water source?
16-202-1013	What alternative methods may be used to prevent backflow into the irrigation water source?
16-202-1014	What are the prevention requirements for backflow into or seepage from application tanks?
16-202-1015	What alternative methods may be used to prevent backflow into or seepage from application tanks?
16-202-1016	What are the requirements for metering devices?
16-202-1017	What are alternative methods for metering?
16-202-1018	What are the requirements for product injection devices?
16-202-1019	What alternative methods may be used for product injection?
16-202-1020	What are the requirements for a system interlock?
16-202-1021	What alternative methods can be used as a system interlock?
16-202-1022	What is an appropriate monitoring schedule?
16-202-1023	Public water system cross-connections or connections to a potable water supply intended for human use.
16-202-1024	Penalties.
16-202-2000	Repealed.
16-202-2001	What is the purpose of this chapter?
16-202-2002	How are specific terms and phrases defined in this chapter?
16-202-2003	What are the general requirements in performing a fertigation operation?
16-202-2004	What are the identification requirements for application tanks?
16-202-2005	What are the placement requirements for application tanks?
16-202-2006	Under what conditions is an application tank exempt from the secondary and operational area containment rules?
16-202-2007	How should rinsate from equipment or backflush water from a filtration device be handled?
16-202-2008	What are the general antipollution safety device requirements for a fertigation system?
16-202-2009	What measures must be used to prevent backflow into the irrigation water source?
16-202-2010	What alternative methods may be used to prevent backflow into the irrigation water source?
16-202-2011	What are the prevention requirements for backflow into or seepage from application tanks?
16-202-2012	What alternative methods may be used to prevent backflow into or seepage from application tanks?
16-202-2013	What are the requirements for metering devices?
16-202-2014	What are alternative methods for metering?
16-202-2015	What are the requirements for product injection devices?

16-202-2016	What alternative methods may be used for product injection?
16-202-2017	What are the requirements for a system interlock?
16-202-2018	What alternative methods can be used as a system interlock?
16-202-2019	What is an appropriate monitoring schedule?
16-202-2020	Public water system cross-connections or connection to a potable water supply intended for human use.
16-202-2021	Penalties.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-202-1000	Chemigation. [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.] Repealed by 01-23-018, filed 11/9/01, effective 11/9/01. Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW.
16-202-2000	Fertigation. [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.] Repealed by 01-23-018, filed 11/9/01, effective 11/9/01. Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW.

WAC 16-202-1000 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-202-1001 What is the purpose of this chapter? The purpose of this chapter is to establish performance standards for chemigation that are protective of existing and future uses of surface water and ground water quality.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1001, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1002 How are specific terms and phrases defined in this chapter? Terms as defined in this section are applied throughout this chapter.

(1) "Air gap" means an unobstructed physical separation between the free-flowing discharge end of a water supply and the overflow rim of an open or nonpressurized receiving vessel. The separation must be at least four times the diameter of the supply pipe measured vertically from the overflow rim of the receiving vessel, and in no case be less than 25 mm, or 1-inch.

(2) "Alternative technology" means any device or concept that meets the performance standards contained in this chapter.

(3) "Antipollution safety device" means any equipment or device effectively designed, constructed, and maintained that is used in the event of malfunction or shutdown to prevent backflow of a chemical or treated water into the water supply, or to reduce human exposure or hazard to the environment. Equipment or devices may include, but are not limited to, the irrigation line check valve, vacuum relief valve, low-pressure drain, inspection port, metering device, chemical injection closure device, and system interlock.

(4) "Application depth" means the amount of irrigation water applied to a given unit area during an irrigation set, and is usually expressed in inches or gallons.

(5) "Application season" means the period during which product is injected into an irrigation system for crop protection, plant growth, or soil preparation.

(6) "Application tank" means a product container and appurtenances used for the storage of product that is dedicated for use with and functionally connected to an irrigation system.

(7) "Applicator" means any certified applicator or anyone who is working under the direct supervision of a certified applicator.

(8) "Approved backflow prevention assembly" means a reduced pressure backflow assembly, reduced pressure detector assembly, double check valve detector assembly, or double check valve assembly of a make, model, and size that is approved by the department of health pursuant to WAC 246-290-490.

(9) "Approved reduced pressure backflow assembly or reduced pressure detector assembly" means backflow prevention assemblies of make, model, and size approved by the department of health pursuant to WAC 246-290-490.

(10) "Aquaculture" means the cultivation of water-based plants or animals.

(11) "Backflow" means the reversal of fluid flow due to backpressure or backsiphonage.

(12) "Backflow prevention device" or "backflow safety device" means antipollution safety devices that prevent the flow of water from the irrigation water distribution system back to the water source or to the product source.

(13) "Barometric loop" or "gooseneck" means a raised section of pipe where the bottom of the loop is at least two feet above the highest water emitting device or any portion of the irrigation application system which has a vacuum relief valve installed on the top of the loop.

(14) "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 that is classified by the EPA or the director as a pesticide for use in a chemigation application.

(15) "Check valve" means a certified device designed and constructed to provide automatic, quick-acting, and absolute closure that creates and maintains a watertight seal. The device prevents flow in the opposite direction of that desired when operation of the irrigation system or chemical injection unit fails or is shut down.

(16) "Chemical" or "product" means a pesticide or system maintenance compound.

(17) "Chemigation" means the application of any substance or combination of substances intended as a pesticide, plant or crop protectant, or system maintenance compound applied with irrigation water.

(18) "Chemigation operation" means all activities and equipment associated in preparing for, performing, and concluding a chemigation application, which includes, but is not limited to, calibrating, mixing, loading, starting up, operating, monitoring, or shutting down a chemigation system.

(19) "Chemigation system" means the chemical injection system as well as the irrigation water distribution system.

(20) "Commercial fertilizer" means a substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which 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 shall not include unmanipulated animal

and vegetable manures and other products exempted by the department by rule.

(21) "Contact name" means a person or company responsible for placement and operation of an application tank.

(22) "Decommissioned" means rendering an application tank unusable for product containment.

(23) "Deep percolation" means the movement of water downward through the soil profile below a plant's effective rooting zone.

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

(25) "End gun" means an intermittent, high volume water-emitting device located at or near the end of an irrigation application system.

(26) "Environment" means any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface or subsurface strata, or ambient air within the state of Washington or under the jurisdiction of the state of Washington.

(27) "Homemade" means devices not otherwise commercially available for sale or not manufactured for the purpose of commercial sale.

(28) "Hydroponic" means the practice of growing plants in an aqueous solution, moist inert material, or otherwise in the absence of a mineral-based medium.

(29) "Imminent danger" means a threat to human health or the environment that is likely to happen during the current application.

(30) "Injection system" means all components used to supply, deliver, meter, and inject a substance into an irrigation system. This includes devices and components located between and inclusive of the application tank and the point of product discharge into the irrigation water, including components of the system interlock.

(31) "Inspection port" means an orifice or other viewing device from which the low pressure drain and irrigation line check valve may be assessed for proper operation.

(32) "Irrigation application system" means the physical components of an irrigation system that begins at the first water emitting device and ends with the last water emitting or purging device.

(33) "Irrigation season" means that period of time during which supplemental water is applied to aid in plant development, soil conditioning, temperature modification, or other such purposes.

(34) "Irrigation system" means all components used in diverting, supplying, distributing, and applying irrigation water.

(35) "Irrigation water distribution system" means all components inclusive of the irrigation water supply system and the irrigation application system.

(36) "Irrigation water supply system" means the water conveyance system, which begins at the point of diversion from the irrigation water source and ends with the first water emitting device.

(37) "Metering device" means a positive displacement injection pump, venturi device, or gravity feed device capable of being calibrated and used to gauge chemical placement into the irrigation water distribution system.

(38) "Nonpressurized water delivery system" means a method of irrigation in which water is distributed over the soil surface by gravity flow, such as rill, border, gated pipe, or spigotted pipe.

(39) "Off-site application" means the application or movement of product from the target site.

(40) "Operator" means the individual who is performing a chemigation operation and who may or may not be the certified applicator.

(41) "Outtake" means an opening that provides a source of untreated water.

(42) "Rinsate" means the liquid produced from the rinsing of any equipment or container that has come in direct contact with any pesticide or system maintenance compound.

(43) "Runoff" means surface water leaving the target site.

(44) "Sensitive area(s)" mean schools, parks, dwellings, occupied buildings or structures, public roadways, waters of the state, or other areas in which off-target movement may endanger humans, animals, crops, or the environment.

(45) "Source water" or "water source" means an aquifer or surface water body, including a stream, stream system, lake, reservoir, or off-farm irrigation water ditch or conveyance system, and any spring water or underground water that is part of or tributary to the surface water body or aquifer.

(46) "System interlock" means the arrangement or interconnection of the irrigation pump or a pressure or flow sensing device with the chemical injection unit or other pumps in such a manner that shutdown of the chemigation injection system will occur in the event of any component malfunction or failure that substantially impacts the application rate.

(47) "Vacuum relief valve" means a device that automatically relieves or breaks a vacuum, thereby preventing back-siphoning.

(48) "Washwater" means the liquid produced from the rinsing of the exterior of any equipment or containers that have or may have come in direct contact with any pesticide or system maintenance compound.

(49) "Waters of the state" means, but is not limited to, lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, irrigation canals and reservoirs.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1002, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1003 What are the general requirements in performing a chemigation operation? The applicator and the chemigation system must comply with the following performance and operational requirements to protect human health and the environment. The certified applicator is responsible for safe application and for the proper operation of the chemigation equipment.

(1) Only pesticides properly labeled for chemigation may be used.

(2) An application system shall be operated in a manner that is consistent with the intent of the pesticide label, state pesticide rules, and this chapter and its provisions.

(3) Substituted alternative technology not otherwise specified in this chapter must be evaluated by the department to determine if the provisions of this chapter have been fulfilled.

(4) During a chemigation application, an irrigation system and injection system are considered one unit, and the applicator is responsible for their proper operation.

(5) Pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator.

(6) All applicable pesticide laws, in addition to those contained in this chapter, pertain to chemigation.

(7) A chemigation system cannot draw water from any water supply unless that supply is protected from contamination. The applicator must verify that backflow cannot occur.

(8) Intentional or unintentional application off-site is prohibited. The application must be continuously observed whenever sensitive areas are at risk of being exposed to drift, runoff, or overspray.

(9) Pesticides cannot be applied with an open surface, gravity irrigation system unless allowed by the product label.

(10) All chemigation systems and system components must allow for adequate visual, physical and/or manual inspection.

(11) A chemigation system must be flushed out after an application.

(12) All components must be chemically compatible with injected materials, water containing injected materials, and system pressure.

(13) Equipment must be calibrated and maintained in a manner to prevent misapplication or off-site application of any product.

(14) Safety devices and injection equipment must be installed, operated, and maintained in accordance with the manufacturer's specifications, established industry standards, and department rule.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1003, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1004 Who may calibrate, load, start up, operate, monitor, or shut down a chemigation system?

(1) Only an appropriately licensed certified applicator or a competent person acting under the direct supervision of a certified applicator may calibrate, load, start up, operate, monitor, or shut down a chemigation system.

(2) An individual who has successfully completed annual certification training for chemigation when so authorized by the department may perform these duties under the control of a certified applicator who is immediately available if and when needed.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1004, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1005 What are the site posting requirements for chemigation? (1) The certified applicator must ensure compliance with posting requirements as specified on the product label.

(2) Posting, if required, for a chemigation operation must occur no more than twenty-four hours before the start of a chemigation operation, unless indicated otherwise in rule or by the pesticide label. Posting must be removed no later than seventy-two hours at the conclusion of the restricted reentry interval, unless indicated otherwise in rule or by the pesticide label.

(3) Worker protection posting requirements must also be met (chapter 16-233 WAC).

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1005, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1006 What are the recordkeeping requirements for an application? All persons who apply pesticides by means of an irrigation system shall keep a record of each application. In addition to the information required in WAC 16-228-1320, the applicator must be able to provide the total application depth of irrigation water applied during the chemigation operation.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1006, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1007 What are the identification requirements for application tanks? The purpose of identification requirements is to minimize the potential for human exposure and to facilitate remediation in the event of component malfunction or a contamination event.

(1) An application tank must:

(a) Have the registered product label or labels (including the EPA registration number(s) and the appropriate EPA establishment number) prominently affixed to the application tank if it contains product;

(b) Display its maximum net capacity;

(c) Display a contact name and telephone number; and

(d) Display an owner-derived numeric or alphanumeric tank identifier.

(2) This information must be visibly recorded and securely affixed to each application tank. The label and distinguishing information shall be designed to remain intact and legible throughout the active use of the container.

(3) Lettering that displays the contact name, telephone number, and tank identifier shall be a minimum of two inches in height and in a color contrasting to the background.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1007, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1008 What are the placement requirements for application tanks? Application tanks cannot be located in an area or placed in such a manner to contaminate water or to endanger human health, sensitive areas, or the environment.

(1) Application tanks should be positioned down gradient from wellheads, public waterways, off-farm irrigation supply ditches or conveyance systems, or sensitive areas.

(a) If down gradient placement is not feasible, earthen berms or other structures of sufficient design must be constructed to divert spillage, leakage, or surface flow away from such areas.

(b) An application tank cannot be placed closer than twenty feet from wellheads, public waterways, off-farm irrigation supply ditches or conveyance systems, or sensitive areas.

(c) Mixing or loading activities cannot occur within twenty feet of a sensitive area, wellhead, public waterway, off-farm irrigation supply ditch or conveyance system, and irrigation water source.

(d) Alternative technology that provides substantially equal protection such as a secondary containment facility that complies with the structural design requirements in the secondary and operational area containment rules (chapter 16-229 WAC) will fulfill the requirements in (a), (b), and (c) of this subsection.

(e) Overflow from an irrigation pond contaminated with product cannot enter a public waterway, off-farm irrigation supply ditch or conveyance system, or sensitive area.

(2) Application tanks must be positioned to prevent leaks, spills, or structural damage.

(a) Application tanks must be placed on a rigid, sound understructure or on stable ground to prevent tipping, spillage, puncturing, or breakage.

(b) Application tanks and the injection system must be protected against reasonably foreseeable risks of damage by implements, trucks or other moving vehicles, or objects.

(3) Application tanks should be sited as close as reasonably possible to the injection point.

(4) Tank outlet ports must be fitted with manual shutoff valves.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1008, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1009 Under what conditions is an application tank exempt from secondary and operational area containment rules? Application tanks functionally connected to and dedicated solely for use with a chemigation system may be exempt from the secondary and operational area containment rules (chapter 16-229 WAC). The following conditions determine whether a tank that is a component of a chemigation system, is subject to the secondary and operational area containment rules.

(1) Time-in-place.

(a) Product can remain in an application tank for a period not to exceed fourteen days between chemigation applications. If the fourteen-day period is exceeded, the tank is deemed to be a storage facility and is therefore subject to the secondary and operational area containment rules.

(b) An application tank containing product during the nonapplication or nonirrigation season is subject to the secondary and operational area containment rules regardless of tank size.

(c) The application tank must be removed at the end of the irrigation or application season, whichever is shorter, but not to exceed nine months. At the end of this period, the application tank must be emptied, cleaned, visually inspected for integrity, and serviced. The tank must be removed from the site, or the tank must be decommissioned and clearly tagged with the words "out-of-service," or the tank must be managed as a permanent storage facility (chapter 16-229 WAC).

(2) Tank size.

(a) Tanks with a rated capacity exceeding two thousand five hundred gallons are deemed a permanent storage facility.

(b) Multiple tanks positioned at an injection site with a cumulative capacity exceeding three thousand gallons are also deemed a permanent storage facility.

(c) Exception for soil fumigation only: Beginning at the time of tank placement, a tank with a rated capacity of eight

thousand gallons or less may be placed at an injection site for fourteen days or less. However, during the fourteen-day period, the cumulative quantity of product at an injection site whether in single or multiple tanks cannot exceed six thousand five hundred gallons. The injection site shall be deemed a permanent storage facility provided, if at anytime during the fourteen-day time-in-place period, the rated capacity of an individual tank exceeds eight thousand gallons or the cumulative quantity at an injection site exceeds six thousand five hundred gallons.

(3) Monitoring.

(a) Tanks containing product must be inspected at least daily or monitored with remote access volumetric measuring devices.

(b) Tanks must be inspected each time a chemigation operation is performed.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1009, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1010 How should rinsate or backflush water from a filtration device be handled? (1) Water used to rinse, flush, or clean equipment or containers is considered rinsate. It must be applied at or below label rate to a target site or disposed of properly in accordance with chapter 173-303 WAC.

(2) Contaminated backflush water from a filtration device cannot contaminate ground water or surface water, or adversely impact sensitive areas.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1010, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1011 What are the general antipollution safety device requirements for a chemigation system? All systems must have antipollution safety devices that include a backflow prevention system, metering device, injection device, and system interlock as listed on the pesticide label and contained in this rule. To prevent backflow into the irrigation water source or chemical supply system.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1011, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1012 What measures must be used to prevent backflow into the irrigation water source? Backflow prevention is a requirement on all irrigation systems used for chemigation, except when alternative technology is applied.

(1) Pressurized irrigation system.

(a) At least one irrigation mainline check valve must be correctly installed, properly operated, and adequately maintained to prevent contamination of the water source. The check valve must be located upstream from the injection point. The check valve must be automatic, quick-closing, and capable of forming and maintaining a watertight seal.

(b) An inspection port or a direct access point must be positioned immediately upstream of the check valve to allow visual and manual inspection of the check valve and the low pressure drain. The inspection port or access point must have a minimum diameter of four inches. If a four-inch inspection

port or access point is not feasible, an alternative access system must be devised.

(c) An inspection port or access point is not required with an approved backflow prevention assembly.

(d) A vacuum relief valve must be located upstream of the irrigation line check valve, installed at the top of the irrigation pipeline, and adequately sized to prevent backsiphoning. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(e) An automatic low pressure drain or similar mechanism must be placed upstream of the irrigation line check valve and at the lowest point in the bottom of the pipeline. The low pressure drain must be of adequate size and properly positioned to intercept and purge leakage away from the water source.

(f) Product-treated water cannot be discharged through a water outtake.

(2) Nonpressurized water delivery system.

(a) An open surface water delivery system cannot be used for product application unless allowed by the label.

(b) System design must prevent the introduction of treated water into the water source.

(c) Backflow prevention may be achieved with a hydraulic discontinuity in source water flow or by a sufficient hydraulic gradient.

(d) Backflow devices for nonpressurized systems may include a weir box, drop structure, ASAE approved air gap, batch tank, or similar device that can function to prevent backflow into the source water.

(e) Injection must occur downstream from the water diversion point.

(3) Cross-connection to municipal or public water system.

