

Title 16 WAC

AGRICULTURE, DEPARTMENT OF

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16-406	Washington standards for apricots.	16-604	Public livestock markets—Health, brands and weights and measures.
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16-414	Washington standards for cherries.	16-622	Agriculture marketing and fair practices.
16-436	Washington standards for peaches.	16-623	Commission Merchant Act—Licensing fees, proof of payment, cargo manifests and registration of acreage commitments.
16-439	Pears, summer and fall.	16-645	Hops bales—Weights and tares.
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16-445	Washington standards for Italian prunes.	16-659	Weights and measures—Liquified petroleum gas.
16-450	Controlled atmosphere storage requirements for Washington fruits and vegetables.	16-662	Weights and measures—National handbooks.
16-461	Inspection requirements for fruits and vegetables.	16-663	Service agents—Reporting, test procedures, standards and calibration of weighing and measuring devices.
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16-465	Rules and regulations for the official determination of bacterial ring rot in seed potatoes.	16-675	Calibration services, special inspection and testing fees.
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16-472	Barberry and black stem rust.	16-700	State fair fund—Proration.
16-473	Lentil anthracnose quarantine.	16-720	Dietary supplements—Elemental iron.
16-478	European corn borer.	16-730	Asparagus equipment lease program.
16-481	Grape insect pests.	16-731	Asparagus grower equipment lease program.
16-482	Seed potato quarantine.		STATE NOXIOUS WEED CONTROL BOARD AGENCY
16-483	Grape virus quarantine.	16-750	State noxious weed list and schedule of monetary penalties.
16-487	Prunus disease quarantine.	16-752	Noxious weed control.
16-488	Fresh fruit of blueberry quarantine.		DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE
16-489	Blueberry scorch virus quarantine.		Chapter 16-09
16-497	Hop disease quarantine.		RULES AND REGULATIONS RELATIVE TO THE EXECUTIVE CONFLICT OF INTEREST ACT
	MARKETING ORDERS	16-09-001	Promulgation. [Order 1420, § 16-09-001, filed 8/4/75.] Repealed by 96-18-104, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 42.18 RCW.
16-501	WSDA procedural rules—Commodity boards or commissions.	16-09-010	Purpose. [Order 1420, § 16-09-010, filed 8/4/75.] Repealed by 96-18-104, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 42.18 RCW.
16-505	Washington beer commission.	16-09-020	Rules of conduct. [Order 1420, § 16-09-020, filed 8/4/75.] Repealed by 96-18-104, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 42.18 RCW.
16-512	Fryers, broilers and roasters.	16-09-030	Conflict of employment. [Order 1420, § 16-09-030, filed 8/4/75.] Repealed by 96-18-104, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 42.18 RCW.
16-516	Washington potatoes.	16-09-040	Disciplinary action. [Order 1420, § 16-09-040, filed 8/4/75.] Repealed by 96-18-104, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 42.18 RCW.
16-520	Seed potatoes.		Chapter 16-10
16-524	Tulip, iris and narcissus bulbs.		RIGHTS OF PERSONS AGGRIEVED PESTICIDE VIOLATIONS
16-528	Wheat.	16-10-010	Definitions. [Statutory Authority: RCW 17.21.310. 93-10-046, § 16-10-010, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-529	Washington alfalfa seed commission.	16-10-020	Rights of complainants. [Statutory Authority: RCW 17.21.310. 93-10-046, § 16-10-020, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99,
16-530	Washington barley commission.		
16-532	Hops.		
16-536	Dry peas and lentils.		
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16-545	Turfgrass seed commission.		
16-550	Blueberry.		
16-555	Washington strawberry commission.		
16-557	Washington asparagus commission.		
16-560	Washington tree fruit research commission.		
16-561	Washington red raspberry commission.		
16-565	Washington cranberry commission.		
16-573	Canola and rapeseed commission.		
16-575	Wine commission.		
16-580	Washington farmed salmon commission.		
16-585	Puget Sound salmon commission.		
	REGULATORY		
16-600	Honey.		

	effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.		Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-10-030	Rights of person aggrieved. [Statutory Authority: RCW 17.21.310, 93-10-046, § 16-10-030, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-12-085	Designation of inspectors and assistants. [Order 801, Regulation 5.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
	Chapter 16-12 MEAT INSPECTION	16-12-090	Assignment of inspectors where members of family employed. [Order 801, Regulation 5.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-001	Promulgation. [Order 801, Promulgation, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-095	Facilities for inspection personnel. [Order 801, Regulation 6.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-010	Definitions. [Order 801, Regulation 1.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-100	Hours of operation of establishments. [Order 801, Regulation 6.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-015	Animals entering inspected establishments. [Order 801, Regulation 2.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-105	Operation to be done within reasonable hours. [Order 801, Regulation 6.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-020	Products entering inspected establishments. [Order 801, Regulation 2.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-110	Facilities and conditions to be provided by establishment. [Order 801, Regulation 6.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-025	Only products bearing inspection legend to be received at establishment. [Order 801, Regulation 2.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-115	Designation of days and hours where required to furnish efficient and economical inspection of two or more establishments. [Order 801, Regulation 6.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-030	All products received to be handled, stored, and prepared so as to prevent contamination of other meat. [Order 801, Regulation 2.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-120	Designation of new permanent slaughter schedule—Designation of temporary change in slaughter schedule. [Order 801, Regulation 6.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-035	Carcasses or parts of animals of species other than meat food animals. [Order 801, Regulation 2.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-125	"Straight-time" monthly, full-day and half-day fees—Starting time subject to department approval—Minimum charge of four hours. [Order 801, Regulation 6.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-040	State meat inspection conducted under director of agriculture. [Order 801, Regulation 3.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-130	Schedule of fees at meat food product manufacturing establishments. [Order 801, Regulation 6.08, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-045	Meat inspection personnel—Qualifications, assignments, duties. [Order 801, Regulation 3.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-135	Overtime—Overtime rate. [Order 801, Regulation 6.09, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-050	Determination if licensed establishment in compliance with order—Submission of plan for correction of deficiencies. [Order 801, Regulation 4.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-140	Overtime work of inspectors. [Order 801, Regulation 6.10, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-055	Application for inspection submitted after effective date of chapter. [Order 801, Regulation 4.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-145	Change in slaughter—Advance notice. [Order 801, Regulation 6.11, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-060	Establishment applying after effective date of chapter to be in compliance before approved. [Order 801, Regulation 4.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-150	Statement for services to be submitted. [Order 801, Regulation 6.12, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-065	Assignment of official number. [Order 801, Regulation 4.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-155	Payment for inspection to be made upon receipt of itemized statement—Director may withdraw inspection if payment not made within 30 days. [Order 801, Regulation 6.13, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-070	Identification card or badge as identification of personnel. [Order 801, Regulation 5.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-160	Establishments—Sanitary conditions—Requirements. [Order 801, Regulation 7.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-075	Personnel to have access to establishment at all times. [Order 801, Regulation 5.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-165	Sufficient light. [Order 801, Regulation 7.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-080	No interference with inspector in discharge of duty. [Order 801, Regulation 5.03, effective 3/22/60.]		

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

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

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

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

16-12-880	99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061. Product entering establishment—Identification and inspection—Disposition. [Order 801, Regulation 16.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-965	Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061. Establishment to furnish information for reports. [Order 801, Regulation 18.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-885	Containers, equipment, processes of manufacture to be clean and sanitary—Substances to be clean and wholesome. [Order 801, Regulation 16.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-970	Reports on sanitation. [Order 801, Regulation 18.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-890	Use in preparation of meat food products of chemicals, preservatives, coloring matter—Addition of cereal, vegetable starch, dried skim milk, water, etc.—Substances necessary for refining. [Order 801, Regulation 16.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-975	Establishments required to have inspection. [Order 801, Regulation 19.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-895	Samples to be taken without cost to department. [Order 801, Regulation 16.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-980	Slaughter of horses and preparation of meat thereof—Separate establishments. [Order 801, Regulation 19.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-900	Canning with heat processing and hermetically sealed container—Cleaning container—Closure—Code marking—Heat processing—Incubation. [Order 801, Regulation 16.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-983	Ante mortem inspection. [Order 801, Regulation 19.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-905	Contamination of product by flood water, etc.—Procedure for handling. [Order 801, Regulation 16.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-985	Affections requiring condemnation on ante mortem or post mortem inspection—Glanders and dourine suspect. [Order 801, Regulation 19.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-910	Tagging chemicals, preservatives, cereals, spices, etc., "Wash. retained." [Order 801, Regulation 16.08, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-988	Horse carcasses, meat and meat food products thereof—Marking and labeling. [Order 801, Regulation 19.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-915	Product for educational uses, laboratory examination, and other purposes. [Order 801, Regulation 16.09, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-991	Horse meat or meat food products thereof—Meat labels. [Order 801, Regulation 19.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-920	Product which doesn't have appearance of being cooked not required to be treated for destruction of trichinae. [Order 801, Regulation 17.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-994	Applicability of meat inspection regulations to horse meat and meat food products thereof. [Order 801, Regulation 19.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-925	Products containing pork muscle to be treated to destroy trichinae. [Order 801, Regulation 17.02, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-12-997	Livestock scales to be accessible. [Order 801, Regulation 20.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.
16-12-930	Heating. [Order 801, Regulation 17.03, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	Chapter 16-16 NONINSPECTED MEAT FOOD ANIMAL CARCASSES AT MEAT HANDLING ESTABLISHMENTS	
16-12-935	Refrigeration. [Order 801, Regulation 17.04, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-16-001	through 16-16-030. [Order 803, effective 3/18/60.] Superseded by Order 1070, filed 9/28/67, effective 11/1/67. Later promulgation, see chapter 16-20 WAC.
16-12-940	Curing. [Order 801, Regulation 17.05, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	Chapter 16-20 CUSTOM SLAUGHTERER—HANDLING OF CUSTOM MEAT FOOD ANIMAL CARCASSES AT MEAT HANDLING ESTABLISHMENTS	
16-12-945	Automatic recording thermometers required when necessary. [Order 801, Regulation 17.06, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-20-001	Promulgation. [Order 1070, Promulgation, filed 9/28/67, effective 11/1/67; Order 802, Promulgation, effective 3/18/60; Order 803, effective 3/18/60. Formerly codified as WAC 16-16-001.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-12-950	Inspectors to follow procedures outlined in administration of Part 17. [Order 801, Regulation 17.07, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-20-010	Definitions. [Order 1070, Regulation 1, filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.01, effective 3/18/60; Order 803, Regulation 1.02, effective 3/18/60. Formerly codified as WAC 16-16-010.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-12-955	Inspection reports. [Order 801, Regulation 18.01, effective 3/22/60.] Repealed by 99-21-012, filed 10/11/99, effective 11/11/99. Statutory Authority: Chapter 16.49A RCW and RCW 15.36.061.	16-20-020	Equipment—Sanitary conditions—Requirements. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.02, effective 3/18/60. Formerly codified as WAC 16-16-020.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-12-960	Reports of amounts of articles handled or prepared. [Order 801, Regulation 18.02, effective 3/22/60.]	16-20-030	Impervious surfaces. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.03, effective 3/18/60. Formerly codified as WAC 16-16-030.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-20-040	Inedible storage and handling facilities. [Order 1070, Regulation 2, §§ 3, 4, filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.04, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-050	Impervious surfaces. [Order 869, Regulation 8, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-20-050	Utensils susceptible of cleaning. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.05, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-055	Slaughtering facilities and minimum dimensions. [Order 869, Regulation 9, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-20-060	Scabbards for knives. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.06, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-060	Cooler facilities. [Order 869, Regulation 10, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-20-070	Operations and procedures to be clean and sanitary. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.07, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-065	Sterilizing facilities. [Order 869, Regulation 11, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-20-080	Viscera to be removed at time of slaughter. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-070	Lavatory facilities. [Order 869, Regulation 12, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-20-090	Meat to be properly protected while in transit. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.09, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-075	Flush toilets and dressing room facilities. [Order 869, Regulation 13, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-20-100	Persons keeping hands and implements clean. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.00, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-080	Inedible and condemned storage and handling facilities. [Order 869, Regulation 14, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-20-110	Clothing, clean. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.10, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-085	Rooms, compartments, etc., to be clean and sanitary. [Order 869, Regulation 15, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-20-120	Identification—Carcasses and parts to be stamped. [Order 1070, Regulation 3 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.20, effective 3/18/60.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-090	Operations and procedures to be clean and sanitary. [Order 869, Regulation 16, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-20-130	Identification—Carcass identification at meat handling establishment. [Order 1070, Regulation 3 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.20 (part), effective 3/18/60; Order 803, Regulation 1.02, effective 3/18/60. Formerly codified as WAC 16-16-020.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-095	Rooms and compartments to be free from dust and odors. [Order 869, Regulation 17, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-20-140	Identification—Slaughtered animal handling certificates. [Order 1070, Regulation 3 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.20 (part), effective 3/18/60; Order 803, Regulation 1.03, effective 3/18/60. Formerly codified as WAC 16-16-030.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-100	Rooms and compartments to be free of steam and vapors. [Order 869, Regulation 18, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
	Chapter 16-21 CUSTOM SLAUGHTER PLANTS	16-21-105	Cleaning characteristics and marking of equipment. [Order 869, Regulation 19, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-001	Promulgation. [Order 869, Promulgation, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-110	Scabbards for knives. [Order 869, Regulation 20, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-010	Definitions. [Order 869, Regulation 1, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-115	Persons to keep hands and implements clean. [Order 869, Regulation 21, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-020	Maintaining sanitary premises. [Order 869, Regulation 2, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-120	Clean clothing. [Order 869, Regulation 22, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-025	Sufficient light. [Order 869, Regulation 3, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-125	Insanitary practices prohibited. [Order 869, Regulation 23, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-030	Adequate ventilation. [Order 869, Regulation 4, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-130	Protective coverings for products. [Order 869, Regulation 24, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-035	Adequate drainage. [Order 869, Regulation 5, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-135	Underwrappings when burlap used. [Order 869, Regulation 25, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-040	Water supply. [Order 869, Regulation 6, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-140	Lining and cleaning of slack barrels, containers and vehicles. [Order 869, Regulation 26, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-045	Hot water. [Order 869, Regulation 7, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-21-145	Second hand containers. [Order 869, Regulation 27, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-150	Flies, rats and other vermin—Baits and poisons. [Order 869, Regulation 28, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-155	Exclusion of other animals. [Order 869, Regulation 29, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-21-160	Care of outer premises. [Order 869, Regulation 30, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-21-165	Employee health. [Order 869, Regulation 31, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.		
16-21-200	Schedule of days and hours of operation to be submitted. [Order 869, Regulation 32, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-22-060	Custom farm slaughtering establishment—Signs. [Order 1396, § 16-22-060, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-205	Assignment of official number. [Order 869, Regulation 33, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-22-070	Custom farm slaughtering establishment—Identification of carcasses and parts of carcasses. [Order 1396, § 16-22-070, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-210	Carcasses and parts to be stamped. [Order 869, Regulation 34, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-22-080	Custom farm slaughtering establishment—Facilities and equipment violation of regulations. [Order 1396, § 16-22-080, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-215	Proof of ownership to be kept by operator. [Order 869, Regulation 35, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-22-090	Custom farm slaughtering establishment—Reporting of activities. [Order 1396, § 16-22-090, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-21-220	Handling of unfit meat. [Order 869, Regulation 36, filed 10/27/61.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.		
Chapter 16-23			
CUSTOM MEAT FACILITIES			
CUSTOM MEAT SLAUGHTERERS AND HANDLING OF CUSTOM MEAT FOOD ANIMAL CARCASSES AT MEAT HANDLING ESTABLISHMENTS			
16-22-001	Promulgation. [Order 1396, § 16-22-001, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-23-010	Definitions. [Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-120, § 16-23-010, filed 11/22/94, effective 12/23/94. Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-010, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-22-010	Definitions. [Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-119, § 16-22-010, filed 11/22/94, effective 12/23/94; Order 1396, § 16-22-010, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-23-012	Custom meat facility operator license. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-23-012, filed 7/25/91, effective 8/25/91.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-22-011	License for custom farm slaughterers—Custom slaughtering establishments—Custom meat facilities. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-22-011, filed 7/25/91, effective 8/25/91.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-23-014	Custom meat facility operator license—Late renewal penalty. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-23-014, filed 7/25/91, effective 8/25/91.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-22-015	Late renewal penalties for custom farm slaughterers, custom slaughtering establishments, and custom meat facilities. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-22-015, filed 7/25/91, effective 8/25/91.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-23-020	Maintaining sanitary premises. [Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-120, § 16-23-020, filed 11/22/94, effective 12/23/94. Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-020, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-22-020	Custom farm slaughter equipment—Sanitary conditions—Requirements. [Order 1396, § 16-22-020, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-23-025	Sufficient light. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-025, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-22-030	Custom farm slaughtering establishment—Sanitation. [Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-119, § 16-22-030, filed 11/22/94, effective 12/23/94; Order 1396, § 16-22-030, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-23-030	Adequate ventilation. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-030, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-22-040	Custom farm slaughtering establishment—Special slaughter conditions. [Statutory Authority: RCW 16.49.680. 90-10-046 (Order 2036), § 16-22-040, filed 4/30/90, effective 5/31/90. Statutory Authority: Chapter 16.49A RCW. 89-14-020 (Order 2011), § 16-22-040, filed 6/26/89; Order 1396, § 16-22-040, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-23-035	Adequate drainage. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-035, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
16-22-050	Custom farm slaughtering establishment—Inedible offal. [Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-119, § 16-22-050, filed 11/22/94, effective 12/23/94; Order 1396, § 16-22-050, filed 3/24/75, effective 9/3/75.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.	16-23-040	Water supply. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-040, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-23-045	Hot water. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-045, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-23-050	Impervious surfaces. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-050, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.
		16-23-060	Refrigerated facilities. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-060,

filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-070 Lavatory facilities. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-070, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-075 Flush toilets and dressing room facilities. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-075, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-085 Rooms, compartments, etc., to be clean and sanitary. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-085, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-090 Operations and procedures to be clean and sanitary. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-090, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-095 Rooms and compartments to be free from dust and odors. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-095, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-100 Rooms and compartments to be free of steam and vapors. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-100, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-105 Cleaning characteristics of equipment. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-105, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-110 Scabbards for knives. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-110, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-115 Persons to keep hands and implements clean. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-115, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-120 Clean clothing. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-120, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-125 Insanitary practices prohibited. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-125, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-150 Flies, rats and other vermin—Baits and poisons. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-150, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-160 Care of outer premises. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-160, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-165 Employee health. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-165, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-170 Proof of ownership of uninspected carcasses or parts of carcasses by the operator. [Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-120, § 16-23-170, filed 11/22/94, effective 12/23/94. Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-170, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-175 Labeling and packaging requirements. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-175, filed 10/27/87.] Repealed by 99-16-086, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 16.49.680.

16-23-180 Meat and meat food products—Preparation and storage. [Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-180, filed 10/27/87.] Repealed by

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

Chapter 16-28

COMMERCIAL REGISTERED FEED LOTS

16-28-010 Definition. [Order 619, Regulation 73, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

16-28-020 Licensed quarantined registered feed lots included. [Order 619, Regulation 75, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

16-28-030 Applications for. [Order 619, Regulation 71, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

16-28-040 Duration of licenses. [Order 619, Regulation 72, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

16-28-050 Lot size. [Order 619, Regulation 74, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

16-28-060 Drainage requirements. [Order 619, Regulation 76, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

16-28-069 Screenings, screenings waste or screening refuse, defined—Established tolerances. [See WAC 16-200-512, Order 619, Regulations 69 and 70, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

16-28-070 Destroying viable weed seeds. [Order 619, Regulation 77, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

16-28-080 Transportation of screenings containing weed seeds. [Order 619, Regulation 78, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

16-28-090 Sale of animal droppings. [Order 619, Regulation 79, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

Chapter 16-34

DEAD ANIMALS, PACKING HOUSE OFFAL, MEAT MARKET SCRAPS—TRANSPORTATION AND DISPOSAL

16-34-001 Promulgation. [Order 581, Promulgation, effective 9/11/50.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.

16-34-010 Tarpaulins. [Order 581, Regulation 1, effective 9/11/50.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.

16-34-020 Other equipment. [Order 581, Regulation 2, effective 9/11/50.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.

16-34-030 Destination. [Order 581, Regulation 3, effective 9/11/50.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.

16-34-040 Disposal. [Order 581, Regulation 4, effective 9/11/50.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.

Chapter 16-38

HORSEMEAT, DECHARACTERIZATION

16-38-001 Promulgation. [Order 579, Promulgation, effective 4/15/50.] Repealed by 94-05-009 (Order 5031), filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 16.36.096 and [16.36.]040.

16-38-010 Proper decharacterization defined. [Order 579, Regulation 1, effective 4/15/50.] Repealed by 94-05-009 (Order 5031), filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 16.36.096 and [16.36.]040.

16-38-020 Penalty. [Order 579, Regulation 2, effective 4/15/50.] Repealed by 94-05-009 (Order 5031), filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 16.36.096 and [16.36.]040.

Chapter 16-46

DOMESTIC AND IMPORTED ANIMAL SEMEN

- 16-46-001 Promulgation. [Order 854, Promulgation, effective 7/19/61.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
- 16-46-005 Definitions. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-005, filed 9/21/93, effective 10/22/93.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
- 16-46-010 Commercial semen production. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-010, filed 9/21/93, effective 10/22/93; Order 854, Regulation 1, effective 7/19/61; Order 589, Regulation 1, filed 3/22/60.] Repealed by 98-13-118, filed 6/17/98, effective 7/18/98. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-46-020 Health certificate. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-020, filed 9/21/93, effective 10/22/93; Order 854, Regulation 2, filed 3/22/60.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
- 16-46-030 Requirements of animals producing. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-030, filed 9/21/93, effective 10/22/93; Order 854, Regulation 3, effective 7/19/61.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
- 16-46-035 Test requirements for boars producing semen. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-035, filed 9/21/93, effective 10/22/93.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
- 16-46-040 Addition of bulls to stud. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-040, filed 9/21/93, effective 10/22/93; Order 854, Regulation 4, effective 7/19/61.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
- 16-46-045 Addition of boars to stud. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-045, filed 9/21/93, effective 10/22/93.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
- 16-46-050 Sample testing. [Order 854, Regulation 5, effective 7/19/61; Order 589, Regulation 3, filed 3/22/60.] Repealed by 93-19-125 (Order 5009), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.
- 16-46-060 Director's list of producers. [Order 854, Regulation 6, effective 7/19/61.] Repealed by 93-19-125 (Order 5009), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.
- 16-46-070 Permits. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-070, filed 9/21/93, effective 10/22/93; Order 854, Regulation 7, effective 7/19/61.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.

Chapter 16-49

REGULATIONS RELATING TO FAT STANDARDS FOR GROUND BEEF, HAMBURGER, LEAN GROUND BEEF, EXTRA LEAN GROUND BEEF, AND LABELING, ADVERTISING AND SALE OF NAMED GROUND MEAT

- 16-49-001 Promulgation. [Order 1349, § 16-49-001, filed 5/17/74.] Repealed by 96-18-105, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 16.49A RCW.
- 16-49-010 Standards—Ground beef and hamburger. [Order 1349, § 16-49-010, filed 5/17/74.] Repealed by 96-18-105, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 16.49A RCW.
- 16-49-020 Lean ground beef standards. [Order 1349, § 16-49-020, filed 5/17/74.] Repealed by 96-18-105, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 16.49A RCW.
- 16-49-030 Extra lean ground beef standards. [Order 1349, § 16-49-030, filed 5/17/74.] Repealed by 96-18-105, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 16.49A RCW.
- 16-49-040 Labeling, advertising, and sale. [Order 1349, § 16-49-040, filed 5/17/74.] Repealed by 96-18-105, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 16.49A RCW.

Chapter 16-50

IMPORTATION OF MINK

- 16-50-001 Promulgation. [Order 760, Promulgation, effective 10/22/57.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
- 16-50-010 Health certificates. [Order 760, Regulation 1, effective 10/22/57.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
- 16-50-020 Penalty. [Order 760, Penalty, effective 10/22/57.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.

Chapter 16-58

LIVE POULTRY AND TURKEYS—SANITATION OF TRANSPORTATION EQUIPMENT

- 16-58-001 through 16-58-030. [Order 574, effective 4/10/50.] Superseded by Order No. 997, filed 1/21/66. Later promulgation, see chapter 16-59 WAC.

Chapter 16-62

CHICKENS—BACILLARY WHITE DIARRHEA

- 16-62-001 through 16-62-030. [Order 219, effective 10/9/37.] Superseded by Order No. 997, filed 1/21/66. Later promulgation, see chapter 16-59 WAC.

Chapter 16-66

CHICKENS—PULLORUM DISEASE

- 16-66-001 through 16-66-020. [Order 573, effective 4/10/50.] Superseded by Order No. 997, filed 1/21/66. Later promulgation, see chapter 16-59 WAC.

Chapter 16-78

HOG CHOLERA, SWINE PLAGUE, SWINE ERYSIPELAS AND VESICULAR EXANTHEMA

- 16-78-001 Promulgation. [Order 656, Promulgation, effective 5/19/53.] Repealed by 93-19-129 (Order 5013), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.
- 16-78-002 Promulgation. [Order 1026, Promulgation, filed 7/22/66, effective 8/22/66; Order 1000, Promulgation, filed 1/21/66; Order 914, filed 4/1/63; Order 852, Promulgation, effective 7/19/61; Order 833, filed 5/3/61.] Repealed by 93-19-129 (Order 5013), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.
- 16-78-003 Promulgation. [Order 1173, § 16-78-003, filed 12/15/70.] Repealed by 93-19-129 (Order 5013), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.
- 16-78-010 General. [Order 656, effective 5/19/53.] Repealed by 93-19-129 (Order 5013), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.
- 16-78-020 Virulent hog cholera virus. [Order 1173, § 16-78-020, filed 12/15/70; Order 1026, Regulations 1-7, filed 7/22/66, effective 8/22/66; Order 1000, Regulations 1-7, filed 1/21/66; Order 914, filed 4/1/63; Order 852, effective 7/19/61; Order 833, filed 5/3/61.] Repealed by 93-19-129 (Order 5013), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.
- 16-78-030 Penalty. [Order 1173, § 16-78-030, filed 12/15/70; Order 1026, Regulation 8, filed 7/22/66, effective 8/22/66; Order 1000, Regulation 8, filed 1/21/66.] Repealed by 93-19-129 (Order 5013), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.

Chapter 16-82

CALFHOOD VACCINATED ANIMALS—QUARANTINE, INDEMNITY AND CLASSIFICATION OF SUSPECTS AND REACTORS

- 16-82-001 Promulgation. [Order 644, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.
- 16-82-010 Quarantine. [Order 644, Regulation 1, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.
- 16-82-020 Retest. [Order 644, Regulation 2, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.
- 16-82-030 Indemnities. [Order 644, Regulation 3, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.
- 16-82-040 Tagging and branding. [Order 644, Regulation 4, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.

Chapter 16-88
CONTROL OF TUBERCULOSIS IN CERVIDAE

- 16-88-010 Definitions. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-128 (Order 5012), § 16-88-010, filed 9/21/93, effective 10/22/93.] Repealed by 99-14-031, filed 6/29/99, effective 7/30/99. Statutory Authority: RCW 16.36.040.
- 16-88-020 Testing procedures. [Statutory Authority: RCW 16.36.-096 and 16.36.040. 93-19-128 (Order 5012), § 16-88-020, filed 9/21/93, effective 10/22/93.] Repealed by 99-14-031, filed 6/29/99, effective 7/30/99. Statutory Authority: RCW 16.36.040.
- 16-88-030 Herd status plans. [Statutory Authority: RCW 16.36.-096 and 16.36.040. 93-19-128 (Order 5012), § 16-88-030, filed 9/21/93, effective 10/22/93.] Repealed by 99-14-031, filed 6/29/99, effective 7/30/99. Statutory Authority: RCW 16.36.040.
- 16-88-040 Intrastate, interstate, or international movement—Tuberculosis testing requirements. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-128 (Order 5012), § 16-88-040, filed 9/21/93, effective 10/22/93.] Repealed by 99-14-031, filed 6/29/99, effective 7/30/99. Statutory Authority: RCW 16.36.040.

Chapter 16-96
PRODUCTION RECORD BRANDS

- 16-96-001 Promulgation. [Order 1053, Promulgation, filed 5/11/67, effective 6/12/67; Order 886, Promulgation, effective 5/24/62.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-96-002 Promulgation. [Order 1021, Promulgation, filed 6/10/66.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-96-003 Promulgation. [Order 1277, § 16-96-003, filed 7/31/72, effective 9/1/72; Order 1058, Promulgation, filed 7/19/67, effective 8/20/67.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-96-010 Branding dairy cattle for identification. [Order 1053, Regulation 2, filed 5/11/67, effective 6/12/67; Order 886, Regulation 1, effective 5/24/62.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.-090.
- 16-96-020 Branding beef cattle for identification. [Order 1053, Regulation 3, filed 5/11/67, effective 6/12/67; Order 886, Regulation 2 (part), effective 5/24/62.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.-090.
- 16-96-030 Production record brands to consist of Arabic numbers only—Exception. [Order 1053, Regulation 1, filed 5/11/67, effective 6/12/67; Order 886, Regulation 2 (part), effective 5/24/62.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-96-100 Freeze brands for production record purposes only—Freeze brand use. [Order 1021, Regulation 1, filed 6/10/66.] Repealed by 90-23-089 (Order 2061), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-96-110 Freeze brands for production record purposes only—Application to use freeze brands. [Order 1021, Regulation 2, filed 6/10/66.] Repealed by 90-23-089 (Order 2061), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-96-120 Freeze brands for production record purposes only—Freeze brand not ownership brand. [Order 1021, Regulation 3, filed 6/10/66.] Repealed by 90-23-089 (Order 2061), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-96-130 Brand inspection fees. [Statutory Authority: RCW 16.57.220. 87-24-040 (Order 1960), § 16-96-130, filed 11/25/87; 87-12-037 (Order 1921), § 16-96-130, filed 6/1/87; 82-10-038 (Order 1762), § 16-96-130, filed

4/30/82. Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-96-130, filed 1/21/82. Statutory Authority: RCW 16.57.160 and 16.57.240. 81-19-026 (Order 1748), § 16-96-130, filed 9/9/81; Order 1277, § 16-96-130, filed 7/31/72, effective 9/1/72; Order 1058, Regulation 1, filed 7/19/67, effective 8/20/67.] Repealed by 90-23-089 (Order 2061), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.

Chapter 16-100
REFRIGERATED LOCKER ESTABLISHMENTS—RECORDING THERMOMETERS

- 16-100-001 Promulgation. [Order 496, Promulgation, effective 6/1/47.] Repealed by 03-20-063, filed 9/26/03, effective 10/27/03. Statutory Authority: Chapters 19.32, 69.04, 69.07, 69.10, and 34.05 RCW.
- 16-100-010 Specifications and use. [Order 496, Regulation 1, effective 6/1/47.] Repealed by 03-20-063, filed 9/26/03, effective 10/27/03. Statutory Authority: Chapters 19.32, 69.04, 69.07, 69.10, and 34.05 RCW. Later promulgation, see WAC 16-167-050, 16-142-170, 16-165-130(29), RCW 19.32.100, 69.04.915 and Title 21 Code of Federal Regulations (21 C.F.R.) part 110.
- 16-100-020 Penalty. [Order 496, Penalty, effective 6/1/47.] Repealed by 03-20-063, filed 9/26/03, effective 10/27/03. Statutory Authority: Chapters 19.32, 69.04, 69.07, 69.10, and 34.05 RCW. Later promulgation, See RCW 19.32.180, 69.04.060, 69.04.070, 69.07.150, 69.10.050 and chapter 16-139 WAC.

Chapter 16-105
PACKAGING OF BACON

- 16-105-001 Promulgation. [Order 1221, § 16-105-001, filed 11/26/71, effective 1/1/72.] Repealed by 97-18-041, filed 8/27/97, effective 9/27/97.
- 16-105-010 Standards for retail bacon packages. [Order 1221, § 16-105-010, filed 11/26/71, effective 1/1/72.] Repealed by 97-18-041, filed 8/27/97, effective 9/27/97.
- 16-105-020 Penalty. [Order 1221, § 16-105-020, filed 11/26/71, effective 1/1/72.] Repealed by 97-18-041, filed 8/27/97, effective 9/27/97.
- 16-105-030 Exemption. [Order 1221, § 16-105-030, filed 11/26/71, effective 1/1/72.] Repealed by 97-18-041, filed 8/27/97, effective 9/27/97.

Chapter 16-112
EGG INSPECTION—INVOICES, BILLS OF LADING

- 16-112-001 Promulgation. [Order 774, Promulgation, effective 5/5/58.] Repealed by 00-05-024, filed 2/9/00, effective 3/11/00. Statutory Authority: Chapter 69.24 RCW.
- 16-112-010 Invoice and bill of lading requirements—Definitions. [Order 774, Regulation 1 (part), effective 5/5/58.] Repealed by 00-05-024, filed 2/9/00, effective 3/11/00. Statutory Authority: Chapter 69.24 RCW.
- 16-112-020 Invoice requirements. [Order 774, Regulation 1 (part), effective 5/5/58.] Repealed by 00-05-024, filed 2/9/00, effective 3/11/00. Statutory Authority: Chapter 69.24 RCW.
- 16-112-030 Bill of lading requirements. [Order 774, Regulation 1 (part), effective 5/5/58.] Repealed by 00-05-024, filed 2/9/00, effective 3/11/00. Statutory Authority: Chapter 69.24 RCW.

Chapter 16-114
EGG PRODUCTS

- 16-114-001 Promulgation. [Order 941, Promulgation, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-010 Definitions. [Order 941, Regulation 1, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-015 Plant requirements. [Order 941, Regulation 2, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-020 Equipment and utensils. [Order 941, Regulation 3, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-025 General operating procedures. [Order 941, Regulation 4, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.

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

Chapter 16-124

LICENSED TESTERS, WEIGHERS, SAMPLERS AND GRADERS

- 16-124-001 Promulgation. [Order 465, Promulgation, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-010 Illegal testing. [Order 465, Regulation 1, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-011 Dairy technician license. [Statutory Authority: RCW 15.36.081. 96-22-061, § 16-124-011, filed 11/4/96, effective 12/3/96. Statutory Authority: RCW 15.32.-100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-124-011, filed 7/25/91, effective 8/25/91.] Repealed by 08-21-072, filed 10/13/08, effective 11/13/08. Statutory Authority: Chapters 15.36 and 34.05 RCW. Later promulgation, see RCW 15.36.081.
- 16-124-020 Carbon copies. [Order 465, Regulation 2, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-030 Absence of tester. [Order 465, Regulation 3, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-040 Marking of samples. [Order 465, Regulation 4, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-050 Samples required. [Order 465, Regulation 5, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-060 Stirring to sample. [Order 465, Regulation 6, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-070 Stoppers. [Order 465, Regulation 7, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-080 Temperature. [Order 465, Regulation 8, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-090 Storing samples. [Order 465, Regulation 9, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-100 Sour cream sampling. [Order 465, Regulation 10, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-110 Pipetting. [Order 465, Regulation 11, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-120 Cleaning testing equipment. [Order 465, Regulation 12, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-130 Centrifuges and thermometers. [Order 465, Regulation 13, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-140 Tempering and readings. [Order 465, Regulation 14, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-150 Cream and moisture balances. [Order 465, Regulation 15, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-160 Laboratory. [Order 465, Regulation 16, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
- 16-124-170 Testers' certificates. [Order 465, Regulation 17, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99,

effective 9/25/99. Statutory Authority: RCW 15.36.-020.

16-124-180 Statements. [Order 465, Regulation 18, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.

16-124-190 Penalty. [Order 465, Penalty, effective 7/1/46.] Repealed by 99-18-031, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.

Chapter 16-126

MILK AND CREAM—BUYING IN BULK

- 16-126-001 License to buy milk and cream in bulk. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-126-001, filed 7/25/91, effective 8/25/91.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

Chapter 16-128

DRY MILK PRODUCTS

- 16-128-001 Promulgation. [Order 805, Promulgation, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-128-010 Definition of terms. [Order 805, Regulation 1, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-128-020 Manufacture and sale of Grade A dry milk products. [Order 805, Regulation 2, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-128-030 Permits. [Order 805, Regulation 3, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-128-040 Inspection of milk drying plants. [Order 805, Regulation 4, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-128-050 Labeling of Grade A dry milk products. [Order 805, Regulation 5, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-128-060 Milk and milk products used in the manufacture of Grade A dry milk products. [Order 805, Regulation 6, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-128-070 Examination of dry milk products. [Order 805, Regulation 7, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-128-080 Bacteriological, chemical, and physical requirements for Grade A dry milk products. [Order 805, Regulation 8, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-128-090 Sanitation requirements for milk drying plants. [Order 805, Regulation 9, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-128-100 Notification of disease. [Order 805, Regulation 10, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-128-110 Procedure when infection is suspected. [Order 805, Regulation 11, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-128-120 Sale of out-of-state dry milk products. [Order 805, Regulation 12, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-128-130 Federal dry milk products code interpretations to govern. [Order 805, Regulation 13, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

Chapter 16-132**CHEESE—BRANDING, TRADEMARKS**

- 16-132-001 Promulgation. [Order 504, Promulgation, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.
- 16-132-010 Brand marks. [Order 504, Regulation 1, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.
- 16-132-020 Registration. [Order 504, Regulation 2, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.
- 16-132-030 Branding by manufacturers, wholesalers and jobbers. [Order 504, Regulation 3, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.
- 16-132-040 Application. [Order 504, Regulation 4, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.
- 16-132-050 Necessity of and effective date of order. [Order 504, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.
- 16-132-060 Penalty. [Order 504, Penalty, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

Chapter 16-136**BUTTER SUBSTITUTES**

- 16-136-001 Promulgation. [Order 563, Promulgation, effective 3/29/50.] Repealed by 96-18-107, filed 9/4/96, effective 10/5/96. Statutory Authority: RCW 15.40.040.
- 16-136-010 Mandatory signs in restaurants. [Order 563, Regulation 1, effective 3/29/50.] Repealed by 96-18-107, filed 9/4/96, effective 10/5/96. Statutory Authority: RCW 15.40.040.
- 16-136-020 Penalty. [Order 563, Penalty, effective 3/29/50.] Repealed by 96-18-107, filed 9/4/96, effective 10/5/96. Statutory Authority: RCW 15.40.040.

Chapter 16-140**PROCESSING LOW ACID FOODS**

- 16-140-001 Promulgation. [Order 1071, Promulgation, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-010 Definitions. [Order 1071, Regulation 1, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-020 Sterilizing food commercially—Required equipment. [Order 1071, Regulation 2, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-030 Sterilizing food commercially—Additional equipment. [Order 1071, Regulation 3, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-040 Safety valve. [Order 1071, Regulation 4, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-050 Venting of retorts for removal of air—General considerations. [Order 1071, Regulation 5, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-060 Venting of horizontal retorts for removal of air—Systems A-H. [Order 1071, Regulation 6, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-070 Venting of vertical retorts for removal of air—Systems I and J. [Order 1071, Regulation 7, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

- 16-140-080 Records. [Order 1071, Regulation 8, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-090 Process requirements. [Order 1071, Regulation 9, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-100 Process requirements—Authority to establish—Process time, temperature, equipment standards. [Order 1071, Regulation 10, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

Chapter 16-143**RED RASPBERRY GRADES AND STANDARDS**

- 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.

**Chapter 16-148
ABNORMAL MILK**

- 16-148-001 Promulgation. [Order 1068, Promulgation, filed 9/20/67, effective 10/1/67.] Repealed by 96-18-109, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-148-010 Definition of terms. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-075, § 16-148-010, filed 7/2/90, effective 8/2/90; Order 1068, Regulation 1, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-109, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-148-020 Examination of producer milk. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-075, § 16-148-020, filed 7/2/90, effective 8/2/90; Order 1068, Regulation 2, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-109, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-148-030 Enforcement procedures. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-075, § 16-148-030, filed 7/2/90, effective 8/2/90; Order 1068, Regulation 3, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-109, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.

**Chapter 16-150
FEDERAL MEAT INSPECTION REGULATIONS**

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

**Chapter 16-152
FEDERAL POULTRY INSPECTION REGULATIONS**

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

**Chapter 16-154
ORGANIC CROP PRODUCTION STANDARDS**

- 16-154-010 Purpose. [Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-010, filed 4/11/91, effective 5/12/91; 86-18-040 (Order 1901), § 16-154-010, filed 8/29/86.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-154-020 Principles of organic food production. [Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-020, filed 4/11/91, effective 5/12/91; 86-18-040 (Order 1901), § 16-154-020, filed 8/29/86.] Repealed by 91-20-013, filed 9/20/91, effective 10/21/91. Statutory Authority: Chapter 15.86 RCW.
- 16-154-030 Definitions. [Statutory Authority: Chapter 15.86 RCW. 00-22-027, § 16-154-030, filed 10/23/00, effective 1/1/01; 91-09-028, § 16-154-030, filed 4/11/91, effective 5/12/91.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-154-040 Organic food production guidelines. [Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-040, filed 4/11/91, effective 5/12/91.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-154-050 Organic crop production standards. [Statutory Authority: Chapter 15.86 RCW. 00-22-027, § 16-154-050, filed 10/23/00, effective 1/1/01; 91-09-028, § 16-154-050, filed 4/11/91, effective 5/12/91.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-154-053 Organic farm plan. [Statutory Authority: Chapter 15.86 RCW. 00-22-027, § 16-154-053, filed 10/23/00, effective 1/1/01.] Repealed by 02-10-090, filed 4/29/02,

effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.

- 16-154-060 Records. [Statutory Authority: Chapter 15.86 RCW. 00-22-027, § 16-154-060, filed 10/23/00, effective 1/1/01; 91-09-028, § 16-154-060, filed 4/11/91, effective 5/12/91.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-154-070 Fertilizers, growth promoters, crop production aids and soil amendments. [Statutory Authority: Chapter 15.86 RCW. 00-22-027, § 16-154-070, filed 10/23/00, effective 1/1/01; 91-09-028, § 16-154-070, filed 4/11/91, effective 5/12/91.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-154-080 Insect pest control materials and practices. [Statutory Authority: Chapter 15.86 RCW. 00-22-027, § 16-154-080, filed 10/23/00, effective 1/1/01; 91-09-028, § 16-154-080, filed 4/11/91, effective 5/12/91.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-154-090 Weed control materials and practices. [Statutory Authority: Chapter 15.86 RCW. 00-22-027, § 16-154-090, filed 10/23/00, effective 1/1/01; 91-09-028, § 16-154-090, filed 4/11/91, effective 5/12/91.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-154-100 Disease control materials and practices. [Statutory Authority: Chapter 15.86 RCW. 00-22-027, § 16-154-100, filed 10/23/00, effective 1/1/01; 91-09-028, § 16-154-100, filed 4/11/91, effective 5/12/91.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-154-110 Vertebrate control materials and practices. [Statutory Authority: Chapter 15.86 RCW. 00-22-027, § 16-154-110, filed 10/23/00, effective 1/1/01; 91-09-028, § 16-154-110, filed 4/11/91, effective 5/12/91.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-154-120 Materials list for organic food production—Post-harvest materials and practices. [Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-120, filed 4/11/91, effective 5/12/91.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-154-180 Mushroom standards. [Statutory Authority: Chapter 15.86 RCW. 00-22-027, § 16-154-180, filed 10/23/00, effective 1/1/01.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.

**Chapter 16-156
ORGANIC PRODUCER AND TRANSITIONAL PRODUCER
CERTIFICATION**

- 16-156-001 Application. [Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-156-001, filed 5/6/92, effective 6/6/92. Statutory Authority: Chapter 15.86 RCW. 90-02-001, § 16-156-001, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-001, filed 3/8/88.] Repealed by 97-02-008 (Order 6011), filed 12/20/96, effective 1/20/97. Statutory Authority: Chapter 15.86 RCW.
- 16-156-003 Purpose. [Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-156-003, filed 5/6/92, effective 6/6/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-156-004 Definitions. [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.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-156-005 Standards for certification. [Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-156-005, filed 5/6/92, effective 6/6/92. Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-156-005, filed 4/11/91, effective 5/12/91; 90-02-001, § 16-156-005, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-005, filed 3/8/88.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-156-010 Sampling. [Statutory Authority: Chapter 15.86 RCW. 97-02-008 (Order 6011), § 16-156-010, filed 12/20/96, effective 1/20/97; 92-11-001, § 16-156-010, filed

	5/6/92, effective 6/6/92. Statutory Authority: Chapter 15.86 RCW. 90-02-001, § 16-156-010, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-010, filed 3/8/88.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.		Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
16-156-020	Inspection. [Statutory Authority: Chapter 15.86 RCW. 97-02-008 (Order 6011), § 16-156-020, filed 12/20/96, effective 1/20/97; 92-11-001, § 16-156-020, filed 5/6/92, effective 6/6/92. Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-156-020, filed 4/11/91, effective 5/12/91; 90-02-001, § 16-156-020, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-020, filed 3/8/88.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.	16-158-025	Organic certification of processors. [Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-025, filed 6/20/95, effective 7/21/95.] Repealed by 98-01-221, filed 12/24/97, effective 1/24/98. Statutory Authority: Chapter 15.86 RCW.
16-156-030	Certification. [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.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.	16-158-027	Application for certification. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-027, filed 12/24/97, effective 1/24/98; 95-13-072 (Order 5068), § 16-158-027, filed 6/20/95, effective 7/21/95.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
16-156-035	Decertification. [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.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.	16-158-028	Confidentiality. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-028, filed 12/24/97, effective 1/24/98.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
16-156-040	Recordkeeping requirements. [Statutory Authority: Chapter 15.86 RCW. 97-02-008 (Order 6011), § 16-156-040, filed 12/20/96, effective 1/20/97; 90-02-001, § 16-156-040, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-040, filed 3/8/88.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.	16-158-030	Organic processing standards. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-030, filed 12/24/97, effective 1/24/98; 95-13-072 (Order 5068), § 16-158-030, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-030, filed 6/5/90, effective 7/6/90.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
16-156-050	Application for certification. [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.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.	16-158-040	Labeling. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-040, filed 12/24/97, effective 1/24/98; 95-13-072 (Order 5068), § 16-158-040, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-040, filed 6/5/90, effective 7/6/90.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
16-156-060	Fee schedule. [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.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.	16-158-050	Recordkeeping requirements. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-050, filed 12/24/97, effective 1/24/98; 95-13-072 (Order 5068), § 16-158-050, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-050, filed 6/5/90, effective 7/6/90.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
16-156-070	Export and transaction certificates. [Statutory Authority: Chapter 15.86 RCW. 01-16-032, § 16-156-070, filed 7/23/01, effective 8/23/01.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.	16-158-060	Minor ingredients and processing aids. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-060, filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-060, filed 6/5/90, effective 7/6/90.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
	Chapter 16-158	16-158-070	Processed organic food certification. [Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-070, filed 6/5/90, effective 7/6/90.] Repealed by 95-13-072 (Order 5068), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
	STANDARDS FOR THE CERTIFICATION OF PROCESSORS OF ORGANIC FOOD	16-158-080	Use of processed organic food certification logo. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-080, filed 12/24/97, effective 1/24/98; 95-13-072 (Order 5068), § 16-158-080, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-080, filed 6/5/90, effective 7/6/90.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
16-158-010	Purpose. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-010, filed 12/24/97, effective 1/24/98; 95-13-072 (Order 5068), § 16-158-010, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-010, filed 6/5/90, effective 7/6/90.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.	16-158-090	Inspection. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-090, filed 12/24/97, effective 1/24/98; 95-13-072 (Order 5068), § 16-158-090, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-090, filed 6/5/90, effective 7/6/90.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
16-158-020	Definitions. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-020, filed 12/24/97, effective 1/24/98; 95-13-072 (Order 5068), § 16-158-020, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-020, filed 6/5/90, effective 7/6/90.]	16-158-100	Sampling. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-100, filed 12/24/97, effective 1/24/98; 95-13-072 (Order 5068), § 16-158-100, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-100, filed 6/5/90, effective 7/6/90.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
		16-158-110	Other requirements. [Statutory Authority: RCW 15.86-060 and chapter 15.86 RCW. 90-12-097 (Order 2042), §

- 16-158-120 16-158-110, filed 6/5/90, effective 7/6/90.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
Decertification. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-120, filed 12/24/97, effective 1/24/98; 95-13-072 (Order 5068), § 16-158-120, filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-158-120, filed 4/11/91, effective 5/12/91. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-120, filed 6/5/90, effective 7/6/90.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-158-130 Fees. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-130, filed 12/24/97, effective 1/24/98; 95-13-072 (Order 5068), § 16-158-130, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-130, filed 6/5/90, effective 7/6/90.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-158-135 Certification fees. [Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-135, filed 12/24/97, effective 1/24/98.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-158-140 Processed organic food logo. [Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-140, filed 6/5/90, effective 7/6/90.] Repealed by 98-01-221, filed 12/24/97, effective 1/24/98. Statutory Authority: Chapter 15.86 RCW.
- 16-158-150 Processed organic food certification logo. [Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-150, filed 6/20/95, effective 7/21/95.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-162-037 Dairy products. [Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-037, filed 11/21/97, effective 12/22/97.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-162-040 Emergency feed. [Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-040, filed 11/21/97, effective 12/22/97.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-162-045 Approved and prohibited feed additives. [Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-045, filed 11/21/97, effective 12/22/97.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-162-050 Living conditions. [Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-050, filed 11/21/97, effective 12/22/97; 92-11-001, § 16-162-050, filed 5/6/92, effective 6/6/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-162-070 Disease and pest management. [Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-070, filed 11/21/97, effective 12/22/97; 92-11-001, § 16-162-070, filed 5/6/92, effective 6/6/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-162-100 Recordkeeping. [Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-100, filed 11/21/97, effective 12/22/97; 92-11-001, § 16-162-100, filed 5/6/92, effective 6/6/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.

Chapter 16-164**STANDARDS FOR THE CERTIFICATION OF HANDLERS OF ORGANIC FOOD****Chapter 16-162
ANIMAL PRODUCTION STANDARDS FOR ORGANIC MEAT AND DAIRY PRODUCTS**

- 16-162-010 Purpose. [Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-010, filed 11/21/97, effective 12/22/97; 92-11-001, § 16-162-010, filed 5/6/92, effective 6/6/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-162-025 Certification. [Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-025, filed 11/21/97, effective 12/22/97; 92-11-001, § 16-162-025, filed 5/6/92, effective 6/6/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-162-030 Definitions. [Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-030, filed 11/21/97, effective 12/22/97; 92-11-001, § 16-162-030, filed 5/6/92, effective 6/6/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-162-031 "Organically produced meat." [Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-031, filed 5/6/92, effective 6/6/92.] Repealed by 97-24-007, filed 11/21/97, effective 12/22/97. Statutory Authority: Chapter 15.86 RCW.
- 16-162-032 "Organically produced milk." [Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-032, filed 5/6/92, effective 6/6/92.] Repealed by 97-24-007, filed 11/21/97, effective 12/22/97. Statutory Authority: Chapter 15.86 RCW.
- 16-162-033 "Organically produced eggs." [Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-033, filed 5/6/92, effective 6/6/92.] Repealed by 97-24-007, filed 11/21/97, effective 12/22/97. Statutory Authority: Chapter 15.86 RCW.
- 16-162-034 Meat from bovine animals, swine, lamb, sheep, and goat. [Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-034, filed 11/21/97, effective 12/22/97.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-162-036 Poultry and poultry products. [Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-036, filed 11/21/97, effective 12/22/97.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-164-010 Purpose. [Statutory Authority: Chapter 15.86 RCW. 01-01-100, § 16-164-010, filed 12/15/00, effective 1/15/01; 95-13-073 (Order 5070), § 16-164-010, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-010, filed 8/7/92, effective 9/7/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-164-020 Definitions. [Statutory Authority: Chapter 15.86 RCW. 01-01-100, § 16-164-020, filed 12/15/00, effective 1/15/01; 95-13-073 (Order 5070), § 16-164-020, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-020, filed 8/7/92, effective 9/7/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-164-030 Organic certification of handlers, including packers and vendors. [Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-030, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-030, filed 8/7/92, effective 9/7/92.] Repealed by 01-01-100, filed 12/15/00, effective 1/15/01. Statutory Authority: Chapter 15.86 RCW.
- 16-164-035 Application for certification. [Statutory Authority: Chapter 15.86 RCW. 01-01-100, § 16-164-035, filed 12/15/00, effective 1/15/01; 95-13-073 (Order 5070), § 16-164-035, filed 6/20/95, effective 7/21/95.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-164-037 Confidentiality. [Statutory Authority: Chapter 15.86 RCW. 01-01-100, § 16-164-037, filed 12/15/00, effective 1/15/01.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-164-040 Organic handler standards. [Statutory Authority: Chapter 15.86 RCW. 01-01-100, § 16-164-040, filed 12/15/00, effective 1/15/01; 95-13-073 (Order 5070), § 16-164-040, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-040, filed 8/7/92, effective 9/7/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-164-050 Postharvest materials and practices. [Statutory Authority: Chapter 15.86 RCW. 01-01-100, § 16-164-050, filed 12/15/00, effective 1/15/01; 92-17-018, § 16-164-050, filed 8/7/92, effective 9/7/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.
- 16-164-055 Labels, labeling and market information. [Statutory Authority: Chapter 15.86 RCW. 01-01-100, § 16-164-

055, filed 12/15/00, effective 1/15/01.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.

16-164-060 Recordkeeping requirements. [Statutory Authority: Chapter 15.86 RCW. 01-01-100, § 16-164-060, filed 12/15/00, effective 1/15/01; 95-13-073 (Order 5070), § 16-164-060, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-060, filed 8/7/92, effective 9/7/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.

16-164-070 Inspections. [Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-070, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-070, filed 8/7/92, effective 9/7/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.

16-164-080 Sampling. [Statutory Authority: Chapter 15.86 RCW. 01-01-100, § 16-164-080, filed 12/15/00, effective 1/15/01; 95-13-073 (Order 5070), § 16-164-080, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-080, filed 8/7/92, effective 9/7/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.

16-164-085 Certification. [Statutory Authority: Chapter 15.86 RCW. 01-01-100, § 16-164-085, filed 12/15/00, effective 1/15/01.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.

16-164-090 Decertification. [Statutory Authority: Chapter 15.86 RCW. 01-01-100, § 16-164-090, filed 12/15/00, effective 1/15/01; 95-13-073 (Order 5070), § 16-164-090, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-090, filed 8/7/92, effective 9/7/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.

16-164-100 Fee schedule. [Statutory Authority: Chapter 15.86 RCW. 01-01-100, § 16-164-100, filed 12/15/00, effective 1/15/01; 95-13-073 (Order 5070), § 16-164-100, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-100, filed 8/7/92, effective 9/7/92.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.

16-164-110 Organic food handler certification logo. [Statutory Authority: Chapter 15.86 RCW. 01-01-100, § 16-164-110, filed 12/15/00, effective 1/15/01.] Repealed by 02-10-090, filed 4/29/02, effective 5/30/02. Statutory Authority: Chapter 15.86 RCW.

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

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

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

16-166-030 Organic certification of vendors. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-030, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.

16-166-040 Standards for vendors. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-040, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.

16-166-050 Recordkeeping requirements. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-050, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.

16-166-060 Inspections. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-060, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.

16-166-070 Sampling. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-070, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95,

effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.

16-166-080 Decertification. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-080, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.

16-166-090 Fee schedule. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-090, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.

**Chapter 16-212
WSDA GRAIN INSPECTION PROGRAM—FEE SCHEDULE**

16-212-001 Promulgation. [Order 1267, § 16-212-001, filed 5/31/72; Order 1153, § 16-212-001, filed 5/28/70, effective 7/1/70; Order 1118, § 16-212-001, filed 5/29/69, effective 7/1/69; Order 1031, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 891, filed 7/2/62; Order 790, effective 9/1/59.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-00101 Promulgation. [Order 1358, § 16-212-00101, filed 5/31/74.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-002 Promulgation. [Order 1226, § 16-212-002, filed 1/3/72, effective 2/2/72 through 6/30/72.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-003 Promulgation. [Order 1380, § 16-212-003, filed 1/28/75.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-0031 Promulgation. [Order 1404, § 16-212-003 (codified as WAC 16-212-0031), filed 6/30/75, effective 8/1/75.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-004 Promulgation. [Order 1423, § 16-212-004, filed 9/24/75.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-00401 Promulgation. [Order 1490, § 16-212-003 (codified as WAC 16-212-00401), filed 3/1/77.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-010 Definitions. [Statutory Authority: RCW 22.09.790. 99-15-082, § 16-212-010, filed 7/20/99, effective 8/20/99. Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-010, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-010, filed 3/2/83; Order 1118, § 16-212-010, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 1, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).

16-212-020 Grain and commodity inspection points. [Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-020, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-020, filed 7/10/92, effective 8/10/92. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-020, filed 12/2/81; Order 1404, § 16-212-020, filed 6/30/75; Order 1118, § 16-212-020, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 2, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).

16-212-030 General provisions for hourly charges. [Statutory Authority: RCW 22.09.790. 99-15-082, § 16-212-030, filed 7/20/99, effective 8/20/99; 98-12-058, § 16-212-030, filed 5/29/98, effective 6/29/98. Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-030, filed 4/20/94, effective 5/21/94; 87-01-032 (Order 1913), § 16-212-030, filed 12/12/86; 84-14-065 (Order 1836), § 16-212-030, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-030, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-030, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW. 80-06-100 (Order 1705), § 16-212-030, filed 5/30/80; Order 1490, § 16-212-030, filed 3/1/77; Order 1404, § 16-212-030, filed 6/30/75; Order 1267, § 16-212-030, filed 5/31/72; Order 1118, § 16-212-030, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 3, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.] Repealed by 00-

- 21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-040 Physical analyses. [Order 1267, § 16-212-040, filed 5/31/72; Order 1118, § 16-212-040, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 5, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.
- 16-212-050 Certificates. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-050, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-050, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW. 80-06-100 (Order 1705), § 16-212-050, filed 5/30/80; Order 1404, § 16-212-050, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-050, filed 5/31/72; Order 1118, § 16-212-050, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 6, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.] Repealed by 84-14-065 (Order 1836), filed 7/2/84. Statutory Authority: Chapter 22.09 RCW.
- 16-212-060 Official inspection and/or weighing fees under the United States Grain Standards Act. [Statutory Authority: RCW 22.09.790. 99-15-082, § 16-212-060, filed 7/20/99, effective 8/20/99; 98-12-058, § 16-212-060, filed 5/29/98, effective 6/29/98. Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-060, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-060, filed 7/10/92, effective 8/10/92; 87-01-032 (Order 1913), § 16-212-060, filed 12/12/86; 84-14-065 (Order 1836), § 16-212-060, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-060, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-060, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW. 80-06-100 (Order 1705), § 16-212-060, filed 5/30/80; Order 1490, § 16-212-060, filed 3/1/77; Order 1404, § 16-212-060, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-060, filed 5/31/72; Order 1118, § 16-212-060, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 4, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020 (13).
- 16-212-065 Miscellaneous sampling, testing, inspection and certification of grains and commodities. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-065, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-065, filed 12/2/81; Order 1490, § 16-212-065, filed 3/1/77; Order 1404, § 16-212-065, filed 6/30/75, effective 8/1/75; Order 1380, § 16-212-065, filed 1/28/75; Order 1267, § 16-212-065, filed 5/31/72; Order 1118, § 16-212-065, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 7, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 891, filed 7/2/65.] Repealed by 84-14-065 (Order 1836), filed 7/2/84. Statutory Authority: Chapter 22.09 RCW.
- 16-212-070 Official services under the Agricultural Marketing Act of 1946. [Statutory Authority: RCW 22.09.790. 99-15-082, § 16-212-070, filed 7/20/99, effective 8/20/99; 98-12-058, § 16-212-070, filed 5/29/98, effective 6/29/98. Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-070, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-070, filed 7/10/92, effective 8/10/92; 87-01-032 (Order 1913), § 16-212-070, filed 12/12/86; 84-14-065 (Order 1836), § 16-212-070, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-070, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-070, filed 12/2/81; Order 1490, § 16-212-070, filed 3/1/77; Order 1404, § 16-212-070, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-070, filed 5/31/72; Order 1118, § 16-212-070, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 8, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 891, filed 7/2/62; Order 790, effective 9/1/59.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020 (13).
- 16-212-080 Miscellaneous fees. [Statutory Authority: RCW 22.09.790. 99-15-082, § 16-212-080, filed 7/20/99, effective 8/20/99; 98-12-058, § 16-212-080, filed 5/29/98, effective 6/29/98. Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-080, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-080, filed 7/10/92, effective 8/10/92; 84-14-065 (Order 1836), § 16-212-080, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-080, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-080, filed 12/2/81; Order 1490, § 16-212-080, filed 3/1/77; Order 1404, § 16-212-080, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-080, filed 5/31/72; Order 1118, § 16-212-080, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 9, filed 9/9/66, effective 10/10/66; Order 981, effective 9/1/59.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020 (13).
- 16-212-082 Fees for services performed under state regulation. [Statutory Authority: RCW 22.09.790. 99-15-082, § 16-212-082, filed 7/20/99, effective 8/20/99; 98-12-058, § 16-212-082, filed 5/29/98, effective 6/29/98. Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-082, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-082, filed 7/10/92, effective 8/10/92; 87-01-032 (Order 1913), § 16-212-082, filed 12/12/86; 84-14-065 (Order 1836), § 16-212-082, filed 7/2/84.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020 (13).
- 16-212-085 Inspection of corn or sorghum. [Statutory Authority: Chapter 22.09 RCW. 79-11-051 (Order 1659), § 16-212-085, filed 10/16/79.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.
- 16-212-086 Fees for warehouse audit and related services. [Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-086, filed 7/2/84.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-087 Covered commodities. [Statutory Authority: Chapter 22.09 RCW. 89-11-092 (Order 2007), § 16-212-087, filed 5/24/89.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-090 Services rendered away from inspection points. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-090, filed 3/2/83; Order 1118, § 16-212-090, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 10, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.] Repealed by 84-14-065 (Order 1836), filed 7/2/84. Statutory Authority: Chapter 22.09 RCW.
- 16-212-100 Charges where fees not established. [Order 790, Regulation 10, effective 9/1/59.] Omitted from Order 981, which superseded Order 790.
- 16-212-110 Bonds. [Statutory Authority: Chapter 22.09 RCW. 89-11-092 (Order 2007), § 16-212-110, filed 5/24/89; 83-15-036 (Order 1802), § 16-212-110, filed 7/19/83; Order 1423, § 16-212-110, filed 9/24/75; Order 1358, § 16-212-110, filed 5/31/74; Order 1118, § 16-212-110, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 11, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020 (13).
- 16-212-120 Grades and standards. [Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-120, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-120, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-120, filed 12/2/81; Order 1490, § 16-212-120, filed 3/1/77; Order 1423, § 16-212-120, filed 9/24/75; Order 1267, § 16-212-120, filed 5/31/72; Order 1118, § 16-212-120, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 12, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-125 Licenses; warehouse, terminal warehouse, country warehouse—Late renewal penalty. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.222, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-212-125, filed 7/25/91, effective 8/25/91.] Repealed

- by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-126 Grain dealer license—Late renewal penalty. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-212-126, filed 7/25/91, effective 8/25/91.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-127 Warehouse license expiration. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-212-127, filed 7/25/91, effective 8/25/91.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-128 Grain dealer license expiration. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-212-128, filed 7/25/91, effective 8/25/91.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-130 Net worth requirements. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-130, filed 7/19/83; Order 1423, § 16-212-130, filed 9/24/75; Order 1358, § 16-212-130, filed 5/31/74; Order 1153, § 16-212-130, filed 5/28/70, effective 7/1/70.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-140 Testing requirements. [Order 1226, § 16-212-140, filed 1/3/72, effective 2/2/72 through 6/30/72.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.
- 16-212-150 Fees. [Order 1226, § 16-212-150, filed 1/3/72, effective 2/2/72 through 6/30/72.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.
- 16-212-160 Financial statements. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-160, filed 7/19/83; 79-05-055 (Order 1624), § 16-212-160, filed 4/30/79; Order 1532, § 16-212-160, filed 6/1/77, effective 7/2/77; Order 1423, § 16-212-160, filed 9/24/75.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-170 Dealer records. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-170, filed 7/19/83; Order 1532, § 16-212-170, filed 6/1/77, effective 7/2/77; Order 1423, § 16-212-170, filed 9/24/75.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-180 Warehouseman records. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-180, filed 7/19/83; Order 1532, § 16-212-180, filed 6/1/77, effective 7/2/77.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-190 Shipments. [Order 1532, § 16-212-190, filed 6/1/77, effective 7/2/77.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-195 Inventory requirements. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-195, filed 7/19/83; Order 1532, § 16-212-200 (codified as WAC 16-212-195), filed 6/1/77, effective 7/2/77.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-200 Promulgation. [Order 1325, § 16-212-200, filed 9/21/73.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.
- 16-212-210 Establishment of grain inspection office at Colfax, Washington. [Order 1325, § 16-212-210, filed 9/21/73.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.
- 16-212-215 Scales. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-215, filed 7/19/83.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-220 Signs. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-220, filed 7/19/83.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-225 Charges. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-225, filed 7/19/83.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-230 Certificates of deposit, letters of credit, life insurance. [Statutory Authority: Chapter 22.09 RCW. 89-11-092 (Order 2007), § 16-212-230, filed 5/24/89; 83-15-036 (Order 1802), § 16-212-230, filed 7/19/83.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-212-235 Seed warehouseman records. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-235, filed 7/19/83.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).