Backflow prevention devices must be approved by the Washington state department of health in accordance with WAC 246-290-490.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1012, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1013 What alternative methods may be used to prevent backflow into the irrigation water source? The application of alternative technology in achieving backflow prevention must be accomplished either by a backflow system or by system design to fulfill the provisions of this chapter. The operator must be able to demonstrate that backflow cannot occur. Alternative technology must provide substantially equal or greater protection than the provisions of this chapter.

(1) System design.

(a) If a system's configuration will provide substantially equal or greater protection due to the physical laws of gravity and water hydraulics, components of a backflow prevention system may be waived by the department.

(2) Barometric pipe loop.

(a) Barometric loops can only be used on systems pumping from a surface water source.

(b) The barometric pipe loop must be located in the main water line immediately downstream of the irrigation water pump.

(c) A barometric pipe loop must be designed with sufficient elevation differential to compensate for backflow.

(d) The bottom of the barometric loop apex must be at least thirty inches above the highest water-emitting device or of any portion of the irrigation application system.

(e) The barometric loop must contain a vacuum relief device at the loop apex that allows air into the pipeline immediately upon loss of pressure. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(f) The chemical injection port must be located downstream of and at least thirty inches below the bottom of the pipe loop apex.

(3) The department will recognize authorized U.S. Environmental Protection Agency (USEPA) alternative backflow devices, providing they are as restrictive as the provisions of this chapter.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1013, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1014 What are the prevention requirements for backflow into or seepage from application tanks? All irrigation and injection systems used for chemigation must prevent backflow into the application tank. Leakage or siphonage from the application tank through the injection system into the irrigation system must also be prevented.

(1) Injection into a pressurized section of an irrigation system must include:

(a) An automatic, quick-acting injection line check valve must be used to prevent leakage from the application tank into irrigation water and to prevent irrigation water from entering the chemical injection line. The injection line check valve must maintain, at a minimum, 10 psi opening (cracking) pressure or adequate opening pressure to prevent gravity flow due to hydraulic head pressure from the application tank. The check valve must be located at the point of product injection into the irrigation water; and

(b) Where siphon action induced by an irrigation system could compromise the cracking (opening) pressure of an injection line check valve, a vacuum relief valve must be installed in the irrigation line downstream of the injection point. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(2) Injection into nonpressurized (e.g., open surface, gated pipe, or spigotted pipe) portion of irrigation system must include a hydraulic discontinuity in source water flow or a sufficient hydraulic gradient such that chemicals or treated water cannot contaminate the water source. Backflow devices for nonpressurized systems may include a weir box, drop structure, air gap, batch tank, or similar device whose intended function is to prevent backflow into the application tank.

(3) Venturi or other passive injection systems.

(a) If backpressure or backsiphonage can occur, the chemical injection line must contain an automatic, quick-closing check valve. The valve must be located immediately adjacent to the chemical inlet side of the venturi.

(b) If product can potentially siphon or seep into the water supply, the chemical injection line must contain a normally closed solenoid operative valve connected to the sys-

tem interlock, or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. The valve must be installed adjacent to the product outlet on the application tank.

(c) With a bypass system, as an alternative to (a) and (b) of this subsection, the automatic, quick-closing check valve may be installed in the bypass immediately upstream of the venturi water inlet. In addition, either the normally closed solenoid or the hydraulic solenoid may be installed immediately downstream of the venturi water outlet.

(d) Bypass systems with a booster pump must have the normally closed solenoid interlocked with the source pump for the irrigation system.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1014, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1015 What alternative methods may be used to prevent backflow into or seepage from application tanks? Alternative technology used for backflow prevention must be accomplished by system design to fulfill the provisions of this chapter.

(1) In lieu of a normally closed solenoid with the injection system.

(a) A normally open valve must be located in the chemical injection line between the application tank and a positive displacement injection pump. The normally open valve must be spring-loaded, and must close upon a vacuum and open at atmospheric pressure. It must be elevated at least twelve inches above the maximum fluid level in the application tank and must be the highest point in the injection line.

(b) The mechanism described in (a) of this subsection cannot be used in conjunction with a venturi injection system.

(2) In lieu of a 10 psi opening (cracking) pressure check valve.

(a) An automatic, quick-acting, spring-loaded check valve must be attached at or positioned immediately adjacent to the injection point to prevent irrigation water from entering the chemical injection line.

(b) A normally closed solenoid must be installed immediately adjacent to the product outlet on the application tank. If electric, it must be interlocked with the injection pump or, if hydraulic, with the irrigation system.

(c) In place of (b) of this subsection, a normally open valve must be located in the chemical injection line between the application tank and a positive displacement injection pump as described in subsection (1)(a) of this section. This alternative cannot be used with venturi injection systems.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1015, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1016 What are the requirements for metering devices? Metering devices must be capable of being accurately calibrated. Metering devices must control the rate of product injection into irrigation water and discontinue product delivery when the predetermined application quantity has been dispensed. All metering systems must be functionally interlocked with the source irrigation pump or irrigation water distribution system.

(1) Injecting product with a pressurized metering pump.

(a) The metering pump must be of a positive displacement design.

(b) Water-powered injection pumps can only be used when no other power source is available to operate the injection unit.

(c) The metering pump must be interlocked to the irrigation system in the event of an irrigation system malfunction or failure.

(2) Injection into nonpressurized section of an irrigation system.

(a) An open surface water delivery system cannot be used for product application unless allowed by the label.

(b) Application rate may be accomplished with an adjustable valve, flow control device, or other metering mechanism as allowed by the pesticide label.

(c) The metering device must also control application quantity by employing a slide metering device or by placing a predetermined quantity into a batch tank.

(3) Venturi system as a metering device.

(a) A venturi system may be used as a metering device, except where variable pressure may contribute to a variable injection rate.

(b) The chemical injection line must contain either a normally closed, solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. The valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(c) The chemical injection line between the application tank and the venturi must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. This check valve must be placed immediately adjacent to the venturi chemical inlet.

(d) In bypass systems, the check valve may be installed immediately upstream of the venturi water inlet. Either the normally closed solenoid or hydraulically operated valve may be installed immediately downstream of the venturi water outlet.

(e) If a booster or auxiliary pump is used in conjunction with a venturi system, the normally closed solenoid must be electrically interlocked with the source pump for the irrigation system.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1016, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1017 What are alternative methods for metering? Alternative technology used for metering product must fulfill the provisions of this chapter. A person cannot function as a metering device.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1017, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1018 What are the requirements for product injection devices? The irrigation water source and application tank must be protected from backflow and from siphonage.

(1) Pressurized injection or injection into a pressurized portion of an irrigation system.

(a) An injection line check valve must be used whenever injection occurs in a pressurized section of an irrigation system or with a pressurized injection system.

(b) The injection line check valve must inject product directly into the irrigation water and must be installed downstream of the irrigation mainline check valve.

(c) The point of injection into an irrigation system cannot be located within ten feet of a wellhead, public waterway, off-farm irrigation supply ditch or conveyance system, or sensitive area.

(d) The injection line check valve mechanism must prevent leakage due to hydraulic head pressure from the application tank and must prevent backflow from the irrigation water source into the supply tank. The injection line check valve must maintain, at a minimum, 10 psi opening (cracking) pressure or adequate opening pressure to prevent gravity flow from the application tank into irrigation water.

(e) In instances where siphoning action induced by an irrigation system could compromise the opening (cracking) pressure of an injection line check valve, a vacuum relief valve must be installed in the irrigation line downstream of the injection point.

(2) Injection into nonpressurized section of an irrigation system.

(a) If injection occurs in a nonpressurized portion of the irrigation system, an air gap or other hydraulic discontinuity must exist between the pressurized or nonpressurized irrigation water source and the point of product injection.

(b) When an air gap is used in conjunction with a public water supply, injection may only occur downstream of the air gap.

(3) Venturi systems.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. The valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device must contain an automatic, quick-closing check valve. The check valve must be placed immediately adjacent to the venturi chemical inlet.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1018, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1019 What alternative methods may be used for product injection? Alternative technology used for product injection must fulfill the provisions of this chapter. With a surface supplied water source, the injection point must occur downstream from the point of diversion. With a pressurized water source, the injection point must be located such that product backflow cannot occur.

(1) Injection with barometric loops.

(a) Barometric loops can only be used on systems pumping from a surface water source.

(b) The barometric pipe loop must be located in the water line immediately downstream of the irrigation water pump.

(c) A barometric pipe loop must be designed with sufficient elevation differential to compensate for backflow.

(d) The bottom of the barometric loop apex must be at least thirty inches above the highest water-emitting device or of any portion of the irrigation application system.

(e) The barometric loop must contain a vacuum relief device at the loop apex that allows air into the pipeline immediately upon loss of pressure. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(f) The injection point on a barometric loop must be located downstream of and at least thirty inches below the bottom of the barometric pipe loop apex.

(2) Solenoid and check valve.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. A normally closed, solenoid-operated valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. The check valve must be placed immediately adjacent to the venturi chemical inlet.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1019, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1020 What are the requirements for a system interlock? A system interlock must automatically shut off the injection system if the irrigation pump stops operating or if variation in water flow adversely affects product injection rate or product distribution uniformity. The operator must be able to demonstrate that backflow cannot occur.

(1) Pressurized injection systems or injection into a pressurized portion of the irrigation system requires either an electrical, hydraulic, or mechanical system interlock device.

(2) When the injection point is at a nonpressurized section of an irrigation water distribution system, an interlock mechanism must discontinue product delivery in the event that water flow is interrupted or sufficiently reduced such that product application is adversely impacted to the target site. Furthermore, treated water cannot enter waters of the state.

(3) With venturi systems.

(a) Booster or auxiliary water pumps must be connected with the system interlock such that when pressure in the mainline changes to the point where product distribution is adversely affected automatic shutoff of product supply will occur.

(b) The supply line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. If a booster or auxiliary pump is used in conjunction with a venturi system, the normally closed solenoid must be electrically interlocked with the source pump for the irrigation system.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1020, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1021 What alternative methods can be used as a system interlock? Alternative technology used as a system interlock must fulfill the provisions of this chapter.

(1) A person may not serve as a human interlock.

(2) Solenoid and check valve.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. A normally closed, solenoid-operated valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. The check valve must be placed immediately adjacent to the venturi chemical inlet.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1021, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1022 What is an appropriate monitoring schedule? (1) A chemigation application must be visually inspected by a certified applicator or someone under his or her direct supervision at least once during each four-hour period, unless the pesticide label requires a more frequent interval. Specific applications due to location or product characteristics may require more frequent monitoring.

(2) The certified applicator is considered principally responsible to ensure that the chemigation system functions properly and conforms with the provisions of this chapter.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1022, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1023 Public water system cross-connections or connections to a potable water supply intended for human use. (1) If the irrigation system is cross-connected to a public water system, Washington state department of health (DOH) rules (WAC 246-290-490) apply to backflow prevention.

(2) Cross-connections of a chemigation system to any potable water system intended for human use must have either a department of health-approved reduced pressure backflow assembly or reduced pressure detector assembly installed for backflow prevention. Otherwise, a physical separation in the form of an air gap may be used to protect the water source.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1023, filed 11/9/01, effective 11/9/01.]

WAC 16-202-1024 Penalties. (1) Any person who fails to comply with any provision of this chapter shall be subject to denial, suspension, or revocation of any license, registration, or permit provided for in RCW 15.58.260, 15.58.335, 15.58.345, and RCW 17.21.300 and 17.21.315 and/or imposition of a civil penalty as provided therein.

(2) The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any rule made pursuant to this chapter in a court of competent

jurisdiction of the county in which such violation occurs or is about to occur.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-1024, filed 11/9/01, effective 11/9/01.]

WAC 16-202-2000 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-202-2001 What is the purpose of this chapter? The purpose of this chapter is to establish performance standards for fertigation that are protective of existing and future uses of surface water and ground water quality.

[Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2001, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2002 How are specific terms and phrases defined in this chapter? Terms as defined in this section are applied throughout this chapter.

(1) "Air gap" means an unobstructed physical separation between the free-flowing discharge end of a supply pipe and the overflow rim of an open or nonpressurized receiving vessel. The separation must be at least four times the diameter of the supply pipe measured vertically from the overflow rim of the receiving vessel, and in no case be less than 25 mm, or one inch.

(2) "Alternative technology" means any device or concept that meets the performance standards contained in this chapter.

(3) "Antipollution safety device" means any equipment or device effectively designed, constructed, and maintained that is used in the event of malfunction or shutdown to prevent backflow of a chemical or treated water into the water supply, or to reduce human exposure or hazard to the environment. Equipment or devices may include, but are not limited to, the irrigation line check valve, vacuum relief valve, low-pressure drain, inspection port, metering device, chemical injection closure device, and system interlock.

(4) "Application depth" means the amount of irrigation water applied to a given unit area during an irrigation set, and is usually expressed in inches or gallons.

(5) "Application season" means the period during which product is injected into an irrigation system for crop protection, plant growth, or soil preparation.

(6) "Application tank" means a product container and appurtenances used for the storage of product that is dedicated for use with and functionally connected to an irrigation system.

(7) "Applicator" or "operator" means any individual who has assumed responsibility or is considered principally responsible to ensure that the fertigation system functions properly and conforms with the provisions of this chapter.

(8) "Approved backflow prevention assembly" means a reduced pressure backflow assembly, reduced pressure detector assembly, double check valve detector assembly, or double check valve assembly of a make, model, and size that is approved by the department of health pursuant to WAC 246-290-490.

(9) "Approved reduced pressure backflow assembly" or "reduced pressure detector assembly" means backflow prevention assemblies of make, model, and size approved by the

department of health pursuant to WAC 246-290-490.

(10) "Aquaculture" means the cultivation of water-based plants or animals.

(11) "Backflow" means the reversal of fluid flow due to backpressure or backsiphonage.

(12) "Backflow prevention device" or "backflow safety device" means antipollution safety devices that prevent the flow of water from the irrigation water distribution system back to the water source or to the product source.

(13) "Barometric loop" or "gooseneck" means a raised section of pipe where the bottom of the loop is at least two feet above the highest water emitting device or any portion of the irrigation application system which has a vacuum relief valve installed on the top of the loop.

(14) "Check valve" means a certified device designed and constructed to provide automatic, quick-acting, and absolute closure that creates and maintains a watertight seal. The device prevents flow in the opposite direction of that desired when operation of the irrigation system or chemical injection unit fails or is shut down.

(15) "Chemical" or "product" means a commercial fertilizer, soil amendment, system maintenance compound, or other materials such as reclaimed water or animal effluent.

(16) "Commercial fertilizer" means a substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which 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 shall not include unmanipulated animal and vegetable manures and other products exempted by the department by rule.

(17) "Contact name" means a person or company responsible for placement and operation of an application tank.

(18) "Decommissioned" means rendering an application tank unusable for product containment.

(19) "Deep percolation" means the movement of water downward through the soil profile below a plant's effective rooting zone.

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

(21) "End gun" means an intermittent, high volume water-emitting device located at or near the end of an irrigation application system.

(22) "Environment" means any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface or subsurface strata, or ambient air within the state of Washington or under the jurisdiction of the state of Washington.

(23) "Fertigation" means the application of any commercial fertilizer, nutrient, soil amendment, or reclaimed water with irrigation water intended for plant or soil biota growth and development or for soil conditioning or reclamation.

(24) "Fertigation operation" means all activities and equipment associated in preparing for, performing, and concluding a fertigation application, which includes, but is not limited to, calibrating, mixing, loading, starting up, operating, monitoring, or shutting down a fertigation system.

(25) "Fertigation system" means the chemical injection system as well as the irrigation water distribution system.

(26) "Homemade" means devices not otherwise commercially available for sale or not manufactured for the purpose of commercial sale.

(27) "Hydroponic" means the practice of growing plants in an aqueous solution, moist inert material, or otherwise in the absence of a mineral-based medium.

(28) "Imminent danger" means a threat to human health or the environment that is likely to happen during the current application.

(29) "Injection system" means all components used to supply, deliver, meter, and inject a substance into an irrigation system. This includes devices and components located between and inclusive of the application tank and the point of product discharge into the irrigation water, including components of the system interlock.

(30) "Inspection port" means an orifice or other viewing device from which the low pressure drain and irrigation line check valve may be assessed for proper operation.

(31) "Irrigation application system" means the physical components of an irrigation system that begins at the first water emitting device and ends with the last water emitting or purging device.

(32) "Irrigation season" means that period of time during which supplemental water is applied to aid in plant development, soil conditioning, temperature modification, or other such purposes.

(33) "Irrigation system" means all components used in diverting, supplying, distributing, and applying irrigation water.

(34) "Irrigation water distribution system" means all components inclusive of the irrigation water supply system and the irrigation application system.

(35) "Irrigation water supply system" means the water conveyance system, which begins at the point of diversion from the irrigation water source and ends with the first water emitting device.

(36) "Metering device" means a positive displacement injection pump, venturi device, or gravity feed device capable of being calibrated and used to gauge chemical placement into the irrigation water distribution system.

(37) "Nonpressurized water delivery system" means a method of irrigation in which water is distributed over the soil surface by gravity flow, such as rill, border, gated pipe, or spigotted pipe.

(38) "Off-site application" means the application or movement of product from the target site.

(39) "Operator" means the individual who is performing a fertigation operation.

(40) "Outtake" means an opening that provides a source of untreated water.

(41) "Reclaimed water" means process water discharge from food processors and from wastewater treatment facilities, which is applied to land or plants with the intention of recovering water and nutrients.

(42) "Rinsate" means the liquid produced from the rinsing of any equipment or container that has come in direct contact with any fertilizer or soil amendment.

(43) "Runoff" means surface water leaving the target site.

(44) "Sensitive area(s)" means schools, parks, dwellings, occupied buildings or structures, public roadways, waters of the state, or other areas in which off-target movement may endanger humans, animals, crops, or the environment.

(45) "Soil amendment" means any organic or inorganic substance, other than a commercial fertilizer as defined in WAC 16-200-695, that is intended to improve the physical characteristics of the soil or to make the growth medium more suitable for the establishment, growth, and production of plants.

(46) "Source water" or "water source" means an aquifer or surface water body, including a stream, stream system, lake, reservoir, or off-farm irrigation water ditch or conveyance system, and any spring water or underground water that is part of or tributary to the surface water body or aquifer.

(47) "System interlock" means the arrangement or interconnection of the irrigation pump or a pressure or flow sensing device with the chemical injection unit or other pumps in such a manner that shutdown of the fertigation injection system will occur in the event of any component malfunction or failure that substantially impacts the application rate.

(48) "Vacuum relief valve" means a device that automatically relieves or breaks a vacuum, thereby preventing back-siphoning.

(49) "Washwater" means the liquid produced from the rinsing of the exterior of any equipment or containers that have or may have come in direct contact with any fertilizer or soil amendment.