Chapter 16-216 HOPS—CHEMICAL ANALYSES—FEES

- 16-216-001 Promulgation. [Order 1094, Promulgation, § 16-216-001, filed 6/28/68, effective 8/1/68; Emergency Order 1092, § 16-216-001, filed 6/8/68; Order 995, Promulgation, filed 12/8/65.] Repealed by 78-07-074 (Order 1580), filed 6/30/78. Statutory Authority: Chapter 22.09 RCW.
- 16-216-010 Schedule of charges for chemical analyses of hops. [Order 1094, § 16-216-010, filed 6/28/68, effective 8/1/68; Emergency Order 1092, § 16-216-010, filed 6/28/68; Order 995, Regulation 2, filed 12/8/65; Order 780, Regulations 1 through 5, effective 9/1/58.] Repealed by 78-07-074 (Order 1580), filed 6/30/78. Statutory Authority: Chapter 22.09 RCW.
- 16-216-020 through 16-216-050. [Order 780, Regulations 3 through 5, effective 9/1/58.] Now codified within WAC 16-216-010.

Chapter 16-219 RESTRICTED USE PESTICIDES

- 16-219-010 Ziram—Bosc pears. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 93-16-017 (Order 3015), § 16-219-010, filed 7/23/93, effective 8/23/93.] Repealed by 04-18-024, filed 8/24/04, effective 9/24/04. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW.
- 16-219-015 Restricted use pesticides—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-015, filed 4/15/94, effective 5/16/94. Statutory Authority: Chapters 17.21 and 15.58 RCW. 93-16-017 (Order 3015), § 16-219-015, filed 7/23/93, effective 8/23/93.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-219-016 Restricted use pesticides—Mevinphos (Phosdrin). [Statutory Authority: Chapters 17.21 and 15.58 RCW. 95-01-076 (Order 5062), § 16-219-016, filed 12/16/94, effective 1/16/95.] Repealed by 03-14-044, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW.
- 16-219-017 Use requirements—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-017, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-219-018 Certified applicator requirements—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-018, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-219-020 Application requirements—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-020, filed 4/15/94, effective 5/16/94. Statutory Authority: Chapters 17.21 and 15.58 RCW. 93-16-017 (Order 3015), § 16-219-020, filed 7/23/93, effective 8/23/93.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.

- 16-219-022 Closed systems—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-022, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-219-025 Restricted entry interval—Posting—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-025, filed 4/15/94, effective 5/16/94. Statutory Authority: Chapters 17.21 and 15.58 RCW. 93-16-017 (Order 3015), § 16-219-025, filed 7/23/93, effective 8/23/93.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-219-027 Prior notification—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-027, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-219-029 Dealer requirements—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-029, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-219-030 Training—Mevinphos (Phosdrin). [Statutory Authority: Chapters 17.21 and 15.58 RCW. 93-16-017 (Order 3015), § 16-219-030, filed 7/23/93, effective 8/23/93.] Repealed by 94-09-028 (Order 5036), filed 4/15/94, effective 5/16/94. Statutory Authority: RCW 15.58.040 and 17.21.030.
- 16-219-031 Weather conditions—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-031, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-219-100 Ethyl parathion—Restricted use pesticide—Definitions. [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-08-035 (Order 5037), § 16-219-100, filed 3/31/94, effective 5/1/94.] Repealed by 04-10-105, filed 5/4/04, effective 6/4/04. Statutory Authority: RCW 15.58.040, 17.21.030, and 34.05.353.
- 16-219-105 Ethyl parathion—Application restrictions. [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-08-035 (Order 5037), § 16-219-105, filed 3/31/94, effective 5/1/94.] Repealed by 04-10-105, filed 5/4/04, effective 6/4/04. Statutory Authority: RCW 15.58.040, 17.21.030, and 34.05.353.
- Chapter 16-220**
RODENT AND PREDATORY ANIMAL POISONS
- 16-220-001 Promulgation. [Order 862, Promulgation, filed 8/14/61.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-002 Promulgation. [Order 1294, § 16-220-002, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-220-010 Registration requirements. [Order 862, § 16-220-010, filed 8/14/61; Order 725, Regulation 1, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-015 Label requirements. [Order 862, Regulation 2, filed 8/14/61; Order 725, Regulation 725, Regulation 2, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-020 Artificial coloring. [Order 862, Regulation 3, filed 8/14/61; Order 725, Regulation 4, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-025 Certain arsenic uses prohibited. [Order 862, Regulation 4, filed 8/14/61; Order 725, Regulation 5, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-030 Foliage oils. [Order 862, Regulation 5, filed 8/14/61; Order 725, Regulation 6, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-035 Exemptions for experiment uses. [Order 862, Regulation 6, filed 8/14/61; Order 725, Regulation 7, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-040 Custom mixes. [Order 862, Regulation 7, filed 8/14/61; Order 725, Regulation 8, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-045 Adequate containers. [Order 862, Regulation 8, filed 8/14/61; Order 725, Regulation 9, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-050 Sale of thallium and sodium fluoracetate. [Order 862, Regulation 9, filed 8/14/61; Order 725, Regulation 10, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-055 Dealer's responsibilities. [Order 862, Regulation 10, filed 8/14/61.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-101 Rodent and predatory animal poisons—Promulgation. [Order 674, Promulgation, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-110 Definitions. [Order 674, § 1, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-115 Statement and agreement for purchase of pesticide poisons. [Order 674, § 2, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-120 Permit. [Order 674, § 3, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-125 Rodenticides. [Order 674, § 4, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-130 Exposure of poisons. [Order 674, § 5, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-135 Bait containers. [Order 674, § 6, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-140 Crumb-type baits. [Order 674, § 7, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-145 Use and records. [Order 674, § 8, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-150 Disposal of dead rodents. [Order 674, § 9, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-155 Use warnings—First aid treatment. [Order 674, § 10, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-160 Bait formulation. [Order 674, § 11, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-165 Use limitations. [Order 674, § 12, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-170 Warnings to manufacturers. [Order 674, § 13, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-200 Definitions. [Order 1294, § 16-220-200, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-010.
- 16-220-205 Pesticide applicator and public operator records. [Order 1294, § 16-220-205, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-150.
- 16-220-210 Regulation of application of rodenticide baits. [Order 1294, § 16-220-210, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-225.
- 16-220-215 Special restrictions on the use of compounds 1080 and 1081, and phosphorus paste. [Order 1294, § 16-220-215, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-230.
- Chapter 16-221**
RESTRICTIONS ON LINDANE PRODUCTS
- 16-221-001 Promulgation. [Order 1127, § 16-221-001, filed 11/28/69, effective 12/31/69.] Repealed by 94-03-024 (Order 5027), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-221-010 Definition. [Order 1127, § 16-221-010, filed 11/28/69, effective 12/31/69.] Repealed by 94-03-024 (Order 5027), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-221-020 Declaration. [Order 1127, § 16-221-020, filed 11/28/69, effective 12/31/69.] Repealed by 94-03-024 (Order 5027), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.

- 16-221-030 Registration requirements. [Order 1127, § 16-221-030, filed 11/28/69, effective 12/31/69.] Repealed by 94-03-024 (Order 5027), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-221-040 Distribution requirements. [Order 1127, § 16-221-040, filed 11/28/69, effective 12/31/69.] Repealed by 94-03-024 (Order 5027), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- Chapter 16-222**
RESTRICTED USE PESTICIDES
- 16-222-001 Promulgation. [Order 1296, § 16-222-001, filed 2/20/73; Order 1272, § 16-222-001, filed 6/7/72; Order 1222, § 16-222-001, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-001, filed 8/28/70, effective 9/28/70; Order 998, Promulgation, filed 12/10/65; Order 932, filed 9/20/63; Order 862, filed 8/14/61.] Repealed by Order 1470, filed 5/14/76.
- 16-222-00101 Promulgation. [Order 1346, § 16-222-00101, filed 2/5/74.] Repealed by Order 1470, filed 5/14/76.
- 16-222-002 Promulgation. [Order 1128, § 16-222-002, filed 11/28/69, effective 12/31/69.] Repealed by Order 1161, filed 8/28/70, effective 9/28/70.
- 16-222-010 Definitions. [Order 1222, § 16-222-010, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-010, filed 8/28/70, effective 9/28/70; Order 998, Regulation 1, filed 12/10/65.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-222-020 Registration requirements—Disinfectants and sterilizers. [Order 998, Regulation 2; filed 12/10/65; Order 862, Regulation 1, filed 8/14/61; Order 725, Regulation 1, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-222-030 Label requirements. [Order 1222, § 16-222-030, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-030, filed 8/28/70, effective 9/28/70; Order 998, Regulation 3, filed 12/10/65; Order 862, Regulation 2, filed 8/14/61; Order 725, Regulation 2, effective 1/1/56, subsection (3)(c) from prior Order 932, filed 9/20/63.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-115.
- 16-222-040 Artificial coloring. [Order 1161, § 16-222-040, filed 8/28/70, effective 9/28/70; Order 998, Regulation 4, filed 12/10/65; Order 862, Regulation 3, filed 8/14/61; Order 725, Regulation 4, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-120.
- 16-222-050 Certain arsenic uses prohibited. [Order 1161, § 16-222-050, filed 8/28/70, effective 9/28/70; Order 998, Regulation 5, filed 12/10/65; Order 862, Regulation 4, filed 8/14/61; Order 725, Regulation 5, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-222-060 Spray oils. [Order 998, Regulation 6, filed 12/10/65; Order 862, Regulation 5, filed 8/14/61; Order 725, Regulation 6, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-222-070 Exemptions for experimental uses. [Order 1161, § 16-222-070, filed 8/28/70, effective 9/28/70; Order 998, Regulation 7, filed 12/10/65; Order 862, Regulation 6, filed 8/14/61; Order 725, Regulation 7, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-125.
- 16-222-080 Custom mixes. [Order 998, Regulation 4, filed 12/10/65; Order 862, Regulation 3, filed 8/14/61; Order 725, Regulation 4, effective 1/1/56.] Repealed by Order 1161, filed 8/28/70, effective 9/28/70.
- 16-222-090 Pesticide-fertilizer restriction and labeling. [Order 1161, § 16-222-090, filed 8/28/70, effective 9/28/70; Order 998, Regulation 9, filed 12/10/65.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-130.
- 16-222-100 Pesticide-fertilizer mix restrictions. [Order 998, Regulation 10, filed 12/10/65.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-140.
- 16-222-110 Adequate containers. [Order 1161, § 16-222-110, filed 8/28/70, effective 9/28/70; Order 998, Regulation 11, filed 12/10/65; Order 862, Regulation 8, filed 8/14/61; Order 725, Regulation 9, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-145.
- 16-222-120 Sales or possession of sodium fluoracetate, fluoracetamide, and phosphorus pastes. [Order 1296, § 16-222-120, filed 2/20/73; Order 1161, § 16-222-120, filed 8/28/70, effective 9/28/70; Order 998, Regulation 12, filed 12/10/65; Order 862, Regulation 9, filed 8/14/61; Order 725, Regulation 10, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-145 (codified as WAC 16-228-14501).
- 16-222-130 Responsibilities of pesticide dealers and pest control consultants in sales of highly toxic and restricted use pesticides and in recommendations. [Order 1296, § 16-222-130, filed 2/20/73; Order 1161, § 16-222-130, filed 8/28/70, effective 9/28/70; Order 998, Regulation 13, filed 12/10/65; Order 862, Regulation 10, filed 8/14/61.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-150.
- 16-222-140 Restricted use pesticides and labeling requirements. [Order 1128, § 16-222-140, filed 11/28/69, effective 12/31/69; Order 998, Regulation 14, filed 12/10/65; Order 932, Regulation 1, filed 9/20/63.] Repealed by Order 1161, filed 8/28/70, effective 9/28/70.
- 16-222-145 Restricted use pesticides—For commercial and government agency use only. [Order 1296, § 16-222-145, filed 2/20/73; Order 1222, § 16-222-145, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-145, filed 8/28/70, effective 9/28/70.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-155.
- 16-222-150 Restriction on distribution, transportation, storage, and disposal. [Order 1222, § 16-222-150, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-150, filed 8/28/70, effective 9/28/70.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-160.
- 16-222-160 User permits. [Order 1346, § 16-222-160 (1)(n) and (9), filed 2/5/74; Order 1296, § 16-222-160, filed 2/20/73; Order 1272, § 16-222-160, filed 6/7/72; Order 1222, § 16-222-160, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-160, filed 8/28/70, effective 11/26/70.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-165.
- 16-222-170 Pesticide dealers' licenses. [Order 1222, § 16-222-170, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-170, filed 8/28/70, effective 9/28/70.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-170.
- 16-222-180 Highly toxic list. [Order 1296, § 16-222-180, filed 2/20/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-185.
- 16-222-190 Distribution requirements for growth regulating herbicides to be used in counties located east of the crest of the Cascade Mountains. [Order 1346, § 16-222-190, filed 2/5/74.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-175.
- Chapter 16-223**
REGISTRATION, DISTRIBUTION AND USE OF DDT AND DDD
- 16-223-001 Promulgation. [Order 1220, § 16-223-001, filed 12/28/71; Order 1137, § 16-223-001, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-002 Promulgation. [Order 1157, § 16-223-002, filed 6/30/70, effective 8/1/70.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-004 Promulgation. [Order 1281, § 16-223-004, filed 12/1/72; Order 1271, § 16-223-004, filed 6/7/72.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-005 Promulgation. [Order 1353, § 16-223-005, filed 4/17/74.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-010 Definition. [Order 1137, § 16-223-010, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-020 Declaration. [Order 1137, § 16-223-020, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-030 Renewal of 1969 registrations. [Order 1137, § 16-223-030, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.

- 16-223-040 Registration requirements. [Order 1137, § 16-223-040, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-050 Distribution requirements. [Order 1137, § 16-223-050, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-060 Prohibiting use and application. [Order 1137, § 16-223-060, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-070 Disposal of restricted use pesticides and their containers. [Order 1137, § 16-223-070, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-200 Definition. [Order 1353, § 16-223-200, filed 4/17/74; Order 1220, § 16-223-200, filed 12/28/71; Order 1157, § 16-223-200, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.
- 16-223-210 Declaration. [Order 1353, § 16-223-210, filed 4/17/74; Order 1271, § 16-223-210, filed 6/7/72, effective 7/16/72; Order 1220, § 16-223-210, filed 12/28/71; Order 1157, § 16-223-210, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.
- 16-223-220 Essential uses of DDT for 1974. [Order 1353, § 16-223-220, filed 4/17/74; Order 1281, § 16-223-220, filed 12/1/72; Order 1271, § 16-223-220, filed 6/7/72, effective 7/16/72; Order 1220, § 16-223-220, filed 12/28/71; Order 1157, § 16-223-220, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.
- 16-223-221 Essential users of DDD for 1973. [Order 1281, § 16-223-221, filed 12/1/72; Order 1271, § 16-223-221, filed 6/7/72, effective 7/16/72; Order 1220, § 16-223-221, filed 12/28/71.] Repealed by Order 1353, filed 4/17/74.
- 16-223-230 Pesticide user permits and pesticide applicator exemption. [Order 1353, § 16-223-230, filed 4/17/74; Order 1281, § 16-223-230, filed 12/1/72; Order 1271, § 16-223-230, filed 6/7/72, effective 7/16/72; Order 1220, § 16-223-230, filed 12/28/71; Order 1157, § 16-223-230, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see WAC 16-228-165.
- 16-223-240 Dealer and applicator reports required. [Order 1353, § 16-223-240, filed 4/17/74; Order 1281, § 16-223-240, filed 12/1/72; Order 1271, § 16-223-240, filed 6/7/72; Order 1220, § 16-223-240, filed 12/28/71; Order 1157, § 16-223-240, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.
- 16-223-250 Restricted distribution. [Order 1353, § 16-223-250, filed 4/17/74; Order 1281, § 16-223-250, filed 12/1/72; Order 1220, § 16-223-250, filed 12/28/71; Order 1157, § 16-223-250, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.
- Chapter 16-224**
DESIGNATION OF WAREHOUSE STATIONS
- 16-224-001 Promulgation. [Order 1270, § 16-224-001, filed 5/30/72; Order 1154, § 16-224-001, filed 5/28/70, effective 7/1/70; Order 1119, § 16-224-001, filed 5/28/69, effective 7/1/69; Order 1097, § 16-224-001, filed 7/2/68; Order 1057, filed 7/14/67, effective 8/15/67.] Repealed by 81-15-057 (Order 1745), filed 7/17/81. Statutory Authority: Chapter 22.09 RCW.
- 16-224-002 Promulgation. [Order 1400, § 16-224-002, filed 5/29/75, effective 7/1/75.] Repealed by 81-15-057 (Order 1745), filed 7/17/81. Statutory Authority: Chapter 22.09 RCW.
- 16-224-003 Promulgation. [Order 1474, § 16-224-003, filed 6/21/76.] Repealed by 81-15-057 (Order 1745), filed 7/17/81. Statutory Authority: Chapter 22.09 RCW.
- 16-224-010 Combining certain warehouses into stations. [Statutory Authority: Chapter 22.09 RCW. 89-11-092 (Order 2007), § 16-224-010, filed 5/24/89; 84-10-021 (Order 1820), § 16-224-010, filed 4/26/84; 80-06-102 (Order 1687), § 16-224-010, filed 5/30/80; 78-06-075 (Order 1574), § 16-224-010, 5/31/78; Order 1531, § 16-224-010, filed 6/1/77, effective 7/2/77; Order 1474, § 16-224-010, filed 6/21/76; Order 1400, § 16-224-010, filed 5/29/75; Order 1270, § 16-224-010, filed 5/30/72; Order 1154, § 16-224-010, filed 5/28/70, effective 7/1/70; Order 1119, § 16-224-010, filed 5/28/69, effective 7/1/69; Order 1097, § 16-224-010, filed 7/2/68, effective 8/2/68; Order 1057, Regulation 1-22, filed 7/14/67, effective 8/15/67.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-224-020 Definition. [Statutory Authority: Chapter 22.09 RCW. 81-15-057 (Order 1745), § 16-224-020, filed 7/17/81.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-224-025 Emergency storage. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-224-025, filed 7/19/83.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-224-030 Contemporary grain storage. [Statutory Authority: Chapter 22.09 RCW. 84-10-021 (Order 1820), § 16-224-030, filed 4/26/84; 83-15-036 (Order 1802), § 16-224-030, filed 7/19/83; 81-15-057 (Order 1745), § 16-224-030, filed 7/17/81.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- 16-224-040 Historical depositor. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-224-040, filed 7/19/83. Statutory Authority: RCW 22.09.010(15). 81-21-023 (Order 1750), § 16-224-040, filed 10/13/81.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).
- Chapter 16-225**
FIELD-STORED HAY
- 16-225-001 Promulgation. [Order 1206, § 16-225-001, filed 6/30/71.] Repealed by 89-11-092 (Order 2007), filed 5/24/89. Statutory Authority: Chapter 22.09 RCW.
- 16-225-010 License fee. [Order 1206, § 16-225-010, filed 6/30/71.] Repealed by 89-11-092 (Order 2007), filed 5/24/89. Statutory Authority: Chapter 22.09 RCW.
- 16-225-020 Bond. [Order 1206, § 16-225-020, filed 6/30/71.] Repealed by 89-11-092 (Order 2007), filed 5/24/89. Statutory Authority: Chapter 22.09 RCW.
- 16-225-030 Storage requirements. [Order 1206, § 16-225-030, filed 6/30/71.] Repealed by 89-11-092 (Order 2007), filed 5/24/89. Statutory Authority: Chapter 22.09 RCW.
- 16-225-040 Warehouse receipts. [Order 1206, § 16-225-040, filed 6/30/71.] Repealed by 89-11-092 (Order 2007), filed 5/24/89. Statutory Authority: Chapter 22.09 RCW.
- 16-225-050 Reports. [Order 1206, § 16-225-050, filed 6/30/71.] Repealed by 89-11-092 (Order 2007), filed 5/24/89. Statutory Authority: Chapter 22.09 RCW.
- Chapter 16-226**
COMMERCIAL SPRAYERS AND DUSTERS
- 16-226-001 Promulgation. [Order 944, Promulgation, filed 3/26/64; Order 863, Promulgation, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.
- 16-226-010 Commercial applicators—Equipment, timing, records, caution, duty to director. [Order 944, Regulation 1, filed 3/26/64; Order 863, Regulation 1, effective 9/13/61; Order 726, Regulation 1, effective 1/18/56.] Repealed by Order 1470, filed 5/14/76.
- 16-226-015 Use of aircraft. [Order 944, Regulation 2, filed 3/26/64; Order 863, Regulation 2, effective 9/13/61; Order 726, Regulation 3, effective 1/18/56.] Repealed by Order 1470, filed 5/14/76.
- 16-226-020 Unlawful recommendations. [Order 944, Regulation 3, filed 3/26/64; Order 863, Regulation 3, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.
- 16-226-025 Handling, loading, and storage. [Order 944, Regulation 4, filed 3/26/64; Order 863, Regulation 4, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.
- 16-226-030 Loading and storage near airline passenger terminals. [Order 944, Regulation 5, filed 3/26/64; Order 863, Regulation 5, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.
- 16-226-035 Sale of thallium and sodium fluoracetate. [Order 944, Regulation 6, filed 3/26/64; Order 863, Regulation 6, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.

16-226-040 Financial responsibility insurance certificate. [Order 944, Regulation 7, filed 3/26/64.] Repealed by Order 1470, filed 5/14/76.

Chapter 16-227
PEST CONTROL CONSULTANTS AND
PESTICIDE DEALER MANAGERS

16-227-001 Promulgation. [Order 1314, § 16-227-001, filed 5/11/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-316 WAC.

16-227-010 License denied, revoked or suspended. [Order 1314, § 16-227-010, filed 5/11/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-316 WAC.

Chapter 16-234
NEGOTIABLE WAREHOUSE RECEIPTS—PRINTING

16-234-001 Promulgation. [Order 983, Promulgation, filed 6/18/65.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).

16-234-010 Printing by private printer—When. [Order 983, Regulation 1, filed 6/18/65.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).

16-234-020 Bond requirements. [Order 983, Regulation 2, filed 6/18/65.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).

16-234-030 Completion of printing. [Order 983, Regulation 3, filed 6/18/65.] Repealed by 00-21-043, filed 10/13/00, effective 11/13/00. Statutory Authority: RCW 22.09.020(13).

Chapter 16-235
DISPOSING OF PESTICIDES AND
THEIR CONTAINERS—RESTRICTIONS

16-235-001 Promulgation. [Order 1219, § 16-235-001, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-002 Promulgation. [Order 1231, § 16-235-002, filed 2/14/72, effective 3/15/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-010 Definitions. [Order 1219, § 16-235-010, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-020 Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers. [Order 1231, § 16-235-020, filed 2/14/72, effective 3/15/72; Order 1219, § 16-235-020, filed 12/1/71.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-030 Licensing requirements. [Order 1219, § 16-235-030, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-040 Compliance with federal requirements. [Order 1219, § 16-235-040, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-050 Low flying prohibitions. [Order 1219, § 16-235-050, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-060 Requirements for pesticide recommendations. [Order 1219, § 16-235-060, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-070 Sale or possession of sodium fluoracetate, fluoracetamide, thallium, and phosphorus pastes. [Order 1219, § 16-235-070, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-080 Financial responsibility insurance certificate (FRIC). [Order 1219, § 16-235-080, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-090 Application and fee. [Order 1219, § 16-235-090, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-100 Examination requirements. [Order 1219, § 16-235-100, filed 12/1/71, effective 1/1/72.] Repealed by Order

1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

Chapter 16-238
WSDA GRAIN INSPECTION PROGRAM—FEE SCHEDULE

16-238-010 Definitions. [Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-010, filed 5/25/01, effective 6/25/01.] Repealed by 03-12-040, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW.

16-238-020 Grain and commodity inspection points. [Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-020, filed 5/25/01, effective 6/25/01.] Repealed by 03-12-040, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW.

16-238-030 General provisions for assessment of fees. [Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-030, filed 5/25/01, effective 6/25/01.] Repealed by 03-12-040, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW.

16-238-060 Fees for official sampling, inspection, and/or weighing services under the United States Grain Standards Act. [Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-060, filed 5/25/01, effective 6/25/01.] Repealed by 03-12-040, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW.

16-238-070 Fees for official services under the Agricultural Marketing Act of 1946. [Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-070, filed 5/25/01, effective 6/25/01.] Repealed by 03-12-040, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW.

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. [Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-082, filed 5/25/01, effective 6/25/01.] Repealed by 03-12-040, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW.

16-238-090 Covered commodities. [Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-090, filed 5/25/01, effective 6/25/01.] Repealed by 03-12-040, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW.

16-238-100 Grades and standards. [Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-100, filed 5/25/01, effective 6/25/01.] Repealed by 03-12-040, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW.

16-238-110 Scales. [Statutory Authority: RCW 22.09.790. 01-12-021, § 16-238-110, filed 5/25/01, effective 6/25/01.] Repealed by 03-12-040, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW.

Reviser's note: Later promulgation, see chapter 16-239 WAC.

Chapter 16-239
WSDA GRAIN INSPECTION PROGRAM—DEFINITIONS,
STANDARDS, FEES AND CHARGES

(Formerly chapter 16-238 WAC)

16-239-010 Definitions. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-010, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.

16-239-020 Washington state grain and commodity inspection points. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-020, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.

16-239-030 Commodities covered by chapter 22.09 RCW. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-030, filed 5/30/03, effective

	the Federal Grain Inspection, Packers and Stockyards Administration.		Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
16-239-080	Fees for official sampling, inspecting, and/or weighing services under the United States Grain Standards Act. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-080, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.	16-239-0809	Fees for stowage examination services on vessels or ocean-going barges. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0809, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
16-239-0801	Fees for combination inspection and weighing services. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0801, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.	16-239-0810	Fees for other stowage examination services. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0810, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
16-239-0802	Fees for official sampling and inspecting without weighing and fees for official sampling only. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0802, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.	16-239-0811	Fees for phytosanitary certification. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0811, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
16-239-0803	Fees for official Class X weighing services without an inspection. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0803, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.	16-239-0812	Fees for miscellaneous services. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0812, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
16-239-0804	Fees for other official weighing services. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0804, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.	16-239-0813	Fees for other services under the United States Grain Standards Act. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0813, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
16-239-0805	Fees for inspecting submitted samples. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0805, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.	16-239-090	Fees for performing official Agricultural Marketing Act of 1946 services. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-090, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
16-239-0806	Fees for factor analysis. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0806, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.	16-239-0901	Fees for combination inspection and weighing services. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0901, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
16-239-0807	Fees for official constituent analysis using near-infrared transmittance (NIRT) technology. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0807, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.	16-239-0902	Fees for official sampling and inspecting without weighing and fees for official sampling only. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0902, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
16-239-0808	Fees for qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA," "Fluorometric," or similar methods. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0808, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05.	16-239-0903	Fees for official weighing services without inspections. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0903, filed 5/30/03,

- effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
- 16-239-0904 Fees for other official weighing services. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0904, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
- 16-239-0905 Fees for inspection of submitted samples. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0905, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
- 16-239-0906 Fees for factor analysis. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0906, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
- 16-239-0907 Fees for qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA" or "Fluorometric" methods. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0907, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
- 16-239-0908 Fees for stowage examination services on vessels or ocean-going barges. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0908, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
- 16-239-0909 Fees for other stowage examination services. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0909, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
- 16-239-0910 Fees for phytosanitary certification. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0910, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
- 16-239-0911 Fees for miscellaneous services. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0911, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
- 16-239-0912 Fees for other services under the Agricultural Marketing Act of 1946. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-0912, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
- 16-239-100 Fees for services performed under state regulation or standards and for services "as specified" by the applicant when no official standards exist. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-100, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
- 16-239-1010 Fees for inspecting miscellaneous agricultural commodities under chapter 16-213 WAC. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-1010, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
- 16-239-1020 Fees for miscellaneous services. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-1020, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.
- 16-239-1030 Fees for services not specifically identified in WAC 16-239-1010 and 16-239-1020. [Statutory Authority: RCW 22.09.790 and chapter 34.05 RCW. 03-12-040, § 16-239-1030, filed 5/30/03, effective 6/30/03.] Repealed by 05-11-058, filed 5/17/05, effective 6/17/05. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.

Reviser's note: Later promulgation, see chapter 16-240 WAC.

Chapter 16-300 NOXIOUS WEED SEEDS

- 16-300-001 Promulgation. [Order 946, filed 4/20/64; Order 849, effective 6/30/61.] Superseded by Order 1149, § 16-300-002, filed 4/16/70.
- 16-300-002 Promulgation. [Order 1149, § 16-300-002, filed 4/16/70.] Superseded by Order 1413, § 16-300-003, filed 8/15/75.
- 16-300-003 Promulgation. [Order 1413, § 16-300-003, filed 8/15/75.] Repealed by 79-05-066 (Order 1604), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-300-010 Prohibited noxious weed seeds. [Statutory Authority: RCW 15.49.011 and 15.49.051. 96-04-058 (Order 5092), § 16-300-010, filed 2/6/96, effective 3/8/96. Statutory Authority: Chapter 15.49 RCW. 93-01-069 (Order 4017), § 16-300-010, filed 12/14/92, effective 1/14/93; 89-11-078 (Order 2005), § 16-300-010, filed 5/22/89. Statutory Authority: RCW 15.49.310 and 15.49.370. 83-11-029 (Order 1796), § 16-300-010, filed 5/16/83; Order 1413, § 16-300-010, filed 8/15/75; Order 1149, § 16-300-010, filed 4/16/70; Order 946, Regulation 1, filed 4/20/64; Order 849, Regulation 1, effective 6/30/61.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-300-020 Restricted noxious weed seeds. [Statutory Authority: Chapter 15.49 RCW. 93-01-069 (Order 4017), § 16-300-020, filed 12/14/92, effective 1/14/93; 90-12-098 (Order 2041), § 16-300-020, filed 6/5/90, effective 7/6/90. Statutory Authority: RCW 15.49.310 and 15.49.370. 83-11-029 (Order 1796), § 16-300-020, filed 5/16/83. Statutory Authority: RCW 15.49.370. 82-08-031 (Order 1755), § 16-300-020, filed 3/31/82, effective

5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-05-066 (Order 1604), § 16-300-020, filed 4/30/79; 78-03-103 (Order 1554), § 16-300-020, filed 3/1/78, effective 4/1/78; Order 1413, § 16-300-020, filed 8/15/75; Order 1149, § 16-300-020, filed 4/16/70; Order 946, Regulation 2, filed 4/20/64; Order 849, Regulation 2, effective 6/30/61.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

16-300-025 Tolerances for seed law enforcement. [Statutory Authority: RCW 15.49.310 and 15.49.370. 83-11-029 (Order 1796), § 16-300-025, filed 5/16/83.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

Reviser's note: Later promulgation, see chapters 16-301, 16-302 and 16-303 WAC.

Chapter 16-304 SAMPLING AND TESTING OF SEEDS

16-304-001 Promulgation. [Order 1244, § 16-304-001, filed 4/13/72, effective 5/14/72; Order 1018, Promulgation, filed 5/31/66; Order 848, Promulgation, effective 6/30/61; as amended by Order 917, filed 4/25/63.] Repealed by 83-11-030 (Order 1797), filed 5/16/83. Statutory Authority: RCW 15.49.310, 15.49.370, and 15.49.400.

16-304-002 Promulgation. [Order 1245, § 16-304-002, filed 4/13/72, effective 5/14/72; Order 1195, § 16-304-002, filed 4/16/71; Order 115, § 16-304-002, filed 4/17/69, effective 5/18/69.] Repealed by 79-05-072 (Order 1616), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-304-003 Promulgation. [Order 1361, § 16-304-003, filed 6/12/74.] Repealed by 79-05-072 (Order 1616), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-304-006 Promulgation. [Order 1477, § 16-304-006, filed 6/18/76.] Repealed by 79-05-072 (Order 1616), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-304-010 Germination standards for vegetable seeds. [Order 1244, § 16-304-010, filed 4/13/72, effective 5/14/72; Order 1018, Regulation 1, filed 5/31/66; Order 848, Regulation 1, effective 6/30/61.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

16-304-020 Sampling in the administration of the Washington State Seed Act. [Statutory Authority: RCW 15.49.310, 15.49.370, and 15.49.400. 83-11-030 (Order 1797), § 16-304-020, filed 5/16/83; Order 1244, § 16-304-020, filed 4/13/72, effective 5/14/72; Order 1018, Regulation 2, filed 5/31/66; Order 848, Regulation 2, effective 6/30/61.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

16-304-030 Tolerances for seed law enforcement. [Order 1018, Regulation 3, filed 5/30/61; Order 848, Regulation 3, effective 6/30/61.] Repealed by 83-11-030 (Order 1797), filed 5/16/83. Statutory Authority: RCW 15.49.310, 15.49.370, and 15.49.400.

16-304-039 Schedule of charges—Billing policies and procedures. [Statutory Authority: Chapter 15.49 RCW. 91-21-043, § 16-304-039, filed 10/11/91, effective 11/11/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

16-304-040 Schedule of charges. [Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), 16-304-040, filed 5/27/94, effective 6/27/94; 91-21-043, § 16-304-040, filed 10/11/91, effective 11/11/91; 90-12-098 (Order 2041), § 16-304-040, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-304-040, filed 5/22/89; 88-11-042 (Order 1976), § 16-304-040, filed 5/13/88; 87-12-006 (Order 1930), § 16-304-040, filed 5/22/87; 85-11-003 (Order 1853), § 16-304-040, filed 5/2/85; 84-13-042 (Order 1832), § 16-304-040, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-030 (Order 1797), § 16-304-040, filed 5/16/83. Statutory Authority: RCW 15.49.370. 82-08-032 (Order 1756), § 16-304-040, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-

06-103 (Order 1688), § 16-304-040, filed 5/30/80; 79-05-072 (Order 1616), § 16-304-040, filed 4/30/79; Order 1501, § 16-304-040, filed 3/31/77; Order 1477, § 16-304-040, filed 6/18/76; Order 1245, § 16-304-040, filed 4/13/72; Order 1195, § 16-304-040, filed 4/16/71; Order 1115, § 16-304-040, filed 4/17/69, effective 5/18/69; Order 1018, Regulation 4, filed 5/31/66; Order 917, Regulation 8, filed 4/25/63; Order 848, Regulation 4, effective 6/30/61.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

16-304-050 Miscellaneous charges. [Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-304-050, filed 5/27/94, effective 6/27/94; 91-21-043, § 16-304-050, filed 10/11/91, effective 11/11/91; 88-11-042 (Order 1976), § 16-304-050, filed 5/13/88. Statutory Authority: RCW 15.49.370. 82-08-032 (Order 1756), § 16-304-050, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-020 (Order 1736), § 16-304-050, filed 5/15/81; 80-06-103 (Order 1688), § 16-304-050, filed 5/30/80; Order 1477, § 16-304-050, filed 6/18/76; Order 1361, § 16-304-050, filed 6/12/74; Order 1195, § 16-304-050, filed 4/16/71; Order 1115, § 16-304-050, filed 4/17/69, effective 5/18/69; Order 1018, Regulation 5, filed 5/31/66; Order 848, Regulation 5, effective 6/30/61.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

16-304-060 Additional miscellaneous charges. [Order 1018, Regulation 6, filed 5/31/66; Order 848, Regulation 6, effective 6/30/61.] Repealed by Order 1115, filed 4/17/69, effective 5/18/69.

16-304-100 Definitions. [Statutory Authority: Chapter 15.49 RCW. 78-04-070 (Order 1571), § 16-304-100, filed 3/31/78, effective 7/1/78.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

16-304-110 Annual seed inspection charge. [Statutory Authority: RCW 15.49.370. 96-12-066, § 16-304-110, filed 6/3/96, effective 7/4/96. Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-304-110, filed 5/27/94, effective 6/27/94; 92-13-027 (Order 2093), § 16-304-110, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-304-110, filed 6/5/90, effective 7/6/90; 88-11-042 (Order 1976), § 16-304-110, filed 5/13/88; 86-13-014 (Order 1889), § 16-304-110, filed 6/9/86; 84-13-042 (Order 1832), § 16-304-110, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 82-10-067 (Order 1764), § 16-304-110, filed 5/5/82, effective 7/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-101 (Order 1683), § 16-304-110, filed 5/30/80; 79-05-062 (Order 1605), § 16-304-110, filed 4/30/79; 78-04-070 (Order 1571), § 16-304-110, filed 3/31/78, effective 7/1/78.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

16-304-120 Registrant records. [Statutory Authority: Chapter 15.49 RCW. 78-04-070 (Order 1571), § 16-304-120, filed 3/31/78, effective 7/1/78.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

16-304-130 Seed inspection assessment—Effective dates. [Statutory Authority: RCW 15.49.370. 96-12-066, § 16-304-130, filed 6/3/96, effective 7/4/96. Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-304-130, filed 5/27/94, effective 6/27/94; 92-13-027 (Order 2093), § 16-304-130, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-304-130, filed 6/5/90, effective 7/6/90; 88-11-042 (Order 1976), § 16-304-130, filed 5/13/88; 86-13-014 (Order 1889), § 16-304-130, filed 6/9/86; 84-13-042 (Order 1832), § 16-304-130, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 82-10-067 (Order 1764), § 16-304-130, filed 5/5/82, effective 7/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-101 (Order 1683), § 16-304-130, filed 5/30/80; 78-04-070 (Order 1571), § 16-304-130, filed 3/31/78, effective 7/1/78.] Repealed by 00-24-077, filed 12/4/00, effective

1/4/01. Statutory Authority: RCW 15.49.005, 15.49-081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

Reviser's note: Later promulgation, see chapters 16-301, 16-302 and 16-303 WAC.

**Chapter 16-308
FLOORSTOCK AND CAR SAMPLING—
CHECK LOADING—CHECK WEIGHING—FEES**

- 16-308-001 Promulgation. [Order 651, Promulgation, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.
- 16-308-010 Floor stock sampling. [Order 651, § 1, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.
- 16-308-020 Car sampling. [Order 651, § 2, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.
- 16-308-030 Check loading. [Order 651, § 3, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.
- 16-308-040 Check weighing. [Order 651, § 4, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.
- 16-308-050 Miscellaneous charges. [Order 651, § 5, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.
- 16-308-060 Additions to sample lots. [Order 651, § 6, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.

**Chapter 16-312
STANDARDS FOR BLENDING CERTIFIED SEED OF
ALFALFA AND RED CLOVER**

- 16-312-010 Approval prior to blending. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-020 Miscellaneous content—Percentage. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-030 Objectionable weed limitation. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-040 Sweet clover limitation. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-050 Germination and hard seed percentage. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-060 Tests prior to tagging. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-070 Registered blends. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-080 Supervision of blending. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-090 Fees. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.

**Chapter 16-313
BLENDING OF CERTIFIED SEED**

- 16-313-001 Promulgation. [Order 1246, § 16-313-001, filed 4/13/72, effective 5/14/72; Order 979, Promulgation, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 79-05-059 (Order 1615), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-313-010 Definition. [Order 979, Regulation 1, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-313-015 Field run and remill blends. [Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-313-015, filed 5/27/94, effective 6/27/94; 79-05-059 (Order 1615), § 16-313-015, filed 4/30/79; Order 1496, § 16-313-015, filed 3/31/77.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

- 16-313-020 Blend data sheet. [Order 979, Regulation 2, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-313-030 Equipment and procedure. [Order 979, Regulation 3, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-313-035 Size of blend. [Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-313-035, filed 5/27/94, effective 6/27/94; Order 1246, § 16-313-035, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-313-040 Supervision. [Order 1496, § 16-313-040, filed 3/31/77; Order 979, Regulation 4, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-313-050 Registered class. [Order 979, Regulation 5, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-313-060 Quality standards for certified class. [Order 979, Regulation 6, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-313-070 Objectionable weeds. [Order 979, Regulation 7, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-313-080 Prohibited noxious weeds. [Order 979, Regulation 8, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-313-090 Calculated analysis. [Statutory Authority: Chapter 15.49 RCW. 79-05-059 (Order 1615), § 16-313-090, filed 4/30/79; Order 979, Regulation 9, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-313-100 Tetrazolium test. [Order 979, Regulation 10, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-313-110 Fees. [Order 979, Regulation 11, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

Reviser's note: Later promulgation, see chapters 16-301, 16-302 and 16-303 WAC.

**Chapter 16-316
SEED CERTIFICATION**

- 16-316-001 Promulgation. [Order 1045, Promulgation, filed 3/27/67, effective 5/1/67; Order 969, filed 3/30/65; Order 948, filed 4/21/64; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.
- 16-316-0011 Promulgation. [Order 1249, § 16-316-0011, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-0011, filed 4/16/71.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0012 Promulgation. [Order 1305, § 16-316-0012, filed 4/24/73; Order 1260, § 16-316-0012, filed 4/13/72, effective 5/14/72; Order 1182, § 16-316-0012, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0013	Promulgation. [Order 1304, § 16-316-0013, filed 4/24/73; Order 1183, § 16-316-0013, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.		(Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-316-0014	Promulgation. [Order 1306, § 16-316-0014, filed 4/24/73; Order 1252, § 16-316-0014, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-0014, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.	16-316-0029	Promulgation. [Order 1368, § 16-316-0029, filed 6/12/74.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
16-316-0015	Promulgation. [Order 1050, Promulgation, filed 4/4/67, effective 5/5/67; Order 1009, filed 3/4/66; Order 970, filed 4/1/65; Order 948, filed 4/21/64; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.	16-316-003	Promulgation. [Order 972, Promulgation, filed 4/8/65; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-316-0016	Promulgation. [Order 1313, § 16-316-0016, filed 4/24/73; Order 1255, § 16-316-0016, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-0016, filed 4/16/71.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.	16-316-0031	Promulgation. [Order 1408, § 16-316-0031, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-316-0017	Promulgation. [Order 1302, § 16-316-0017, filed 4/24/73; Order 1186, § 16-316-0017, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.	16-316-0032	Promulgation. [Order 1409, § 16-316-0032, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-316-0018	Promulgation. [Order 1303, § 16-316-0018, filed 4/24/73; Order 1187, § 16-316-0018, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.	16-316-0033	Promulgation. [Order 1410, § 16-316-0033, filed 8/17/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-316-0019	Promulgation. [Order 1311, § 16-316-0019, filed 4/24/73; Order 1258, § 16-316-0019, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-0019, filed 4/16/71.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.	16-316-0034	Promulgation. [Order 1411, § 16-316-0034, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-316-002	Promulgation. [Order 1049, Promulgation, filed 4/4/67, effective 5/5/67; Order 1019, filed 5/27/66; Order 1008, filed 3/4/66; Order 975, filed 4/8/64; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1183, filed 4/16/71.	16-316-0035	Promulgation. [Order 974, Promulgation, filed 4/2/65; Order 948, filed 4/21/64; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.
16-316-0020	Promulgation. [Order 1259, § 16-316-0020, filed 4/13/72, effective 5/14/72.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.	16-316-0036	Promulgation. [Order 1362, § 16-316-0035, (codified as WAC 16-316-0036), filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-316-0021	Promulgation. [Order 1020, filed 5/27/66.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.	16-316-0037	Promulgation. [Order 1415, § 16-316-0037, filed 8/15/75.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
16-316-0022	Promulgation. [Order 1256, § 16-316-0022, filed 4/13/72, effective 5/14/72.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.	16-316-0038	Promulgation. [Order 1417, § 16-316-0038, filed 8/15/75.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
16-316-0023	Promulgation. [Order 1307, § 16-316-0023, filed 4/24/73; Order 1253, § 16-316-0023, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.	16-316-0039	Promulgation. [Order 1418, § 16-316-0039, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-316-0024	Promulgation. [Order 1257, § 16-316-0024, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.	16-316-004	Promulgation. [Order 1047, Promulgation, filed 3/28/67, effective 5/1/67; Order 973, filed 4/2/65; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
16-316-0025	Promulgation. [Order 1046, Promulgation, filed 3/27/67, effective 5/1/67; Order 971, filed 4/2/65; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.	16-316-0041	Promulgation. [Order 1419, § 16-316-0041, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-316-0026	Promulgation. [Order 1251, § 16-316-0026, filed 4/13/72, effective 5/14/72.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.	16-316-0042	Promulgation. [Order 1420, § 16-316-0042, filed 8/15/75.] Repealed by 79-05-065 (Order 1603), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-316-0027	Promulgation. [Order 1312, § 16-316-0027, filed 4/24/73; Order 1254, § 16-316-0027, filed 4/13/72, effective 5/14/72.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.	16-316-0043	Promulgation. [Order 1416, § 16-316-0038 (codified § 16-316-0043), filed 8/15/75.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
16-316-0028	Promulgation. [Order 1250, § 16-316-0028, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-079	16-316-0044	Promulgation. [Order 1414, § 16-316-0037 (codified § 16-316-0044), filed 8/15/75.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
		16-316-0045	Promulgation. [Order 978, Promulgation, filed 4/15/65; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
		16-316-0046	Promulgation. [Order 1451, § 16-316-0046, filed 5/13/76; Order 1412, § 16-316-0035 (codified as WAC 16-316-0046), filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
		16-316-0047	Promulgation. [Order 1453, § 16-316-0047, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0048	Promulgation. [Order 1454, § 16-316-0048, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.	16-316-008	Promulgation. [Order 1048, Promulgation, filed 4/4/67; effective 5/5/67.] Repealed by Order 1187, filed 4/16/71.
16-316-0049	Promulgation. [Order 1457, § 16-316-0049, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.	16-316-0081	Promulgation. [Order 1375, § 16-316-008 (codified as WAC 16-316-0081), filed 7/31/74.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
16-316-005	Promulgation. [Order 1051, Promulgation, filed 4/13/67, effective 5/15/67; Order 1012, filed 3/4/66; Order 977, filed 4/15/65; Order 948, filed 4/21/64; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69. For later enactment concerning WAC 16-316-060, see WAC 16-316-0085.	16-316-0085	Promulgation. [Orders 1111, 1183, 1184, 1185, 1187, § 16-316-0085, filed 4/17/69, effective 5/18/69.] Repealed by Orders 1181, 1182, filed 4/16/71.
16-316-0051	Promulgation. [Order 1359, § 16-316-005 (codified as WAC 16-316-0051), filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.	16-316-0086	Promulgation. [Order 1148, § 16-316-0086, filed 4/16/70 and Order 1367, § 16-316-085 (codified as WAC 16-316-0086), filed 6/12/74.] Repealed by Orders 1181, 1182, 1183, 1184, 1185, 1186, 1187, filed 4/16/71 and 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
16-316-0052	Promulgation. [Order 1458, § 16-316-0052, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.	16-316-009	Promulgation. [Order 1113, § 16-316-009, filed 4/17/69, effective 5/18/69.] Repealed by Order 1148, filed 4/16/70.
16-316-0053	Promulgation. [Order 1459, § 16-316-0053, filed 5/13/76.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.	16-316-0091	Promulgation. [Order 1301, § 16-316-009 (codified as WAC 16-316-0091), filed 4/24/73.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-316-0054	Promulgation. [Order 1462, § 16-316-0054, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.	16-316-0092	Promulgation. [Order 1112, § 16-316-0090 (codified as WAC 16-316-0092), filed 4/17/69, effective 5/18/69.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-316-0055	Promulgation. [Order 976, filed 4/8/65; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.	16-316-0095	Promulgation. [Order 1114, § 16-316-0095, filed 4/17/69, effective 5/18/69.] Repealed by Order 1188, filed 4/16/71.
16-316-0056	Promulgation. [Order 1464, § 16-316-0056, filed 5/13/76; Order 1366, § 16-316-0055 (codified as WAC 16-316-0056), filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.	16-316-0096	Promulgation. [Order 1365, § 16-316-0095 (codified as WAC 16-316-0096), filed 6/12/74.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
16-316-0057	Promulgation. [Order 1456, § 16-316-0057, filed 5/13/76.] Repealed by 79-05-065 (Order 1603), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.	16-316-010	General seed certification standards. [Order 1148, § 16-316-010, filed 4/16/70; Order 1111, § 16-316-010, filed 4/16/69, effective 5/18/69; Order 1083, § 16-316-010, filed 3/29/68, effective 5/1/68; Order 1045, Regulations 1-3, filed 3/27/67, effective 5/1/67 (Regulation 2 of Order 1045 was codified as WAC 16-316-015); Order 969, Regulations 1-2, filed 3/30/65; Order 948 (part), filed 4/21/64; Order 884, Regulations 1-2 (part), filed 1/31/62; Order 850, filed 5/24/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1182, filed 4/16/71.
16-316-0058	Promulgation. [Order 1466, § 16-316-0058, filed 5/13/76.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.	16-316-015	Procedure to follow for certification. [Order 1047, Regulation 2, filed 3/27/67, effective 5/1/67; Order 969, Regulation 2, filed 3/30/65; Order 948 (part), filed 4/21/64; Order 884, Regulations 1 and 2 (part), filed 1/31/62; Order 850 (part), filed 5/24/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69. For later enactment see WAC 16-316-010.
16-316-0059	Promulgation. [Order 1460, § 16-316-0059, filed 5/13/76.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.	16-316-016	Organization for economic cooperation and development certification scheme. [Order 1045, Regulation 3, filed 3/27/67, effective 5/1/67.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69. For later enactment see WAC 16-316-010.
16-316-006	Promulgation. [Order 1010, filed 3/4/66.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.	16-316-020	Alfalfa seed certification standards. [Order 1148, § 16-316-020, filed 4/16/70; Order 1111, § 16-316-020, filed 4/17/69, effective 5/18/69; Order 1082, filed 3/29/68, effective 5/1/68; Order 1050, Regulations 1-7, filed 4/4/67, effective 5/5/67; Order 1009, Regulations 1-7, filed 3/4/66; Order 970, filed 4/1/65; Order 948, Regulation 2, filed 4/21/64; Order 917, Regulation 1, filed 4/25/63; Order 884, Regulation 3, filed 1/31/62; Order 850, Regulation 3, effective 6/30/61; Order 842, Regulation 2, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1182, filed 4/16/71.
16-316-0061	Promulgation. [Order 1461, § 16-316-0061, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.	16-316-025	Bean seed certification standards. [Order 1148, § 16-316-025, filed 4/16/70; Order 1111, § 16-316-025, filed 4/17/69, effective 5/18/69; Order 1049, Regulations 1-7, filed 4/4/67, effective 5/5/67; Order 1019, Regulations 1-7, filed 5/27/66; Order 1008, Regulations 1-7, filed 3/4/66; Order 975, filed 4/8/65; Order 917, Regulation 2, filed 4/25/63; Order 884, Regulation 4, filed 1/31/62; Order 850, Regulation 4, filed 5/24/61; Order 842, Regulation 4, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1183, filed 4/16/71.
16-316-0062	Promulgation. [Order 1465, § 16-316-0062, filed 5/13/76.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.		
16-316-0063	Promulgation. [Order 1455, § 16-316-0063, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.		
16-316-0064	Promulgation. [Order 1542, § 16-316-0064, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.		
16-316-0065	Promulgation. [Order 1011, filed 3/4/66.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.		
16-316-0066	Promulgation. [Order 1485, § 16-316-0066, filed 9/8/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.		
16-316-007	Promulgation. [Order 1360, § 16-316-007, filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.		
16-316-0071	Promulgation. [Order 1463, § 16-316-0055, (codified as WAC 16-316-0071), filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.		
16-316-0075	Promulgation. [Order 1363, § 16-316-0075, filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.		

16-316-027	Regulations for bean seed phyto-sanitary certificates. [Order 1020, filed 5/27/66.] Repealed by Order 1251, filed 4/13/72, effective 5/14/72.	16-316-060	Small grain seed certification standards. [Order 1148, § 16-316-060, filed 4/16/70; Order 1111, § 16-316-060, filed 4/17/69, effective 5/18/69; Order 1081, filed 3/29/68, effective 5/1/68; Order 1051, Regulations 1-9, filed 4/13/67, effective 5/15/67; Order 1012, Regulations 1-8, filed 3/4/66; Order 977, filed 4/15/65; Order 948, Regulations 4 and 5, filed 4/21/64; Order 917, Regulation 7, filed 4/25/63; Order 884, Regulation 11, filed 1/31/62; Order 850, Regulation 11, filed 5/24/61; Order 842, Regulation 11, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1185, filed 4/16/71.
16-316-030	Grass seed certification standards. [Order 1148, § 16-316-030, filed 4/16/70; Order 1111, § 16-316-030, filed 4/17/69, effective 5/18/69; Order 1046, Regulation 1, filed 3/27/67, effective 5/1/67; Order 971, filed 4/2/65; Order 917, Regulations 3, 4, and 5, filed 4/25/63; Order 884, Regulation 5, filed 1/31/62; Order 850, Regulation 5, filed 5/24/61; Order 842, Regulation 5, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1184, filed 4/16/71.	16-316-0601	Bent grass and redtop seed standards. [Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-0601, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-0601, filed 6/15/84; 80-06-117 (Order 1689), § 16-316-0601, filed 5/30/80; Order 1451, § 16-316-0601, filed 5/13/76; Order 1419, § 16-316-0601 (codified as WAC 16-316-0601), filed 5/13/76; Order 1419, § 16-316-060 (codified as WAC 16-316-0601), filed 8/15/75. Formerly WAC 16-316-035 (part.)] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.
16-316-035	Bentgrass and redtop certification standards. [Statutory Authority: Chapter 15.49 RCW. 80-06-117 (Order 1689), § 16-316-035, filed 5/30/80; Order 1451, § 16-316-035, filed 5/13/76; Order 1419, § 16-316-035, filed 8/15/75; Order 1111, § 16-316-035, filed 4/17/69, effective 5/18/69; Order 972, filed 4/8/65; Order 884, Regulation 6, filed 1/31/62; Order 850, Regulation 6, filed 5/24/61; Order 842, Regulation 6, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-065	Birdsfoot trefoil seed certification standards. [Order 976, filed 4/8/65; Order 884, Regulation 12, filed 1/31/62; Order 850, Regulation 12, filed 5/24/61; Order 842, Regulation 12, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.
16-316-040	White clover seed certification standards. [Order 974, filed 4/2/65; Order 948, Regulation 3, filed 4/21/64; Order 884, Regulation 7, filed 1/31/62; Order 850, Regulation 7, filed 5/24/61; Order 842, Regulation 7, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.	16-316-070	Production of foundation seed. [Order 1010, filed 3/4/66.] Repealed by Order 1256, filed 4/13/72, effective 5/14/72.
16-316-0401	Certification fees. [Statutory Authority: Chapter 15.49 RCW. 84-13-041 (Order 1831), § 16-316-0401, filed 6/15/84; 79-05-064 (Order 1599), § 16-316-0401, filed 4/30/79; Order 1451, § 16-316-040 (codified as WAC 16-316-0401), filed 5/13/76; Order 1419, § 16-316-040 (codified as WAC 16-316-0401), filed 8/15/75. Formerly WAC 16-316-035 (part.)] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.	16-316-075	Proprietary variety certification standards. [Order 1111, § 16-316-075, filed 4/17/69, effective 5/18/69; Order 1011, filed 3/4/66.] Repealed by Order 1257, filed 4/13/72, effective 5/14/72.
16-316-045	Red clover seed certification standards. [Order 1148, § 16-316-045, filed 4/16/70; Order 1111, § 16-316-045, filed 4/17/69, effective 5/18/69; Order 1047, Regulation 1, filed 3/28/67, effective 5/1/67; Order 973, filed 4/2/65; Order 917, Regulation 6, filed 4/25/63; Order 884, Regulation 8, filed 1/31/62; Order 850, Regulation 8, filed 5/24/61; Order 842, Regulation 8, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1253, filed 4/13/72, effective 5/14/72.	16-316-080	Sod quality certified seed standards. [Order 1148, § 16-316-080, filed 4/16/70; Order 1112, § 16-316-080, filed 4/17/69, effective 5/18/69.] Repealed by Order 1186, filed 4/16/71.
16-316-0451	Land requirements. [Statutory Authority: Chapter 15.49 RCW. 80-06-117 (Order 1689), § 16-316-0451, filed 5/30/80; Order 1451, § 16-316-045 (codified as WAC 16-316-0451), filed 5/13/76; Order 1419, § 16-316-045 (codified as WAC 16-316-0451), filed 8/15/75.] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.	16-316-085	Crownvetch, white clover, and trefoil seed certification standards. [Order 1148, § 16-316-085, filed 4/16/70; Order 1111, § 16-316-085, filed 4/17/69, effective 5/18/69; Order 1048, Regulations 1-7, filed 4/4/67, effective 5/5/67.] Repealed by Order 1187, filed 4/16/71.
16-316-050	Sorghum seed certification standards. [Order 884, Regulation 9, filed 1/31/62; Order 850, Regulation 9, filed 5/24/61; Order 842, Regulation 9, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Decodified pursuant to Order 969, § 2, filed 3/30/65.	16-316-090	Standards for verification of turf seed ingredients. [Order 1113, § 16-316-090, filed 4/17/69, effective 5/18/69.] Repealed by Order 1148, filed 4/16/70. See WAC 16-316-0901.
16-316-0501	Isolation requirements. [Order 1451, § 16-316-050 (codified as WAC 16-316-0501), filed 5/13/76; Order 1419, § 16-316-050 (codified as WAC 16-316-0501), filed 8/15/75.] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.	16-316-0901	Standards for verification of turf seed ingredients. [Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-0901, filed 5/27/94, effective 6/27/94; 79-09-098 (Order 1649), § 16-316-0901, filed 8/31/79; 79-05-064 (Order 1599), § 16-316-0901, filed 4/30/79; Order 1301, § 16-316-090 (codified as WAC 16-316-0901), filed 4/24/73.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-055	Field pea seed certification standards. [Order 978, filed 4/15/65; Order 884, Regulation 10, filed 1/31/62; Order 850, Regulation 10, filed 5/24/61; Order 842, Regulation 10, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1254, filed 4/13/72, effective 5/14/72.	16-316-095	Lentil seed certification standards. [Order 1114, § 16-316-095, filed 4/17/69, effective 5/18/69.] Repealed by Order 1188, filed 4/16/71.
16-316-0551	Field tolerances. [Statutory Authority: Chapter 15.49 RCW. 79-05-064 (Order 1599), § 16-316-0551, filed 4/30/79; Order 1451, § 16-316-055 (codified as WAC 16-316-0551), filed 5/13/76; Order 1419, § 16-316-055 (codified as WAC 16-316-0551), filed 8/15/75.] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.	16-316-100	General seed certification standards. [Order 1452, § 16-316-100, filed 5/13/76; Order 1181, § 16-316-100, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
		16-316-105	By whom certified. [Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-105, filed 5/27/94, effective 6/27/94; Order 1452, § 16-316-105, filed 5/13/76; Order 1181, § 16-316-105, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
		16-316-110	Varieties eligible. [Statutory Authority: Chapter 15.49 RCW. 78-03-114 (Order 1557), § 16-316-110, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-110, filed 5/13/76; Order 1249, § 16-316-110, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-110, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005,

	15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.		Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-115	Limitation of generations. [Statutory Authority: Chapter 15.49 RCW. 78-03-114 (Order 1557), § 16-316-115, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-115, filed 5/13/76; Order 1181, § 16-316-115, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-170	Procedure to follow for certification. [Order 1452, § 16-316-170, filed 5/13/76; Order 1181, § 16-316-170, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-120	Seed classes. [Order 1452, § 16-316-120, filed 5/13/76; Order 1181, § 16-316-120, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-175	All growers in certification program. [Statutory Authority: Chapter 15.49 RCW. 79-09-097 (Order 1648), § 16-316-175, filed 8/31/79; 79-05-068 (Order 1612), § 16-316-175, filed 4/30/79; Order 1452, § 16-316-175, filed 5/13/76; Order 1249, § 16-316-175, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-175, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-125	Labels and sealing requirements. [Order 1452, § 16-316-125, filed 5/13/76; Order 1181, § 16-316-125, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-180	Field inspections. [Statutory Authority: Chapter 15.49 RCW. 79-09-097 (Order 1648), § 16-316-180, filed 8/31/79; 78-03-114 (Order 1557), § 16-316-180, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-180, filed 5/13/76; Order 1181, § 16-316-180, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-130	Agency deviation from certification standards. [Order 1452, § 16-316-130, filed 5/13/76; Order 1181, § 16-316-130, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-183	Tolerance for diseased or contaminating material. [Statutory Authority: Chapter 15.49 RCW. 86-13-014 (Order 1889), § 16-316-183, filed 6/9/86.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-135	Agency power to reject. [Order 1452, § 16-316-135, filed 5/13/76; Order 1181, § 16-316-135, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-185	The seed conditioner. [Statutory Authority: Chapter 15.49 RCW. 89-11-078 (Order 2005), § 16-316-185, filed 5/22/89; Order 1452, § 16-316-185, filed 5/13/76; Order 1181, § 16-316-185, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-140	Rejection for color or appearance. [Order 1452, § 16-316-140, filed 5/13/76; Order 1181, § 16-316-140, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-190	Containers and lot numbers. [Statutory Authority: Chapter 15.49 RCW. 79-05-068 (Order 1612), § 16-316-190, filed 4/30/79; Order 1452, § 16-316-190, filed 5/13/76; Order 1181, § 16-316-190, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-145	Agency power to refuse certification. [Order 1452, § 16-316-145, filed 5/13/76; Order 1181, § 16-316-145, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-195	Sampling. [Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-195, filed 5/13/88; Order 1452, § 16-316-195, filed 5/13/76; Order 1181, § 16-316-195, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-150	Specific crop regulations. [Order 1452, § 16-316-150, filed 5/13/76; Order 1181, § 16-316-150, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-196	Off-type. [Order 1498, § 16-316-196, filed 3/31/77.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-151	Land history. [Statutory Authority: Chapter 15.49 RCW. 78-03-114 (Order 1557), § 16-316-151, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-151, filed 5/13/76.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-197	Fee responsibility. [Order 1498, § 16-316-197, filed 3/31/77.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-155	Penalty. [Order 1452, § 16-316-155, filed 5/13/76; Order 1181, § 16-316-155, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-200	Analysis and definitions. [Order 1181, § 16-316-200, filed 4/16/71.] Repealed by Order 1452, filed 5/13/76.
16-316-160	Prohibited noxious weeds. [Statutory Authority: Chapter 15.49 RCW. 89-11-078 (Order 2005), § 16-316-160, filed 5/22/89. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-160, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-09-097 (Order 1648), § 16-316-160, filed 8/31/79; Order 1452, § 16-316-160, filed 5/13/76; Order 1181, § 16-316-160, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-205	Withdrawal from certification. [Order 1452, § 16-316-205, filed 5/13/76; Order 1181, § 16-316-205, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-165	Seed certification—Objectionable weeds. [Statutory Authority: Chapter 15.49 RCW. 90-12-098 (Order 2041), § 16-316-165, filed 6/5/90, effective 7/6/90; 87-17-025 (Order 1948), § 16-316-165, filed 8/13/87. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-165, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-05-068 (Order 1612), § 16-316-165, filed 4/30/79; 78-03-114 (Order 1557), § 16-316-165, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-165, filed 5/13/76; Order 1181, § 16-316-165, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory	16-316-210	Completion of certification. [Order 1452, § 16-316-210, filed 5/13/76; Order 1181, § 16-316-210, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
		16-316-212	Refunds. [Order 1452, § 16-316-212, filed 5/13/76.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
		16-316-214	Limitation of liability. [Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-214, filed 3/31/82, effective 5/1/82.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

16-316-215	Rules and procedures for organization for economic cooperation and development scheme for varietal certification (O.E.C.D.). [Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-215, filed 5/2/85. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-215, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 79-09-096 (Order 1647), § 16-316-215, filed 8/31/79; 79-05-069 (Order 1613), § 16-316-215, filed 4/30/79; 78-03-102 (Order 1558), § 16-316-215, filed 3/1/78, effective 4/1/78; Order 1250, § 16-316-215, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-215, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-265	Varieties eligible. [Order 1304, § 16-316-265, filed 4/24/73; Order 1183, § 16-316-265, filed 4/16/71.] Repealed by Order 1360, filed 6/12/74.
16-316-220	Alfalfa seed certification standards. [Order 1453, § 16-316-220, filed 5/13/76; Order 1359, § 16-316-220, filed 6/12/74; Order 1181, § 16-316-220, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-266	Definitions. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-316-266, filed 5/27/92, effective 5/27/92.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-225	Varieties eligible. [Order 1305, § 16-316-225, filed 4/24/73; Order 1260, § 16-316-225, filed 4/13/72, effective 5/14/72; Order 1182, § 16-316-225, filed 4/16/71.] Repealed by Order 1359, filed 6/12/74.	16-316-270	Bean seed certification fees. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-316-270, filed 5/27/92, effective 5/27/92; 89-11-078 (Order 2005), § 16-316-270, filed 5/22/89; 85-11-004 (Order 1851), § 16-316-270, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-270, filed 6/15/84. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-270, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-111 (Order 1691), § 16-316-270, filed 5/30/80; 79-05-067 (Order 1611), § 16-316-270, filed 4/30/79; Order 1500, § 16-316-270, filed 4/11/77; Order 1454, § 16-316-270, filed 5/13/76; Order 1411, § 16-316-270, filed 8/15/75; Order 1304, § 16-316-270, filed 4/24/73; Order 1183, § 16-316-270, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-230	Alfalfa seed certification fees. [Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-230, filed 5/27/94, effective 6/27/94; 89-11-078 (Order 2005), § 16-316-230, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-230, filed 5/13/88; 85-11-004 (Order 1851), § 16-316-230, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-230, filed 6/15/84; 81-11-023 (Order 1735), § 16-316-230, filed 5/15/81; 79-05-077 (Order 1609), § 16-316-230, filed 4/30/79; Order 1499, § 16-316-230, filed 3/31/77; Order 1453, § 16-316-230, filed 5/13/76; Order 1305, § 16-316-230, filed 4/24/73; Order 1182, § 16-316-230, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-275	Land requirements. [Statutory Authority: Chapter 15.49 RCW. 79-05-067 (Order 1611), § 16-316-275, filed 4/30/79; Order 1454, § 16-316-275, filed 5/13/76; Order 1183, § 16-316-275, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-235	Land requirements. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-235, filed 6/9/92, effective 7/10/92; 80-06-110 (Order 1690), § 16-316-235, filed 5/30/80; Order 1453, § 16-316-235, filed 5/13/76; Order 1359, § 16-316-235, filed 6/12/74; Order 1182, § 16-316-235, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-280	Field tolerances. [Statutory Authority: Chapter 15.49 RCW. 96-14-088, § 16-316-280, filed 7/2/96, effective 8/2/96; 92-12-025 (Order 2092), § 16-316-280, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-316-280, filed 3/27/91, effective 4/27/91; 79-05-067 (Order 1611), § 16-316-280, filed 4/30/79; Order 1454, § 16-316-280, filed 5/13/76; Order 1411, § 16-316-280, filed 8/15/75; Order 1183, § 16-316-280, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-240	Isolation requirements. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-240, filed 6/9/92, effective 7/10/92; 79-09-104 (Order 1655), § 16-316-240, filed 8/31/79; Order 1453, § 16-316-240, filed 5/13/76; Order 1409, § 16-316-240, filed 8/15/75; Order 1359, § 16-316-240, filed 6/12/74; Order 1182, § 16-316-240, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-285	Inspection requirements. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-316-285, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-316-285, filed 3/27/91, effective 4/27/91; 79-05-067 (Order 1611), § 16-316-285, filed 4/30/79; Order 1454, § 16-316-285, filed 5/13/76; Order 1360, § 16-316-285, filed 6/12/74; Order 1183, § 16-316-285, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-245	Field tolerances. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-245, filed 6/9/92, effective 7/10/92; Order 1499, § 16-316-245, filed 3/31/77; Order 1453, § 16-316-245, filed 5/13/76; Order 1182, § 16-316-245, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-290	Seed standards. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-316-290, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-316-290, filed 3/27/91, effective 4/27/91; 79-05-067 (Order 1611), § 16-316-290, filed 4/30/79; Order 1454, § 16-316-290, filed 5/13/76; Order 1183, § 16-316-290, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-250	Seed standards. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-250, filed 6/9/92, effective 7/10/92; 79-05-077 (Order 1609), § 16-316-250, filed 4/30/79; Order 1499, § 16-316-250, filed 3/31/77; Order 1453, § 16-316-250, filed 5/13/76; Order 1182, § 16-316-250, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-295	Regulation and procedure for issuance of phyto-sanitary certificate. [Order 1455, § 16-316-295, filed 5/13/76; Order 1251, § 16-316-295, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-260	Bean seed certification standards. [Order 1454, § 16-316-260, filed 5/13/76; Order 1360, § 16-316-260, filed 6/12/74; Order 1183, § 16-316-260, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-300	Diseases for which phyto-sanitary certificates will be issued. [Order 1251, § 16-316-300, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-071 (Order 1626), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
		16-316-305	Phyto-sanitary eligibility. [Order 1251, § 16-316-305, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-071 (Order 1626), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
		16-316-310	Application for inspection and due dates. [Statutory Authority: Chapter 15.49 RCW. 81-11-021 (Order