(50) "Waters of the state" means, but is not limited to, lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, irrigation canals, and reservoirs.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-2002, filed 11/9/01, effective 11/9/01.]

WAC 16-202-2003 What are the general requirements in performing a fertigation operation? The applicator and fertigation system must comply with the following performance requirements to protect human health, source water, and the environment. The fertigation operator is responsible for safe application and for the proper operation of the fertigation equipment.

(1) A fertigation system must be designed, constructed, installed, operated, and maintained in accordance with the provisions of this chapter.

(2) Substituted alternative technology not otherwise identified in this chapter must be evaluated by the department to determine if the provisions of this chapter have been fulfilled.

(3) All commercial fertilizers used for fertigation must meet Washington state fertilizer standards. This does not prohibit fertigation systems from being used to apply other products such as reclaimed water, animal effluent, or similar substances provided that the appropriate antipollution devices are present and the provisions of this law are met.

(4) During a fertigation application, an irrigation system and injection system are considered one unit, and the applicator is responsible for their proper operation.

(5) All applicable fertilizer laws, in addition to those contained in this chapter, pertain to fertigation.

(6) A fertigation system cannot draw water from any water supply unless that supply is protected from contamination. The fertigation operator must verify that backflow cannot occur.

(7) The application must be continuously monitored whenever sensitive areas are at risk of being exposed to drift, runoff, or overspray.

(8) All fertigation systems and system components must allow for adequate visual, physical, and manual inspection.

(9) A fertigation system must be flushed out and rinsed off after an application.

(10) All components must be chemically compatible with injected materials, water containing injected materials, and system pressure.

(11) Equipment must be calibrated and maintained in a manner to prevent misapplication or off-site application of any product.

(12) Safety devices and injection equipment must be installed, operated, and maintained in accordance with the manufacturer's specifications, established industry standards, and department rule.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-2003, filed 11/9/01, effective 11/9/01.]

WAC 16-202-2004 What are the identification requirements for application tanks? The purpose of identification requirements is to minimize the potential for human exposure and to facilitate remediation in the event of component malfunction or a contamination event.

(1) An application tank must:

(a) List tank contents, using the industry-accepted identifier for the principal product(s);

(b) Display its maximum net capacity;

(c) Display a contact name and telephone number; and

(d) Display an owner-derived numeric or alphanumeric tank identifier.

(2) This information must be visibly recorded and securely affixed to each application tank. The distinguishing information shall be designed to remain intact and legible throughout the active use of the container.

(3) Lettering that displays the contact name, telephone number, and tank identifier shall be a minimum of two inches in height and in a color contrasting to the background.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-2004, filed 11/9/01, effective 11/9/01. Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2004, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2005 What are the placement requirements for application tanks? Application tanks cannot be located in an area or placed in such a manner to contaminate water or to endanger human health, sensitive areas, or the environment.

(1) Application tanks should be positioned downgradient from wellheads, public waterways, off-farm irrigation supply ditches or conveyance systems, or sensitive areas.

(a) If downgradient placement is not feasible, earthen berms or other structures of sufficient design must be constructed to divert spillage, leakage, or surface flow away from such areas.

(b) An application tank cannot be placed closer than twenty feet from wellheads, public waterways, off-farm irrigation supply ditches or conveyance systems, or sensitive areas.

(c) Mixing or loading activities cannot occur within twenty feet of a sensitive area, wellhead, public waterway, off-farm irrigation supply ditch or conveyance system, and irrigation water source.

(d) Alternative technology that provides substantially equal protection such as a secondary containment facility that complies with the structural design requirements in the secondary and operational area containment rules (chapter 16-201 WAC) will fulfill the requirements in paragraphs (a), (b), and (c) of this subsection.

(e) Overflow from an irrigation pond contaminated with product cannot enter a public waterway, off-farm irrigation supply ditch or conveyance system, or sensitive area.

(2) Application tanks must be positioned to prevent leaks, spills, or structural damage.

(a) Application tanks must be placed on a rigid, sound understructure or on stable ground to prevent tipping, spillage, puncturing, or breakage.

(b) Application tanks and the injection system must be protected against reasonably foreseeable risks of damage by implements, trucks or other moving vehicles, or objects.

(3) Application tanks should be sited as close as reasonably possible to the injection point.

(4) Tank outlet ports must be fitted with manual shutoff valves.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-2005, filed 11/9/01, effective 11/9/01.]

WAC 16-202-2006 Under what conditions is an application tank exempt from the secondary and operational area containment rules? Application tanks functionally connected to and dedicated solely for use with a fertigation operation may be exempt from the secondary and operational area containment rules (chapter 16-201 WAC). The following conditions determine whether a tank that is a component of a fertigation system is subject to the secondary and operational area containment rules.

(1) Time-in-place.

(a) Product can remain in an application tank for a period not to exceed nine consecutive months during an irrigation or application season. If the nine-month period is exceeded, the tank is deemed a storage facility and is therefore subject to the secondary and operational area containment rules.

(b) An application tank containing product during the nonapplication or nonirrigation season is subject to the secondary and operational area containment rules regardless of tank size.

(c) The application tank must be removed at the end of the irrigation or application season, whichever is shorter, but not to exceed nine months. At the end of this period, the application tank must be emptied, cleaned, visually inspected for integrity, and serviced. The tank must be removed from the site, or the tank must be decommissioned and clearly tagged with the words "out-of-service," or the tank must be managed as a permanent storage facility (chapter 16-201 WAC).

(2) Tank size.

(a) An application tank must have a rated capacity of six thousand five hundred gallons or less.

(b) An application tank with a rated capacity exceeding six thousand five hundred gallons is deemed a permanent storage facility.

(c) Multiple tanks positioned at an injection site with a cumulative capacity exceeding ten thousand gallons are also deemed a permanent fertilizer storage facility.

(d) Cumulative tank capacity cannot exceed ten thousand gallons per application system.

(3) Monitoring.

(a) Tanks containing product must be inspected at least every seven days.

(b) Tanks must be inspected each time a fertigation operation is performed.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-2006, filed 11/9/01, effective 11/9/01.]

WAC 16-202-2007 How should rinsate from equipment or backflush water from a filtration device be handled? (1) Water used to rinse, flush, or clean equipment or containers is considered rinsate. It must be applied onto a target site or disposed of properly.

(2) Contaminated backflush water from a filtration device cannot contaminate ground water or surface water, or adversely impact sensitive areas.

[Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2007, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2008 What are the general antipollution safety device requirements for a fertigation system? All systems must have antipollution safety devices that include a backflow prevention system, a metering device, injection device, and system interlock to prevent backflow into the irrigation water source or chemical supply system.

[Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2008, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2009 What measures must be used to prevent backflow into the irrigation water source? Backflow prevention is a requirement on all irrigation systems used for fertigation except when alternative technology is applied.

(1) Pressurized irrigation system.

(a) At least one irrigation mainline check valve must be correctly installed, properly operated, and adequately maintained to prevent contamination of the water source. The check valve must be located upstream from the injection point. The check valve must be automatic, quick-closing, and capable of forming and maintaining a watertight seal.

(b) An inspection port or a direct access point must be positioned immediately upstream of the check valve to allow visual and manual inspection of the check valve and the low pressure drain. The inspection port or access point must have a minimum diameter of four inches. If a four-inch inspection port or access point is not feasible, an alternative system must be devised.

(c) An inspection port or access point is not required with an approved backflow prevention assembly.

(d) A vacuum relief valve must be located upstream of the irrigation line check valve, installed at the top of the irrigation pipeline and adequately sized to prevent backsiphoning. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(e) An automatic low pressure drain or similar mechanism must be placed upstream of the irrigation line check valve and at the lowest point in the bottom of the pipeline. The low pressure drain must be of adequate size and properly positioned to intercept and purge leakage away from the water source.

(f) Product-treated water cannot be discharged through a water outtake.

(2) Nonpressurized water delivery system.

(a) System design must prevent the introduction of treated water into the water source.

(b) Backflow prevention may be achieved with a hydraulic discontinuity in source water flow or by a sufficient hydraulic gradient.

(c) Backflow devices for nonpressurized systems may include a weir box, drop structure, ASAE approved air gap, batch tank, or similar device that can function to prevent backflow into the source water.

(d) Injection must occur downstream from the water diversion point.

(3) Cross-connection to municipal or public water system. Backflow prevention devices must be approved by the Washington state department of health in accordance with WAC 246-290-490.

[Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2009, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2010 What alternative methods may be used to prevent backflow into the irrigation water source? The application of alternative technology in achieving backflow prevention must be accomplished either by a backflow system or by system design to fulfill the provisions of this chapter. The operator must be able to demonstrate that backflow cannot occur. Alternative technology must provide substantially equal or greater protection than the provisions of this chapter.

(1) System design. If a system's configuration will provide substantially equal or greater protection due to the physical laws of gravity and water hydraulics, components of a backflow prevention system may be waived by the department.

(2) Barometric pipe loop.

(a) Barometric loops can only be used on systems pumping from a surface water source.

(b) The barometric pipe loop must be located in the main water line immediately downstream of the irrigation water pump.

(c) A barometric pipe loop must be designed with sufficient elevation differential to compensate for backflow.

(d) The bottom of the barometric loop apex must be at least thirty inches above the highest water-emitting device or of any portion of the irrigation application system.

(e) The barometric loop must contain a vacuum relief device at the loop apex that allows air into the pipeline immediately upon loss of pressure. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(f) The chemical injection port must be located downstream of and at least thirty inches below the bottom of the pipe loop apex.

(3) The department will recognize alternative backflow devices, providing they are as restrictive as the provisions of this chapter.

[Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2010, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2011 What are the prevention requirements for backflow into or seepage from application tanks? All irrigation and injection systems used for fertigation must prevent backflow into the application tank. Leakage or siphonage from the application tank through the injection system into the irrigation system must also be prevented.

(1) Injection into a pressurized section of an irrigation system must include:

(a) An automatic, quick-acting injection line check valve must be used to prevent leakage from the application tank into irrigation water and to prevent irrigation water from entering the chemical injection line. The injection line check valve must maintain, at a minimum, 10 psi opening (cracking) pressure or adequate opening pressure to prevent gravity flow due to hydraulic head pressure from the application tank. The check valve must be located at the point of product injection into the irrigation water; and

(b) Where siphon action induced by an irrigation system could compromise the cracking (opening) pressure of an injection line check valve, a vacuum relief valve must be installed in the irrigation line downstream of the injection point. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(2) Injection into nonpressurized (e.g., open surface, gated pipe, or spigotted pipe) portion of irrigation system must include a hydraulic discontinuity in source water flow or a sufficient hydraulic gradient such that chemicals or treated water cannot contaminate the water source. Backflow devices for nonpressurized systems may include a weir box, drop structure, air gap, batch tank, or similar device whose intended function is to prevent backflow into the application tank.

(3) Venturi or other passive injection systems.

(a) If backpressure or backsiphonage can occur, the chemical injection line must contain an automatic, quick-closing check valve. The valve must be located immediately adjacent to the chemical inlet side of the venturi.

(b) If product can potentially siphon or seep into the water supply, the chemical injection line must contain a normally closed solenoid operative valve connected to the system interlock, or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. The valve must be installed adjacent to the product outlet on the application tank.

(c) With a bypass system, as an alternative to (a) and (b) of this subsection, the automatic, quick-closing check valve

may be installed in the bypass immediately upstream of the venturi water inlet. In addition, either the normally closed solenoid or the hydraulic solenoid may be installed immediately downstream of the venturi water outlet.

(d) Bypass systems with a booster pump must have the normally closed solenoid interlocked with the source pump for the irrigation system.

[Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2011, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2012 What alternative methods may be used to prevent backflow into or seepage from application tanks? Alternative technology used for backflow prevention must be accomplished by system design to fulfill the provisions of this chapter.

(1) In lieu of a normally closed solenoid with the injection system.

(a) A normally open valve must be located in the chemical injection line between the application tank and a positive displacement injection pump. The normally open valve must be spring-loaded, and must close upon a vacuum and open at atmospheric pressure. It must be elevated at least twelve inches above the maximum fluid level in the application tank and must be the highest point in the injection line.

(b) The mechanism described in (a) of this subsection cannot be used in conjunction with a venturi injection system.

(2) In lieu of a 10 psi opening (cracking) pressure check valve.

(a) An automatic, quick-acting, spring-loaded check valve must be attached at or positioned immediately adjacent to the injection point to prevent irrigation water from entering the chemical injection line.

(b) A normally closed solenoid must be installed immediately adjacent to the product outlet on the application tank. If electric, it must be interlocked with the injection pump or, if hydraulic, with the irrigation system.

(c) In place of (b) of this subsection, a normally open valve must be located in the chemical injection line between the application tank and a positive displacement injection pump as described in subsection (1)(a) of this section. This alternative cannot be used with venturi injection systems.

[Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2012, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2013 What are the requirements for metering devices? Metering devices must be capable of being accurately calibrated. Metering devices must control the rate of product injection into irrigation water and discontinue product delivery when the predetermined application quantity has been dispensed. All metering systems must be functionally interlocked with the source irrigation pump or irrigation water distribution system.

(1) Injecting product with a pressurized metering pump.

(a) The metering pump must be of a positive displacement design.

(b) Water-powered injection pumps can only be used when no other power source is available to operate the injection unit.

(c) The metering pump must be interlocked to the irrigation system in the event of an irrigation system malfunction or failure.

(2) Injection into nonpressurized section of an irrigation system.

(a) Application rate may be accomplished with an adjustable valve, flow control device, or other metering mechanism.

(b) The metering device must also control application quantity by employing a slide metering device or by placing a predetermined quantity into a batch tank.

(3) Venturi system as a metering device.

(a) A venturi system may be used as a metering device, except where variable pressure may contribute to a variable injection rate.

(b) The chemical injection line must contain either a normally closed, solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. The valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(c) The chemical injection line between the application tank and the venturi must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. The check valve must be placed immediately adjacent to the venturi chemical inlet.

(d) In bypass systems, the check valve may be installed immediately upstream of the venturi water inlet. Either the normally closed solenoid or hydraulically operated valve may be installed immediately downstream of the venturi water outlet.

(e) If a booster or auxiliary pump is used in conjunction with a venturi system, the normally closed solenoid must be electrically interlocked with the source pump for the irrigation system.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-2013, filed 11/9/01, effective 11/9/01. Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2013, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2014 What are alternative methods for metering? Alternative technology used for metering product must fulfill the provisions of this chapter.

A person may function as a metering device with a nonpressurized irrigation delivery system. However, the individual must remain on-site to continuously monitor the application and be immediately available to terminate the application in the event of equipment malfunction. The person must be knowledgeable about the operation of the irrigation and injection systems.

[Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2014, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2015 What are the requirements for product injection devices? The irrigation water source and application tank must be protected from backflow and from siphonage.

(1) Pressurized injection or injection into pressurized irrigation system.

(a) An injection line check valve must be used whenever injection occurs in a pressurized section of an irrigation system or with a pressurized injection system.

(b) The injection line check valve must inject product directly into the irrigation water and must be installed downstream of the irrigation mainline check valve.

(c) The point of injection into an irrigation system cannot be located within ten feet of a wellhead, public waterway, off-farm irrigation supply ditch or conveyance system, or sensitive area.

(d) The injection line check valve mechanism must prevent leakage due to hydraulic head pressure from the application tank and must prevent backflow from the irrigation water source into the supply tank. The injection line check valve must maintain, at a minimum, 10 psi opening (cracking) pressure or adequate opening pressure to prevent gravity flow from the application tank.

(e) In instances where siphoning action induced by an irrigation system could compromise the opening (cracking) pressure of a injection line check valve, a vacuum relief valve must be installed in the irrigation line downstream of the injection point.

(2) Injection into nonpressurized section of irrigation system.

(a) If injection occurs in a nonpressurized portion of the irrigation system, an air gap or other hydraulic discontinuity must exist between the pressurized or nonpressurized irrigation water source and the point of product injection.

(b) When an air gap is used in conjunction with a public water supply, injection may only occur downstream of the air gap.

(3) Venturi systems.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. The valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device must contain an automatic, quick-closing check valve. The check valve must be placed immediately adjacent to the venturi chemical inlet.

[Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2015, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2016 What alternative methods may be used for product injection? Alternative technology used for product injection must fulfill the provisions of this chapter. With a surface supplied water source, the injection point must occur downstream from the point of diversion. With a pressurized water source, the injection point must be located such that product backflow cannot occur.

(1) Injection with barometric loops.

(a) Barometric loops can only be used on systems pumping from a surface water source.

(b) The barometric loop must be located in the water line immediately downstream of the irrigation water pump.

(c) A barometric pipe loop must be designed with sufficient elevation differential to compensate for backflow.

(d) The bottom of the barometric loop apex must be at least thirty inches above the highest water-emitting device or of any portion of the irrigation application system.

(e) The barometric loop must contain a vacuum relief device at the loop apex that allows air into the pipeline immediately upon loss of pressure. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(f) The injection point on a barometric loop must be located downstream of and at least thirty inches below the bottom of the barometric pipe loop apex.

(2) Solenoid and check valve.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. A normally closed, solenoid-operated valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device and the injection point must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. The check valve must be placed immediately adjacent to the venturi chemical inlet.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-2016, filed 11/9/01, effective 11/9/01. Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2016, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2017 What are the requirements for a system interlock? A system interlock must automatically shut off the injection system if the irrigation pump stops operating or if variation in water flow adversely affects product injection rate or product distribution uniformity. The operator must be able to demonstrate that backflow cannot occur.

(1) Pressurized injection systems or injection into a pressurized portion of the irrigation system requires either an electrical, hydraulic, or mechanical system interlock device.

(2) When the injection point is at a nonpressurized section of an irrigation water distribution system, a slide metering scale or batch tank may function as the system interlock.

(3) With venturi systems.

(a) Booster or auxiliary water pumps must be connected with the system interlock such that when pressure in the mainline changes to the point where product distribution is adversely affected automatic shutoff of product supply will occur.

(b) The supply line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. If a booster or auxiliary pump is used in conjunction with a venturi system, the normally closed solenoid must be electrically interlocked with the source pump for the irrigation system.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-2017, filed 11/9/01, effective 11/9/01. Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2017, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2018 What alternative methods can be used as a system interlock? Alternative technology used as a system interlock must fulfill the provisions of this chapter.

(1) Human interlock. In lieu of an automatic interlock, a person may serve as a system interlock. The individual must continuously monitor the application, be alert throughout the application process, be immediately available to terminate the application in the event of equipment malfunction, and be knowledgeable about the operation of the irrigation and injection systems.

(2) Solenoid and check valve.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. A normally closed, solenoid-operated valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. The check valve must be placed immediately adjacent to the venturi chemical inlet.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-2018, filed 11/9/01, effective 11/9/01. Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2018, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2019 What is an appropriate monitoring schedule? A fertigation application must be visually inspected at least daily to ensure that system components are functioning properly. Specific applications due to location or product characteristics may require more frequent monitoring.

[Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2019, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2020 Public water system cross-connections or connection to a potable water supply intended for human use. (1) If the irrigation system is cross-connected to a public water system, Washington state department of health (DOH) rules (WAC 246-290-490) apply to backflow prevention.

(2) Cross-connections of a fertigation system to any potable water system intended for human use must have either a department of health-approved reduced pressure backflow assembly or reduced pressure detector assembly installed for backflow prevention. Otherwise, a physical separation in the form of an air gap may be used to protect the water source.

[Statutory Authority: Chapters 15.54, 15.58, 17.21, and 34.05 RCW. 01-23-018, § 16-202-2020, filed 11/9/01, effective 11/9/01. Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2020, filed 6/18/01, effective 11/9/01.]

WAC 16-202-2021 Penalties. (1) Any person who fails to comply with any provision of this chapter shall be subject to imposition of a civil penalty as provided in RCW 15.54.474.

(2) The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any rule made pursuant to this chapter in a court of competent jurisdiction of the county in which such violation occurs or is about to occur.

[Statutory Authority: Chapters 15.54, 15.58, and 17.21 RCW. 01-13-063, § 16-202-2021, filed 6/18/01, effective 11/9/01.]

Chapter 16-238 WAC

WSDA GRAIN INSPECTION PROGRAM—FEE SCHEDULE

WAC

16-238-010	Definitions.
16-238-020	Grain and commodity inspection points.
16-238-030	General provisions for assessment of fees.
16-238-060	Fees for official sampling, inspection, and/or weighing services under the United States Grain Standards Act.
16-238-070	Fees for official services under the Agricultural Marketing Act of 1946.
16-238-082	Fees for services performed under state regulation or standards or "as specified" by the applicant for service when no official standards exist.
16-238-090	Covered commodities.
16-238-100	Grades and standards.
16-238-110	Scales.

WAC 16-238-010 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.

(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.

(6) "USDA" means the United States Department of Agriculture.

(7) "GIPSA/FGIS" means the Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service.

[Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-010, filed 5/25/01, effective 6/25/01.]

WAC 16-238-020 Grain and commodity inspection points. The following cities in the state of Washington are hereby designated as inspection points for the purpose of inspecting and weighing standardized grains, beans, peas, lentils and other commodities: Colfax, Kalama, Olympia, Pasco, Seattle, Spokane, Tacoma and Vancouver.

[Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-020, filed 5/25/01, effective 6/25/01.]

WAC 16-238-030 General provisions for assessment of fees. (1) Straight time fee, per hour, per employee, except GIPSA/FGIS scale authorization services \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

The straight time fee will be assessed where no other fee, guarantee of expenses or contractual agreement exists or is specified in the schedule of fees or in any situation where the

fees generated through the service provided are not equivalent to the straight time fee, per hour, per employee, including applicable supervisory and clerical hours.

(2) GIPSA/FGIS scale authorization fee, per hour, per employee \$34.87.

\$35.87, effective June 30, 2001; \$36.87, effective July 1, 2001.

The GIPSA/FGIS scale authorization fee, per hour, per employee will be assessed when GIPSA/FGIS scale authorization services are requested or required. Travel time, mileage, per diem, overtime, late notice, call-back, standby and service cancellation fees may be assessed in addition to the hourly fee.

(3) Overtime and night shift rate per hour, per employee \$6.87.

\$7.06, effective June 30, 2001; \$7.25, effective July 1, 2001.

When a service is requested before or after regularly scheduled working hours, Monday through Friday, during established meal periods on any shift, or anytime on Saturdays, Sundays or holidays, the overtime and night shift rate per hour, per employee, including applicable supervisory and clerical hours, shall be charged in addition to the regular inspection and weighing fees. When an applicant contracts for a permanent night shift(s), the overtime and night shift fee for the night shift(s) will be waived after the initial seven-day notice period expires.

(4) Late notice fee, per hour, per employee . . . \$4.57.

\$4.70, effective June 30, 2001; \$4.83, effective July 1, 2001.

Requests for service on Saturdays, Sundays, or holidays, or for work before or after regularly scheduled working hours, Monday through Friday, must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day prior to the requested service. When the request is not received by 2:00 p.m., service will be provided if personnel are available. The late notice fee will be assessed, per hour, per employee, for the hours of the requested service that the department is able to staff.

Note: Service requests that are beyond the normal scope or volume requested at an inspection site must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day prior to the requested date of service. The requested service will be provided if the department is able to locate adequate staff.

(5) Call-back fee, per employee \$22.94.

\$23.58, effective June 30, 2001; \$24.22, effective July 1, 2001.

(a) When requests for service are received after the close of business on a regular scheduled working day and the department can locate adequate staff to provide the requested service, a call-back fee will be assessed for each employee scheduled for that shift or service request.

(b) One call-back fee per employee will be assessed for each employee scheduled on a shift on a Saturday, Sunday, or holiday.

(6) Shift request fee, per hour, per employee . . \$6.87.

\$7.06, effective June 30, 2001; \$7.25, effective July 1, 2001.

Requests for establishing a night shift or graveyard shift must be provided in writing. The requested shift(s) will com-

mence seven days after the written request is presented. If the night shift or graveyard shift begins before the seven-day notice period has expired, the shift request fee will be assessed per hour, per employee assigned to the new shift(s) until the seven-day notice period expires.

Locations that are not routinely staffed, due to inconsistent workloads that are inadequate to allow the department to maintain full-time staffing, will be subject to the shift request fee for day shifts in addition to night shifts or graveyard shifts.

At locations where staffing has been reduced, due to a lack of work, below the full-time permanent day shift numbers, and an applicant requests a day shift that will begin before the seven-day notice period has expired, the shift request fee will be assessed, per hour, per employee, until the seven-day notice period has expired for the personnel above the current permanent staff number that are necessary to staff the requested day shift work.

(7) Shift cancellation fee, per hour, per employee \$6.87.

\$7.06, effective June 30, 2001; \$7.25, effective July 1, 2001.

Requests for cancellation of an applicant requested night shift or graveyard shift must be provided, in writing, at least twenty-one days prior to the cessation date. If the applicant does not provide the full twenty-one day notice, the shift cancellation fee will be assessed for all hours that the assigned staff would have worked until the twenty-one day notice period expires.

Locations that are not routinely staffed, due to inconsistent schedules, or at locations that are inadequately staffed due to a lack of work, will be assessed the shift cancellation fee for all shifts where the full twenty-one day cancellation notice period is not provided.

(8) Standby fee, four-hour minimum, per hour, per employee \$28.77.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

When 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 the service cannot be performed through no fault of the department, the four-hour minimum standby fee will be assessed, per employee; except as follows.

When service is requested at locations that are not routinely staffed on a Monday through Friday basis, due to inconsistent work schedules or a lack of work, and the department is able to staff appropriate personnel to accommodate the service requested by the applicant, and the requested service cannot be performed through no fault of the department, the four-hour minimum standby fee will be assessed, per employee.

When service is requested that commences within two hours of the regular starting time of a shift or ends within two hours of the regular ending time of a shift, and the service cannot be performed through no fault of the department, the standby fee will be assessed on a per hour, per employee basis.

The standby fee will be assessed, per hour, per employee, for all hours over the four-hour minimum that continue to be staffed at the request of the applicant.

(9) Service cancellation fee, per employee. . . \$115.08.

\$108.36, effective June 30, 2001; \$111.36, effective July 1, 2001.

When 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 by 2:00 p.m. of the last regularly scheduled working day prior to the requested service, the service cancellation fee will be assessed, per employee.

When service is requested at locations that are not routinely staffed on a Monday through Friday basis, due to inconsistent schedules or at locations that are inadequately staffed due to a lack of work, and a cancellation of the request is not received by 2:00 p.m. of the inspection office's last regularly scheduled working day prior to the requested service, the service cancellation fee will be assessed, per employee.

(10) 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.

(11) Guaranteed staffing levels. An applicant may enter into an agreement with the department at guaranteed staffing levels and negotiated minimum hours and unit fees, provided the department has adequate trained personnel to accommodate the request.

(12) Revenue insufficiency - export locations. When the lot size or workload is not of sufficient size to generate revenue equivalent to the straight time fee, per hour, per employee, an additional fee shall be assessed so that total revenue generated on a daily basis is equal to the straight time fee, per hour, per employee: Provided, That such revenue insufficiency may be established on the basis of the average hourly revenue generated at the work site over the Monday through Sunday work week (weekly averaging), upon written request of the applicant for service. In the absence of such request, fees shall be assessed on a daily basis.

Note: The weekly averaging computation utilizes the prior week's invoices representing shipplots completed before the start of business on Monday and does not include fees assessed for GIPSA/FGIS scale authorization, overtime, late notice, call-back, standby, shift request, or shift cancellation.

(13) Official commercial inspection services. Official commercial inspection services may be provided, on-site, at the applicant's request, when:

(a) Appropriate space, equipment and security can be provided by the applicant;

(b) The applicant provides a full definition of the requested services;

(c) The program is able to provide appropriate licensed personnel to accomplish the defined, requested service; and

(d) A guarantee of expense can be negotiated.

Note: The applicant must fully define the requested services so the department can determine appropriate staffing levels and create a guarantee of expense proposal.

(14) Travel time, mileage, per diem. When service requests are performed at other than the established grain and commodity inspection points, or qualified personnel to pro-

vide the requested service must travel from a different inspection point to the service location, the applicant may be assessed:

(a) Travel time from the established inspection point to the service location and return, at the appropriate fee(s) cited in WAC 16-238-030, per employee; and

(b) Mileage from the established inspection point to the service location and return, at the state of Washington's current general administration private vehicle mileage reimbursement rate.

(c) In addition, if the travel is of sufficient duration, an amount equal to the established state of Washington per diem rates provided to the employee(s) in travel status will be assessed to the applicant.

(15) 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. 01-12-021, § 16-238-030, filed 5/25/01, effective 6/25/01.]

WAC 16-238-060 Fees for official sampling, inspection, and/or weighing services under the United States Grain Standards Act. (1) Fees for combination inspection and weighing services:

(a) From barges or waterborne vessel to elevator, per ton \$0.128.

(b) Bin transfers, per ton \$0.128.

(c) From elevator to ocean-going vessel:

(i) First 3,000,000 short tons per fiscal year, per ton \$0.128.

\$0.131 effective June 30, 2001; \$0.134, effective July 1, 2001.

(ii) From 3,000,001 to 5,000,000 short tons per fiscal year, per ton \$0.131.

(iii) From 5,000,001 to 6,500,000 short tons per fiscal year, per ton \$0.128.

(iv) Over 6,500,000 short tons per fiscal year, per ton \$0.120.

Note: The tonnage assessment is applied in full lot increments and is reset at the beginning of each fiscal year. The fiscal year begins July 1 and ends the following June 30.

(d) From elevator to unit trains or from unit trains to elevator, per ton \$0.128.

(2) Fees for official sampling and inspection, without weighing; or sampling only without weighing, of:

(a) Carlots sampled by USDA approved diverter-type mechanical samplers, per car \$15.50.

\$15.94, effective June 30, 2001; \$16.00, effective July 1, 2001.

Note: The per car fee will be assessed for each carlot included in a batch when an applicant requests batch grading of railcars sampled by diverter-type mechanical sampler.

(b) Carlots, sampled by USDA approved grain trier, original inspections, subsequent original inspections, and new sample reinspections, per car \$24.00.

\$24.68, effective June 30, 2001; \$25.00, effective July 1, 2001.

(c) Trucklots, sampled by approved grain trier, original or new sample reinspections, per truck \$15.00.

\$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

(d) Reinspections, based on official file sample, per sample, except Canola \$9.00.

\$9.25, effective June 30, 2001; \$9.50, effective July 1, 2001.

Note: Canola reinspections are provided on an hourly fee basis.

(e) Bagged grains, per hundredweight (cwt). . . \$0.065.

\$0.066, effective June 30, 2001; \$0.067, effective July 1, 2001.

Note: Factor-only reinspections available at the established reinspection fee, contingent on GIPSA/FGIS approval of the factor-only reinspection service option.

Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of Canola are equivalent to the USDA published.

(3) Fees for official Class X weighing service; without inspection:

(a) From elevator to conveyance, except trucks, per ton \$0.107.

\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(b) From conveyance to elevator, except trucks, per ton \$0.107.

\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(c) Bin transfers, per ton \$0.107.

\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(d) Trucks, per weight lot \$7.50.

\$7.71, effective June 30, 2001; \$7.92, effective July 1, 2001.

(4) Fees for other official weighing services:

(a) Class Y weighing services, per hour, per employee \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(b) Checkweighing of bagged grain, per hour, per employee \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(5) Fees for inspection of submitted samples:

(a) Analysis under the United States Grain Standards Act, except Canola, per inspection. \$7.75.

\$7.97, effective June 30, 2001; \$8.00, effective July 1, 2001.

Note: Submitted sample certificates of grade for barley may show, on request, dockage to the nearest one-tenth percent without additional charge.

(b) Canola, per inspection. \$14.20.

\$14.60, effective June 30, 2001; \$15.00, effective July 1, 2001.

Note: Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of Canola are equivalent to the USDA published fees.

(c) Reinspections, based on official file sample, per sample, except Canola \$9.00.

\$9.25, effective June 30, 2001; \$9.50, effective July 1, 2001.

Note: Canola reinspections are provided as an hourly fee service.
 Note: When submitted samples are not of sufficient size to allow for official grade analysis, obtainable factors may be provided, upon request of the applicant, at the factor-only rate shown in subsection (6) of this section.

(6) Fees for factor analysis:

(a) Nongrade determining factors requested by applicant, in addition to the original inspection grade results, per factor \$2.50.

\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

(b) Nongrade determining factors requested in shipload-ing subplot analysis, per factor \$2.50.

\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

(c) Factor only determinations, per factor \$2.50.

\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

Note: A maximum of three factors will be available at the factor-only fee. Applicants requesting more than three factors will be assessed the appropriate submitted sample rate shown in subsection (5) of this section.

(7) Fees for official constituent analysis via near-infrared transmittance (NIRT) technology:

(a) In conjunction with official inspection for grade, per test \$6.25.

\$6.42, effective June 30, 2001; \$6.50, effective July 1, 2001.

(b) Not in conjunction with official inspection for grade, per test \$8.50.

\$8.74, effective June 30, 2001; \$8.80, effective July 1, 2001.

(c) Reinspection based on official file sample, per test \$8.50.

\$8.74, effective June 30, 2001; \$8.80, effective July 1, 2001.

Note: When a reinspection service includes a request for a new sample, the appropriate sampling fee in subsection (2) of this section will be assessed in addition to the fee cited in (c) of this subsection.

(8) Fees for qualitative or quantitative testing for the presence of mycotoxins via USDA approved "ELISA" or "Fluorometric" methods:

(a) Official sample or new sample reinspection, including official sampling, per test \$37.50.

(b) Submitted samples and reinspections based on official file sample, per test \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: Mycotoxin testing services utilizing thin layer chromatog-raphy or equivalent USDA approved technology available at the USDA published rate.

(9) Fees for stowage examination services on vessels or ocean-going barges:

(a) Initial inspection, five hold/stowage space/tank maximum, minimum fee \$120.00.

\$123.44 effective June 30, 2001; \$126.50 effective July 1, 2001.

(b) Initial inspection, above five hold/stowage space/tank maximum, per hold/stowage space/tank \$24.00.

\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.

(c) Return to hold/stowage space/tank during inspection service, per hold/stowage space/tank \$24.00.

\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.

(d) Subsequent inspections, three hold/stowage space/tank maximum, minimum fee \$72.00.

\$74.06, effective June 30, 2001; \$75.90, effective July 1, 2001.

(e) Subsequent inspection, above three hold/stowage space/tank maximum, per hold/stowage space/tank \$24.00.

(f) Travel time, midstream or at a nongrain loading berth, two-hour minimum per inspection request, per hour, per employee \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(g) Stowage examination services requested on a Satur-day, Sunday, or holiday, four-hour minimum, per hour, per employee \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: At anchor stowage examination services will be conducted at the convenience of the designated grain inspection office during daylight hours under safe working and weather conditions. The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point. Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services. Appropriate fees contained in WAC 16-238-030 may be assessed in addition to the fees noted in (a) through (f) of this subsection.

(10) Fees for other stowage examination services:

(a) Sea van containers, when not in conjunction with checkloading service, per inspection \$8.10.

\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.

(b) Railcars, trucks, or other containers, per railcar, not in conjunction with loading, per inspection \$8.10.

\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.

Note: Fees for stowage examination service will not be assessed when official sampling and inspection, or official weighing occurs at the time of loading, unless the applicant requests an official stowage examination certificate. The stowage examination requirement associated with service at the time of loading may be waived in accordance with GIPSA/FGIS Directive 9020.1.

(11) Fees for phytosanitary certification:

(a) In conjunction with official inspection, per certificate \$6.75.

\$6.94, effective June 30, 2001; \$7.13, effective July 1, 2001.

Note: Hourly fees may be assessed for research necessary to pro-duce the requested certificate.

(b) When not in conjunction with official inspection, add required sampling time, per hour per employee. . . \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(12) Fees for miscellaneous services:

(a) Waxy corn, per analysis \$12.75.

\$13.11, effective June 30, 2001; \$13.40, effective July 1, 2001.

(b) Ship composite samples, initial set of three provided to applicant.

(c) Ship composite samples, in excess of (b) of this subsection, when requested in advance, per sample . . . \$5.25.

\$5.40, effective June 30, 2001; \$5.50, effective July 1, 2001.

(d) Divided original certificates or letterhead statements, per certificate or letterhead statement . . . \$1.50.

\$1.54, effective June 30, 2001; \$1.58, effective July 1, 2001.

(e) Extra copies of certificates or letterhead statements, per certificate or letterhead statement . . . \$3.00.

\$3.08, effective June 30, 2001; \$3.16, effective July 1, 2001.

(f) Facsimile transmissions, per page . . . \$1.00.

\$1.02, effective June 30, 2001; \$1.04, effective July 1, 2001.

(g) Mailing of samples, at cost, minimum fee . . . \$2.00.

\$2.05, effective June 30, 2001; \$2.10, effective July 1, 2001.

(h) Sample pickup fee, on department established routes, per sample . . . \$0.60.

\$0.61, effective June 30, 2001; \$0.62, effective July 1, 2001.

Other services under the United States Grain Standards Act not specifically identified in WAC 16-239-060 will be provided under the appropriate subsection(s) of WAC 16-238-030 and/or at the published rates of the laboratory or organization providing the official service or analysis. New or special analysis requests may require applicant provided supplies and/or equipment.

[Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-060, filed 5/25/01, effective 6/25/01.]