- 1737), § 16-316-310, filed 5/15/81; 79-09-101 (Order 1652), § 16-316-310, filed 8/31/79; Order 1502, § 16-316-310, filed 3/31/77; Order 1455, § 16-316-310, filed 5/13/76; Order 1251, § 16-316-310, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-315 Phyto-sanitary certification—Fee and charges. [Statutory Authority: Chapter 15.49 RCW. 96-14-087, § 16-316-315, filed 7/2/96, effective 8/2/96; 92-13-027 (Order 2093), § 16-316-315, filed 6/9/92, effective 7/10/92; 89-11-078 (Order 2005), § 16-316-315, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-315, filed 5/13/88; 81-11-021 (Order 1737), § 16-316-315, filed 5/15/81; 79-05-071 (Order 1626), § 16-316-315, filed 4/30/79; 78-03-101 (Order 1559), § 16-316-315, filed 3/1/78, effective 4/1/78; Order 1455, § 16-316-315, filed 5/13/76; Order 1251, § 16-316-315, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-320 Land and production requirements. [Order 1455, § 16-316-320, filed 5/13/76; Order 1410, § 16-316-320, filed 8/15/75; Order 1251, § 16-316-320, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-325 Inspection requirements. [Order 1251, § 16-316-325, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-071 (Order 1626), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-326 Phyto-sanitary certificate for peas. [Statutory Authority: Chapter 15.49 RCW. 81-11-021 (Order 1737), § 16-316-326, filed 5/15/81; 79-05-071 (Order 1626), § 16-316-326, filed 4/30/79; 78-03-101 (Order 1559), § 16-316-326, filed 3/1/78, effective 4/1/78; Order 1455, § 16-316-326, filed 5/13/76.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-327 Phyto-sanitary certificate for beans. [Statutory Authority: Chapter 15.49 RCW. 96-14-088, § 16-316-327, filed 7/2/96, effective 8/2/96; 92-13-027 (Order 2093), § 16-316-327, filed 6/9/92, effective 7/10/92; 85-11-004 (Order 1851), § 16-316-327, filed 5/2/85; 79-05-071 (Order 1626), § 16-316-327, filed 4/30/79; Order 1455, § 16-316-327, filed 5/13/76.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-328 Phyto-sanitary certificate for other crops and diseases. [Order 1455, § 16-316-328, filed 5/13/76.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-340 Grass seed certification standards. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-340, filed 6/9/92, effective 7/10/92; 78-03-112 (Order 1560), § 16-316-340, filed 3/1/78, effective 4/1/78; Order 1485, § 16-316-340, filed 9/8/76; Order 1418, § 16-316-340, filed 8/15/75; Order 1362, § 16-316-340, filed 6/12/74; Order 1184, § 16-316-340, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-345 Varieties eligible. [Order 1306, § 16-316-345, filed 4/24/73; Order 1252, § 16-316-345, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-345, filed 4/16/71.] Repealed by Order 1362, filed 6/12/74.
- 16-316-350 Grass seed certification fees—Seedling applications. [Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-350, filed 5/27/94, effective 6/27/94; 92-13-027 (Order 2093), § 16-316-350, filed 6/9/92, effective 7/10/92; 89-11-078 (Order 2005), § 16-316-350, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-350, filed 5/13/88; 86-13-014 (Order 1889), § 16-316-350, filed 6/9/86; 85-11-004 (Order 1851), § 16-316-350, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-350, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-350, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 79-09-100 (Order 1650), § 16-316-350, filed 8/31/79; 79-05-060 (Order 1610), § 16-316-350, filed 4/30/79; 78-03-112 (Order 1560), § 16-316-350, filed 3/1/78, effective 4/1/78; Order 1485, § 16-316-350, filed 9/8/76; Order 1362, § 16-316-350, filed 6/12/74; Order 1306, § 16-316-350, filed 4/24/73; Order 1252, § 16-316-350, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-350, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-355 Grass seed—Land requirements. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-355, filed 6/9/92, effective 7/10/92; 86-13-014 (Order 1889), § 16-316-355, filed 6/9/86; Order 1485, § 16-316-355, filed 9/8/76; Order 1418, § 16-316-355, filed 8/15/75; Order 1362, § 16-316-355, filed 6/12/74; Order 1306, § 16-316-355, filed 4/24/73; Order 1184, § 16-316-355, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-356 Variety restrictions. [Order 1485, § 16-316-356, filed 9/8/76.] Repealed by 78-03-112 (Order 1560), filed 3/1/78, effective 4/1/78. Statutory Authority: Chapter 15.49 RCW.
- 16-316-360 Grass seed—Isolation requirements. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-360, filed 6/9/92, effective 7/10/92; 89-11-078 (Order 2005), § 16-316-360, filed 5/22/89; Order 1504, § 16-316-360, filed 3/31/77; Order 1485, § 16-316-360, filed 9/8/76; Order 1418, § 16-316-360, filed 8/15/75; Order 1362, § 16-316-360, filed 6/12/73; Order 1184, § 16-316-360, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-365 Field tolerances. [Order 1485, § 16-316-365, filed 9/8/76; Order 1184, § 16-316-365, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-370 Grass seed standards. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-370, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-316-370, filed 6/5/90, effective 7/6/90; 88-11-042 (Order 1976), § 16-316-370, filed 5/13/88; 86-13-014 (Order 1889), § 16-316-370, filed 6/9/86. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-370, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-09-100 (Order 1650), § 16-316-370, filed 8/31/79; 79-05-060 (Order 1610), § 16-316-370, filed 4/30/79; 78-03-112 (Order 1560), § 16-316-370, filed 3/1/78, effective 4/1/78; Order 1504, § 16-316-370, filed 3/31/77; Order 1485, § 16-316-370, filed 9/8/76; Order 1418, § 16-316-370, filed 8/15/75; Order 1362, § 16-316-370, filed 6/12/74; Order 1306, § 16-316-370, filed 4/24/73; Order 1252, § 16-316-370, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-370, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-430 Red clover seed certification standards. [Order 1457, § 16-316-430, filed 5/13/76; Order 1363, § 16-316-430, filed 6/12/74; Order 1253, § 16-316-430, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-435 Varieties eligible. [Order 1253, § 16-316-435, filed 4/13/72, effective 5/14/72.] Repealed by Order 1363, filed 6/12/74.
- 16-316-440 Red clover seed certification fees. [Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-440, filed 5/27/94, effective 6/27/94; 89-11-078 (Order 2005), § 16-316-440, filed 5/22/89; 85-11-004 (Order 1851), § 16-316-440, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-440, filed 6/15/84; 81-11-019 (Order 1734), § 16-316-440, filed 5/15/81; 79-05-078 (Order 1621), § 16-316-440, filed 4/30/79; Order 1495, § 16-316-440, filed 3/31/77; Order 1457, § 16-316-440, filed 5/13/76; Order 1307, § 16-316-440, filed 4/24/73;

- Order 1253, § 16-316-440, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-445 Red clover seed—Land requirements. [Statutory Authority: Chapter 15.49 RCW. 86-13-014 (Order 1889), § 16-316-445, filed 6/9/86; 80-06-109 (Order 1692), § 16-316-445, filed 5/30/80; Order 1457, § 16-316-445, filed 5/13/76; Order 1253, § 16-316-445, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-450 Isolation requirements. [Statutory Authority: Chapter 15.49 RCW. 78-03-111 (Order 1561), § 16-316-450, filed 3/1/78, effective 4/1/78; Order 1495, § 16-316-450, filed 3/31/77; Order 1457, § 16-316-450, filed 5/13/76; Order 1363, § 16-316-450, filed 6/12/74; Order 1253, § 16-316-450, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-455 Field tolerances. [Statutory Authority: Chapter 15.49 RCW. 96-14-089, § 16-316-455, filed 7/2/96, effective 8/2/96; Order 1457, § 16-316-455, filed 5/13/76; Order 1253, § 16-316-455, filed 5/14/72, effective 4/13/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-460 Seed standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-078 (Order 1621), § 16-316-460, filed 4/30/79; Order 1457, § 16-316-460, filed 5/13/76; Order 1363, § 16-316-460, filed 6/12/74; Order 1253, § 16-316-460, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-470 Buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains seed certification standards. [Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-470, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-470, filed 6/9/92, effective 7/10/92; 81-15-032 (Order 1744), § 16-316-470, filed 7/10/81; 79-05-074 (Order 1600), § 16-316-470, filed 4/30/79; Order 1458, § 16-316-470, filed 5/13/76; Order 1254, § 16-316-470, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-472 Eligible varieties and eligible stock seed. [Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-472, filed 7/10/81; 80-06-112 (Order 1693), § 16-316-472, filed 5/30/80; 79-09-105 (Order 1656), § 16-316-472, filed 8/31/79; Order 1492, § 16-316-472, filed 3/31/77; Order 1458, § 16-316-472, filed 5/13/76; Order 1312, § 16-316-472, filed 4/24/73; Order 1254, § 16-316-472, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-474 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Application and fees. [Statutory Authority: RCW 15.49.310 and 15.49.370(3). 99-24-042, § 16-316-474, filed 11/24/99, effective 12/25/99; 98-12-032, § 16-316-474, filed 5/28/98, effective 6/28/98; 97-16-026, § 16-316-474, filed 7/29/97, effective 8/29/97. Statutory Authority: RCW 15.49.310. 96-14-091, § 16-316-474, filed 7/2/96, effective 8/2/96. Statutory Authority: RCW 15.49.310 and 15.49.370(3). 95-22-037 (Order 5087), § 16-316-474, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-474, filed 5/27/94, effective 6/27/94; 93-24-043 (Order 5019), § 16-316-474, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-474, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-316-474, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-316-474, filed 5/22/89; 85-11-004 (Order 1851), § 16-316-474, filed 5/2/85. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-474, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-474, filed 7/10/81; 78-03-110 (Order 1563), § 16-316-474, filed 3/1/78, effective 4/1/78; Order 1458, § 16-316-474, filed 5/13/76; Order 1366, § 16-316-474, filed 6/12/74; Order 1312, § 16-316-474, filed 4/24/73; Order 1254, § 16-316-474, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-476 Land requirements. [Order 1458, § 16-316-476, filed 5/13/76; Order 1312, § 16-316-476, filed 4/24/73; Order 1254, § 16-316-476, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-478 Isolation requirements. [Statutory Authority: Chapter 15.49 RCW. 80-06-112 (Order 1693), § 16-316-478, filed 5/30/80; Order 1458, § 16-316-478, filed 5/13/76; Order 1312, § 16-316-478, filed 4/24/73; Order 1254, § 16-316-478, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-480 Field standards. [Statutory Authority: Chapter 15.49 RCW. 80-06-112 (Order 1693), § 16-316-480, filed 5/30/80; Order 1458, § 16-316-480, filed 5/13/76; Order 1366, § 16-316-480, filed 6/12/74; Order 1312, § 16-316-480, filed 4/24/73; Order 1254, § 16-316-480, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-482 Seed standards. [Order 1492, § 16-316-482, filed 3/31/77; Order 1458, § 16-316-482, filed 5/13/76; Order 1366, § 16-316-482, filed 6/12/74; Order 1312, § 16-316-482, filed 4/24/73; Order 1254, § 16-316-482, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-484 Mechanical sampling. [Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-484, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-484, filed 7/10/81; Order 1458, § 16-316-484, filed 5/13/76; Order 1312, § 16-316-484, filed 4/24/73; Order 1254, § 16-316-484, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-486 Certified seed sale certificate. [Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-486, filed 7/10/81; Order 1492, § 16-316-486, filed 3/31/77; Order 1458, § 16-316-486, filed 5/13/76; Order 1416, § 16-316-486, filed 8/15/75; Order 1312, § 16-316-486, filed 4/24/73; Order 1254, § 16-316-486, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-520 Small grain seed certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-056 (Order 1622), § 16-316-520, filed 4/30/79; Order 1459, § 16-316-520, filed 5/13/76; Order 1185, § 16-316-520, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-525 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Eligible variety and stock seed. [Statutory Authority: RCW 15.49.310 and 15.49.370(3). 98-12-032, § 16-316-525, filed 5/28/98, effective 6/28/98. Statutory Authority: RCW 15.49.005, 15.49.310 and 15.49.370(3) and (4). 95-22-036 (Order 5086), § 16-316-525, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-525, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-525, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-316-525, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-316-525, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-525, filed 5/13/88; 87-15-030 (Order 1941), § 16-316-525, filed 7/10/87; 86-13-014 (Order 1889), § 16-316-525, filed 6/9/86; 80-06-106 (Order 1694), § 16-316-525, filed 5/30/80; 79-09-095 (Order 1646), § 16-316-525, filed 8/31/79; 79-05-056 (Order 1622), § 16-316-525, filed 4/30/79; 78-03-113 (Order 1562), § 16-316-525, filed 3/1/78, effective 4/1/78; Order 1493, § 16-316-525,

- filed 3/31/77; Order 1459, § 16-316-525, filed 5/13/76; Order 1415, § 16-316-525, filed 8/15/75; Order 1367, § 16-316-525, filed 6/12/74; Order 1313, § 16-316-525, filed 4/24/73; Order 1255, § 16-316-525, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-525, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-530 Application and fees. [Statutory Authority: Chapter 15.49 RCW. 79-05-056 (Order 1622), § 16-316-530, filed 4/30/79; 78-03-113 (Order 1562), § 16-316-530, filed 3/1/78, effective 4/1/78; Order 1459, § 16-316-530, filed 5/13/76; Order 1367, § 16-316-530, filed 6/12/74; Order 1313, § 16-316-530, filed 4/24/73; Order 1255, § 16-316-530, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-530, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-535 Land requirements. [Order 1459, § 16-316-535, filed 5/13/76; Order 1367, § 16-316-535, filed 6/12/74; Order 1313, § 16-316-535, filed 4/24/73; Order 1255, § 16-316-535, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-535, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-540 Isolation requirements. [Statutory Authority: Chapter 15.49 RCW. 79-05-056 (Order 1622), § 16-316-540, filed 4/30/79; Order 1459, § 16-316-540, filed 5/13/76; Order 1313, § 16-316-540, filed 4/24/73; Order 1185, § 16-316-540, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-545 Field standards. [Statutory Authority: Chapter 15.49 RCW. 80-06-106 (Order 1694), § 16-316-545, filed 5/30/80; 79-05-056 (Order 1622), § 16-316-545, filed 4/30/79; Order 1459, § 16-316-545, filed 5/13/76; Order 1415, § 16-316-545, filed 8/15/75; Order 1367, § 16-316-545, filed 6/12/74; Order 1313, § 16-316-545, filed 4/24/73; Order 1255, § 16-316-545, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-545, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-550 Seed standards. [Statutory Authority: Chapter 15.49 RCW. 79-09-095 (Order 1646), § 16-316-550, filed 8/31/79; 79-05-056 (Order 1622), § 16-316-550, filed 4/30/79; Order 1493, § 16-316-550, filed 3/31/77; Order 1459, § 16-316-550, filed 5/13/76; Order 1415, § 16-316-550, filed 8/15/75; Order 1367, § 16-316-550, filed 6/12/74; Order 1313, § 16-316-550, filed 4/24/73; Order 1244, § 16-316-550, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-550, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-555 Mechanical sampling. [Order 1459, § 16-316-555, filed 5/13/76; Order 1313, § 16-316-555, filed 4/24/73; Order 1244, § 16-316-555, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-555, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-560 Seed-borne diseases. [Order 1459, § 16-316-560, filed 5/13/76; Order 1185, § 16-316-560, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-565 Certified seed sale certificate. [Order 1493, § 16-316-565, filed 3/31/77; Order 1459, § 16-316-565, filed 5/13/76; Order 1415, § 16-316-565, filed 8/15/75; Order 1185, § 16-316-565, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-570 Labeling and sealing of certified seed of small grains by grower. [Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-570, filed 7/10/81; Order 1459, § 16-316-570, filed 5/13/76; Order 1367, § 16-316-570, filed 6/12/74; Order 1313, § 16-316-570, filed 4/24/73; Order 1185, § 16-316-570, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-572 Certifying agency issuance of certificate. [Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-572, filed 11/23/93, effective 12/24/93; 81-15-032 (Order 1744), § 16-316-572, filed 7/10/81.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01.
- 16-316-575 Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. Foundation seed certification standards. [Order 1460, § 16-316-575, filed 5/13/76; Order 1412, § 16-316-575, filed 8/15/75; Order 1256, § 16-316-575, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-590 Proprietary variety certification standards—Definition. [Order 1461, § 16-316-590, filed 5/13/76; Order 1257, § 16-316-590, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-595 Application procedure. [Order 1461, § 16-316-595, filed 5/13/76; Order 1257, § 16-316-595, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-600 Genetic purity certification. [Statutory Authority: Chapter 15.49 RCW. 79-05-073 (Order 1601), § 16-316-600, filed 4/30/79; Order 1461, § 16-316-600, filed 5/13/76; Order 1257, § 16-316-600, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-610 Sod quality certified seed standards. [Order 1462, § 16-316-610, filed 5/13/76; Order 1186, § 16-316-610, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-615 Varieties eligible, certification fees, land and isolation requirements, and field tolerances. [Order 1462, § 16-316-615, filed 5/13/76; Order 1186, § 16-316-615, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-620 Standards. [Statutory Authority: Chapter 15.49 RCW. 91-14-001 (Order 2089), § 16-316-620, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-620, filed 6/5/90, effective 7/6/90. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-620, filed 3/1/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-05-057 (Order 1619), § 16-316-620, filed 4/30/79; 78-03-107 (Order 1565), § 16-316-620, filed 3/1/78, effective 4/1/78; Order 1503, § 16-316-620, filed 3/31/77; Order 1462, § 16-316-620, filed 5/13/76; Order 1302, § 16-316-620, filed 4/24/73; Order 1186, § 16-316-620, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-622 Ryegrass standards. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-622, filed 6/9/92, effective 7/10/92; 91-14-001 (Order 2089), § 16-316-622, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-622, filed 6/5/90, effective 7/6/90; 80-06-107 (Order 1695), § 16-316-622, filed 5/30/80; 79-05-057 (Order 1619), § 16-316-622, filed 4/30/79; 78-03-107 (Order 1565), § 16-316-622, filed 3/1/78, effective 4/1/78; Order 1503, § 16-316-622, filed 3/31/77.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-625 Sod seed analysis certificate. [Statutory Authority: Chapter 15.49 RCW. 78-03-107 (Order 1565), § 16-316-625, filed 3/1/78, effective 4/1/78; Order 1462, § 16-316-625, filed 5/13/76; Order 1302, § 16-316-625, filed 4/24/73; Order 1186, § 16-316-625, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-630 Sod quality seed tag. [Order 1462, § 16-316-630, filed 5/13/76; Order 1186, § 16-316-630, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

16-316-635	Service fee. [Statutory Authority: Chapter 15.49 RCW. 85-14-093 (Order 1860), § 16-316-635, filed 7/2/85; Order 1462, § 16-316-635, filed 5/13/76; Order 1186, § 16-316-635, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
16-316-637	Sod quality mixture. [Order 1503, § 16-316-637, filed 3/31/77.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-701 Definitions of terms for standards. [Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-701, filed 11/23/93, effective 12/24/93; 81-15-032 (Order 1744), § 16-316-701, filed 7/10/81.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-650	White clover and trefoil seed certification standards. [Order 1497, § 16-316-650, filed 3/31/77; Order 1463, § 16-316-650, filed 5/13/76; Order 1408, § 16-316-650, filed 8/15/75; Order 1187, § 16-316-650, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-705 Land requirements. [Order 1464, § 16-316-705, filed 5/13/76; Order 1311, § 16-316-705, filed 4/23/73; Order 1188, § 16-316-705, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
16-316-655	Varieties eligible. [Order 1303, § 16-316-655, filed 4/24/73; Order 1187, § 16-316-655, filed 4/16/71.] Repealed by Order 1408, filed 8/15/75.	16-316-710 Isolation requirements. [Order 1464, § 16-316-710, filed 5/13/76; Order 1311, § 16-316-710, filed 4/24/73; Order 1258, § 16-316-710, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-710, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
16-316-660	White clover and trefoil seed certification fees. [Statutory Authority: Chapter 15.49 RCW. 89-11-078 (Order 2005), § 16-316-660, filed 5/22/89; 85-11-004 (Order 1851), § 16-316-660, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-660, filed 6/15/84; 81-11-022 (Order 1738), § 16-316-660, filed 5/15/81; 79-05-076 (Order 1602), § 16-316-660, filed 4/30/79; Order 1497, § 16-316-660, filed 3/31/77; Order 1463, § 16-316-660, filed 5/13/76; Order 1303, § 16-316-660, filed 4/24/73; Order 1187, § 16-316-660, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-715 Miscellaneous field and seed inspection standards. [Statutory Authority: RCW 15.49.310 and 15.49.370(3). 97-16-026, § 16-316-715, filed 7/29/97, effective 8/29/97. Statutory Authority: RCW 15.49.005, 15.49.310 and 15.49.370(3) and (4). 95-22-036 (Order 5086), § 16-316-715, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-715, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-715, filed 6/9/92, effective 7/10/92; 91-14-001 (Order 2089), § 16-316-715, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-715, filed 6/5/90, effective 7/6/90; 84-13-041 (Order 1831), § 16-316-715, filed 6/15/84; 81-15-032 (Order 1744), § 16-316-715, filed 7/10/81; 80-06-113 (Order 1696), § 16-316-715, filed 5/30/80; Order 1464, § 16-316-715, filed 5/13/76; Order 1368, § 16-316-715, filed 6/12/74; Order 1311, § 16-316-715, filed 4/24/73; Order 1258, § 16-316-715, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-715, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-665	Land requirements. [Order 1497, § 16-316-665, filed 3/31/77; Order 1463, § 16-316-665, filed 5/13/76; Order 1187, § 16-316-665, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-717 Field pea standards. [Statutory Authority: RCW 15.49.310 and 15.49.370(3). 99-24-042, § 16-316-717, filed 11/24/99, effective 12/25/99. Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-717, filed 5/27/94, effective 6/27/94; 93-24-043 (Order 5019), § 16-316-717, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-717, filed 6/9/92, effective 7/10/92; 81-15-032 (Order 1744), § 16-316-717, filed 7/10/81.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-670	Isolation requirements. [Order 1497, § 16-316-670, filed 3/31/77; Order 1463, § 16-316-670, filed 5/13/76; Order 1408, § 16-316-670, filed 8/15/75; Order 1187, § 16-316-670, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-719 Lentil standards. [Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-719, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-719, filed 6/9/92, effective 7/10/92; 81-15-032 (Order 1744), § 16-316-719, filed 7/10/81.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-675	Field tolerances. [Order 1463, § 16-316-675, filed 5/13/76; Order 1187, § 16-316-675, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-720 Field tolerances. [Order 1188, § 16-316-720, filed 4/16/71.] Repealed by Order 1258, filed 4/13/72, effective 5/14/72. Later promulgation, see WAC 16-316-720 (codified as WAC 16-316-72001) Order 1464, filed 5/13/76.
16-316-680	Seed standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-076 (Order 1602), § 16-316-680, filed 4/30/79; 78-03-106 (Order 1566), § 16-316-680, filed 3/1/78, effective 4/1/78; Order 1497, § 16-316-680, filed 3/31/77; Order 1463, § 16-316-680, filed 5/13/76; Order 1303, § 16-316-680, filed 4/24/73; Order 1187, § 16-316-680, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	16-316-72001 Field tolerances. [Order 1464, § 16-316-720, (codified as WAC 16-316-72001), filed 5/13/76.] Repealed by 78-03-109 (Order 1564), filed 3/1/78, effective 4/1/78. Statutory Authority: Chapter 15.49 RCW.
16-316-690	Lentil seed certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-058 (Order 1618), § 16-316-690, filed 4/30/79; Order 1464, § 16-316-690, filed 5/13/76; Order 1188, § 16-316-690, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.	16-316-721 Soybean standards. [Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-721, filed 11/23/93, effective 12/24/93; 81-15-032 (Order 1744), § 16-316-721, filed 7/10/81.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
16-316-695	Eligible variety and stock seed. [Statutory Authority: Chapter 15.49 RCW. 80-06-113 (Order 1696), § 16-316-695, filed 5/30/80; Order 1464, § 16-316-695, filed 5/13/76; Order 1258, § 16-316-695, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-695, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.	16-316-722 Hybrid sorghum standards. [Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-722, filed 11/23/93, effective 12/24/93.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority:
16-316-700	Application and fees. [Statutory Authority: Chapter 15.49 RCW. 78-03-109 (Order 1564), § 16-316-700, filed 3/1/78, effective 4/1/78; Order 1464, § 16-316-700, filed 5/13/76; Order 1368, § 16-316-700, filed 6/12/74; Order 1311, § 16-316-700, filed 4/24/73; Order 1258, § 16-316-700, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-700, filed 4/16/71.] Repealed by	

- RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-723 Open pollinated sorghum standards. [Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-723, filed 11/23/93, effective 12/24/93; 81-15-032 (Order 1744), § 16-316-723, filed 7/10/81.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-724 Small grains standards. [Statutory Authority: RCW 15.49.310 and 15.49.370(3). 97-16-026, § 16-316-724, filed 7/29/97, effective 8/29/97. Statutory Authority: RCW 15.49.310. 96-14-091, § 16-316-724, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-724, filed 11/23/93, effective 12/24/93; 90-12-098 (Order 2041), § 16-316-724, filed 6/5/90, effective 7/6/90; 88-11-042 (Order 1976), § 16-316-724, filed 5/13/88; 87-15-030 (Order 1941), § 16-316-724, filed 7/10/87; 85-11-004 (Order 1851), § 16-316-724, filed 5/2/85; 81-15-032 (Order 1744), § 16-316-724, filed 7/10/81.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-725 Seed standards. [Order 1494, § 16-316-725, filed 3/31/77; Order 1464, § 16-316-725, filed 5/13/76; Order 1368, § 16-316-725, filed 6/12/74; Order 1311, § 16-316-725, filed 4/24/73; Order 1258, § 16-316-725, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-725, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-726 Mechanical sampling. [Order 1464, § 16-316-726, filed 5/13/76; Order 1311, § 16-316-726, filed 4/24/73; Order 1258, § 16-316-726, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-727 Chickpea standards. [Statutory Authority: RCW 15.49.310 and 15.49.370(3). 99-24-042, § 16-316-727, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.49.005, 15.49.310 and 15.49.370(3) and (4). 95-22-036 (Order 5086), § 16-316-727, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-727, filed 5/27/94, effective 6/27/94; 93-24-043 (Order 5019), § 16-316-727, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-727, filed 6/9/92, effective 7/10/92. Statutory Authority: RCW 15.49.370. 82-08-034 (Order 1758), § 16-316-727, filed 3/31/82, effective 5/1/82.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-728 Certified seed sale certificate. [Order 1494, § 16-316-728, filed 3/31/77; Order 1464, § 16-316-728, filed 5/13/76; Order 1417, § 16-316-728, filed 8/15/75; Order 1258, § 16-316-728, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-729 Open pollinated millet standards. [Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-729, filed 11/23/93, effective 12/24/93.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-730 Interagency seed certification standards. [Order 1259, § 16-316-730, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-731 Buckwheat standards. [Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-731, filed 11/23/93, effective 12/24/93.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-735 Rules. [Order 1465, § 16-316-735, filed 5/13/76; Order 1259, § 16-316-735, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-738 Procedure for field pea, lentil, soybean, small grain and sorghum seed. [Order 1465, § 16-316-738, filed 5/13/76.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-740 Procedure for all other kinds. [Statutory Authority: Chapter 15.49 RCW. 78-03-108 (Order 1567), § 16-316-740, filed 3/1/78, effective 4/1/78; Order 1465, § 16-316-740, filed 5/13/76; Order 1259, § 16-316-740, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-745 Seed produced out-of-state—Certification. [Order 1465, § 16-316-745, filed 5/13/76; Order 1259, § 16-316-745, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-750 Seed produced out-of-state—Special handling for previously tagged and sealed seeds. [Order 1465, § 16-316-750, filed 5/13/76; Order 1259, § 16-316-750, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-755 Eligibility for interagency certification. [Order 1465, § 16-316-755, filed 5/13/76; Order 1259, § 16-316-755, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-760 Interagency blends. [Order 1465, § 16-316-760, filed 5/13/76; Order 1259, § 16-316-760, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-790 Varieties eligible for seed certification. [Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-790, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-018 (Order 1733), § 16-316-790, filed 5/15/81; 79-05-065 (Order 1603), § 16-316-790, filed 4/30/79; 78-03-099 (Order 1568), § 16-316-790, filed 3/1/78, effective 4/1/78.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-800 Grass varieties eligible. [Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-800, filed 5/27/94, effective 6/27/94; 92-13-027 (Order 2093), § 16-316-800, filed 6/9/92, effective 7/10/92; 91-14-001 (Order 2089), § 16-316-800, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-800, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-316-800, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-800, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-800, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-800, filed 6/9/86; 85-11-004 (Order 1851), § 16-316-800, filed 5/2/85; 84-13-043 (Order 1833), § 16-316-800, filed 6/15/84. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-800, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-018 (Order 1733), § 16-316-800, filed 5/15/81; 80-06-105 (Order 1697), § 16-316-800, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-800, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-800, filed 5/10/78; 78-03-099 (Order 1568), § 16-316-800, filed 3/1/78, effective 4/1/78; Order 1505, § 16-316-800, filed 3/31/77; Order 1456, § 16-316-800, filed 5/13/76; Order 1420, § 16-316-800, filed 8/15/75; Order 1365, § 16-316-800, filed 6/12/74.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-810 Red clover varieties eligible. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-810, filed 6/9/92, effective 7/10/92; 89-11-078 (Order 2005), § 16-316-810, filed 5/22/89; 87-12-006 (Order 1930), § 16-316-810, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-810, filed 6/9/86. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-810, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-

	06-105 (Order 1697), § 16-316-810, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-810, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-810, filed 5/10/78; 78-03-099 (Order 1568), § 16-316-810, filed 3/1/78, effective 4/1/78; Order 1505, § 16-316-810, filed 3/31/77; Order 1456, § 16-316-810, filed 5/13/76; Order 1420, § 16-316-810, filed 8/15/75; Order 1365, § 16-316-810, filed 6/12/74.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	
16-316-815	Other clover varieties. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-815, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-316-815, filed 6/5/90, effective 7/6/90; 87-12-006 (Order 1930), § 16-316-815, filed 5/22/87; 84-13-043 (Order 1833), § 16-316-815, filed 6/15/84. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-815, filed 3/31/82, effective 5/1/82.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	
16-316-820	Alfalfa varieties eligible. [Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-820, filed 5/27/94, effective 6/27/94; 92-13-027 (Order 2093), § 16-316-820, filed 6/9/92, effective 7/10/92; 91-14-001 (Order 2089), § 16-316-820, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-820, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-316-820, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-820, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-820, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-820, filed 6/9/86; 85-11-004 (Order 1851), § 16-316-820, filed 5/2/85; 84-13-043 (Order 1833), § 16-316-820, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-820, filed 5/16/83. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-820, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-018 (Order 1733), § 16-316-820, filed 5/15/81; 80-06-105 (Order 1697), § 16-316-820, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-820, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-820, filed 5/10/78; 78-03-099 (Order 1568), § 16-316-820, filed 3/1/78, effective 4/1/78; Order 1505, § 16-316-820, filed 3/31/77; Order 1456, § 16-316-820, filed 5/13/76; Order 1420, § 16-316-820, filed 8/15/75; Order 1365, § 16-316-820, filed 6/12/74.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	
16-316-830	Bean varieties eligible. [Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-830, filed 5/27/94, effective 6/27/94; 92-13-027 (Order 2093), § 16-316-830, filed 6/9/92, effective 7/10/92; 88-11-042 (Order 1976), § 16-316-830, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-830, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-830, filed 6/9/86; 85-11-004 (Order 1851), § 16-316-830, filed 5/2/85; 84-13-043 (Order 1833), § 16-316-830, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-830, filed 5/16/83. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-830, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-105 (Order 1697), § 16-316-830, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-830, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-830, filed 5/10/78; Order 1505, § 16-316-830, filed 3/31/77; Order 1456, § 16-316-830, filed 5/13/76; Order 1420, § 16-316-830, filed 8/15/75; Order 1365, § 16-316-830, filed 6/12/74.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	
16-316-832	Rapeseed varieties eligible for certification. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-832, filed 6/9/92, effective 7/10/92; 88-11-042 (Order 1976), § 16-316-832, filed 5/13/88; 87-17-025 (Order 1948), § 16-316-832, filed 8/13/87; 86-13-014 (Order 1889), § 16-316-832, filed 6/9/86.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01.	
16-316-833	Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. Miscellaneous crop varieties eligible. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-833, filed 6/9/92, effective 7/10/92; 84-13-043 (Order 1833), § 16-316-833, filed 6/15/84.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	
16-316-840	White clover and trefoil varieties eligible. [Statutory Authority: Chapter 15.49 RCW. 79-05-065 (Order 1603), § 16-316-840, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-840, filed 5/10/78; Order 1505, § 16-316-840, filed 3/31/77; Order 1456, § 16-316-840, filed 5/13/76; Order 1420, § 16-316-840, filed 8/15/75. Formerly WAC 16-316-085.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	
16-316-850	Rapeseed certification standards and fees. [Statutory Authority: Chapter 15.49 RCW. 86-13-014 (Order 1889), § 16-316-850, filed 6/9/86.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	
16-316-860	Rapeseed field standards. [Statutory Authority: Chapter 15.49 RCW. 86-13-014 (Order 1889), § 16-316-860, filed 6/9/86.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	
16-316-870	Rapeseed land requirements. [Statutory Authority: Chapter 15.49 RCW. 86-13-014 (Order 1889), § 16-316-870, filed 6/9/86.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	
16-316-880	Rapeseed—Seed standards. [Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-880, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-880, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-880, filed 6/9/86.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	
16-316-900	Soybean seed certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-061 (Order 1617), § 16-316-900, filed 4/30/79; Order 1466, § 16-316-900, filed 5/13/76; Order 1375, § 16-316-900, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.	
16-316-901	Corn seed certification standards. [Statutory Authority: Chapter 15.49 RCW. 84-13-041 (Order 1831), § 16-316-901, filed 6/15/84.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	
16-316-905	Eligible variety and stock seed. [Order 1466, § 16-316-905, filed 5/13/76; Order 1414, § 16-316-905, filed 8/15/75; Order 1375, § 16-316-905, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.	
16-316-906	Corn seed certification fees. [Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-906, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-906, filed 6/15/84.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	
16-316-910	Application and fees. [Statutory Authority: Chapter 15.49 RCW. 78-03-100 (Order 1569), § 16-316-910, filed 3/1/78, effective 4/1/78; Order 1466, § 16-316-910, filed 5/13/76; Order 1375, § 16-316-910, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.	
16-316-911	Corn seed eligibility. [Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-911, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-911, filed 6/15/84.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.	
16-316-915	Land requirements. [Order 1466, § 16-316-915, filed 5/13/76; Order 1375, § 16-316-915, filed 7/31/74.]	

- Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-916 Field inspection. [Statutory Authority: Chapter 15.49 RCW. 84-13-041 (Order 1831), § 16-316-916, filed 6/15/84.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-920 Isolation requirements. [Order 1466, § 16-316-920, filed 5/13/76; Order 1375, § 16-316-920, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-921 Field standards. [Statutory Authority: Chapter 15.49 RCW. 96-14-090, § 16-316-921, filed 7/2/96, effective 8/2/96; 85-11-002 (Order 1852), § 16-316-921, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-921, filed 6/15/84.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-925 Field standards. [Statutory Authority: Chapter 15.49 RCW. 80-06-108 (Order 1698), § 16-316-925, filed 5/30/80; 79-05-061 (Order 1617), § 16-316-925, filed 4/30/79; Order 1466, § 16-316-925, filed 5/13/76; Order 1375, § 16-316-925, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-930 Seed standards. [Order 1491, § 16-316-930, filed 3/31/77; Order 1466, § 16-316-930, filed 5/13/76; Order 1375, § 16-316-930, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-935 Mechanical sampling. [Order 1466, § 16-316-935, filed 5/13/76; Order 1375, § 16-316-935, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-940 Certified seed sale certificate. [Order 1491, § 16-316-940, filed 3/31/77; Order 1466, § 16-316-940, filed 5/13/76; Order 1414, § 16-316-940, filed 8/15/75; Order 1375, § 16-316-940, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-945 Field standards—Hybrid corn seed. [Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-945, filed 5/2/85.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-950 Seed inspection—Foundation corn single crosses and inbred lines. [Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-950, filed 5/2/85.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-955 Seed inspection and standards—Hybrid corn seed. [Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-955, filed 5/2/85.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-960 Ear inspection and winter growouts—Foundation corn single crosses and inbred lines. [Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-960, filed 5/2/85.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-970 Sudangrass certification standards—Promulgation. [Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-970, filed 6/19/91, effective 7/20/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-975 Sudangrass certification standards—Definitions. [Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-975, filed 6/19/91, effective 7/20/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-980 Sudangrass certification standards—Applications and fees. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-980, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-316-980, filed 6/19/91, effective 7/20/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-985 Sudangrass certification standards—Land requirements. [Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-985, filed 6/19/91, effective 7/20/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-990 Sudangrass certification standards—Isolation requirements. [Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-990, filed 6/19/91, effective 7/20/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-995 Sudangrass certification standards—Field tolerances. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-995, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-316-995, filed 6/19/91, effective 7/20/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-316-997 Sudangrass certification standards—Seed standards. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-997, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-316-997, filed 6/19/91, effective 7/20/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

Reviser's note: Later promulgation, see chapters 16-301, 16-302 and 16-303 WAC.

Chapter 16-317

REGULATIONS FOR LABELING SMALL GRAIN SEEDS

- 16-317-002 Promulgation. [Order 1123, § 16-317-002, filed 8/19/69, effective 9/22/69.] Repealed by 79-05-080 (Order 1606), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-317-040 Labeling requirements for small grain, field pea, lentil, and/or soybean seeds. [Statutory Authority: Chapter 15.49 RCW. 90-04-003 (Order 2027), § 16-317-040, filed 1/25/90, effective 2/25/90; 80-06-115 (Order 1699), § 16-317-040, filed 5/30/80; 79-05-080 (Order 1606), § 16-317-040, filed 4/30/79; Order 1123, § 16-317-040, filed 8/19/69, effective 9/22/69.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-317-050 Alternate labeling requirements and exemptions. [Statutory Authority: Chapter 15.49 RCW. 90-04-003 (Order 2027), § 16-317-050, filed 1/25/90, effective 2/25/90; 80-06-115 (Order 1699), § 16-317-050, filed 5/30/80; 79-05-080 (Order 1606), § 16-317-050, filed 4/30/79; Order 1123, § 16-317-050, filed 8/19/69, effective 9/22/69.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-317-060 Seed held in storage. [Statutory Authority: Chapter 15.49 RCW. 90-04-003 (Order 2027), § 16-317-060, filed 1/25/90, effective 2/25/90; 80-06-115 (Order 1699), § 16-317-060, filed 5/30/80; 79-05-080 (Order 1606), § 16-317-060, filed 4/30/79; Order 1123, § 16-317-060, filed 8/19/69, effective 9/22/69.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-317-070 Noxious weeds. [Order 1123, § 16-317-070, filed 8/19/69, effective 9/22/69.] Repealed by Order 1413, filed 8/15/75.
- 16-317-080 Noxious weeds. [Statutory Authority: Chapter 15.49 RCW. 80-06-115 (Order 1699), § 16-317-080, filed 5/30/80; 79-09-102 (Order 1653), § 16-317-080, filed 8/31/79.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

- 16-317-090 Labeling lawn and pasture mixtures. [Statutory Authority: Chapter 15.49 RCW. 80-06-115 (Order 1699), § 16-317-090, filed 5/30/80.] Repealed by 90-04-003 (Order 2027), filed 1/25/90, effective 2/25/90. Statutory Authority: Chapter 15.49 RCW.
- Reviser's note:** Later promulgation, see chapters 16-301, 16-302 and 16-303 WAC.
- Chapter 16-318**
TREATED SEED LABELING REQUIREMENTS
- 16-318-002 Promulgation. [Order 1124, § 16-318-002, filed 8/19/69, effective 9/22/69.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-003 Promulgation. [Order 1150, § 16-318-003, filed 4/16/70.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-040 Treated seed labeling requirements. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-040, filed 1/11/90, effective 2/11/90; 80-06-118 (Order 1700), § 16-318-040, filed 5/30/80; Order 1124, § 16-318-040, filed 8/19/69, effective 9/22/69.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-050 Mercurials and similarly toxic pesticides. [Statutory Authority: Chapter 15.49 RCW. 80-06-118 (Order 1700), § 16-318-050, filed 5/30/80; Order 1124, § 16-318-050, filed 8/19/69, effective 9/22/69.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-060 Other pesticides. [Statutory Authority: Chapter 15.49 RCW. 80-06-118 (Order 1700), § 16-318-060, filed 5/30/80; Order 1124, § 16-318-060, filed 8/19/69, effective 9/22/69.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-065 Inoculants. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-065, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-070 Treated seed color requirement. [Order 1150, § 16-318-070, filed 4/16/70; Order 1124, § 16-318-070, filed 8/19/69, effective 9/22/69.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-080 Bulk seed. [Statutory Authority: Chapter 15.49 RCW. 80-06-118 (Order 1700), § 16-318-080, filed 5/30/80; Order 1124, § 16-318-080, filed 8/19/69, effective 9/22/69.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-090 Examples of minimum label formats. [Statutory Authority: Chapter 15.49 RCW. 80-06-118 (Order 1700), § 16-318-090, filed 5/30/80; Order 1124, § 16-318-090, filed 8/19/69, effective 9/22/69.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-200 Labeling—Requirements for agricultural, vegetable, and flower seeds. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-200, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-205 Labeling—General requirements for agricultural seeds except for grass seed mixtures and for hybrids which contain less than ninety-five percent hybrid seed. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-205, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-210 Labeling—For seed mixtures for lawn and/or turf purposes. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-210, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-215 Labeling—Special requirements for seeds that are coated. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-215, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-220 Labeling—Special requirements for vegetable seeds in packets as prepared for use in home. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-220, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-225 Labeling—Special requirements for vegetable seeds in containers other than packets. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-225, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-230 Labeling—Special requirements for flower seeds. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-230, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-235 Labeling for agricultural and vegetable hybrid seed which contains less than ninety-five percent hybrid seed. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-235, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-240 Labeling—Prohibitions. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-240, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-300 Definitions. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-300, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-305 Matters subject to mandatory arbitration. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-305, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-310 Arbitration requirement—Labeling. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-310, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-315 Filing of a complaint for arbitration. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-315, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-320 Requirement to respond to complaint. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-320, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-325 Acceptance of filing by telefax. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-325, filed 1/11/90, effective 2/11/90.] Repealed by

- 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-330 Arbitration committee. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-330, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-335 Referral to arbitration committee. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-335, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-340 Scheduling of hearing. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-340, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-345 Representation by counsel. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-345, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-350 Waiver of oral hearing. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-350, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-355 Record of the hearing. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-355, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-360 Attendance at hearings. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-360, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-365 Committee investigation. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-365, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-370 Evidence. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-370, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-375 Evidence by affidavit. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-375, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-380 Discovery. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-380, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-385 Arbitration in the absence of a party. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-385, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-390 Order of proceedings. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-390, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-395 Expert evidence and performance tests. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-395, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-400 Conservation of property. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-400, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-405 Reopening of a hearing. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-405, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-410 Expenses. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-410, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-415 Arbitration committee report. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-415, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-318-420 Award upon settlement. [Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-420, filed 1/11/90, effective 2/11/90.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

Reviser's note: Later promulgation, see chapters 16-301, 16-302 and 16-303 WAC.

Chapter 16-320

INTERSTATE CERTIFICATION OF SEEDS

- 16-320-010 Varieties eligible. [Order 590, Regulation 1, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-320-020 Agencies eligible. [Order 590, Regulation 2, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-320-030 Application of standards. [Order 590, Regulation 3, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-320-040 Evidence of seed eligibility. [Order 590, Regulation 4, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-320-050 Prior approval of cooperating certification agencies. [Order 590, Regulation 5, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-320-060 Blending. [Order 590, Regulation 6, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-320-070 Approval of processors. [Order 590, Regulation 7, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-320-080 Inspection of processing operations. [Order 590, Regulation 8, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-320-090 Samples. [Order 590, Regulation 9, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-320-100 Tags and tagging. [Order 590, Regulation 10, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-320-110 Educational responsibilities. [Order 590, Regulation 11, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-320-120 Fees. [Order 590, Regulation 12, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

Chapter 16-321**GRASS SOD—CERTIFICATION STANDARDS**

- 16-321-001 Purpose. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-001, filed 5/30/80.] Repealed by 03-08-018, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapters 15.13 and 34.05 RCW.
- 16-321-010 Grass sod certification standards. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-010, filed 5/30/80.] Repealed by 03-08-018, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapters 15.13 and 34.05 RCW.
- 16-321-020 By whom certified. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-020, filed 5/30/80.] Repealed by 03-08-018, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapters 15.13 and 34.05 RCW.
- 16-321-030 Varieties eligible. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-030, filed 5/30/80.] Repealed by 03-08-018, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapters 15.13 and 34.05 RCW.
- 16-321-040 Application for sod certification. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-040, filed 5/30/80.] Repealed by 03-08-018, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapters 15.13 and 34.05 RCW.
- 16-321-050 Certification fees. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-050, filed 5/30/80.] Repealed by 03-08-018, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapters 15.13 and 34.05 RCW.
- 16-321-060 Land requirements. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-060, filed 5/30/80.] Repealed by 03-08-018, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapters 15.13 and 34.05 RCW.
- 16-321-070 Eligibility of seed stock. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-070, filed 5/30/80.] Repealed by 03-08-018, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapters 15.13 and 34.05 RCW.
- 16-321-080 Field standards. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-080, filed 5/30/80.] Repealed by 03-08-018, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapters 15.13 and 34.05 RCW.
- 16-321-090 Specific requirements. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-090, filed 5/30/80.] Repealed by 03-08-018, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapters 15.13 and 34.05 RCW.
- 16-321-100 Inspection. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-100, filed 5/30/80.] Repealed by 03-08-018, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapters 15.13 and 34.05 RCW.
- 16-321-110 Labeling. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-110, filed 5/30/80.] Repealed by 03-08-018, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapters 15.13 and 34.05 RCW.
- 16-321-120 Responsibility and obligations. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-120, filed 5/30/80.] Repealed by 03-08-018, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapters 15.13 and 34.05 RCW.

Chapter 16-329**GRADES AND STANDARDS—
CERTIFIED STRAWBERRY PLANTS**

- 16-329-001 Promulgation. [Order 1217, § 16-329-001, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
- 16-329-010 Washington No. 1. [Order 1217, § 16-329-010, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
- 16-329-015 Washington No. 2. [Order 1217, § 16-329-015, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
- 16-329-020 Tolerances. [Order 1217, § 16-329-020, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order

1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.

- 16-329-025 Definitions. [Order 1217, § 16-329-025, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
- 16-329-030 Effective date. [Order 1217, § 16-329-030, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.

Chapter 16-332**RASPBERRY PLANTS—CERTIFICATION**

- 16-332-001 Promulgation. [Order 924, filed 6/25/63.] Repealed by Order 1398, filed 4/16/75.
- 16-332-010 Fees. [Order 924, Regulation 1, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.
- 16-332-020 Definitions. [Order 924, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.
- 16-332-030 Requirements for production of foundation and registered stock. [Order 924, Regulation 2, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.
- 16-332-035 Certified planting stock. [Order 924, Regulation 3, filed 6/25/63.] Repealed by Order 1398, filed 4/16/75.
- 16-332-040 Handling the crop prior to inspection. [Order 647, effective 2/24/53.] Omitted from Order No. 924 which superseded Order No. 647. Repealed by Order 1398, filed 4/16/75.
- 16-332-050 Field inspections. [Order 924, Regulation 4, filed 6/25/63; Order 647, effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.
- 16-332-060 Field standards. [Order 924, Regulation 5, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.
- 16-332-070 Classes of certified plants. [Order 647, effective 2/24/53.] Now codified within WAC 16-332-060. Repealed by Order 1398, filed 4/16/75.
- 16-332-080 Tagging and plant inspection. [Order 924, Regulation 7, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.
- 16-332-090 Additional information. [Order 924 (part), filed 6/25/63; Order 647, effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.

Chapter 16-332A**RULES AND STANDARDS FOR
CERTIFICATION OF CANEBERRY PLANTS**

- 16-332A-001 Promulgation. [Order 1398, § 16-332A-001, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-010 Fees. [Order 1398, § 16-332A-010, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-020 Definitions. [Order 1398, § 16-332A-020, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-030 Requirements for production of foundation and registered stock. [Order 1398, § 16-332A-030, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-040 Requirements for production of certified planting stock. [Order 1398, § 16-332A-040, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-050 Field inspection. [Order 1398, § 16-332A-050, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-060 Field standards. [Order 1398, § 16-332A-060, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-070 Tagging or stamping and plant inspection. [Order 1398, § 16-332A-070, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-080 Effective date. [Order 1398, § 16-332A-080, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.

Chapter 16-400

FRUIT AND VEGETABLE INSPECTION FEES

- 16-400-001 Promulgation. [Emergency Order 1065 and Order 1066, Promulgation, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Promulgation, filed 5/12/67; Order 989, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 83-06-048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-400-003 Promulgation. [Order 1121, § 16-400-003, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-003, filed 6/30/69.] Repealed by 83-06-048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-400-004 Promulgation. [Order 1121, § 16-400-004, filed 12/29/69.] Repealed by 83-06-048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-400-005 Promulgation. [Order 1121, § 16-400-005, filed 7/7/70.] Repealed by 83-06-048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-400-006 Promulgation. [Order 1402, § 16-400-006, filed 6/16/75; Order 1377, § 16-400-006, filed 9/12/74; Order 1355, § 16-400-006, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-006, filed 5/30/73; Order 1223, § 16-400-006, filed 12/10/71, effective 1/10/72.] Repealed by 83-06-048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-400-00601 Promulgation. [Order 1482, § 16-400-00601, filed 8/16/76.] Repealed by 83-06-048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-400-007 Definition. [Statutory Authority: Chapter 15.17 RCW. 98-10-083, § 16-400-007, filed 5/5/98, effective 6/5/98; 89-08-040 (Order 2001), § 16-400-007, filed 3/31/89; 85-06-029 (Order 1847), § 16-400-007, filed 2/28/85.] Repealed by 04-11-078, filed 5/18/04, effective 6/18/04. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. Later promulgation, see chapter 16-390 WAC.
- 16-400-008 Reduction of inspection fees levied under this chapter. [Statutory Authority: Chapter 15.17 RCW and RCW 34.05.350 and 34.05.380(2). 02-20-062, § 16-400-008, filed 9/27/02, effective 10/28/02.] Repealed by 04-11-078, filed 5/18/04, effective 6/18/04. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. Later promulgation, see chapter 16-390 WAC.
- 16-400-010 Grade and condition certificates—Fruits. [Statutory Authority: Chapter 15.17 RCW. 90-09-031 (Order 2031), § 16-400-010, filed 4/11/90, effective 5/12/90; 89-08-040 (Order 2001), § 16-400-010, filed 3/31/89; 86-08-081 (Order 1884), § 16-400-010, filed 4/2/86; 85-02-033 (Order 1845), § 16-400-010, filed 12/31/84, effective 2/1/85; 79-01-035 (Order 1589), § 16-400-010, filed 12/20/78. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-010, filed 5/17/78; Order 1482, § 16-400-010, filed 8/16/76; Order 1377, § 16-400-010, filed 9/12/74; Order 1355, § 16-400-010, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-010, filed 5/30/73; Order 1121, § 16-400-010, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-010, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, filed 5/12/67; Order 989, Regulation 1, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 04-11-078, filed 5/18/04, effective 6/18/04. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. Later promulgation, see chapter 16-390 WAC.
- 16-400-020 Loose apples and/or pears. [Statutory Authority: Chapter 15.17 RCW. 79-01-035 (Order 1589), § 16-400-020, filed 12/20/78. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-020, filed 5/17/78; Order 1402, § 16-400-020, filed 6/16/75; Order 1377, § 16-400-020, filed 9/12/74; Order 1355, § 16-400-020, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-020, filed 5/30/73; Order 1121, § 16-400-020, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-020, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 2, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 2, filed 5/12/67; Order 989, Regulation 1, § 2, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-
- 06-029 (Order 1847), filed 2/28/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-025 Loose stone fruit and grapes. [Statutory Authority: Chapter 15.17 RCW. 79-01-035 (Order 1589), § 16-400-025, filed 12/20/78.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-030 Grade and condition certificates—Soft fruits. [Emergency Order 1065 and Order 1066, Regulation 1, § 3, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 3, filed 5/12/67; Order 989, Regulation 1, § 3, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by Order 1121, filed 6/30/69, effective 8/1/69.
- 16-400-040 Grade and condition certificates—Vegetables. [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.] Repealed by 04-11-078, filed 5/18/04, effective 6/18/04. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. Later promulgation, see chapter 16-390 WAC.
- 16-400-045 Grade and condition certificates—Customer assisted inspection program (CAIP) certification charges—Fruits and vegetables. [Statutory Authority: Chapters 15.17 and 34.05 RCW. 02-13-119, § 16-400-045, filed 6/19/02, effective 7/20/02. Statutory Authority: RCW 15.17.140. 01-18-052, § 16-400-045, filed 8/30/01, effective 9/30/01.] Repealed by 04-11-078, filed 5/18/04, effective 6/18/04. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. Later promulgation, see chapter 16-390 WAC.
- 16-400-050 Grade and condition certificates—Defense subsistence supply center or other federal agencies. [Statutory Authority: Chapter 15.17 RCW. 86-08-081 (Order 1884), § 16-400-050, filed 4/2/86; 85-02-033 (Order 1845), § 16-400-050, filed 12/31/84, effective 2/1/85. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-050, filed 5/17/78; Order 1377, § 16-400-050, filed 9/12/74; Order 1355, § 16-400-050, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-050, filed 5/30/73; Order 1121, § 16-400-050, filed 12/29/69; Order 1121, § 16-400-050, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-050, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 5, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 5, filed 5/12/67; Order 989, Regulation 1, § 5, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 89-08-040 (Order 2001), filed 3/31/89. Statutory Authority: Chapter 15.17 RCW.
- 16-400-060 Certificate charges—Other agricultural commodities. [Statutory Authority: Chapter 15.17 RCW. 85-02-033 (Order 1845), § 16-400-060, filed 12/31/84, effective 2/1/85; Order 1482, § 16-400-060, filed 8/16/76; Order 1377, § 16-400-060, filed 9/12/74; Order 1355, § 16-400-060, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-060, filed 5/30/73; Order 1121, § 16-400-060, filed 7/7/70; Order 1121, § 16-400-060, filed 6/30/69, effective 8/1/69; Emergency Order 1120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 6, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 6, filed 5/12/67; Order 989, Regulation 1, § 6, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-

	<p>tive 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 04-11-078, filed 5/18/04, effective 6/18/04. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. Later promulgation, see chapter 16-390 WAC.</p>		
16-400-070	<p>Hay and straw. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-070, filed 5/17/78; Order 1377, § 16-400-070, filed 9/12/74; Order 1355, § 16-400-070, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-070, filed 5/30/73; Order 1121, § 16-400-070, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-070, filed 6/30/69; Emergency Order 1065 and 1066, Regulation 1, § 7, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 7, filed 5/12/67; Order 989, Regulation 1, § 7, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.</p>	16-400-130	<p>1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.</p>
16-400-080	<p>Charges—Grade and condition certificates. [Order 783, Regulation 8, effective 3/1/59.] Omitted from Orders 928 and 989, which superseded Order 783.</p>	16-400-140	<p>Checkloading fees for P.M.A. services. [Order 783, Regulation 13, effective 3/1/59.] Omitted from Orders 928 and 989, which superseded Order 783.</p>
16-400-090	<p>Short form or lot inspection certificates. [Order 1377, § 16-400-090, filed 9/12/74; Order 1355, § 16-400-090, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-090, filed 5/30/73; Order 1121, § 16-400-090, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-090, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 2, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 2, filed 5/12/67; Order 989, Regulation 2, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.</p>	16-400-150	<p>Sanitary certificates—Fruits and vegetables. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-140, filed 5/17/78; Order 1377, § 16-400-140, filed 9/12/74; Order 1355, § 16-400-140, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-140, filed 5/30/73; Order 1121, § 16-400-140, filed 6/30/69, effective 8/1/69; Emergency Order 1120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 6, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 6, §§ 1-2, filed 5/12/67; Order 989, Regulation 6, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.</p>
16-400-100	<p>Certificates. [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.] Repealed by 04-11-078, filed 5/18/04, effective 6/18/04. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. Later promulgation, see chapter 16-390 WAC.</p>		<p>Shipping permits and certificates of compliance—Fruits and vegetables. [Statutory Authority: Chapter 15.17 RCW. 89-08-040 (Order 2001), § 16-400-150, filed 3/31/89; 85-02-033 (Order 1845), § 16-400-150, filed 12/31/84, effective 2/1/85; 83-06-048 (Order 1786), § 16-400-150, filed 3/1/83. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-150, filed 5/17/78; Order 1524, § 16-400-150, filed 4/20/77; Order 1377, § 16-400-150, filed 9/12/74; Order 1355, § 16-400-150, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-150, filed 5/30/73; Order 1223, § 16-400-150, filed 12/10/71, effective 1/10/72; Order 1121, § 16-400-150, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-150, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 7, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 7, filed 5/12/67; Order 989, Regulation 7, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 04-11-078, filed 5/18/04, effective 6/18/04. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. Later promulgation, see chapter 16-390 WAC.</p>
16-400-110	<p>Condition certificates. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-110, filed 5/17/78; Order 1377, § 16-400-110, filed 9/12/74; Order 1355, § 16-400-110, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-110, filed 5/30/73; Order 1121, § 16-400-110, filed 6/30/69; effective 8/1/69; Order 1120, § 16-400-110, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 4, §§ 1-5, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 4, §§ 1-5, filed 5/12/67; Order 989, Regulation 4, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.</p>	16-400-160	<p>through 16-400-190. [Order 783, effective 3/1/59.] Now codified within WAC 16-400-150.</p>
16-400-120	<p>Car hook-up, loading or unloading certificate. [Order 1377, § 16-400-120, filed 9/12/74; Order 1355, § 16-400-120, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-120, filed 5/30/73; Order 1121, § 16-400-120, filed 6/30/69, effective 8/1/69; Order 1120, § 16-400-120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 5, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 5, filed 5/12/67; Order 989, Regulation 5, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. Later promulgation, see chapter 16-390 WAC.</p>	16-400-200	<p>Quarantine certificates. [Emergency Order 1065 and Order 1066, Regulation 8, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 8, filed 5/12/67; Order 989, Regulation 8, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.</p>
		16-400-210	<p>Other charges. [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.] Repealed by 04-11-078, filed 5/18/04, effective 6/18/04. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. Later promulgation, see chapter 16-390 WAC.</p>

Chapter 16-415**HOLLY, CUT SPRAY—STANDARDS**

- 16-415-010 Grades. [Order 238, Grades, effective 11/17/37.] Repealed by 94-03-026 (Order 5024), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-415-020 Marking requirements. [Order 238, effective 11/17/37.] Repealed by 94-03-026 (Order 5024), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-415-030 Definition of terms. [Order 238, effective 11/17/37.] Repealed by 94-03-026 (Order 5024), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-415-040 Compliance with U.S. and state laws. [Order 238, effective 11/17/37.] Repealed by 94-03-026 (Order 5024), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-418**STANDARDS FOR BULBOUS IRIS**

- 16-418-010 Grades and tolerances. [Order 413, effective 3/1/44.] Repealed by Order 413, filed 4/1/70.
- 16-418-020 Minimum size. [Order 413, effective 3/1/44.] Repealed by Order 413, filed 4/1/70.
- 16-418-030 Definition of terms. [Order 413, effective 3/1/44.] Repealed by Order 413, filed 4/1/70.
- 16-418-040 Marking requirements. [Order 413, effective 3/1/44.] Repealed by Order 413, filed 4/1/70.

Chapter 16-421**NARCISSUS BULB STANDARDS**

- 16-421-010 Grades. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.
- 16-421-020 Tolerances—Measure. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.
- 16-421-030 Definition of terms. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.
- 16-421-040 Marking requirements. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.
- 16-421-050 Minimum sizes. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.

Chapter 16-424**ONION STANDARDS**

- 16-424-010 Grades and tolerance. [Order 186, effective 9/1/35.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
- 16-424-020 Definition of terms. [Order 186, effective 9/1/35.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
- 16-424-030 Variation between lot and individual package tolerance. [Order 186, effective 9/1/35.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.

Chapter 16-425**GRADES AND STANDARDS FOR DORMANT CERTIFIED GRAPE PLANTING STOCK**

- 16-425-001 Promulgation. [Order 1194, § 16-425-001, filed 4/19/71.] Repealed by 86-08-078 (Order 1883), filed 4/2/86. Statutory Authority: Chapter 15.14 RCW.
- 16-425-010 Grades and standards. [Order 1194, § 16-425-010, filed 4/19/71.] Repealed by 86-08-078 (Order 1883), filed 4/2/86. Statutory Authority: Chapter 15.14 RCW.
- 16-425-015 Effective date. [Order 1194, § 16-425-015, filed 4/19/71.] Repealed by 86-08-078 (Order 1883), filed 4/2/86. Statutory Authority: Chapter 15.14 RCW.

Chapter 16-426**GRADES AND STANDARDS FOR HOP ROOTSTOCK**

- 16-426-001 Promulgation. [Order 1265, § 16-426-001, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
- 16-426-005 Washington No. 1. [Order 1265, § 16-426-005, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
- 16-426-010 Tolerances. [Order 1265, § 16-426-010, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.

- 16-426-015 Specific requirements. [Order 1265, § 16-426-015, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
- 16-426-020 Definitions. [Order 1265, § 16-426-020, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
- 16-426-025 Effective date. [Order 1265, § 16-426-025, filed 5/10/72.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.

Chapter 16-427**ORNAMENTAL DECIDUOUS PLANTS, NURSERY STOCK STANDARDS**

- 16-427-001 Promulgation. [Order 1229, § 16-427-001, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 15-432 WAC.
- 16-427-010 Grades and standards. [Order 1229, § 16-427-010, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-010, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-015 Tolerance. [Order 1229, § 16-427-015, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-020 Size terms. [Order 1229, § 16-427-020, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-020, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-025 Balled and burlapped and container grown. [Order 1229, § 16-427-025, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-030 Marking requirements. [Order 1229, § 16-427-030, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-030, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-040 Definition of terms. [Order 1229, § 16-427-040, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-040, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-050 Compliance with federal and state law. [Order 1229, § 16-427-050, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-050, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-060 Collected plants. [Order 1229, § 16-427-060, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-060, filed 4/17/68, effective 5/17/68.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-070 Effective date. [Order 1229, § 16-427-070, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-428**NURSERY STOCK STANDARDS FOR FRUIT TREES**

- 16-428-001 Promulgation. [Order 1321, § 16-428-001, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.
- 16-428-010 Grades and standards. [Order 1321, § 16-428-010, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-020 Measurement. [Order 1321, § 16-428-020, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-030 Marking. [Order 1321, § 16-428-030, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-040 Compliance with federal and state law. [Order 1321, § 16-428-040, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

- 16-428-050 Container grown. [Order 1321, § 16-428-050, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-060 Size terms. [Order 1321, § 16-428-060, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-070 Effective date. [Order 1321, § 16-428-070, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-429
NURSERY STOCK STANDARDS
FOR GROUND COVERS, YOUNG PLANTS,
VINES AND SEEDLINGS

- 16-429-001 Promulgation. [Order 1322, § 16-429-001, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.
- 16-429-010 Grades and standards. [Order 1322, § 16-429-010, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-020 Tolerance. [Order 1322, § 16-429-020, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-030 Marking requirements. [Order 1322, § 16-429-030, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-040 Compliance with federal and state law. [Order 1322, § 16-429-040, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-050 Collected plants. [Order 1322, § 16-429-050, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-060 Size terms. [Order 1322, § 16-429-060, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-070 Condition of root system. [Order 1322, § 16-429-070, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-080 Definition of terms. [Order 1322, § 16-429-080, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-090 Measurement of types. [Order 1322, § 16-429-090, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-100 Effective date. [Order 1322, § 16-429-100, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-430
ORNAMENTAL EVERGREEN PLANTS,
NURSERY STOCK STANDARDS

- 16-430-001 Promulgation. [Order 1230, § 16-430-001, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.
- 16-430-010 Grades and standards. [Order 1230, § 16-430-010, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-010, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-015 Tolerance. [Order 1230, § 16-430-015, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-020 Size terms. [Order 1230, § 16-430-020, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-020, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-025 Balled and burlapped and container grown. [Order 1230, § 16-430-025, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-030 Measurement. [Order 1086, § 16-430-030, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by Order 1230, filed 1/24/72.
- 16-430-040 Marking requirements. [Order 1230, § 16-430-040, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-040, filed 4/17/68, effective 5/17/68; Order 239, effective

- 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-050 Definition of terms. [Order 1230, § 16-430-050, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-050, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-060 Measurement of types. [Order 1230, § 16-430-060, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-060, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-070 Compliance with federal and state law. [Order 1230, § 16-430-070, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-070, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-080 Noxious weeds. [Order 1086, § 16-430-080, filed 4/17/68, effective 5/17/68.] Repealed by Order 1230, filed 1/24/72.
- 16-430-090 Ground covers. [Order 1086, § 16-430-090, filed 4/17/68, effective 5/17/68.] Repealed by Order 1230, filed 1/24/72.
- 16-430-100 Collected plants. [Order 1230, § 16-430-100, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-100, filed 4/17/68, effective 5/17/68.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-110 Effective date. [Order 1230, § 16-430-110, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-432
WASHINGTON STATE STANDARDS FOR NURSERY STOCK

- 16-432-010 General. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-010, filed 3/21/79. Formerly chapters 16-427, 16-428, 16-429, 16-430, and 16-454 WAC (part).] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-020 Marking requirements. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-020, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-030 Tolerance. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-030, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-040 Container specifications. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-040, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-050 Terminology. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-050, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-060 Plant specifications. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-060, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-070 Young plants specifications. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-070, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-080 Deciduous flowering shrubs and shade trees. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-080, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-090 Coniferous evergreens. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-090, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-100 Broadleaf evergreen shrubs. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-

	432-100, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.	16-446-210	Effective date. [Order 1200, § 16-446-210, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW.
16-432-110	Fruit trees. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-110, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.		
16-432-120	Understock for grafting and budding. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-120, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.	16-448-002,	16-448-010, 16-448-020, 16-448-030, 16-448-040, 16-448-050, 16-448-060, 16-448-070, 16-448-080, 16-448-090, 16-448-100, 16-448-110, and 16-448-120. [Order 363, effective 8/12/42.] Repealed by Order 1263, filed 5/15/72.
16-432-130	Nursery stock standard for roses. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-130, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.	16-448-130	Promulgation. [Order 1263, § 16-448-130, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
	Chapter 16-433	16-448-135	Applicability. [Order 1263, § 16-448-135, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
	STANDARDS FOR ORNAMENTAL LINING OUT STOCK	16-448-140	Washington No. 1 grade. [Order 1263, § 16-448-140, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-433-010,	16-433-020, 16-433-030, 16-433-040, 16-433-050. [Order 241, effective 6/30/34.] Repealed by Order 241, filed 6/26/73.	16-448-145	Washington commercial. [Order 1263, § 16-448-145, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
	Chapter 16-446	16-448-150	Washington No. 2. [Order 1263, § 16-448-150, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
	GRADES AND STANDARDS FOR CERTIFIED SEED POTATOES	16-448-155	Culls. [Order 1263, § 16-448-155, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-446-001	Promulgation. [Order 1200, § 16-446-001, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW.	16-448-160	Size. [Order 1263, § 16-448-160, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-446-100	Tuber inspection—Diseases and grades. [Order 1200, § 16-446-100, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-445.	16-448-165	Tolerances. [Order 1263, § 16-448-165, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-446-110	Specific requirements (percentage tolerances). [Order 1200, § 16-446-110, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-450.	16-448-170	Application of tolerances. [Order 1263, § 16-448-170, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-446-120	Washington No. 1 certified seed potatoes (blue tag stock). [Order 1200, § 16-446-120, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-120.	16-448-175	Samples for grade and size determination. [Order 1263, § 16-448-175, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-446-130	Washington No. 2 certified seed potatoes (red tag stock). [Order 1200, § 16-446-130, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-470.	16-448-180	Skinning. [Order 1263, § 16-448-180, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-446-140	Washington single drop certified seed potatoes (white tag stock). [Order 1200, § 16-446-140, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-480.	16-448-185	Definitions. [Order 1263, § 16-448-185, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-446-150	Washington buff certified seed potatoes (buff tag stock). [Order 1200, § 16-446-150, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-490.	16-448-190	Marking requirements. [Order 1263, § 16-448-190, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-446-160	Marking requirements. [Order 1200, § 16-446-160, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-500.	16-448-195	Forbidden practices. [Order 1263, § 16-448-195, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-446-170	Tolerances. [Order 1200, § 16-446-170, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-510.	16-448-200	Effective date. [Order 1263, § 16-448-200, filed 5/15/72.] Repealed by 05-10-090, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-446-180	Definition of terms. [Order 1200, § 16-446-180, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-520.		
16-446-190	Definition—Damage. [Order 1200, § 16-446-190, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-530.		
16-446-200	Definition—Serious damage. [Order 1200, § 16-446-200, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-540.		
			Chapter 16-449
			WASHINGTON CONTROLLED ATMOSPHERE STORAGE REQUIREMENTS FOR WINTER PEARS
		16-449-001	Promulgation. [Order 1326, § 16-449-001, filed 9/27/73.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.
		16-449-010	Requirements. [Statutory Authority: Chapter 15.17 RCW. 99-21-003, § 16-449-010, filed 10/8/99, effective 11/8/99; Order 1543, § 16-449-010, filed 11/8/77; Order 1326, § 16-449-010, filed 9/27/73.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.
		16-449-020	Maturity and condition standards. [Order 1326, § 16-449-020, filed 9/27/73.] Repealed by 04-05-117, filed

2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.
 16-449-030 Effective date. [Order 1326, § 16-449-030, filed 9/27/73.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.

Reviser's note: Later promulgation, see chapter 16-450 WAC.

Chapter 16-451

RHUBARB, HOT-HOUSE OR CELLAR GROWN

16-451-010 Extra fancy grade. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
 16-451-020 Fancy grade. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
 16-451-030 Cull rhubarb. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
 16-451-040 Tolerances for preceding grades. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
 16-451-050 Definitions of terms. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
 16-451-060 Marking requirements. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
 16-451-070 Rhubarb box. [Order 705, effective 11/30/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.

Chapter 16-454

NURSERY STOCK STANDARDS FOR ROSES

16-454-010 Tea, hybrid tea and everblooming; rugosa and rugosa hybrids; hybrid perpetuals, moss and miscellaneous bush roses. [Order 593, effective 2/26/51.] Repealed by Order 1320, filed 6/26/73.
 16-454-020 Floribunda roses. [Order 593, effective 2/26/51.] Repealed by Order 1320, filed 6/26/73.
 16-454-030 Polyantha—Baby roses. [Order 593, effective 2/26/51.] Repealed by Order 1320, filed 6/26/73.
 16-454-040 Climbing roses. [Order 593, effective 2/26/51.] Repealed by Order 1320, filed 6/26/73.
 16-454-050 Promulgation. [Order 1320, § 16-454-050, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.
 16-454-055 Grades and standards. [Order 1320, § 16-454-055, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
 16-454-060 Tolerance. [Order 1320, § 16-454-060, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
 16-454-065 Marking requirements. [Order 1320, § 16-454-065, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
 16-454-070 Compliance with federal and state law. [Order 1320, § 16-454-070, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
 16-454-075 Collected plants. [Order 1320, § 16-454-075, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
 16-454-080 Measurement. [Order 1320, § 16-454-080, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
 16-454-085 Size terms. [Order 1320, § 16-454-085, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
 16-454-090 Container grown roses. [Order 1320, § 16-454-090, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
 16-454-095 Effective date. [Order 1320, § 16-454-095, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-457

STRAWBERRY PLANTS

16-457-001 Promulgation. [Order 820, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.

16-457-010 Washington No. 1—Definitions. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.
 16-457-015 Washington No. 1—Types. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.
 16-457-020 Washington No. 1—Application of tolerances. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.
 16-457-030 Washington No. 1—Tolerances. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.
 16-457-040 Washington No. 1—Packing. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.
 16-457-050 Washington No. 2—Definitions. [Order 820, Regulation 1, §§ 1 and 5, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.
 16-457-060 Washington No. 2—Application of tolerances. [Order 820, Regulation 1, § 2, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.
 16-457-070 Washington No. 2—Tolerances. [Order 820, Regulation 2, § 3, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.
 16-457-080 Washington No. 2—Packing. [Order 820, Regulation 1, § 4, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.

Chapter 16-458

FRUIT AND VEGETABLE INSPECTION DISTRICT BOUNDARIES

16-458-001 Promulgation. [Order 1125, § 16-458-001, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76.
 16-458-002 Promulgation. [Order 1125, § 16-458-002, filed 7/15/70.] Repealed by Order 1471, filed 7/2/76.
 16-458-003 Promulgation. [Order 1125, § 16-458-003, filed 11/1/72.] Repealed by Order 1471, filed 7/2/76.
 16-458-004 Promulgation. [Order 1471, § 16-458-004, filed 7/2/76.] Repealed by 99-17-002, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15.17 RCW.
 16-458-010 District one. [Order 1125, § 16-458-010, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76.
 16-458-020 District three. [Order 1125, § 16-458-020, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76.
 16-458-030 District four. [Order 1125, § 16-458-030, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76.
 16-458-040 District five. [Order 1125, § 16-458-040, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76.
 16-458-050 District six. [Order 1125, § 16-458-050, filed 11/1/72; Order 1125, § 16-458-050, filed 7/15/70.] Repealed by Order 1471, filed 7/2/76.
 16-458-060 Effective date. [Order 1125, § 16-458-060, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76.
 16-458-061 Effective date. [Order 1125, § 16-458-061, filed 11/1/72; Order 1125, § 16-458-061, filed 7/15/70.] Repealed by Order 1471, filed 7/2/76.
 16-458-070 District one. [Order 1471, § 16-458-070, filed 7/2/76.] Repealed by 87-24-009 (Order 1959), filed 11/20/87, effective 1/1/88. Statutory Authority: Chapter 15.17 RCW.
 16-458-075 Fruit and vegetable district two. [Statutory Authority: Chapter 15.17 RCW and RCW 34.05.350 and 34.05.380(2). 02-20-062, § 16-458-075, filed 9/27/02, effective 10/28/02. Statutory Authority: Chapter 15.17 RCW. 99-17-002, § 16-458-075, filed 8/4/99, effective 9/4/99; Order 1471, § 16-458-075, filed 7/2/76.] Repealed by 04-11-078, filed 5/18/04, effective 6/18/04. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. Later promulgation, see chapter 16-390 WAC.
 16-458-080 Fruit and vegetable district three. [Statutory Authority: Chapter 15.17 RCW. 99-17-002, § 16-458-080, filed 8/4/99, effective 9/4/99; 87-24-009 (Order 1959), § 16-458-080, filed 11/20/87, effective 1/1/88; Order 1471, § 16-458-080, filed 7/2/76.] Repealed by 02-20-062, filed 9/27/02, effective 10/28/02. Statutory Authority: Chapter 15.17 RCW and RCW 34.05.350 and 34.05.380(2).
 16-458-085 Fruit and vegetable district four. [Statutory Authority: Chapter 15.17 RCW and RCW 34.05.350 and 34.05.380(2). 02-20-062, § 16-458-085, filed 9/27/02, effective 10/28/02. Statutory Authority: Chapter 15.17 RCW. 99-17-002, § 16-458-085, filed 8/4/99, effective 9/4/99; Order 1471, § 16-458-085, filed 7/2/76.]

Repealed by 04-11-078, filed 5/18/04, effective 6/18/04. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. Later promulgation, see chapter 16-390 WAC.

**Chapter 16-459
CONTROLLED ATMOSPHERE STORAGE**

- 16-459-001 Promulgation. [Order 1213, § 16-459-001, filed 9/20/71.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see chapter 16-450 WAC.
- 16-459-00101 Promulgation. [Order 1486, § 16-459-00101, filed 9/15/76.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see chapter 16-450 WAC.
- 16-459-010 Requirements—General. [Order 1486, § 16-459-010, filed 9/15/76; Order 1213, § 16-459-010, filed 9/20/71.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see chapter 16-450 WAC.
- 16-459-020 Identification of controlled atmosphere fruit prior to inspection. [Order 1213, § 16-459-020, filed 9/20/71.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see chapter 16-450 WAC.
- 16-459-030 Fees. [Order 1213, § 16-459-030, filed 9/20/71.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see chapter 16-450 WAC.
- 16-459-040 Penalties. [Order 1213, § 16-459-040, filed 9/20/71.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see chapter 16-450 WAC.
- 16-459-050 Effective date. [Order 1213, § 16-459-050, filed 9/20/71.] Repealed by Order 1486, filed 9/15/76.

**Chapter 16-460
TOMATOES**

- 16-460-005 Applicability. [Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 357, effective 5/1/42.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
- 16-460-008 Promulgation. [Order 1055, Promulgation, filed 6/9/67, effective 7/10/67.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
- 16-460-010 Introduction. [Order 357, effective 5/1/42.] Superseded by Order 1055, filed 6/9/67, effective 7/10/67. See WAC 16-460-040.
- 16-460-020, 16-460-030, 16-460-050, 16-460-060, 16-460-070. [Order 357, effective 5/1/42.] Superseded by Order 1055, filed 6/9/67, effective 7/10/67. See WAC 16-460-100.
- 16-460-040 Washington No. 1 grade, size, tolerances—Application of tolerances. [Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 357, effective 5/1/42.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
- 16-460-080 Definition of terms. [Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 357, effective 5/1/42.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
- 16-460-090 Size requirements. [Order 357, effective 5/1/42.] Superseded by Order 1055, filed 6/9/67, effective 7/10/67. See WAC 16-460-040.
- 16-460-100 Marking requirements. [Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 699, effective 5/25/54.] Repealed by 99-17-001, filed 8/4/99, effective 9/4/99. Statutory Authority: Chapter 15017 [15.17] RCW.
- 16-460-110 California lug. [Order 357, effective 5/1/42.] Repealed by deletion, Order 1055, filed 6/9/67, effective 7/10/67.

**Chapter 16-469
AZALEA FLOWER SPOT**

- 16-469-010 Infested territory—Carriers of disease. [Order 704, effective 11/23/54.] Repealed by 92-13-050 (Order 2095), filed 6/11/92, effective 7/12/92. Statutory Authority: Chapter 17.24 RCW.
- 16-469-020 Establishing quarantine—Promulgation. [Order 704, effective 11/23/54.] Repealed by 92-13-050 (Order 2095), filed 6/11/92, effective 7/12/92. Statutory Authority: Chapter 17.24 RCW.

- 16-469-030 Advance notice of nursery shipments. [Order 704, effective 11/23/54.] Repealed by 92-13-050 (Order 2095), filed 6/11/92, effective 7/12/92. Statutory Authority: Chapter 17.24 RCW.
- 16-469-040 Markings on shipments. [Order 704, effective 11/23/54.] Repealed by 92-13-050 (Order 2095), filed 6/11/92, effective 7/12/92. Statutory Authority: Chapter 17.24 RCW.
- 16-469-050 Entrance into state upon certification. [Order 704, effective 11/23/54.] Repealed by 92-13-050 (Order 2095), filed 6/11/92, effective 7/12/92. Statutory Authority: Chapter 17.24 RCW.
- 16-469-060 Dispositions and penalties. [Order 704, effective 11/23/54.] Repealed by 92-13-050 (Order 2095), filed 6/11/92, effective 7/12/92. Statutory Authority: Chapter 17.24 RCW.

**Chapter 16-471
CHRYSANTHEMUM WHITE RUST DISEASE**

- 16-471-010 Definitions. [Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-010, filed 1/11/91, effective 2/11/91.] Repealed by 98-19-023, filed 9/9/98, effective 10/10/98. Statutory Authority: RCW 17.24.04 [17.24.041].
- 16-471-015 Penalties. [Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-015, filed 1/11/91, effective 2/11/91.] Repealed by 98-19-023, filed 9/9/98, effective 10/10/98. Statutory Authority: RCW 17.24.04 [17.24.041].
- 16-471-020 Quarantine—Chrysanthemum white rust disease. [Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-020, filed 1/11/91, effective 2/11/91.] Repealed by 98-19-023, filed 9/9/98, effective 10/10/98. Statutory Authority: RCW 17.24.04 [17.24.041].
- 16-471-030 Area under quarantine. [Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-030, filed 1/11/91, effective 2/11/91.] Repealed by 98-19-023, filed 9/9/98, effective 10/10/98. Statutory Authority: RCW 17.24.04 [17.24.041].
- 16-471-040 Regulated articles. [Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-040, filed 1/11/91, effective 2/11/91.] Repealed by 98-19-023, filed 9/9/98, effective 10/10/98. Statutory Authority: RCW 17.24.04 [17.24.041].
- 16-471-050 Conditions governing the movement of regulated articles from an area under quarantine. [Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-050, filed 1/11/91, effective 2/11/91.] Repealed by 98-19-023, filed 9/9/98, effective 10/10/98. Statutory Authority: RCW 17.24.04 [17.24.041].
- 16-471-060 Plant and plant parts to be destroyed or treated—Interval before replanting. [Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-060, filed 1/11/91, effective 2/11/91.] Repealed by 98-19-023, filed 9/9/98, effective 10/10/98. Statutory Authority: RCW 17.24.04 [17.24.041].
- 16-471-070 Special permits and compliance agreements. [Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-070, filed 1/11/91, effective 2/11/91.] Repealed by 98-19-023, filed 9/9/98, effective 10/10/98. Statutory Authority: RCW 17.24.04 [17.24.041].
- 16-471-080 Notice of quarantine—Notice of destruction. [Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-080, filed 1/11/91, effective 2/11/91.] Repealed by 98-19-023, filed 9/9/98, effective 10/10/98. Statutory Authority: RCW 17.24.04 [17.24.041].

**Chapter 16-475
CLUB ROOT DISEASE OF CRUCIFERS**

- 16-475-001 Promulgation—Establishing quarantine. [Order 718, Promulgation, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.
- 16-475-010 Pest. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.
- 16-475-020 Area under quarantine. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.
- 16-475-030 Regulated products. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.
- 16-475-040 Conditions governing shipments. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.
- 16-475-050 Violations and penalty. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.

Chapter 16-484
POTATO VIRUS Y - N QUARANTINE

- 16-484-010 Infested territory. [Order 479, § 1, effective 9/30/46.] Repealed by Order 479, filed 4/1/70.
- 16-484-020 Establishing quarantine—Promulgation. [Order 479, § 2, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-022 Promulgation—Establishing quarantine. [Order 479, § 16-484-022, filed 4/1/70.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-030 Definitions. [Order 479, § 16-484-030, filed 4/1/70; Order 479, § 3, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-040 Conditions governing shipments. [Order 479, § 16-484-040, filed 4/1/70; Order 479, Regulation 1, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-050 Sanitary requirement on narcissus bulbs grown within the state of Washington. [Order 479, § 16-484-050, filed 4/1/70; Order 479, Regulation 2, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-060 Narcissus bulbs originating outside of the continental United States. [Order 479, Regulation 3, effective 9/30/46.] Repealed by Order 479, filed 4/1/70.
- 16-484-070 Greenhouse bulbs. [Order 479, Regulation 4, effective 9/30/46.] Repealed by Order 479, filed 4/1/70.
- 16-484-080 Conditions applicable to growers. [Order 479, § 16-484-080, filed 4/1/70; Order 479, Regulation 5, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-090 Violations. [Order 479, § 16-484-090, filed 4/1/70; Order 479, Regulation 6, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-100 Effective date. [Order 479, § 16-484-100, filed 4/1/70.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-200 Definitions. [Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-200, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-484-205 Penalties. [Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-205, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-484-210 Quarantine—PVYⁿ. [Statutory Authority: Chapter 17.24 RCW. 02-12-009, § 16-484-210, filed 5/23/02, effective 6/23/02; 91-13-026 (Order 2087), § 16-484-210, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-484-220 Area under quarantine. [Statutory Authority: Chapter 17.24 RCW. 02-12-009, § 16-484-220, filed 5/23/02, effective 6/23/02; 91-13-026 (Order 2087), § 16-484-220, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-484-230 Regulated articles. [Statutory Authority: Chapter 17.24 RCW. 02-12-009, § 16-484-230, filed 5/23/02, effective 6/23/02; 91-13-026 (Order 2087), § 16-484-230, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-484-240 Conditions governing the movement of regulated articles into Washington state. [Statutory Authority: Chapter 17.24 RCW. 02-12-009, § 16-484-240, filed 5/23/02, effective 6/23/02; 91-13-026 (Order 2087), § 16-484-240, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-484-250 Special permits and compliance agreements. [Statutory Authority: Chapter 17.24 RCW. 02-12-009, § 16-484-250, filed 5/23/02, effective 6/23/02; 91-13-026 (Order

- 2087), § 16-484-250, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-484-260 Disposition of regulated articles entering in violation or found infected with PVYⁿ. [Statutory Authority: Chapter 17.24 RCW. 02-12-009, § 16-484-260, filed 5/23/02, effective 6/23/02; 91-13-026 (Order 2087), § 16-484-260, filed 6/11/91, effective 6/12/91.] Repealed by 07-11-014, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.

Chapter 16-485
EUROPEAN CRANE FLY QUARANTINE

- 16-485-001 Promulgation. [Order 1163, § 16-485-001, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.
- 16-485-002 Promulgation. [Order 1163, § 16-485-002, filed 12/3/71, effective 1/3/72.] Repealed by Order 1163, filed 4/10/73.
- 16-485-010 Definitions. [Order 1163, § 16-485-010, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.
- 16-485-015 Quarantine area. [Order 1163, § 16-485-015, filed 12/3/71, effective 1/3/72; Order 1163, § 16-485-015, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.
- 16-485-020 Regulated articles. [Order 1163, § 16-485-020, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.
- 16-485-025 Condition governing the movement of regulated articles. [Order 1163, § 16-485-025, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.
- 16-485-030 Inspection and disposal. [Order 1163, § 16-485-030, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.
- 16-485-035 Violation and penalty. [Order 1163, § 16-485-035, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.
- 16-485-040 Effective date. [Order 1163, § 16-485-040, filed 12/3/71, effective 1/3/72; Order 1163, § 16-485-040, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.

Chapter 16-486
AUSTRALIA AND TASMANIA APPLE QUARANTINE

- 16-486-001 Promulgation—Establishing quarantine. [Order 1292, § 16-486-001, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-010 Quarantine area. [Order 1292, § 16-486-010, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-015 Commodity covered. [Order 1292, § 16-486-015, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-020 Regulation. [Order 1292, § 16-486-020, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-025 Fumigation requirements. [Order 1292, § 16-486-025, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-030 Proof of fumigation. [Order 1292, § 16-486-030, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-035 Disposition of apples shipped in violation of this quarantine. [Order 1292, § 16-486-035, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-040 Violation and penalty. [Order 1292, § 16-486-040, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-045 Effective date. [Order 1292, § 16-486-045, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.

Chapter 16-490
PEA MOTH

- 16-490-010 Infested territory. [Order 926 (part), filed 6/25/63; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.
- 16-490-020 Promulgation—Quarantine. [Order 926 (part), filed 6/25/63; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.

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- 16-490-030 Definitions. [Order 926 (part), filed 6/25/63; Order 712, effective 2/17/55; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.
- 16-490-040 Regulated products and conditions governing shipments from infested areas. [Order 375, effective 12/28/42.] Omitted from Order 926, which superseded Order 375.
- 16-490-050 Regulations for control areas. [Order 926, Regulation 1, filed 6/25/63; Order 712, effective 2/17/55; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.
- 16-490-060 Penalties. [Order 375, effective 12/28/42.] Now codified within WAC 16-490-070.
- 16-490-070 Enforcement and violations. [Order 926, Regulation 2, filed 6/25/63; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.

Chapter 16-492
EUROPEAN PINE SHOOT MOTH

- 16-492-001, 16-492-010, 16-492-015, 16-492-020, 16-492-025, 16-492-030, 16-492-035, 16-492-040, 16-492-045, 16-492-050. [Order 841 (part), filed 8/13/62, 4/14/61.] Repealed by Order 1022, filed 7/18/73.

Chapter 16-493
ROUGH BLUEGRASS QUARANTINE

- 16-493-001 Rough bluegrass quarantine—Establishing quarantine. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-001, filed 8/22/95, effective 9/22/95.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-493-005 Rough bluegrass quarantine—Definitions. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-005, filed 8/22/95, effective 9/22/95.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-493-010 Rough bluegrass quarantine—Regulated area. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-010, filed 8/22/95, effective 9/22/95.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-493-015 Rough bluegrass quarantine—Quarantine area. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-015, filed 8/22/95, effective 9/22/95.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-493-020 Rough bluegrass quarantine—Regulated articles. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-020, filed 8/22/95, effective 9/22/95.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-493-025 Rough bluegrass quarantine—Conditions governing movement of regulated articles. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-025, filed 8/22/95, effective 9/22/95.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-493-030 Rough bluegrass quarantine—Procedure for clearing seed stocks. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-030, filed 8/22/95, effective 9/22/95.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-493-035 Rough bluegrass quarantine—Seed stock containing rough bluegrass. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-035, filed 8/22/95, effective 9/22/95.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-493-040 Rough bluegrass quarantine—Application for nursery inspection. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-040, filed 8/22/95, effective 9/22/95.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW

- 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-493-045 Rough bluegrass quarantine—Fees. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-045, filed 8/22/95, effective 9/22/95.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-493-050 Rough bluegrass quarantine—Violation and procedures. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-050, filed 8/22/95, effective 9/22/95.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

Reviser's note: Later promulgation, see chapters 16-301, 16-302 and 16-303 WAC.

Chapter 16-494
BACTERIAL DISEASES OF BEANS

- 16-494-001 Establishing quarantine. [Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-001, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-001, filed 12/31/84. Statutory Authority: Chapter 15.49 RCW. 79-09-099 (Order 1651), § 16-494-001, filed 8/31/79. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-104 (Order 1555), § 16-494-001, filed 3/1/78, effective 4/1/78; Order 1309, § 16-494-001, filed 4/24/73; Order 1196, § 16-494-001, filed 4/16/71; Order 1077, § 16-494-001, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-010 Definitions. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-010, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-494-010, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-010, filed 12/31/84; Order 1077, § 16-494-010, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-012 Regulated articles. [Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-012, filed 3/27/91, effective 4/27/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-013 Regulated diseases. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-013, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-494-013, filed 3/27/91, effective 4/27/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-015 Violations and penalty. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-015, filed 12/31/84.] Repealed by 91-08-017 (Order 2078), filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.49 RCW.
- 16-494-020 Bean seed—Quarantined area. [Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-020, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-020, filed 12/31/84; Order 1196, § 16-494-020, filed 4/16/71; Quarantine Order 1013 (part), filed 4/1/66; Quarantine Order 1004 (part), filed 2/11/66.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-030 Bean seed—Regulated area. [Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-030, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-030, filed 12/31/84; Order 1196, § 16-494-030, filed 4/16/71; Quarantine Order 1013 (part), filed 4/1/66; Quarantine Order 1004 (part), filed

- 2/11/66.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-040 Conditions. [Statutory Authority: Chapter 15.49 RCW. 80-06-114 (Order 1702), § 16-494-040, filed 5/30/80; 79-09-099 (Order 1651), § 16-494-040, filed 8/31/79; 79-05-063 (Order 1614), § 16-494-040, filed 4/30/79. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-104 (Order 1555), § 16-494-040, filed 3/1/78, effective 4/1/78; Order 1309, § 16-494-040, filed 4/24/73; Order 1196, § 16-494-040, filed 4/16/71; Order 1077, § 16-494-040, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.] Repealed by 85-02-050 (Order 1846), filed 12/31/84. Statutory Authority: Chapters 15.49 and 17.24 RCW.
- 16-494-042 General requirements for planting bean seed in the regulated area. [Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-042, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-042, filed 12/31/84.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-043 Additional requirements for planting bean seed grown in the regulated area. [Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-043, filed 3/27/91, effective 4/27/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-044 Additional requirements for planting bean seed grown in quarantine Area I. [Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-044, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-044, filed 12/31/84.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-045 Additional requirements for planting bean seed grown in quarantine Area II. [Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-045, filed 3/27/91, effective 4/27/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-046 Quarantine—Exceptions and exemptions. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-046, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-494-046, filed 3/27/91, effective 4/27/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-047 Inspection procedures for trial grounds. [Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-047, filed 3/27/91, effective 4/27/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-050 Violations and penalty. [Quarantine Order 1013 (part), filed 4/1/66; Quarantine Order 1004 (part), filed 2/11/66.] Repealed by 85-02-050 (Order 1846), filed 12/31/84. Statutory Authority: Chapters 15.49 and 17.24 RCW.
- 16-494-060 Effective date. [Order 1309, § 16-494-060, filed 4/24/73; Order 1196, § 16-494-060, filed 4/16/71; Order 1077, § 16-494-060, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.] Repealed by 79-09-099 (Order 1651), filed 8/31/79. Statutory Authority: Chapter 15.49 RCW.
- 16-494-062 Identification and disposition of diseased bean seed and infected bean fields. [Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-062, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-062, filed 12/31/84.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-063 Notice of destruction. [Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-063, filed 3/27/91, effective 4/27/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-064 Penalties. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-064, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-494-064, filed 3/27/91, effective 4/27/91.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-100 Bean seedborne viral disease quarantine—Establishing the quarantine. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-100, filed 5/27/92, effective 5/27/92.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-110 Bean seedborne viral disease quarantine—Regulated articles. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-110, filed 5/27/92, effective 5/27/92.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-120 Bean seedborne viral disease quarantine—Regulated disease. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-120, filed 5/27/92, effective 5/27/92.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-130 Bean seedborne viral disease quarantine—Quarantined area. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-130, filed 5/27/92, effective 5/27/92.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-140 Bean seedborne viral disease quarantine—Regulated area. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-140, filed 5/27/92, effective 5/27/92.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-150 Bean seedborne viral disease quarantine—Requirements for planting bean seed in the regulated area. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-150, filed 5/27/92, effective 5/27/92.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-160 Bean seedborne viral disease quarantine—Identification and disposition of diseased bean seed. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-160, filed 5/27/92, effective 5/27/92.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-494-170 Bean seedborne viral disease quarantine—Penalties. [Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-170, filed 5/27/92, effective 5/27/92.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

Reviser's note: Later promulgation, see chapters 16-301, 16-302 and 16-303 WAC.

Chapter 16-495 ANNUAL BLUEGRASS QUARANTINE

- 16-495-001 Promulgation—Establishing quarantine. [Order 1310, § 16-495-001, filed 4/24/73; Order 1197, § 16-495-001, filed 4/16/71.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW.
- 16-495-002 Promulgation. [Order 1308, § 16-495-002, filed 4/24/73; Order 1248, § 16-495-002, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW.