WAC 16-238-070 Fees for official services under the Agricultural Marketing Act of 1946. (1) Fees for combination inspection and weighing services:

(a) Bulk commodities under federal or state standards, per ton . . . \$0.128.

\$0.131, effective June 30, 2001; \$0.134, effective July 1, 2001.

(b) Bulk commodities, factor determinations, per ton . . . \$0.128.

\$0.131, effective June 30, 2001; \$0.134, effective July 1, 2001.

(c) Sample and weigh grain by-products into thirty ton maximum containers, including stowage examination . . . \$15.00.

\$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

(2) Fees for official sampling and inspection without weighing; or sampling only without weighing, of:

(a) Bulk carlots, sampled by USDA approved diverter-type mechanical samplers, per car . . . \$15.50.

\$15.94, effective June 30, 2001; \$16.00, effective July 1, 2001.

(b) Bulk carlots, sampled by USDA approved grain trier, per car . . . \$24.00.

\$24.68, effective June 30, 2001; \$25.00, effective July 1, 2001.

(c) Bulk trucklots or containerlots, sampled by USDA approved grain trier, per truck or containerlot . . . \$15.00.

\$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

(d) Inspection of bagged commodities, per hundred-weight (cwt) . . . \$0.065.

\$0.066, effective June 30, 2001; \$0.067, effective July 1, 2001.

Note: A minimum fee equivalent to the hourly fee cited in WAC 16-238-020 is assessed for bagged and bulk commodity sampling and inspection, or sampling only services.

(3) Fees for official weighing service, without inspection:

(a) From elevator to conveyance, except trucks, per ton . . . \$0.107.

\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(b) From conveyance to elevator, except trucks, per ton . . . \$0.107.

\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(c) Bin transfers, per ton . . . \$0.107.

\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(d) Trucks, per weight lot . . . \$7.50.

\$7.71, effective June 30, 2001; \$7.92, effective July 1, 2001.

(4) Fees for other official weighing services:

(a) Checkweighing of bagged commodities, per hour, per employee . . . \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(5) Fees for inspection of submitted samples:

(a) Standardized commodities, thresher run or processed, per sample . . . \$14.20.

\$14.60, effective June 30, 2001; \$15.00, effective July 1, 2001.

(b) Commodities inspected under GIPSA/FGIS factor-only inspection procedures, per sample . . . \$14.20.

\$14.60, effective June 30, 2001; \$15.00, effective July 1, 2001.

Note: Fees for laboratory determinations of commodity constituents are assessed at the USDA published rate or at cost from the service provider.

(6) Fees for factor analysis:

(a) Nongrade determining factors requested by applicant, in addition to the original inspection results, except moisture, per factor . . . \$2.50.

\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

(b) Moisture only, per determination . . . \$5.25.

\$5.40, effective June 30, 2001; \$5.50, effective July 1, 2001.

(c) Nongrade determining factors requested in shipload-ing subplot analysis, per factor . . . \$2.50.

\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

(d) Factor-only determinations, first two factors . . . \$3.00.

\$3.08, effective June 30, 2001; \$3.16, effective July 1, 2001.

Note: Additional factors available at the per factor fee in (a) of this subsection. Applicants requesting more than five factors will be assessed the submitted sample rate in subsection (5) (a) of this section for the requested factors. When

submitted samples are not of sufficient size to allow for official grade analysis, factor-only analysis will be available, on request of the applicant.

(7) Fees for qualitative or quantitative testing for the presence of mycotoxins via USDA approved "ELISA" or "Fluorometric" methods:

(a) Official samples and new sample reinspections, including official sampling, per test. \$37.50.

(b) Submitted samples and reinspections based on official file sample, per test. \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: Mycotoxin testing services utilizing thin layer chromatography or equivalent USDA approved technology will be available at the USDA published rate.

(8) Fees for stowage examination services on vessels or ocean-going barges:

(a) Initial inspection, five hold/stowage space/tank maximum, minimum fee. \$120.00.

\$123.44, effective June 30, 2001; \$126.50, effective July 1, 2001.

(b) Initial inspection, above five hold/stowage space/tank maximum, per hold/stowage space/tank \$24.00.

\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.

(c) Return to hold/stowage space/tank during inspection service, per hold/stowage space/tank. \$24.00.

\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.

(d) Subsequent inspection, three hold/stowage space/tank maximum, minimum fee. \$72.00.

\$74.06, effective June 30, 2001; \$75.90, effective July 1, 2001.

(e) Subsequent inspection, above three hold/stowage space/tank maximum, per hold/stowage space/tank. \$24.00.

(f) Travel time, midstream or at a nongrain loading berth, two-hour minimum per inspection request, per hour, per employee. \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(g) Stowage examination services provided on a Saturday, Sunday, or holiday, four-hour minimum, per hour, per employee. \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: At anchor stowage examination services will be conducted at the convenience of the designated grain inspection office during daylight hours under safe working and weather conditions. The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point. Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services. Appropriate fees contained in WAC 16-238-030 may be assessed in addition to the fees noted in (a) through (f) of this subsection.

(9) Fees for other stowage examination services:

(a) Sea van containers, when not in conjunction with checkloading service, per inspection. \$8.10.

\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.

(b) Railcars, trucks, or other containers, per railcar, truck or other container. \$8.10.

\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.

(10) Fees for phytosanitary certification:

(a) In conjunction with official inspection, per certificate. \$6.75.

\$6.94, effective June 30, 2001; \$7.13, effective July 1, 2001.

Note: Hourly fees may be assessed for research necessary to produce the requested certificate.

(b) When not in conjunction with official inspection, add required sampling time, per hour per employee. . . \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(11) Fees for miscellaneous services:

(a) Falling numbers determinations, per determination. \$12.75.

\$13.11, effective June 30, 2001; \$13.40, effective July 1, 2001.

(b) Liquefaction number, per determination. . . \$0.50.

\$0.51, effective June 30, 2001; \$0.52, effective July 1, 2001.

(c) Divided original certificates or letterheads, per certificate or letterhead. \$1.50.

\$1.54, effective June 30, 2001; \$1.58, effective July 1, 2001.

(d) Extra copies of certificates or letterheads, per certificate or letterhead. \$3.00.

\$3.08, effective June 30, 2001; \$3.16, effective July 1, 2001.

(e) Sanitation inspections at commodity processing sites, initial inspection. no charge.

(f) Sanitation inspections, return to failed facility, four-hour minimum, per hour, per employee. \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(g) Sampling of processed commodities, two-hour minimum, per hour, per employee. \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: Laboratory fees associated with processed commodity lots will be assessed per the GIPSA/FGIS rates. Postage and other costs for sample delivery to the appropriate analyzing laboratory will be assessed to the applicant for service.

(h) Facsimile transmissions, per page. \$1.00.

\$1.02, effective June 30, 2001; \$1.04, effective July 1, 2001.

(i) Mailing of samples, at cost, minimum fee. . . \$2.00.

\$2.05, effective June 30, 2001; \$2.10, effective July 1, 2001.

(j) Sample pickup fee, on department established routes, per sample. \$0.60.

\$0.61, effective June 30, 2001; \$0.62, effective July 1, 2001.

Other services under the Agricultural Marketing Act of 1946 not specifically identified in WAC 16-238-070 will be provided under the appropriate subsection(s) of WAC 16-238-030, and/or at the published rates of the laboratory or organization providing the official service or analysis. New or special analysis requests may require applicant-provided supplies and/or equipment.

[Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-070, filed 5/25/01, effective 6/25/01.]

WAC 16-238-082 Fees for services performed under state regulation or standards or "as specified" by the applicant for service when no official standards exist. (1) Inspection of miscellaneous agricultural commodities under chapter 16-213 WAC:

(a) Submitted sample inspection, cultivated buckwheat, Washington state grade or for factor-only analysis, per sample \$7.50.

\$7.71, effective June 30, 2001; \$7.92, effective July 1, 2001.

(b) Bulk carlots, cultivated buckwheat, sampled by USDA approved diverter-type mechanical samplers, per car \$15.50.

\$15.94, effective June 30, 2001; \$16.00, effective July 1, 2001.

(c) Bulk carlots, cultivated buckwheat, sampled by USDA approved grain trier, per car \$24.00.

\$24.68, effective June 30, 2001; \$25.00, effective July 1, 2001.

(d) Bulk trucklots or containerlots, cultivated buckwheat, sampled by USDA approved grain trier, per truck or containerlot. \$15.00.

\$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

(e) Cracked corn, corn screenings, and mixed grain screenings sampling, inspection and weighing services are available at the fees cited in WAC 16-238-060.

(f) Bagged commodities, per hundredweight (cwt) \$0.065.

\$0.066, effective June 30, 2001; \$0.067, effective July 1, 2001.

(2) Fees for miscellaneous services:

(a) Unofficial constituent analysis via near-infrared transmittance (NIRT) technology available at the fees cited in WAC 16-238-060.

(b) Laboratory analysis of commodities covered in WAC 16-238-082, or for the analysis of constituents or conditions of grains or commodities not provided for in the official standards or specifically addressed in WAC 16-238-060 or 16-238-070 may be available as an unofficial service. If available, the services will be provided under the appropriate section(s) of WAC 16-238-030, and/or at the published rates of the laboratory or organization providing the service or analysis.

Services not specifically identified in WAC 16-238-082 may be provided under the appropriate subsection(s) of WAC 16-238-030, and/or at the published rates of the laboratory or organization providing the service or analysis. New or special analysis requests may require applicant provided supplies and/or equipment.

[Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-082, filed 5/25/01, effective 6/25/01.]

WAC 16-238-090 Covered commodities. Commodities covered under chapter 22.09 RCW in respect to sampling, inspection, weighing, and quality or constituent determinations shall include all grains with standards or inspection criteria established under the United States Grain Standards Act, all commodities with standards or inspection criteria established under the Agricultural Marketing Act, all com-

modities with standards or inspection criteria established under Washington state standards, and the by-products resulting from conditioning or processing the above grains and commodities.

[Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-090, filed 5/25/01, effective 6/25/01.]

WAC 16-238-100 Grades and standards. The grades and standards established by the United States Department of Agriculture as of August 1, 1984, and subsequently, for all grains and commodities included within the provisions of this chapter, are hereby adopted. In addition, the procedures to sample, grade, test and weigh grains and commodities, established by the regulations and instructions under the United States Grain Standards Act and the Agricultural Marketing Act of 1946, are hereby adopted for this state.

[Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-100, filed 5/25/01, effective 6/25/01.]

WAC 16-238-110 Scales. United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service (USDA, GIPSA, FGIS) delegated official scale testing and authorization authority to the Washington state department of agriculture in July of 1984. Scales under USDA, GIPSA, FGIS jurisdiction are required to be tested and certified for accuracy at least twice per year by an authorized Washington state department of agriculture scale expert or USDA, GIPSA, FGIS scale specialist. When scales are tested by the department or by USDA, GIPSA, FGIS, a seal shall be placed on the scales. The seal shall be dated and shall indicate approval or rejection. When scales are tested, a copy of a scale test report shall be forwarded to the USDA, GIPSA, FGIS and copies shall be maintained by the department and at the facility where the scale is located.

[Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-110, filed 5/25/01, effective 6/25/01.]

Chapter 16-328 WAC

CERTIFICATION OF STRAWBERRY PLANTING STOCK

WAC

16-328-010
16-328-011

Strawberry plant certification fees.
Strawberry plant certification fees.

WAC 16-328-010 Strawberry plant certification fees. Effective June 30, 2001, strawberry plant certification fees are as follows:

(1) Certification application fee. The applicant must furnish all information requested on the application for inspection, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection or testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications for inspection must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington,

98504-2560 by June 15 of each year and be accompanied by a \$128.22 fee.

(2) Inspection fees. The inspection fee is \$25.70 per hour plus mileage charged at a rate established by the state office of financial management. Inspection and testing fees are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

[Statutory Authority: Chapter 15.14 RCW. 01-11-032, § 16-328-010, filed 5/8/01, effective 6/8/01; 00-19-034, § 16-328-010, filed 9/12/00, effective 10/13/00; 92-15-114 (Order 3005), § 16-328-010, filed 7/21/92, effective 8/21/92; 87-13-016 (Order 1932), § 16-328-010, filed 6/9/87; Order 1216, § 16-328-010, filed 10/18/71; effective 11/18/71, Order 925, Regulation 1, filed 6/25/63; Order 625, Regulation 1, effective 4/29/52.]

WAC 16-328-011 Strawberry plant certification fees. Effective July 1, 2001, strawberry plant certification fees are as follows:

(1) Certification application fee. The applicant must furnish all information requested on the application for inspection, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection or testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications for inspection must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington, 98504-2560 by June 15 of each year and be accompanied by a \$132.00 fee.

(2) Inspection fees. The inspection fee is \$26.40 per hour plus mileage charged at a rate established by the state office of financial management. Inspection and testing fees are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

[Statutory Authority: Chapter 15.14 RCW. 01-11-032, § 16-328-011, filed 5/8/01, effective 6/8/01.]

Chapter 16-333 WAC

CERTIFICATION OF CANEBERRY PLANTING STOCK

WAC

16-333-040	Caneberry certification fees effective June 30, 2001.
16-333-041	Caneberry certification fees effective July 1, 2001.
16-333-045	Production requirements for foundation caneberry planting stock.
16-333-085	Tolerances for foundation, registered and certified caneberry planting stock.

WAC 16-333-040 Caneberry certification fees effective June 30, 2001. (1) Caneberry certification application fee. The applicant must furnish all information requested on the application form furnished by the department, including,

[2002 WAC Supp—page 36]

but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington 98504-2560 by May 15 each year and be accompanied by a \$128.55 fee.

(2) Inspection fees. The inspection fee is \$25.70 per hour plus mileage charged at a rate established by the state office of financial management. Inspection and testing are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

[Statutory Authority: Chapter 15.14 RCW. 01-11-030, § 16-333-040, filed 5/8/01, effective 6/8/01; 00-19-035, § 16-333-040, filed 9/12/00, effective 10/13/00; 92-15-114 (Order 3005), § 16-333-040, filed 7/21/92, effective 8/21/92; 87-13-016 (Order 1932), § 16-333-040, filed 6/9/87; 85-22-053 (Order 1876), § 16-333-040, filed 11/5/85.]

WAC 16-333-041 Caneberry certification fees effective July 1, 2001. (1) Caneberry certification application fee. The applicant must furnish all information requested on the application form furnished by the department, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington 98504-2560 by May 15 each year and be accompanied by a \$132.00 fee.

(2) Inspection fees. The inspection fee is \$26.40 per hour plus mileage charged at a rate established by the state office of financial management. Inspection and testing are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

[Statutory Authority: Chapter 15.14 RCW. 01-11-030, § 16-333-041, filed 5/8/01, effective 6/8/01.]

WAC 16-333-045 Production requirements for foundation caneberry planting stock. (1) Foundation caneberry plants must originate directly from nuclear stock and may be grown in a greenhouse, screenhouse or field.

(2) Growers may use micro-propagation techniques to multiply foundation plants prior to planting them in a foundation greenhouse, screenhouse or field, if both of the following conditions are met:

(a) The micro-propagated plants are isolated at all times from all other caneberry plants, except those that have been indexed and found free of virus or virus-like infections; and

(b) The micro-propagation facility is approved by the department.

(3) Growers may transplant micro-propagated foundation plants to a greenhouse or screenhouse for conditioning prior to planting them in a foundation field.

(4) Foundation plants may be harvested from a foundation field planting for no more than one year.

(5) Foundation plants grown in an insect-proof facility in approved soil-less media may be maintained indefinitely, providing they are indexed and found free of virus or virus-like infections at intervals of no more than three years by personnel employed by the United States Department of Agriculture or other institution approved by the department.

(6) Each foundation plant in a foundation greenhouse or screenhouse must be grown in a container individually identified by the cultivar and lot.

(7) Different cultivars planted in a foundation field must be separated by a distance of fourteen feet or by a physical barrier that prevents the intermingling of roots.

(8) Upon request, growers must provide records to the department documenting the cultivar, nuclear source, indexing results and date of acquisition for any foundation stock.

[Statutory Authority: Chapter 15.14 RCW. 01-11-030, § 16-333-045, filed 5/8/01, effective 6/8/01; 00-19-035, § 16-333-045, filed 9/12/00, effective 10/13/00.]

WAC 16-333-085 Tolerances for foundation, registered and certified caneberry planting stock. (1) Each lot of foundation, registered or certified planting stock may have no more than the percentage of affected plants listed in the table below:

	Foundation All inspections	Registered All inspections	Certified All inspections
Factors	Percent	Percent	Percent
Varietal mixture	0	0	0
Visible symptoms of virus diseases	0	0.05	0.5
Crown and cane gall	0	0.1	1.0
Nematode	0	0.05	0.1
Anthrachnose	0	2.0	5.0
Other diseases	0	Practically free	Practically free
Root, cane or crown inhabiting insects	0	0.05	0.1

(2) Caneberry planting stock that fails to meet any tolerance for its intended class may be reclassified to the next class for which it meets all of the tolerances.

[Statutory Authority: Chapter 15.14 RCW. 01-11-030, § 16-333-085, filed 5/8/01, effective 6/8/01; 00-19-035, § 16-333-085, filed 9/12/00, effective 10/13/00.]

Chapter 16-400 WAC

FRUIT AND VEGETABLE INSPECTION FEES

WAC

16-400-040	Grade and condition certificates—Vegetables.
16-400-045	Grade and condition certificates—Customer assisted inspection program (CAIP) certification charges—Fruits and vegetables.
16-400-100	Certificates.
16-400-210	Other charges.

WAC 16-400-040 Grade and condition certificates—Vegetables. Charges for grade and condition certificates for all vegetables shall be:

(1) The minimum charge for all vegetables shall be nine dollars.

(2) Charges for grade and condition certificates for fresh market vegetables in containers - wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins or in bags per cwt. or fraction thereof:

(a) For federal-state certification:

Asparagus	21¢
Cantaloupes, and corn	12.5¢
Onions	8¢
Potatoes, and seed potatoes	6¢
Processing potatoes	6¢

Complete inspection (rate shall be reduced for level of service required)

Tomatoes	19¢
----------	-----

(b) For state certification:

Asparagus	19¢
-----------	-----

(3) Inspection fees for cabbage, carrots, cauliflower, celery, cucumbers, lettuce, rhubarb, rutabagas, squash, watermelons, etc., shall be at the hourly rate of twenty-three dollars and sixty-six cents beginning June 30, 2001, and twenty-four dollars and thirty cents beginning July 1, 2001.

(4) Inspection for quality, condition, and/or size determination, whether in bulk or in containers, for all vegetables for processing, except potatoes, charges shall be two dollars fifty cents per ton net weight or fraction thereof. When inspection is requested only for the purpose of verifying the product, conveyance, markings, or other factors not related to quality, the charges shall be at the hourly rate, but not less than the minimum certificate charge of nine dollars.

[Statutory Authority: Chapter 15.17 RCW. 01-11-086, § 16-400-040, filed 5/16/01, effective 6/16/01; 98-10-083, § 16-400-040, filed 5/5/98, effective 6/5/98; 96-10-060 (Order 5095), § 16-400-040, filed 4/30/96, effective 5/31/96; 89-08-040 (Order 2001), § 16-400-040, filed 3/31/89; 86-08-081 (Order 1884), § 16-400-040, filed 4/2/86; 85-02-033 (Order 1845), § 16-400-040, filed 12/31/84, effective 2/1/85; 79-01-035 (Order 1589), § 16-400-040, filed 12/20/78. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-040, filed 5/17/78; Order 1402, § 16-400-040, filed 6/16/75; Order 1377, § 16-400-040, filed 9/12/74; Order 1355, § 16-400-040, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-040, filed 5/30/73; Order 1121, § 16-400-040, filed 12/29/69; Order 1121, § 16-400-040, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-040, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 4, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 4, filed 5/12/67; Order 989, Regulation 1, § 4, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-045 Grade and condition certificates—Customer assisted inspection program (CAIP) certification charges—Fruits and vegetables. Charges for grade and condition certificates for all fruits and vegetables issued under this section shall be:

(1) The minimum charge for grade and condition certificates for all fresh fruits and vegetables shall be nine dollars.

(2) Charges for grade and condition certificates for fresh market fruit and vegetables in containers - wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins or in bags, per cwt. or fraction thereof:

(a) Federal-state grade certification shall be three-fourths of the cwt. rates specified in WAC 16-400-010 (2)(a) and 16-400-040 (2)(a), but not less than the hourly rate of thirty dollars.

(b) Should the cwt. rate charges total less than thirty dollars per staff hour worked, additional certification charges shall be assessed to equal thirty dollars per hour worked.

[Statutory Authority: RCW 15.17.140. 01-18-052, § 16-400-045, filed 8/30/01, effective 9/30/01.]

WAC 16-400-100 Certificates. Certificate charges shall be in accordance with the following provisions:

(1) Consolidation certificates shall be charged as specified in WAC 16-400-010 and 16-400-040 and shall have an additional charge of three dollars for each additional local lot.

(2) Condition certificate charges shall be two-thirds of the grade and condition certificates with the following exceptions:

(a) Previously inspected lots shall have a minimum charge of nine dollars.

(b) When the lot has had no prior inspection for quality or grade and it is requested that the certificate carry out-bound car, truck, or state lot number, the grade and condition certificate schedule shall apply.

(c) Out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except there shall be an hourly charge of twenty three dollars and sixty-six cents beginning June 30, 2001, and twenty-four dollars and thirty cents beginning July 1, 2001.

(d) For lots of controlled atmosphere storage apples which were previously certified, a state condition certificate or quality control inspection may be issued without additional charge.

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in subsection (2)(a) of this section.

(4) Sanitary and quarantine certificate charges for fruits and vegetables shall be:

(a) Six dollars for the issuance of a certificate, plus the hourly rates specified in WAC 16-400-210 (1)(a) when the shipment is not covered by federal-state or state certificates.

(b) Six dollars per set when the shipment is covered by federal-state or state certificates.

(5) Container weight, or checkloading certificates shall be charged at the rates specified in WAC 16-400-210 (1)(a).

(6) Federal-state certification shall meet the criteria for sampling as established by United States Department of

Agriculture, Agricultural Marketing Service. When the federal-state inspector or inspector's aide must physically obtain samples from lots blocked out for loading or from lots in storage, charges of seven and one-half cents per cwt. shall be made in addition to inspection fees. When assistance is provided by the applicant's personnel, charges for sampling shall be reduced accordingly.

[Statutory Authority: Chapter 15.17 RCW. 01-11-086, § 16-400-100, filed 5/16/01, effective 6/16/01; 98-10-083, § 16-400-100, filed 5/5/98, effective 6/5/98; 96-10-060 (Order 5095), § 16-400-100, filed 4/30/96, effective 5/31/96; 90-09-031 (Order 2031), § 16-400-100, filed 4/11/90, effective 5/12/90; 89-08-040 (Order 2001), § 16-400-100, filed 3/31/89; 86-08-081 (Order 1884), § 16-400-100, filed 4/2/86; 85-02-033 (Order 1845), § 16-400-100, filed 12/31/84, effective 2/1/85; Order 1377, § 16-400-100, filed 9/12/74; Order 1355, § 16-400-100, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-100, filed 5/30/73; Order 1121, § 16-400-100, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-100, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 3, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 3, filed 5/12/67; Order 989, Regulation 3, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-210 Other charges. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, phytosanitary and/or quarantine inspection, and all other services, shall be charged at the hourly rate of twenty-three dollars and sixty-six cents beginning June 30, 2001, and twenty-four dollars and thirty cents beginning July 1, 2001.

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of twenty-three dollars and sixty-six cents beginning June 30, 2001, and twenty-four dollars and thirty cents beginning July 1, 2001.

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges—The minimum charge for supervision of fumigation shall be eighteen dollars. Additional or unnecessary stand-by time shall be charged as specified in subsection (1)(a) of this section. In temporary, non-permanent facilities or those lacking adequate devices for maintenance of acceptable treatment temperatures, no fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars fifty cents per acre or fraction thereof or at the rate specified in subsection (1)(a) of this section except as otherwise provided in subsection (13) of this section.

(4) Seed sampling fees shall be arranged with the plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in subsection (1)(a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in subsection (1)(a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to thirty-two dollars and fourteen cents beginning June 30, 2001, and thirty-three dollars and two cents beginning July 1, 2001.

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, Martin Luther King, Jr. Day (third Monday in January), and Presidents' Day (third Monday in February).

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

(7) Electronic transmission of documents—Telegrams, facsimile, or electronic transmission of inspection documents shall be charged at the rate of four dollars per transmission in addition to Western Union charges made directly to the applicant.

(8) Services provided to other agencies—Services provided to other agencies, commissions, and organizations shall be charged at the rate specified in subsection (1)(a) of this section.

(9) Timely payment—Payment of fees and charges is due within thirty days after date of statement, provided:

(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 eighteen percent per annum shall be assessed on the delinquent account balance.

(10) USDA positive lot identification—Certification utilizing positive lot identification shall be charged at the rates specified in this section and WAC 16-400-010, 16-400-040, and 16-400-100. An additional charge of ten percent may be added when an inspector is required to be on-site when no other inspections are requested. Service will be provided first in those instances in which positive lot identification is a mandatory condition of the sales transaction. Other requests for positive lot identification will be serviced upon adequate notification to the inspection service and availability of inspection personnel.

(11) Controlled atmosphere license fee—The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars per room, with a minimum fee established at twenty-five dollars for five rooms or less.

(12) Inspection fees may be waived on inspections of fruits and vegetables when donated to bona fide nonprofit organizations: Provided, That shipping containers shall be conspicuously labeled or marked as "not for resale."

(13) For apple pest certification by survey method; \$.0075 per cwt. or fraction thereof, on all fresh apples produced in the state of Washington or marketed under Washington state grades and standards.

[Statutory Authority: Chapter 15.17 RCW. 01-11-086, § 16-400-210, filed 5/16/01, effective 6/16/01; 98-10-083, § 16-400-210, filed 5/5/98, effective 6/5/98; 96-10-060 (Order 5095), § 16-400-210, filed 4/30/96, effective 5/31/96. Statutory Authority: Chapters 15.17 and 17.24 RCW. 94-16-060, (Order 5054), § 16-400-210, filed 7/28/94, effective 8/28/94; 93-07-105 (Order 4019), § 16-400-210, filed 3/23/93, effective 4/23/93; 92-06-022, § 16-400-210, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapter 15.17 RCW. 90-09-031 (Order 2031), § 16-400-210, filed 4/11/90, effective 5/12/90; 89-08-040 (Order 2001), § 16-400-210, filed 3/31/89; 86-08-081 (Order 1884), § 16-400-210, filed 4/2/86; 85-02-033 (Order 1845), § 16-400-210, filed 12/31/84, effective 2/1/85. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-210, filed 5/17/78; Order 1377, § 16-400-210, filed 9/12/74; Order 1355, § 16-400-210, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-210, filed 5/30/73; Order 1121, § 16-400-210, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-210, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 9, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 9, filed 5/12/67; Order 989, Regulation 9, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

Chapter 16-401 WAC

NURSERY INSPECTION FEES

WAC

16-401-021	Schedule of fees and charges—Facility inspection—Effective July 1, 1999.
16-401-026	Schedule of fees and charges—Applicable rates and charges—Effective June 30, 2001.
16-401-027	Schedule of fees and charges—Applicable rates and charges—Effective July 1, 2001.
16-401-031	Schedule of fees and charges—Miscellaneous charges—Effective June 30, 2001.
16-401-032	Schedule of fees and charges—Miscellaneous charges—Effective July 1, 2001.
16-401-041	Nursery dealer license fees.

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 chapter 16-401 WAC.

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-021, filed 5/8/01, effective 6/8/01; 99-12-034, § 16-401-021, filed 5/26/99, effective 6/26/99.]

WAC 16-401-026 Schedule of fees and charges—Applicable rates and charges—Effective June 30, 2001.
The following rates apply for requested inspection services:

- (1) Hourly rate
 - (a) Business hours \$27.65
 - (b) Nonbusiness hours (see WAC 16-401-023) \$35.35
- (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 \$13.25
 - (c) Additional phytosanitary certificates . . . \$4.30 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 \$4.30 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 \$4.30 ea.
- (6) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee of \$11.05
- (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 \$5.50

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate applies. One certificate for one service is issued at no charge. Additional certificates are issued at the \$4.30 rate.

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-026, filed 5/8/01, effective 6/8/01; 99-12-034, § 16-401-026, filed 5/26/99, effective 6/26/99.]

WAC 16-401-027 Schedule of fees and charges—Applicable rates and charges—Effective July 1, 2001.
The following rates apply for requested inspection services:

- (1) Hourly rate.
 - (a) Business hours \$28.40
 - (b) Nonbusiness hours (see WAC 16-401-023) \$36.30
- (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 \$13.60
 - (c) Additional phytosanitary certificates . . . \$4.40 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 \$4.40
- (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 \$4.40
- (6) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee of \$11.35
- (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 \$5.65

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate applies. One certificate for one service is issued at no charge. Additional certificates are issued at the \$4.40 rate.

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-027, filed 5/8/01, effective 6/8/01.]

WAC 16-401-031 Schedule of fees and charges—Miscellaneous charges—Effective June 30, 2001. 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 chapter 16-401 WAC.

(3) Nursery stickers and nursery stock inspection certificate tags:

- (a) In lots of 250 \$5.50 per lot
- (b) Less than 250 (minimum 10) \$0.267 each

(4) Authorization by the department to preprint Washington nursery stock inspection certificates on shipping containers, yearly authorization fee or renewal \$27.65

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-031, filed 5/8/01, effective 6/8/01; 99-12-034, § 16-401-031, filed 5/26/99, effective 6/26/99.]

WAC 16-401-032 Schedule of fees and charges—Miscellaneous charges—Effective July 1, 2001. The following rates for miscellaneous charges on requested inspections shall apply.

(1) Postage, special handling services and other miscellaneous costs exceeding five dollars are charges 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 chapter 16-401 WAC.

(3) Nursery stickers and nursery stock inspection certificate tags:

- (a) In lots of 250 \$5.65 per lot
- (b) Less than 250 (minimum 10) \$0.27

(4) Authorization by the department to preprint Washington nursery stock inspection certificates on shipping containers, yearly authorization fee or renewal \$28.40

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-032, filed 5/8/01, effective 6/8/01.]

WAC 16-401-041 Nursery dealer license fees. 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.

(a) Effective June 30, 2001 per permit \$5.50

(b) Effective July 1, 2001, per permit \$5.65

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-041, filed 5/8/01, effective 6/8/01; 99-12-034, § 16-401-041, filed 5/26/99, effective 6/26/99.]

Chapter 16-403 WAC

STANDARDS FOR APPLES MARKETING WITHIN THE STATE OF WASHINGTON

WAC

16-403-141	Red Delicious, Delicious, Golden Delicious—Minimum soluble solids.
16-403-143	Granny Smith—Starch-iodine requirements.
16-403-220	Marking requirements—Open or closed containers.

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 September 20 unless they have at least ten and one-half percent soluble solids as determined by refractometer.

[Statutory Authority: Chapter 15.17 RCW. 01-12-079, § 16-403-141, filed 6/5/01, effective 7/6/01; 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.]

WAC 16-403-143 Granny Smith—Starch-iodine requirements. For harvest of the crop of the current growing season, apples of the Granny Smith variety cannot be shipped prior to October 10 unless they meet the stage of maturity as indicated by starch-iodine rating of 1.2 on the Cascade Analytical Inc. chart: Provided, That any such lot of apples may be shipped if not more than ten percent of the apples tested fail to meet the 1.2 rating.

[Statutory Authority: Chapter 15.17 RCW. 01-12-079, § 16-403-143, filed 6/5/01, effective 7/6/01; 92-15-056, § 16-403-143, filed 7/13/92, effective 8/13/92.]

WAC 16-403-220 Marking requirements—Open or closed containers. (1) The containers shall bear the correct name of the variety or "variety unknown," the name of the grower, packer, or distributor, and his address, the grade, the numerical count or the minimum diameter of apples packed in a closed container, and the net contents either in terms of dry measure or weight. The minimum weight of individual apples within the container may be stated in lieu of, in combination with, or in addition to, minimum diameter as a declaration of size. All open containers and consumer packages must bear statement of net weight or volume.

(a) When the numerical count is not shown, the minimum diameter or minimum weight of individual apples shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than eight inch fractions thereof or in terms of whole grams.

(b) When used in combination with minimum diameter as a size designation, the following minimum fruit weights shall be used:

Red Delicious	Golden Delicious
2 1/8 in. or 65 grams	63 grams
2 1/4 in. or 75 grams	70 grams
2 3/8 in. or 84 grams	82 grams
2 1/2 in. or 100 grams	95 grams
2 5/8 in. or 115 grams	109 grams
2 3/4 in. or 139 grams	134 grams

(c) The word "minimum," or its abbreviation, when following a diameter size or weight size marking, means that the apples are of the size marked or larger.

(2) Over-wrapped consumer units may be marked with count, if all specimens can be counted.

(3) Any of these marks may be placed on either the end or side of the container. (California requires end markings.)

(4) When containers are marked as to number, each container shall contain the correct number of apples designated by the markings.

(5) Grade markings on consumer-type packages must be at least one-fourth inch in height.

(6) Apples which were produced outside of the state of Washington and which are graded, packed, or repacked in the state of Washington, shall be correctly labeled as to the state or country of origin, e.g., "Product of Oregon," "Grown in Oregon," "Produced in Canada."

Such marking shall be placed on the same end or side panel of the container as other markings related to grade, variety, net contents, and name and address of the grower, packer, or distributor, and shall be of similar print size. Consumer type packages shall not be required to bear a statement as to origin when such marking has been placed on the master shipping container.

(7) Containers shall be marked with the harvest year beginning on October 1 of each year and be applied only to apples harvested in the previous year; that this marking shall occur at the time of shipment; and be displayed on the principal display panel with letters of a minimum of one-half inch in height.

[Statutory Authority: Chapter 15.17 RCW. 01-12-079, § 16-403-220, filed 6/5/01, effective 7/6/01; 93-18-065 (Order 5005), § 16-403-220, filed 8/30/93, effective 9/30/93; 92-15-056, § 16-403-220, filed 7/13/92, effective 8/13/92; Order 1374, § 16-403-220, filed 7/26/74, effective 9/1/74.]

Chapter 16-470 WAC

QUARANTINE—AGRICULTURAL PESTS

WAC

16-470-010	Definitions.
16-470-100	Repealed.
16-470-101	Establishing quarantine for apple maggot and plum curculio.
16-470-103	Definitions.
16-470-105	Area under order for apple maggot—Pest free area—Quarantine areas.
16-470-108	Distribution of infested or damaged fruit is prohibited.
16-470-110	Repealed.
16-470-111	What commodities are regulated for apple maggot?
16-470-113	What do you need to ship commodities regulated for apple maggot from a state under quarantine into the pest free area for apple maggot?

16-470-115	Within Washington state, what is required to ship fruit into the pest free area for apple maggot from quarantined counties?
16-470-118	Within Washington state, what is required to ship fruit into, within, or through the pest free area for apple maggot from an orchard or production site that is infested or threatened with infestation?
16-470-120	Repealed.
16-470-122	What are the requirements to ship regulated articles from Oregon, Idaho, or Utah into the pest free area for apple maggot?
16-470-125	Area under quarantine for plum curculio—Regulated commodities.
16-470-127	What do you need to ship commodities regulated for plum curculio into Washington?
16-470-130	Special permits.
16-470-911	Schedule of fees and charges—Applicable fees and charges—Effective June 30, 2001.
16-470-912	Schedule of fees and charges—Applicable fees and charges—Effective July 1, 2001.
16-470-916	Schedule of fees and charges—Fees for post entry inspection services—Effective June 30, 2001.
16-470-917	Schedule of fees and charges—Fees for post entry inspection services—Effective July 1, 2001.
16-470-921	Schedule of fees and charges—Miscellaneous fees—Effective July 1, 1999.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-470-100	Quarantine—Apple maggot and plum curculio—Area under order. [Statutory Authority: RCW 17.24.041. 98-12-091, § 16-470-100, filed 6/2/98, effective 7/3/98; 97-09-098, § 16-470-100, filed 4/23/97, effective 5/24/97. Statutory Authority: Chapter 17.24 RCW. 91-03-115 (Order 2071), § 16-470-100, filed 1/23/91, effective 2/23/91; 90-24-034 (Order 2064), § 16-470-100, filed 11/30/90, effective 12/31/90; 86-07-020 (Order 1881), § 16-470-100, filed 3/12/86; 85-15-007 (Order 1862), § 16-470-100, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-100, filed 5/1/84, effective 7/1/84.] Repealed by 01-14-075, filed 7/3/01, effective 8/3/01. Statutory Authority: Chapter 17.24 RCW.
16-470-110	Commodities under quarantine—Apple maggot hosts and carriers. [Statutory Authority: Chapter 17.24 RCW. 85-15-007 (Order 1862), § 16-470-110, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-110, filed 5/1/84, effective 7/1/84.] Repealed by 01-14-075, filed 7/3/01, effective 8/3/01. Statutory Authority: Chapter 17.24 RCW.
16-470-120	Apple maggot and plum curculio quarantine restrictions—Interior/exterior. [Statutory Authority: Chapter 17.24 RCW. 85-15-007 (Order 1862), § 16-470-120, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-120, filed 5/1/84, effective 7/1/84.] Repealed by 01-14-075, filed 7/3/01, effective 8/3/01. Statutory Authority: Chapter 17.24 RCW.

WAC 16-470-010 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

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

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(6) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(7) "Phytosanitary certificate" means a certificate issued by a government agency under authority of state or federal statute, which declares or establishes the pest status of a shipment of plants or plant parts under accepted inspection or sampling procedures. Phytosanitary certificates are patterned after model certificates of the International Pest Protection Convention.

(8) "Pest free area" means an officially identified area in which a target pest is not established and which is maintained in such a manner as to prevent establishment of the target pest.

(9) "Plant protection organization" means an agency established by a government to discharge functions such as inspection of plants and plant products for pests, issuing phytosanitary certificates, and other actions specified in this rule.

[Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-010, filed 7/3/01, effective 8/3/01; 00-23-098, § 16-470-010, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-010, filed 7/25/88. Statutory Authority: Chapter 17.24 RCW. 86-07-020 (Order 1881), § 16-470-010, filed 3/12/86; 85-15-006 (Order 1861), § 16-470-010, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-010, filed 5/1/84, effective 7/1/84.]

WAC 16-470-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-470-101 Establishing quarantine for apple maggot and plum curculio. Apple maggot (*Rhagoletis pomonella*) and plum curculio (*Conotrachelus nenuphar*) are insects with a larval (worm) stage that develops within fruit. These insects are capable of attacking many fruit crops grown in Washington. Apple maggot is not established in the major fruit production areas east of the Cascade Mountains, and plum curculio is not established anywhere in the state. An increased range for either insect would cause decreased environmental quality and economic loss to the agricultural industries of the state by increasing production inputs and jeopardizing foreign and domestic markets. The director of agriculture, pursuant to chapter 17.24 RCW, has determined that the regulation and/or exclusion of fresh fruits grown or originating from areas infested with apple maggot or plum curculio is necessary to protect the environmental quality and agricultural crops of the state.

[Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-101, filed 7/3/01, effective 8/3/01.]

WAC 16-470-103 Definitions. The following definitions shall apply to WAC 16-470-101 through 16-470-130:

(1) "Established" means present in a country, state, county or other area, multiplying and expected to continue.

(2) "Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found within one-half mile of an orchard or other production site, including any portion of an orchard outside or beyond the one-half mile area. Orchards or production sites in a quarantined area, which are not surveyed by a plant protection organization, are considered to be threatened with infestation. An orchard or other production site will be removed from threatened with infestation status, if control measures are performed at the detection site, and survey by the department shows no further detection(s) within the one-half mile area around the orchard or other production site throughout the subsequent full growing season. Once an orchard or other production site meets the criteria for threatened with infestation status, it must remain in that status through at least two harvest seasons.

[Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-103, filed 7/3/01, effective 8/3/01.]

WAC 16-470-105 Area under order for apple maggot—Pest free area—Quarantine areas. (1) A pest free area for apple maggot is declared for the following counties of Washington state: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Stevens, Walla Walla, Whitman, and Yakima.

(2) A quarantine for apple maggot is declared for the following counties of Washington state: Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Snohomish, Spokane, Skagit, Skamania, Thurston, Wahkiakum, and Whatcom.

(3) A quarantine for apple maggot is declared for all states or foreign countries where apple maggot is established. The area under quarantine includes, but is not limited to, the states of Idaho, Oregon, Utah, and California, and, in the eastern United States, all states and districts east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where apple maggot is established.

[Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-105, filed 7/3/01, effective 8/3/01.]

WAC 16-470-108 Distribution of infested or damaged fruit is prohibited. Regulated commodities described in WAC 16-470-111 and 16-470-125(2) that are known or found to be infested or damaged by apple maggot or plum curculio may not be distributed, sold, held for sale, or offered for sale, unless the fruit has undergone cold storage treatment, in compliance with WAC 16-470-113 (1)(a) and (b) or 16-470-127 (1)(a) and (b), and the necessary certificate has been issued by the appropriate plant protection organization.

[Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-108, filed 7/3/01, effective 8/3/01.]

WAC 16-470-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-470-111 What commodities are regulated for apple maggot? All fresh fruit of apple (including crab apple), cherry, hawthorn (haw), pear (except commercial pears from California, Idaho, Oregon, Utah, and Washington), plum, prune, and quince are regulated under quarantine for apple maggot.

[Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-111, filed 7/3/01, effective 8/3/01.]

WAC 16-470-113 What do you need to ship commodities regulated for apple maggot from a state under quarantine into the pest free area for apple maggot? Shipment of regulated commodities, as described in WAC 16-470-111, from an area under quarantine, as described in WAC 16-470-105(3), into the pest free area for apple maggot, as described in WAC 16-470-105(1), is prohibited, unless at least one of the following conditions is met:

(1) The shipment is accompanied by an official certificate issued by the plant protection organization of the state of origin evidencing at least one of the following:

(a) The shipment is composed of apples, which have undergone cold treatment for a continuous period of at least ninety days. During this ninety days, the temperature within the storage room must be maintained at thirty-seven and nine-tenths (37.9) degrees Fahrenheit or less.

(b) The shipment is composed of regulated commodities, which have undergone cold treatment for a continuous period of forty days or more. During this forty days, the temperature within the storage room must be maintained at thirty-two (32) degrees Fahrenheit or less.

(c) The shipment is composed of regulated commodities from Oregon, Idaho, or Utah, certified by the state of origin in compliance with WAC 16-470-122.

(d) Each lot or shipment consists of repacked fruit, which was grown outside the area under quarantine and has been identity maintained while within the area under quarantine. For repacked fruit, the certificate must show the following information:

- (i) State in which the fruit was grown;
- (ii) Point of repacking and reshipment;
- (iii) Amount and kind of commodities comprising the lot or shipment; and
- (iv) Names and addresses of the shipper and consignee.

(2) The fruit originated outside the area under quarantine for apple maggot and is a reshipment in original, unopened containers. The containers must each bear labels or other identifying marks evidencing origin outside the area under quarantine.

(3) The fruit is frozen solid.

[Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-113, filed 7/3/01, effective 8/3/01.]

WAC 16-470-115 Within Washington state, what is required to ship fruit into the pest free area for apple maggot from quarantined counties? Shipment of regulated commodities, as described in WAC 16-470-111, from an area under quarantine, as described in WAC 16-470-105(2), into the pest free area for apple maggot, as described in WAC 16-

[2002 WAC Supp—page 44]

470-105(1), is prohibited, unless one of the following conditions is met:

(1) The shipment is accompanied by a permit for movement of fruit issued by the department verifying one of the following:

(a) The fruit came from orchards and production sites that are not threatened with infestation; or

(b) The fruit has completed treatment as specified in WAC 16-470-118(3). If records of treatment verifying compliance with conditions specified in WAC 16-470-118(3) are made available to the department, no reinspection is required by the department.

(2) The shipment is accompanied by a permit issued by the department in fulfillment of WAC 16-470-118 (2) and (3), which specifies conditions for shipment from orchards and production sites that are infested or threatened with infestation.

[Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-115, filed 7/3/01, effective 8/3/01.]

WAC 16-470-118 Within Washington state, what is required to ship fruit into, within, or through the pest free area for apple maggot from an orchard or production site that is infested or threatened with infestation? All regulated commodities, as described in WAC 16-470-111, from an orchard or production site that is infested or threatened with infestation by apple maggot must be sampled and inspected (except graded culls - see subsection (4) of this section) by the department following accepted agency standards.

(1) If regulated commodities are inspected and found free of apple maggot, the shipment must be accompanied by a permit for movement of fruit issued by the department.

(2) If regulated commodities are found to be infested with apple maggot, a permit from the department, which specifies conditions for handling and shipment, is required to transport the fruit within or through the pest free area. No permit may be issued under this subsection for transportation of regulated commodities found to be infested with apple maggot into the pest free area for apple maggot.

(3) If regulated commodities are found to be infested with apple maggot, one or more of the following treatments must be performed and verified by the department as specified in WAC 16-470-115 (1)(b) before the commodity is moved from area(s) designated or quarantined by the department:

(a) Apples (including crab apples) cold treated as specified in WAC 16-470-113 (1)(a).

(b) Regulated commodities cold treated as specified in WAC 16-470-113 (1)(b).

(c) Other methods as prescribed in writing by the department.

(4) If the shipment contains graded culls, it must comply with the conditions specified in WAC 16-470-113 (1)(a) and (b).

[Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-118, filed 7/3/01, effective 8/3/01.]

WAC 16-470-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-470-122 What are the requirements to ship regulated articles from Oregon, Idaho, or Utah into the pest free area for apple maggot? Commercially grown fresh fruit from Oregon, Idaho, or Utah may be shipped into the pest free area for apple maggot if both of the subsections of this section are complied with:

(1) A permit has been agreed to by the plant protection organization of the state of origin and the department. The permits must specify that the plant protection organization of the state of origin has conducted an adequate apple maggot detection program, which includes immediate written notification to the department of detections in counties where apple maggot has not previously been detected.

(2) The plant protection organization of the state of origin certifies that the fruit originated in areas in which apple maggot is not established, was grown in a commercial orchard, and has not been placed under quarantine.

[Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-122, filed 7/3/01, effective 8/3/01.]

WAC 16-470-125 Area under quarantine for plum curculio—Regulated commodities. (1) A quarantine for plum curculio is declared for any commodity named in subsection (2) of this section entering the state of Washington from any area where plum curculio is established. The area under quarantine includes, but is not limited to, the entire state of Utah, and, in the eastern United States, all states and districts east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where plum curculio is established.

(2) The following commodities are regulated under this quarantine as possible hosts or carriers of plum curculio: All fresh fruit of apple (including crab apple), apricot, blueberry, cherry, currant, grape, hawthorn (haw), huckleberry, nectarine, peach, pear, persimmon, plum, prune, and quince.

[Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-125, filed 7/3/01, effective 8/3/01.]

WAC 16-470-127 What do you need to ship commodities regulated for plum curculio into Washington? Shipment into the state of Washington of regulated commodities described in WAC 16-470-125 from states under quarantine for plum curculio is prohibited, unless one of the following conditions is met:

(1) The shipment is accompanied by an official certificate issued by the plant protection organization of the state of origin evidencing at least one of the following:

(a) The shipment consists of apples, which have undergone cold treatment for a continuous period of at least ninety days. During this ninety days, the temperature within the storage room must be maintained at thirty-seven and nine-tenths (37.9) degrees Fahrenheit or less.

(b) The shipment consists of regulated commodities, which have undergone cold treatment for a continuous period of forty days or more. During this forty days, the temperature within the storage room must be maintained at thirty-two (32) degrees Fahrenheit or less.

(c) Each lot or shipment consists of repacked fruit, which was grown outside the area under quarantine and has been

identity maintained while within the area under quarantine. For repacked fruit, the certificate must show the following information:

- (i) State in which the fruit was grown;
- (ii) Point of repacking and reshipment;
- (iii) Amount and kind of commodities comprising the lot or shipment; and
- (iv) Names and addresses of the shipper and consignee.

(2) The fruit originated outside the area under quarantine for plum curculio and is a reshipment in original, unopened containers. The containers must each bear labels or other identifying marks evidencing origin outside the area under quarantine.

(3) The shipment consists of fresh fruit from Utah counties where plum curculio is established and is made in compliance with terms of a permit agreed upon by both the Utah and Washington plant protection organizations.

(4) The shipment consists of fresh fruit from Utah counties where plum curculio is not established, and all of the following conditions are complied with:

(a) The Utah plant protection organization has conducted an adequate plum curculio detection program, which includes immediate written notification to the department of detections in counties where plum curculio has not previously been detected; and

(b) The Utah plant protection organization certifies that the fruit originated in areas in which plum curculio is not established, was grown in a commercial orchard, and has not been placed under quarantine.

[Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-127, filed 7/3/01, effective 8/3/01.]

WAC 16-470-130 Special permits. The director may issue special permits admitting, or allowing transportation and distribution of, regulated commodities described in WAC 16-470-111 and 16-470-125(2), which would not otherwise be eligible for entry from the area under quarantine, or for transportation or distribution, subject to conditions and provisions which the director may prescribe to prevent introduction, escape or spread of the quarantined pests.

[Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-130, filed 7/3/01, effective 8/3/01; 84-10-039 (Order 1822), § 16-470-130, filed 5/1/84, effective 7/1/84.]

WAC 16-470-911 Schedule of fees and charges—Applicable fees and charges—Effective June 30, 2001.

- (1) Hourly rate
 - (a) Business hours \$27.65
 - (b) Nonbusiness hours (see WAC 16-407-905) \$35.35

(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 (ELISA)	\$83.00 ea	\$60.80 ea	\$46.45 ea	\$17.65 ea	\$2.70 ea
bacteria	36.60 ea	35.35 ea	33.15 ea	32.05 ea	32.05 ea
fungus	38.70 ea	33.15 ea	32.05 ea	30.95 ea	28.70 ea
nematode	28.70 ea	26.50 ea	24.30 ea	24.30 ea	22.10 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: Chapters 17.24 and 15.14 RCW. 01-11-033, § 16-470-911, filed 5/8/01, effective 6/8/01. 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 16-470-912 Schedule of fees and charges—Applicable fees and charges—Effective July 1, 2001. (1) Hourly rate.

- (a) Business hours \$28.40
 (b) Nonbusiness hours (see WAC 16-407-905) \$36.30

(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 (ELISA)	\$85.30 ea	\$62.45 ea	\$47.70 ea	\$18.10 ea	\$2.75 ea
bacteria	37.60 ea	36.30 ea	34.05 ea	32.90 ea	32.90 ea
fungus	39.75 ea	34.05 ea	32.90 ea	31.80 ea	29.50 ea
nematode	29.50 ea	27.20 ea	24.95 ea	24.90 ea	22.70 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: Chapters 17.24 and 15.14 RCW. 01-11-033, § 16-470-912, filed 5/8/01, effective 6/8/01.]

WAC 16-470-916 Schedule of fees and charges—Fees for post entry inspection services—Effective June 30, 2001.

- (1) Site inspection and/or permit review and approval \$55.30

(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: Chapters 17.24 and 15.14 RCW. 01-11-033, § 16-470-916, filed 5/8/01, effective 6/8/01. Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-916, filed 5/26/99, effective 6/26/99.]

[2002 WAC Supp—page 46]

WAC 16-470-917 Schedule of fees and charges—Fees for post entry inspection services—Effective July 1, 2001. (1) Site inspection and/or permit review and approval \$56.80

(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: Chapters 17.24 and 15.14 RCW. 01-11-033, § 16-470-917, filed 5/8/01, effective 6/8/01.]

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 chapter 16-401 WAC.

[Statutory Authority: Chapters 17.24 and 15.14 RCW. 01-11-033, § 16-470-921, filed 5/8/01, effective 6/8/01. Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-921, filed 5/26/99, effective 6/26/99.]

**Chapter 16-516 WAC
WASHINGTON POTATOES**

WAC

16-516-100	Definitions.
16-516-170	Rules for implementation of promotional hosting by the Washington State Potato Commission.

WAC 16-516-100 Definitions. The following definitions apply to rules in this chapter adopted by the Washington Potato Commission unless otherwise provided:

"**Hosting**" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

"**Promotional hosting**" means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of Washington State potatoes and potato products.

[Statutory Authority: Chapter 15.66 RCW and RCW 15.04.200. 01-09-028, § 16-516-100, filed 4/10/01, effective 5/11/01.]

WAC 16-516-170 Rules for implementation of promotional hosting by the Washington State Potato Commission. The laws of section 1, chapter 26, Laws of 1985 (RCW 15.04.200) provide that agricultural commodity commission shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners. The rules governing

promotional hosting expenditures for the Washington State Potato Commission shall be as follows:

(1) Budget approval: Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget items as approved by the commission at annual public hearings on the commission budget.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules:

Commissioner/Commission employees—Individual commissioners and commission staff shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be as identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

(a) Name and position of each person hosted, provided that in case of a group of twenty-five or more persons, then only the name of the group hosting shall be required;

(b) General purpose of the hosting;

(c) Date of hosting;

(d) To whom payment was or will be made;

(e) Signature of person seeking payment or reimbursement;

(4) The chairman of the commission and/or the Executive Director or Assistant Executive Director are authorized to approve direct payment or reimbursements submitted in accordance with these rules.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations and promote sales of Washington State potatoes and potato products, provided that such hosting shall not violate federal or state conflict of interest laws:

(a) Individuals from private business and accompanying interpreter or interpreters;

(b) Foreign government officials and accompanying interpreter or interpreters;

(c) Federal, state, and local officials, provided lodging, meals, and transportation will not be provided when such officials may obtain reimbursement for these expenses from their government employer;

(d) The general public, at meetings and gatherings open to the general public;

(e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (d) of this subsection are being hosted will cultivate and promote sales of Washington State potatoes and potato products.

[Statutory Authority: Chapter 15.66 RCW and RCW 15.04.200. 01-09-028, § 16-516-170, filed 4/10/01, effective 5/11/01.]

Chapter 16-550 WAC

BLUEBERRY

WAC

16-550-040

Assessments and collections.

WAC 16-550-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of blueberries shall be four-tenths of a cent per affected unit (pound).

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

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

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

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

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

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

[Statutory Authority: Chapter 15.65 RCW. 01-05-047, § 16-550-040, filed 2/15/01, effective 3/18/01. Statutory Authority: RCW 15.65.020 and 15.65.140. 91-01-054 (Order 2068), § 16-550-040, filed 12/13/90, effective 1/13/91. Statutory Authority: Chapter 15.65 RCW. 79-01-046 (Order 1594), § 16-550-040, filed 12/21/78; Order 1116, § 16-550-040, filed 5/14/69, effective 6/15/69.]

Chapter 16-557 WAC**WASHINGTON ASPARAGUS COMMISSION****WAC**

16-557-020

Asparagus commodity board.

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

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

(2) Board membership.

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

(b) Effective January 1, 2002, for the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located east of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

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

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

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

(3) Board membership qualifications.

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

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

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

(4) Term of office.

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

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions

one through six, affected handler member fresh product, position seven, affected handler member, processor, position eight, and the member appointed by the director, position nine.

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

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

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

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

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

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

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

(6) Election of board members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order.

Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

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

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

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

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

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

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

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

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

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

(11) **Procedures for board.**

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

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

(c) In accordance with RCW 42.30.080, the board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the

members: Provided, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

[Statutory Authority: Chapter 15.65 RCW. 01-10-087, § 16-557-020, filed 5/1/01, effective 6/1/01. Statutory Authority: RCW 15.65.050 and Washington State Agricultural Enabling Act of 1961. 95-17-116 (Order 5078), § 16-557-020, filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-020, filed 4/4/91, effective 5/5/91.]

Chapter 16-602 WAC

APIARIES

WAC

16-602-005	Repealed.
16-602-010	Repealed.
16-602-020	Repealed.
16-602-025	Apiarist registration fees, schedule.
16-602-026	Broker registration fees.
16-602-027	Repealed.
16-602-030	Repealed.
16-602-040	Repealed.
16-602-045	Repealed.
16-602-050	Types of offenses and level of civil penalty assessment.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-602-005	Definitions. [Statutory Authority: Chapter 15.60 RCW. 88-07-018 (Order 1967), § 16-602-005, filed 3/7/88.] Repealed by 01-11-146, filed 5/23/01, effective 6/30/01. Statutory Authority: Chapter 15.60 RCW.
16-602-010	Apiary board, area boundaries. [Statutory Authority: Chapter 15.60 RCW. 88-07-018 (Order 1967), § 16-602-010, filed 3/7/88; 78-04-062 (Order 1551), § 16-602-010, filed 3/31/78.] Repealed by 01-11-146, filed 5/23/01, effective 6/30/01. Statutory Authority: Chapter 15.60 RCW.
16-602-020	Apiary inspection fees. [Statutory Authority: Chapter 15.60 RCW. 93-19-082 (Order 5006), § 16-602-020, filed 9/15/93, effective 10/16/93; 88-07-018 (Order 1967), § 16-602-020, filed 3/7/88; 78-10-071 (Order 1582), § 16-602-020, filed 9/27/78.] Repealed by 01-11-146, filed 5/23/01, effective 6/30/01. Statutory Authority: Chapter 15.60 RCW.
16-602-027	Grower pollination service fee, collection, remittance. [Statutory Authority: Chapter 15.60 RCW. 94-12-045 (Order 5044), § 16-602-027, filed 5/27/94, effective 6/27/94.] Repealed by 01-11-146, filed 5/23/01, effective 6/30/01. Statutory Authority: Chapter 15.60 RCW.
16-602-030	Colony strength. [Statutory Authority: Chapter 15.60 RCW. 88-07-018 (Order 1967), § 16-602-030, filed 3/7/88; 78-10-071 (Order 1582), § 16-602-030, filed 9/27/78.] Repealed by 01-11-146, filed 5/23/01, effective 6/30/01. Statutory Authority: Chapter 15.60 RCW.
16-602-040	Apiary marking. [Statutory Authority: Chapter 15.60 RCW. 93-19-081 (Order 5014), § 16-602-040, filed 9/15/93, effective 10/16/93.] Repealed by 01-11-146, filed 5/23/01, effective 6/30/01. Statutory Authority: Chapter 15.60 RCW.
16-602-045	Civil penalty authority and application. [Statutory Authority: RCW 15.60.025 and 15.60.170(2). 97-24-066, § 16-602-045, filed 12/2/97, effective 1/2/98.] Repealed by 01-11-146, filed 5/23/01, effective 6/30/01. Statutory Authority: Chapter 15.60 RCW.

WAC 16-602-005 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-602-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-602-020 Repealed. See Disposition Table at beginning of this chapter.

[2002 WAC Supp—page 50]

WAC 16-602-025 Apiarist registration fees, schedule. (1) Beekeepers in the following two categories shall pay a fee for owning or operating colonies of bees in Washington:

(a) Resident beekeepers of Washington;

(b) Nonresident beekeepers operating colonies in Washington for the purpose of producing honey or other products, or their use or rental for pollination of agricultural crops.

(2) Both categories of beekeepers shall pay a fee based upon the number of colonies they own or will operate during the calendar year in Washington. The fee schedule shall be as follows:

1	-	5 colonies	\$	5.00
6	-	25 colonies	\$	10.00
26	-	100 colonies	\$	25.00
101	-	300 colonies	\$	50.00
301	-	500 colonies	\$	100.00
501	-	1,000 colonies	\$	200.00
1,001	-	or more colonies	\$	300.00

(3) The registration fee shall be paid, on or before April first, on the number of colonies of bees:

(a) Owned by resident beekeepers;

(b) Operated and or rented for pollination by nonresident beekeepers during the calendar year in Washington.

[Statutory Authority: Chapter 15.60 RCW. 01-11-146, § 16-602-025, filed 5/23/01, effective 6/30/01; 94-05-049 (Order 5030), § 16-602-025, filed 2/10/94, effective 3/13/94.]

WAC 16-602-026 Broker registration fees. In accordance with RCW 15.60.021, there is assessed an annual broker registration fee of \$100 due and payable to the department on April 1 of each year. If a person registers as both a broker and an apiarist, only one of the registration fees shall be owed. The lesser of the two registration fees shall be waived.

[Statutory Authority: Chapter 15.60 RCW. 01-11-146, § 16-602-026, filed 5/23/01, effective 6/30/01. Statutory Authority: RCW 15.60.025 and 15.60.170(2). 97-24-066, § 16-602-026, filed 12/2/97, effective 1/2/98.]

WAC 16-602-027 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-602-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-602-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-602-045 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-602-050 Types of offenses and level of civil penalty assessment. (1) Violations of the Apiaries Act include, but are not limited to:

(a) Failure to register as a resident or nonresident apiarist;

(b) Failure to register as a broker;

(c) Failure to remit apiary registration fees;

(d) Failure to remit broker registration fees.

(2) The level of civil penalty assessed for each individual violation shall be as follows:

First violation	\$100
Second violation	\$500
Third and each subsequent violation	\$1,000

[Statutory Authority: Chapter 15.60 RCW. 01-11-146, § 16-602-050, filed 5/23/01, effective 6/30/01. Statutory Authority: RCW 15.60.025 and 15.60.170(2). 97-24-066, § 16-602-050, filed 12/2/97, effective 1/2/98.]

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 2001 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 2001 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, 2001 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, 2001 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, 2001 Edition.

[Statutory Authority: RCW 19.94.195. 01-16-005, § 16-662-105, filed 7/19/01, effective 8/19/01; 00-14-005, § 16-662-105, filed 6/23/00, effective 7/24/00; 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) 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. 01-16-005, § 16-662-110, filed 7/19/01, effective 8/19/01; 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

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

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

noxious weeds.

Name	Will be a "Class B designate" in all lands lying within:
(1) blackgrass <i>Alopecurus myosuroides</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10
	(b) Ferry, Stevens, Pend Oreille counties of region 4
	(c) Adams County of region 7
(2) blueweed <i>Echium vulgare</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10
	(b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
	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.		Washington—Oregon border to the point of beginning.
(3) broom, Scotch <i>Cytisus scoparius</i>	(a) regions 3, 4, 6, 7, 9, 10.	(8) carrot, wild <i>Daucus carota</i>	(a) regions 3, 7 (except where intentionally cultivated)
(4) bryony, white <i>Bryonia alba</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9		(b) Spokane and Ferry counties of region 4 (except where intentionally cultivated)
	(b) region 7 except Whitman County		(c) region 6, except Yakima County (except where intentionally cultivated)
	(c) Franklin County of region 10.		(d) region 9, except Yakima County (except where intentionally cultivated)
(5) bugloss, common <i>Anchusa officinalis</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10	(9) catsear, common <i>Hypochaeris radicata</i>	(a) region 10, except Walla Walla County (except where intentionally cultivated).
	(b) region 4 except Stevens and Spokane counties		(b) regions 3, 4, 6, 7, 10
	(c) Lincoln, Adams, and Whitman counties of region 7.		(b) region 9 except Klickitat County.
(6) bugloss, annual <i>Anchusa arvensis</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9	(10) chervil, wild <i>Anthriscus sylvestris</i>	(a) regions 1, 3, 4, 6, 7, 9, 10
	(b) Lincoln and Adams counties		(b) region 5 except those portions of Thurston County within T15, 16, 17N, R2, 3, 4W
	(c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North.		(c) region 2 except Guemes Island in Skagit County
(7) camelthorn <i>Alhagi maurorum</i>	(a) regions 1, 2, 3, 4, 5, 7, 8, 9	(11) cinquefoil, sulfur <i>Potentilla recta</i>	(d) region 8 except Clark County.
	(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		(a) regions 1, 3, 8, 10
	(c) Franklin, Columbia, Garfield, and Asotin counties of region 10		(b) region 2 except Skagit County
	(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		(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.
		(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.
		(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.
			(a) regions 7, 10
		(14) daisy, oxeye <i>Leucanthemum vulgare</i>	(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.

16-750-011

[2002 WAC Supp—page 53]

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(33) knapweed, meadow <i>Centaurea jacea x nigra</i>	(d) Franklin County of regions 9 and 10. (a) regions 1, 2, 3, 4, 5, 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 6 except Kittitas County	(d) Grays Harbor, Mason, Kitsap, and Thurston counties of region 5	
(34) knapweed, Russian <i>Acroptilon repens</i>	(c) region 8 except Clark County. (a) regions 1, 2, 5, 7, 8	(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) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County	(f) Pierce County, except those areas lying within T2D, 21, 22N, R1W and R1E, all sections	
	(c) Adams County of region 6 except for the area west of Highway 17 and North of Highway 26	(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	
	(d) Intercounty Weed District No. 52		
	(e) region 10 except Franklin County.		
(35) knapweed, spotted <i>Centaurea biebersteinii</i>	(a) regions 1, 2, 3, 5, 6, 8, 9		
	(b) Ferry County of region 4		
	(c) Adams and Whitman counties of region 7		
	(d) region 10 except Garfield County.		
(36) knotweed, giant <i>Polygonum sachalinense</i>	(a) Kittitas County of region 6.		
(37) knotweed, Japanese <i>Polygonum cuspidatum</i>	(a) Kittitas County of region 6.	(h) region 9 except Benton County	
(38) kochia <i>Kochia scoparia</i>	(a) Clallam County of region 1	(i) region 10 except Walla Walla County	
	(b) Skagit and Whatcom counties of region 2	(j) Intercounty Weed Districts No. 51 and No. 52.	
	(c) Pend Oreille County of region 4	(a) regions 1, 4, 7, 8	
	(d) King County of region 5		
(39) lepyrodiclis <i>Lepydodictis holosteoides</i>	(e) Kittitas County of region 6. (a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10	(b) region 2 except Snohomish County	
	(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.	(c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside	
	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10	(d) region 5 except King County	
(40) loosestrife, garden <i>Lysimachia vulgaris</i>	(b) region 5 except King County	(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-405 to the county line	
	(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.	(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	
(41) loosestrife, purple <i>Lythrum salicaria</i>	(a) regions 1, 4, 7, 8	(g) region 9 except Benton County	
	(b) region 2 except Snohomish County		
		(42) loosestrife, wand <i>Lythrum virgatum</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:
(43) nutsedge, yellow <i>Cyperus esculentus</i>	<p>(h) region 10 except Walla Walla County</p> <p>(i) Intercounty Weed Districts No. 51 and No. 52.</p> <p>(a) regions 1, 2, 3, 4, 5, 7, 8</p> <p>(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.</p> <p>(c) region 9 except:</p> <p>(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.</p> <p>(ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County</p> <p>(d) region 10 except Walla Walla County.</p>	<p>(47) primrose, water <i>Ludwigia hexapetala</i></p> <p>(48) puncturevine <i>Tribulus terrestris</i></p> <p>(49) ragwort, tansy <i>Senecio jacobaea</i></p>	<p>(d) Adams County of region 6 except for the area west of Highway 17 and north of Highway 26.</p> <p>(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10</p> <p>(b) region 8 except T8N, R3W, S14 of Cowlitz County.</p> <p>(a) Skagit County of region 2</p> <p>(b) Kittitas County of region 6</p> <p>(c) Adams County</p> <p>(d) Clallam County of region 1.</p> <p>(a) regions 3, 4, 6, 7, 9, 10</p> <p>(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.</p> <p>(a) regions 1, 2, 3, 4, 5, 7, 8</p> <p>(b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52.</p> <p>(c) Intercounty Weed District No. 51</p> <p>(d) Kittitas County of region 6.</p> <p>(a) regions 1, 2, 3, 5, 8, 9</p> <p>(b) Franklin County except T13N, R36E; and T14N, R36E</p> <p>(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 due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line.</p>
(44) oxtongue, hawkweed <i>Picris hieracioides</i>	<p>(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10</p> <p>(b) region 8 except Skamania County.</p>	<p>(50) sandbur, longspine <i>Cenchrus longispinus</i></p>	
(45) parrotfeather <i>Myriophyllum aquaticum</i>	<p>(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10</p> <p>(b) region 8 except Clark, Cowlitz, and Wahkiakum counties.</p>	<p>(51) skeletonweed, rush <i>Chondrilla juncea</i></p>	
(46) pepperweed, perennial <i>Lepidium latifolium</i>	<p>(a) regions 1, 2, 3, 4, 5, 7, 8, 10</p> <p>(b) Intercounty Weed Districts No. 51 and 52</p> <p>(c) Kittitas County of region 6</p>		

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
	(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 I Northwest	(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	
	(e) Stevens County north of Township 33 North of region 4	(d) Franklin County	
	(f) Ferry and Pend Oreille counties of region 4	(e) region 9 except Klickitat County	
	(g) Asotin County of region 10	(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.	
	(h) Garfield County south of Highway 12	(a) regions 1, 2, 3, 4, 5, 7, 8	
	(i) Columbia County from the Walla Walla County line on Highway 12, all areas south of Turner Road; at Turner Road to the Garfield county line, all areas south and east of Turner Road	(b) Columbia, Garfield, Asotin, and Franklin counties	
	(j) 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.	(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	
(52) sowthistle, perennial <i>Sonchus arvensis</i> <i>ssp. arvensis</i>	(a) regions 1, 2, 3, 4, 7, 8, 9, 10	(d) Weed District No. 3 of Grant County	
	(b) Adams County of region 6	(e) 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.	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10	
(53) spurge, leafy <i>Euphorbia esula</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10	(b) Spokane and Pend Oreille counties.	
	(b) region 7 except as follows:	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10	
	(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	(b) region 4 except those areas within Stevens County lying north of State Highway 20.	
	(ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.	(a) regions 1, 2, 3, 4, 5, 6, 8, 9	
(54) starthistle, yellow <i>Centaurea solstitialis</i>	(a) regions 1, 2, 3, 5, 6, 8	(a) <i>Onopordum acanthium</i>	
	(b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25		
		(55) Swainsonpea <i>Sphaerophysa salsula</i>	
		(a) regions 1, 2, 3, 4, 5, 7, 8	
		(b) Columbia, Garfield, Asotin, and Franklin counties	
		(c) an area beginning at the Washington—Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest corner of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to the southeast portion of Section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning	
		(d) Weed District No. 3 of Grant County	
		(e) Adams County of region 6.	
		(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10	
		(b) Spokane and Pend Oreille counties.	
		(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10	
		(b) region 4 except those areas within Stevens County lying north of State Highway 20.	
		(a) regions 1, 2, 3, 4, 5, 6, 8, 9	
		(56) thistle, musk <i>Carduus nutans</i>	
		(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10	
		(b) Spokane and Pend Oreille counties.	
		(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10	
		(b) region 4 except those areas within Stevens County lying north of State Highway 20.	
		(a) regions 1, 2, 3, 4, 5, 6, 8, 9	
		(57) thistle, plumeless <i>Carduus acanthoides</i>	
		(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10	
		(b) region 4 except those areas within Stevens County lying north of State Highway 20.	
		(a) regions 1, 2, 3, 4, 5, 6, 8, 9	
		(58) thistle, Scotch <i>Onopordum acanthium</i>	
		(a) regions 1, 2, 3, 4, 5, 6, 8, 9	

Name	Will be a "Class B designate" in all lands lying within:	WAC 16-750-015 State noxious weed list—Class C noxious weeds.
(59) toadflax, Dalmatian <i>Linaria dalmatica</i> <i>ssp. dalmatica</i>	(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	Common Name babysbreath beard, old man's bindweed, field canarygrass, reed cockle, white cocklebur, spiny cress, hoary dodder, smoothseed alfalfa goatgrass, jointed hawkweed, nonnative species
	(c) Franklin County. (a) regions 1, 2, 5, 8, 10	Scientific Name <i>Gypsophila paniculata</i> <i>Clematis vitalba</i> <i>Convolvulus arvensis</i> <i>Phalaris arundinacea</i> <i>Silene latifolia</i> ssp. <i>alba</i> <i>Xanthium spinosum</i> <i>Cardaria draba</i> <i>Cuscuta approximata</i> <i>Aegilops cylindrica</i> <i>Heiracium</i> sp., except species designated in the note in the left-hand column
(60) watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	(b) Douglas County of region 3 lying south of T25N, west of R25E, and east of R28E	Note: This listing includes all species of <i>Heiracium</i> , except the following: • Species designated as Class A noxious weeds in WAC 16-750-005; • Species designated as Class B noxious weeds in WAC 16-750-011; • native species designated below: – Canada hawkweed (<i>H. canadense</i>) – houndstongue hawkweed (<i>H. cynoglossoides</i>) – long-beaked hawkweed (<i>H. longiberbe</i>) – narrow-leaved hawkweed (<i>H. umbellatum</i>) – slender hawkweed (<i>H. gracile</i>) – western hawkweed (<i>H. albertinum</i>) – white-flowered hawkweed (<i>H. albidiflorum</i>) – woolley-weed (<i>H. scouleri</i>)
	(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	henbane, black iris, yellow flag ivy, English, 4 cultivars only:
	(d) Kittitas, Chelan, Douglas, and Adams counties of region 6	mayweed, scentless poison-hemlock rye, cereal spikeweed St. Johnswort, common tansy, common thistle, bull thistle, Canada toadflax, yellow water lily, fragrant whitetop, hairy wormwood, absinth
	(e) Intercounty Weed District No. 51	<i>Hyoscyamus niger</i> <i>Iris pseudocorus</i> <i>Hedera hibernica</i> 'Hibernica' <i>Hedera helix</i> 'Baltica' <i>Hedera helix</i> 'Pittsburgh' <i>Hedera helix</i> 'Star' <i>Matricaria perforata</i> <i>Conium maculatum</i> <i>Secale cereale</i> <i>Hemizonia pungens</i> <i>Hypericum perforatum</i> <i>Tanacetum vulgare</i> <i>Cirsium vulgare</i> <i>Cirsium arvense</i> <i>Linaria vulgaris</i> <i>Nymphaea odorata</i> <i>Cardaria pubescens</i> <i>Artemisia absinthium</i>
	(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.	
	(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.	

[Statutory Authority: Chapter 17.10 RCW. 01-24-035, § 16-750-011, filed 11/28/01, effective 12/29/01; 00-24-017, § 16-750-011, filed 11/28/00, effective 1/2/01; 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.]

[Statutory Authority: Chapter 17.10 RCW. 01-24-035, § 16-750-015, filed 11/28/01, effective 12/29/01; 00-24-017, § 16-750-015, filed 11/28/00, effective 1/2/01; 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 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.]