- 16-495-003 Promulgation. [Order 1364, § 16-495-003, filed 6/12/74.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW.
- 16-495-004 Annual bluegrass quarantine—Establishing quarantine. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-495-004, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-495-004, filed 6/19/91, effective 7/20/91; 79-09-103 (Order 1654), § 16-495-004, filed 8/31/79; Order 1467, § 16-495-004, filed 5/13/76.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-495-005 Promulgation. [Order 1468, § 16-495-005, filed 5/13/76.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW.
- 16-495-010 Annual bluegrass quarantine—Definitions. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-495-010, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-495-010, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-010, filed 5/13/76; Order 1197, § 16-495-010, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-495-020 Annual bluegrass quarantine—Regulated area. [Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-020, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-020, filed 5/13/76; Order 1197, § 16-495-020, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-495-030 Annual bluegrass quarantine—Quarantine area. [Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-030, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-030, filed 5/13/76; Order 1197, § 16-495-030, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-495-040 Annual bluegrass quarantine—Regulated articles. [Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-040, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-040, filed 5/13/76; Order 1197, § 16-495-040, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-495-050 Annual bluegrass quarantine—Conditions governing movement of regulated articles. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-495-050, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-495-050, filed 6/19/91, effective 7/20/91; 79-05-085 (Order 1620), § 16-495-050, filed 5/1/79; Order 1467, § 16-495-050, filed 5/13/76; Order 1310, § 16-495-050, filed 4/24/73; Order 1197, § 16-495-050, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-495-060 Violations and penalty. [Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-060, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-060, filed 5/13/76; Order 1197, § 16-495-060, filed 4/16/71.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-495-070 Effective date. [Order 1467, § 16-495-070, filed 5/13/76; Order 1310, § 16-495-070, filed 4/24/73; Order 1197, § 16-495-070, filed 4/16/71.] Repealed by 79-09-103 (Order 1654), filed 8/31/79. Statutory Authority: Chapter 15.49 RCW.
- 16-495-080 Annual bluegrass quarantine procedures. [Statutory Authority: Chapter 15.49 RCW. 79-05-086 (Order 1607), § 16-495-080, filed 5/1/79; Order 1468, § 16-495-080, filed 5/13/76; Order 1308, § 16-495-080, filed 4/24/73; Order 1248, § 16-495-080, filed 4/13/72, effective 5/14/72.] Repealed by 91-13-087 (Order 2088), filed 6/19/91, effective 7/20/91. Statutory Authority: Chapter 15.49 RCW.
- 16-495-085 Definitions. [Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-495-085, filed 5/13/88; 80-06-116 (Order 1703), § 16-495-085, filed 5/30/80; 79-05-086 (Order 1607), § 16-495-085, filed 5/1/79. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-105 (Order 1556), § 16-495-085, filed 3/1/78, effective 4/1/78; Order 1468, § 16-495-085, filed 5/13/76; Order 1364, § 16-495-085, filed 6/12/74; Order 1248, § 16-495-085, filed 4/13/72, effective 5/14/72.] Repealed by 91-13-087 (Order 2088), filed 6/19/91, effective 7/20/91. Statutory Authority: Chapter 15.49 RCW.
- 16-495-090 Annual bluegrass quarantine—Procedure for clearing. [Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-090, filed 6/19/91, effective 7/20/91; 79-05-086 (Order 1607), § 16-495-090, filed 5/1/79; Order 1468, § 16-495-090, filed 5/13/76; Order 1364, § 16-495-090, filed 6/12/74; Order 1308, § 16-495-090, filed 4/24/73; Order 1248, § 16-495-090, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-495-095 Annual bluegrass quarantine—Seed stock containing annual bluegrass. [Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-095, filed 6/19/91, effective 7/20/91; 79-05-086 (Order 1607), § 16-495-095, filed 5/1/79; Order 1468, § 16-495-095, filed 5/13/76; Order 1248, § 16-495-095, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-495-100 Annual bluegrass quarantine—Application for nursery inspection. [Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-100, filed 6/19/91, effective 7/20/91; Order 1468, § 16-495-100, filed 5/13/76; Order 1248, § 16-495-100, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-495-105 Annual bluegrass quarantine—Fees. [Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-105, filed 6/19/91, effective 7/20/91; 79-05-086 (Order 1607), § 16-495-105, filed 5/1/79; Order 1468, § 16-495-105, filed 5/13/76; Order 1364, § 16-495-105, filed 6/12/74; Order 1248, § 16-495-105, filed 4/13/72, effective 5/14/72.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.
- 16-495-110 Annual bluegrass quarantine—Violation procedures. [Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-495-110, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-495-110, filed 6/19/91, effective 7/20/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-105 (Order 1556), § 16-495-110, filed 3/1/78, effective 4/1/78.] Repealed by 00-24-077, filed 12/4/00, effective 1/4/01. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW.

Reviser's note: Later promulgation, see chapters 16-301, 16-302 and 16-303 WAC.

Chapter 16-496 MINT WILT QUARANTINE

- 16-496-001 Promulgation. [Order 1088, § 16-496-001, Promulgation, filed 4/26/68; Quarantine Order 1054, filed 6/6/67; Order 1043, filed 3/13/67; Order 1001, filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-010 Definitions. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-020 Restricted areas. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-030 Quarantine area. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001

- (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-040 Regulated areas. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-045 Regulated articles. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043, filed 3/13/67.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-050 Conditions governing restricted areas. [Order 1088, § 16-496-050, filed 4/26/68; Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-060 Conditions governing movement of regulated articles. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-070 Applications for inspection. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-080 Violations and penalty. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-090 Effective date. [Order 1088, § 16-496-090, filed 4/26/68; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- Chapter 16-514
WASHINGTON EGG COMMISSION**
- 16-514-010 Definition of terms. [Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-010, filed 9/25/85, effective 11/1/85.] Repealed by 00-24-060, filed 11/30/00, effective 12/31/00. Statutory Authority: RCW 15.65.190.
- 16-514-020 Egg commodity board. [Statutory Authority: RCW 15.65.280. 94-08-091 (Order 5034), § 16-514-020, filed 4/5/94, effective 5/6/94. Statutory Authority: RCW 15.65.180. 87-23-033 (Order 1957), § 16-514-020, filed 11/13/87. Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-020, filed 9/25/85, effective 11/1/85.] Repealed by 00-24-060, filed 11/30/00, effective 12/31/00. Statutory Authority: RCW 15.65.190.
- 16-514-030 Marketing order purposes. [Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-030, filed 9/25/85, effective 11/1/85.] Repealed by 00-24-060, filed 11/30/00, effective 12/31/00. Statutory Authority: RCW 15.65.190.
- 16-514-040 Assessments and collections. (*Section suspended January 1, 1999 through December 31, 1999.*) [Statutory Authority: RCW 15.65.180. 98-24-025, § 16-514-040 suspended January 1, 1999 through December 31, 1999. Letter filed 11/23/98. Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-040, filed 9/25/85, effective 11/1/85.] Repealed by 00-24-060, filed 11/30/00, effective 12/31/00. Statutory Authority: RCW 15.65.190.
- 16-514-041 Time—Place—Method for payment and collection of assessments. [Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-041, filed 9/25/85, effective 11/1/85.] Repealed by 00-24-060, filed 11/30/00, effective 12/31/00. Statutory Authority: RCW 15.65.190.
- 16-514-050 Obligations of the board. [Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-050, filed 9/25/85, effective 11/1/85.] Repealed by 00-24-060, filed 11/30/00, effective 12/31/00. Statutory Authority: RCW 15.65.190.
- 16-514-060 Termination of the order. [Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-060, filed 9/25/85, effective 11/1/85.] Repealed by 00-24-060, filed 11/30/00, effective 12/31/00. Statutory Authority: RCW 15.65.190.
- 16-514-070 Effective time. [Statutory Authority: Chapter 15.65 RCW. 90-24-016, § 16-514-070, filed 11/27/90, effective 12/28/90; 85-20-042 (Order 1872), § 16-514-070, filed 9/25/85, effective 11/1/85.] Repealed by 00-24-060, filed 11/30/00, effective 12/31/00. Statutory Authority: RCW 15.65.190.
- 16-514-080 Separability. [Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-080, filed 9/25/85, effective 11/1/85.] Repealed by 00-24-060, filed 11/30/00, effective 12/31/00. Statutory Authority: RCW 15.65.190.
- Chapter 16-570
RAPESEED PRODUCTION AND ESTABLISHMENT OF
DISTRICTS**
- 16-570-010 Definitions. [Statutory Authority: Chapter 15.65 RCW. 87-16-071 (Order 1946), § 16-570-010, filed 8/3/87; 86-16-023 (Order 1900), § 16-570-010, filed 7/30/86.] Repealed by 06-06-050, filed 2/27/06, effective 3/30/06. Statutory Authority: RCW 15.65.055 and 16.66.025 [15.66.025].
- 16-570-020 Rapeseed production prohibition, production districts and district board formation procedures. [Statutory Authority: Chapter 15.65 RCW. 86-16-023 (Order 1900), § 16-570-020, filed 7/30/86.] Repealed by 06-06-050, filed 2/27/06, effective 3/30/06. Statutory Authority: RCW 15.65.055 and 16.66.025 [15.66.025].
- 16-570-030 Duties of rapeseed production district boards, persons, producers. [Statutory Authority: RCW 15.65.055. 92-11-013, § 16-570-030, filed 5/12/92, effective 6/12/92. Statutory Authority: Chapter 15.65 RCW. 87-16-071 (Order 1946), § 16-570-030, filed 8/3/87; 86-16-023 (Order 1900), § 16-570-030, filed 7/30/86.] Repealed by 06-06-050, filed 2/27/06, effective 3/30/06. Statutory Authority: RCW 15.65.055 and 16.66.025 [15.66.025].
- 16-570-040 Rules of rapeseed production districts. [Statutory Authority: Chapters 15.65 and 15.66 RCW. 93-11-032 (Order 4020), § 16-570-040, filed 5/10/93, effective 6/10/93; 90-07-013 (Order 2029), § 16-570-040, filed 3/13/90, effective 4/13/90. Statutory Authority: Chapter 15.65 RCW. 88-07-071 (Order 1970), § 16-570-040, filed 3/18/88.] Repealed by 06-06-050, filed 2/27/06, effective 3/30/06. Statutory Authority: RCW 15.65.055 and 16.66.025 [15.66.025].
- Chapter 16-605
LICENSING REQUIREMENTS OF
COMMERCIAL FEED LOTS**
- 16-605-001 Promulgation. [Order, § 16-605-001, filed 10/21/71.] Repealed by 90-23-088 (Order 2060), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.58.030 and chapter 16.58 RCW.
- 16-605-010 Facilities. [Order, § 16-605-010, filed 10/21/71.] Repealed by 90-23-088 (Order 2060), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.58.030 and chapter 16.58 RCW.
- 16-605-020 Audits. [Order, § 16-605-020, filed 10/21/71.] Repealed by 90-23-088 (Order 2060), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.58.030 and chapter 16.58 RCW.
- 16-605-030 Audit fees. [Order, § 16-605-030, filed 10/21/71.] Repealed by 90-23-088 (Order 2060), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.58.030 and chapter 16.58 RCW.
- 16-605-040 Approval for cattle transferred to an unlicensed feed lot. [Order, § 16-605-040, filed 10/21/71.] Repealed by 90-23-088 (Order 2060), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.58.030 and chapter 16.58 RCW.
- Chapter 16-605A
CERTIFIED FEED LOTS**
- 16-605A-001 Certified feed lot license fee. [Statutory Authority: Chapter 16.58 RCW. 94-13-068 (Order 5048), § 16-605A-001, filed 6/9/94, effective 7/10/94.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240,

16-605A-005 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
 Certified feed lot license expiration—Late renewal penalty. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-605A-005, filed 7/25/91, effective 8/25/91.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.

16-605A-010 Certified feed lot handling fee. [Statutory Authority: Chapter 16.58 RCW. 94-13-068 (Order 5048), § 16-605A-010, filed 6/9/94, effective 7/10/94.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.

Chapter 16-606

STANDARDS FOR SANITATION AND FACILITIES OF PUBLIC LIVESTOCK MARKET LICENSED TO HANDLE HORSES ONLY

16-606-001 Promulgation. [Order 1239, § 16-606-001, filed 5/5/72.] Repealed by 00-23-093, filed 11/21/00, effective 12/22/00. Statutory Authority: RCW 16.36.040 and chapter 16.65 RCW.

16-606-009 Definitions. [Order 1239, § 16-606-009, filed 5/5/72.] Repealed by 00-23-093, filed 11/21/00, effective 12/22/00. Statutory Authority: RCW 16.36.040 and chapter 16.65 RCW.

16-606-010 Facilities and sanitation. [Order 1239, § 16-606-010, filed 5/5/72.] Repealed by 00-23-093, filed 11/21/00, effective 12/22/00. Statutory Authority: RCW 16.36.040 and chapter 16.65 RCW.

16-606-020 Penalty. [Order 1239, § 16-606-020, filed 5/5/72.] Repealed by 00-23-093, filed 11/21/00, effective 12/22/00. Statutory Authority: RCW 16.36.040 and chapter 16.65 RCW.

Chapter 16-607

INSPECTION AND IDENTIFICATION OF LIVESTOCK

16-607-005 Definitions. [Statutory Authority: RCW 16.57.350, 16.58.030 and 16.65.020. 98-23-001, § 16-607-005, filed 11/4/98, effective 12/5/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-005, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-010 The livestock identification advisory board. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-010, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-015 Official forms. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-015, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-020 Point of inspection—Cattle. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-020, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-025 Point of inspection—Horses. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-025, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-035 Out-of-state inspection procedure. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-035, filed 9/11/98, effective 10/12/98.]

Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-045 Livestock inspection procedures—Certified feed lots, slaughterplants, beef commission assessment collecting points. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-045, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-050 Livestock inspection procedures—Private treaty sales. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-050, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-055 Review of complaints and procedures. [Statutory Authority: RCW 16.57.350, 16.58.030 and 16.65.020. 98-23-001, § 16-607-055, filed 11/4/98, effective 12/5/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-060 Certification of veterinarians to issue inspection certificates. [Statutory Authority: RCW 16.57.350, 16.58.030 and 16.65.020. 98-23-001, § 16-607-060, filed 11/4/98, effective 12/5/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-060, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-065 Inspection fees. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-065, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-070 Renewal of registered brands. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-070, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-075 Recording fees. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-075, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-080 Identification by freeze branding. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-080, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-085 Use of production brands for dairy cattle. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-085, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-090 Use of production brands for beef cattle. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-090, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-095 Production record brands to consist of Arabic numbers only—Exception. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-095, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

16-607-100 Custom slaughter beef tag. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030,

	16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-100, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.	16-608-020	Membership. [Statutory Authority: Chapter 16.65 RCW. 81-05-010 (Order 1720), § 16-608-020, filed 2/9/81.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
16-607-105	Certificate of permit required for custom slaughtered cattle. [Statutory Authority: RCW 16.57.160, 16.57-220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-105, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.		
16-607-110	Livestock identification on slaughtered cattle by owner. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-110, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.	16-620-001	Promulgation. [Order 1117, § 16-620-001, filed 5/21/69, effective 7/1/69.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW.
16-607-115	Certified feed lot licensing. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-115, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.	16-620-002	Promulgation. [Order 1160, § 16-620-002, filed 8/10/70, effective 9/10/70.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW.
16-607-120	Livestock inspection procedures—Public livestock markets. [Statutory Authority: RCW 16.57.350, 16.58.030 and 16.65.020. 98-23-001, § 16-607-120, filed 11/4/98, effective 12/5/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.	16-620-004	Promulgation. [Order 1167, § 16-620-004, filed 11/16/70, effective 12/17/70.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW.
16-607-125	Public livestock market livestock inspection facilities. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-125, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.	16-620-005	Promulgation. [Order 1180, § 16-620-005, filed 3/2/71.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW.
16-607-130	Public livestock market scale installation regulations. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-130, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.	16-620-006	Promulgation. [Order 1266, § 16-620-006, filed 5/18/72, effective 7/1/72.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW.
16-607-135	Sale day. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-135, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.	16-620-007	Promulgation. [Order 1379, § 16-620-007, filed 11/6/74; Order 1373, § 16-620-007, filed 7/15/74; Order 1328, § 16-620-007, filed 11/2/73.] Repealed by 79-07-098 (Order 1590), filed 6/29/79. Statutory Authority: Chapter 16.57 RCW.
16-607-140	Special sale approval. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-140, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.	16-620-010	Definitions. [Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-010, filed 6/9/94, effective 7/10/94. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-010, filed 11/21/90, effective 12/22/90; Order 1160, § 16-620-010, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-010, filed 5/21/69, effective 7/1/69.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57-220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
16-607-145	Association membership. [Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090. 98-19-037, § 16-607-145, filed 9/11/98, effective 10/12/98.] Repealed by 04-01-171, filed 12/23/03, effective 1/23/04. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.	16-620-015	The livestock identification advisory board. [Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-015, filed 6/9/94, effective 7/10/94.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57-220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
	Reviser's note: Later promulgation, see chapter 16-610 WAC.	16-620-020	Point of inspection. [Statutory Authority: RCW 16.57-350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-020, filed 11/21/90, effective 12/22/90; Order 1180, § 16-620-020, filed 3/2/71; Order 1167, § 16-620-020, filed 11/16/70, effective 12/17/70; Order 1160, § 16-620-020, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-020, filed 5/21/69, effective 7/1/69.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57-220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
		16-620-030	Out-of-state points of inspection. [Order 1160, § 16-620-030, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-030, filed 5/21/69, effective 7/1/69.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
		16-620-040	Approval as inspection point. [Order 1160, § 16-620-040, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-040, filed 5/21/69, effective 7/1/69.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
16-608-001	Definitions. [Statutory Authority: Chapter 16.65 RCW. 81-05-010 (Order 1720), § 16-608-001, filed 2/9/81.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57-220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.	16-620-050	Records. [Order 1160, § 16-620-050, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-050, filed 5/21/69, effective 7/1/69.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
16-608-010	Special permits. [Statutory Authority: Chapter 16.65 RCW. 81-05-010 (Order 1720), § 16-608-010, filed 2/9/81.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57-220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.	16-620-060	Charge for brand inspection. [Order 1160, § 16-620-060, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-060, filed 5/21/69, effective 7/1/69.] Repealed by

- 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-620-070 Inspection exemption at feed lot. [Order 1160, § 16-620-070, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-070, filed 5/21/69, effective 7/1/69.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-620-080 Inspection exemption at slaughterhouse. [Order 1160, § 16-620-080, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-080, filed 5/21/69, effective 7/1/69.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57-220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-090 Documents for exemption. [Order 1160, § 16-620-090, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-090, filed 5/21/69, effective 7/1/69.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-620-100 Prescribed transportation permit and bill of sale form. [Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-100, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.160 and 16.57.240. 81-19-026 (Order 1748), § 16-620-100, filed 9/9/81. Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-100, filed 6/29/79; Order 1167, § 16-620-100, filed 11/16/70, effective 12/17/70.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-105 Self-inspection slips. [Statutory Authority: 1995 c 374 § 51. 95-23-019 (Order 5088), § 16-620-105, filed 11/7/95, effective 12/8/95.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-110 Fee for filing. [Statutory Authority: 1985 c 412, 85-24-015 (Order 1874), § 16-620-110, filed 11/25/85.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57-350 and chapter 16.57 RCW.
- 16-620-115 Lien list subscription fee. [Statutory Authority: 1985 c 412, 85-24-015 (Order 1874), § 16-620-115, filed 11/25/85.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-620-150 Brand registration and renewal fee. [Statutory Authority: 1993 c 354, 93-22-013 (Order 5017), § 16-620-150, filed 10/25/93, effective 11/25/93.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-200 Brand inspection. [Order 1266, § 16-620-200, filed 5/18/72, effective 7/1/72.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-620-205 Identification by freeze branding. [Statutory Authority: Chapter 16.57 RCW. 80-07-034 (Order 1707), § 16-620-205, filed 6/17/80.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-210 Purchase of official forms. [Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-620-210, filed 1/21/82. Statutory Authority: RCW 16.57.160 and 16.57.240. 81-19-026 (Order 1748), § 16-620-210, filed 9/9/81; Order 1266, § 16-620-210, filed 5/18/72, effective 7/1/72.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57-160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-220 Required brand inspection on custom slaughtered cattle. [Order 1328, § 16-620-220, filed 11/2/73.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-620-230 Certificate of permit required for custom slaughtered cattle. [Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-230, filed 11/21/90, effective 12/22/90; Order 1328, § 16-620-230, filed 11/2/73.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-240 Slaughter tag. [Statutory Authority: RCW 16.57.160, 88-12-036 (Order 1979), § 16-620-240, filed 5/27/88. Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-240, filed 6/29/79; Order 1373, § 16-620-240, filed 7/15/74; Order 1328, § 16-620-240, filed 11/2/73.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57-160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-250 Brand identification on slaughtered cattle by owner. [Order 1373, § 16-620-250, filed 7/15/74; Order 1328, § 16-620-250, filed 11/2/73.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-255 Brand identification on horses. [Statutory Authority: Chapter 16.57 RCW. 80-07-034 (Order 1707), § 16-620-255, filed 6/17/80.] Repealed by 82-04-001 (Order 1753), filed 1/21/82. Statutory Authority: Chapter 16.57 RCW.
- 16-620-260 Fee. [Statutory Authority: RCW 16.57.160, 88-12-036 (Order 1979), § 16-620-260, filed 5/27/88. Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-260, filed 6/29/79; Order 1373, § 16-620-260, filed 7/15/74; Order 1328, § 16-620-260, filed 11/2/73.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-265 Actual costs for enforcement and surveillance established. [Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-265, filed 6/29/79.] Repealed by 88-12-036 (Order 1979), filed 5/27/88. Statutory Authority: RCW 16.57.160.
- 16-620-270 Actual costs established. [Statutory Authority: 1993 c 354, 93-22-013, (Order 5017), § 16-620-270, filed 10/25/93, effective 11/25/93. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-270, filed 11/21/90, effective 12/22/90. Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-270, filed 6/29/79; Order 1379, § 16-620-270, filed 11/6/74.] Repealed by 94-13-070 (Order 5050), filed 6/9/94, effective 7/10/94. Statutory Authority: Chapter 16.57 RCW.
- 16-620-275 Minimum fee. [Statutory Authority: Chapter 16.57 RCW. 80-07-034 (Order 1707), § 16-620-275, filed 6/17/80.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-280 Inspection—Annual and lifetime certificates. [Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-280, filed 6/9/94, effective 7/10/94. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-280, filed 11/21/90, effective 12/22/90. Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-620-280, filed 1/21/82; Order 1379, § 16-620-280, filed 11/6/74.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-290 Fees—Regular inspection points. [Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-290, filed 6/9/94, effective 7/10/94. Statutory Authority: RCW 16.57.350, 87-16-044 (Order 1944), § 16-620-290, filed 7/29/87. Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-620-290, filed 1/21/82; Order 1379, § 16-620-290, filed 11/6/74.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-300 Other inspection points. [Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-620-300, filed 1/21/82; Order 1379, § 16-620-300, filed 11/6/74.] Repealed by 87-16-044 (Order 1944), filed 7/29/87. Statutory Authority: RCW 16.57.350.

- 16-620-310 Further inspection points. [Order 1379, § 16-620-310, filed 11/6/74.] Repealed by 82-04-001 (Order 1753), filed 1/21/82. Statutory Authority: Chapter 16.57 RCW.
- 16-620-320 Inspection prior to branding. [Order 1379, § 16-620-320, filed 11/6/74.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-620-330 Inspection prior to sale. [Order 1379, § 16-620-330, filed 11/6/74.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-620-340 Inspection, special sales. [Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-340, filed 6/9/94, effective 7/10/94. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-340, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350, 87-16-044 (Order 1944), § 16-620-340, filed 7/29/87. Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-620-340, filed 1/21/82; Order 1379, § 16-620-340, filed 11/6/74.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-350 Inspection time charged. [Order 1379, § 16-620-350, filed 11/6/74.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-360 Change of ownership. [Statutory Authority: Chapter 16.57 RCW. 80-07-034 (Order 1707), § 16-620-360, filed 6/17/80; Order 1379, § 16-620-360, filed 11/6/74.] Repealed by 82-04-001 (Order 1753), filed 1/21/82. Statutory Authority: Chapter 16.57 RCW.
- 16-620-370 Actual costs established. [Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-370, filed 6/29/79.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-620-380 Inspection fee. [Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-380, filed 6/9/94, effective 7/10/94. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-380, filed 11/21/90, effective 12/22/90.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-390 Renewal of registered brands. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-620-390, filed 7/25/91, effective 8/25/91.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-400 Recording fee. [Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-400, filed 6/9/94, effective 7/10/94.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
- 16-620-410 Fee for certified copy of brand record. [Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-410, filed 6/9/94, effective 7/10/94.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.

Chapter 16-621**REGISTRATION OF ACREAGE COMMITMENTS MADE BY PROCESSORS TO PRODUCERS**

- 16-621-001 Promulgation. [Order 1297, § 16-621-001, filed 2/28/73.] Repealed by 00-22-071, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510.

(2009 Ed.)

- 16-621-010 Processor plant capacity reporting form. [Order 1297, § 16-621-010, filed 2/28/73.] Repealed by 00-22-071, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510.
- 16-621-020 Contracts and grower list. [Order 1297, § 16-621-020, filed 2/28/73.] Repealed by Order 1297, filed 6/20/73.
- 16-621-030 Grower notification of commitments by processor. [Order 1297, § 16-621-030, filed 2/28/73.] Repealed by 00-22-071, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510.
- 16-621-040 Basis for establishment of contract volume. [Order 1297, § 16-621-040, filed 2/28/73.] Repealed by 00-22-071, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510.

Chapter 16-650**WEIGHTS AND MEASURES—ABSORBENT TISSUES**

- 16-650-001 Promulgation. [Order 792, Promulgation, effective 3/1/60.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
- 16-650-010 Absorbent tissues. [Order 792, Regulation 6, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70.

Chapter 16-654**WEIGHTS AND MEASURES—FLUID DAIRY PRODUCTS**

- 16-654-001 Promulgation. [Order 792, Regulation 2, effective 3/1/60.] Repealed by Order 1422, filed 10/31/75.
- 16-654-002 Promulgation. [Order 1141, § 16-654-002, filed 2/27/70, effective 4/1/70; Order 897, filed 1/14/63.] Repealed by Order 1422, filed 10/31/75.
- 16-654-003 Promulgation. [Order 1422, § 16-654-003, filed 10/31/75.] Repealed by 80-09-079 (Order 1712), filed 7/21/80. Statutory Authority: Chapter 19.94 RCW.
- 16-654-010 Fluid dairy products—Units of sale. [Order 1141, § 16-654-010, filed 2/27/70, effective 4/1/70; Order 792, Regulation 2, effective 3/1/60.] Repealed by Order 1422, filed 10/31/75. Later promulgation, see WAC 16-654-030.
- 16-654-020 Standards of fill and marking of fluid dairy product containers. [Order 1141, § 16-654-020, filed 2/27/70, effective 4/1/70; Order 897, Regulation 1, filed 1/14/63.] Repealed by Order 1422, filed 10/31/75.
- 16-654-030 Fluid milk products. [Statutory Authority: Chapter 19.94 RCW. 80-09-079 (Order 1712), § 16-654-030, filed 7/21/80; Order 1422, § 16-654-030, filed 10/31/75. Formerly WAC 16-654-010.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
- 16-654-040 Other milk products. [Statutory Authority: Chapter 19.94 RCW. 80-09-079 (Order 1712), § 16-654-040, filed 7/21/80; Order 1422, § 16-654-040, filed 10/31/75.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
- 16-654-050 Frozen desserts. [Statutory Authority: RCW 19.94.420. 86-04-026 (Order 1877), § 16-654-050, filed 1/29/86.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
- 16-654-060 Novelty items. [Statutory Authority: RCW 19.94.420. 86-04-026 (Order 1877), § 16-654-060, filed 1/29/86.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

Chapter 16-658**WEIGHTS AND MEASURES—LIQUID FUEL**

- 16-658-001 Promulgation. [Order 792, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70. See WAC 16-650-001.
- 16-658-010 Liquid fuel. [Order 792, Regulation 4, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70.

Reviser's note: Department of Agriculture Order No. 17, filed July 2, 1976, and effective August 2, 1976, purports to repeal Quarantine Order No. 17. The adoption of such quarantine order was never filed with the code reviser.

Chapter 16-660**WEIGHTS AND MEASURES—SOLID WOOD FUEL**

- 16-660-001 Promulgation. [Order 1143, § 16-660-001, filed 2/27/70, effective 4/1/70; Order 1104, § 16-660-001, filed 12/23/68, effective 2/1/69.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

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16-660-010 Solid wood sold as fuel. [Order 1143, § 16-660-010, filed 2/27/70, effective 4/1/70; Order 1104, § 16-660-010, filed 12/23/68, effective 2/1/69.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

Chapter 16-666
WEIGHTS AND MEASURES—PACKAGING AND LABELING REGULATIONS

16-666-001 Promulgation. [Order 792, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70.

16-666-002 Promulgation. [Order 1147, § 16-666-002, filed 4/14/70. See also WAC 16-654-002.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-666-003 Promulgation. [Order 1135, § 16-666-003, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-666-010 Packages. [Order 792, Regulation 1, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70.

16-666-020 Labeling of tare weight or net weight statements on manufactured or processed meats that are packaged in random weights. [Order 897, Regulation 2, filed 1/14/63.] Repealed by Order 1147, filed 4/14/70.

16-666-030 Application. [Order 1135, § 16-666-030, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-666-040 Definitions. [Order 1135, § 16-666-040, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-666-050 Identity. [Order 1135, § 16-666-050, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-666-060 Declaration of responsibility—Consumer and nonconsumer packages. [Order 1135, § 16-666-060, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-666-070 Declaration of quantity—Consumer packages. [Order 1135, § 16-666-070, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-666-080 Declaration of quantity—Nonconsumer packages. [Order 1135, § 16-666-080, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-666-090 Prominence and placement—Consumer packages. [Order 1135, § 16-666-090, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-666-100 Prominence and placement—Nonconsumer package. [Order 1135, § 16-666-100, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-666-110 Requirements—Specific consumer commodities, packages, containers. [Order 1135, § 16-666-110, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-666-120 Exemptions. [Order 1135, § 16-666-120, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-666-130 Variations to be allowed. [Order 1135, § 16-666-130, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

Chapter 16-670
WEIGHTS AND MEASURES—PREPACKAGE CHECKING PROCEDURE

16-670-001 Promulgation. [Order 1144, § 16-670-001, filed 2/27/70, effective 4/1/70. Formerly WAC 16-650-001.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-670-010 Prepackage checking procedure. [Order 1144, § 16-670-010, filed 2/27/70, effective 4/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

Chapter 16-678
CONTAINERS—MARKING REQUIREMENTS—SWEET CHERRIES

16-678-001 Promulgation. [Order 929, Promulgation, filed 8/6/63; Emergency Order 920, effective 6/4/63; Order 813, Promulgation, effective 5/2/60.] Repealed by 94-03-022 (Order 5023), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.17 RCW.

16-678-010 Marking containers. [Order 929, Regulation 1, filed 8/6/63; Emergency Order 920, effective 6/4/63; Order 813, Regulation 1, effective 5/2/60.] Repealed by 94-03-

022 (Order 5023), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.17 RCW.

Chapter 16-680
"GIFT GRADE" FOR FRUIT—MARKING REQUIREMENTS

16-680-001 Promulgation. [Order 893, Promulgation, filed 8/31/62.] Repealed by 94-03-021 (Order 5022), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.17 RCW.

16-680-010 Definition. [Order 893, Regulation 12 (part), filed 8/31/62; Order 871, Regulation 1 (part), filed 11/13/61.] Repealed by 94-03-021 (Order 5022), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.17 RCW.

16-680-015 Container marking. [Order 893, Regulation 12 (part), filed 8/31/62; Order 871, Regulation 1 (part), filed 11/13/61.] Repealed by 94-03-021 (Order 5022), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.17 RCW.

Chapter 16-690
FRUIT STORAGE

16-690-001 Promulgation. [Order 1060, Promulgation, filed 7/27/67.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-690-010 Washington controlled atmosphere storage requirements—Definitions. [Order 893 (part), effective 10/1/62.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-690-015 Washington controlled atmosphere storage requirements—Annual license. [Statutory Authority: Chapter 15.30 RCW. 89-08-039 (Order 2000), § 16-690-015, filed 3/31/89; Order 893 (part), effective 10/1/62.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-690-020 Washington controlled atmosphere storage requirements—Warehouse number. [Order 893 (part), effective 10/1/62.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-690-025 Washington controlled atmosphere storage requirements—Controlled storage requirements. [Order 893 (part), effective 10/1/62.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-690-030 Washington controlled atmosphere storage requirements—Inspection, certification and marking. [Order 893 (part), effective 10/1/62.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-690-035 Washington controlled atmosphere storage requirements—Standards for shipping. [Order 893 (part), effective 10/1/62.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-690-040 Washington controlled atmosphere storage requirements—Reinspection. [Order 893 (part), effective 10/1/62.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-690-045 Washington controlled atmosphere storage requirements—Failure to meet requirements. [Order 893 (part), effective 10/1/62.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-690-100 Washington controlled atmosphere storage requirements—Bartlett pears. [Order 1060, filed 7/27/67.] Repealed by 04-05-117, filed 2/18/04, effective 3/20/04. Statutory Authority: Chapters 15.17 and 34.05 RCW.

Reviser's note: Later promulgation, see chapter 16-450 WAC.

Chapter 16-692
HAY AND STRAW—MANIFESTS AND SHIPPING DOCUMENTS

16-692-001 Promulgation. [Order 1034, Promulgation, filed 10/13/66, effective 1/1/67.] Repealed by 00-22-071, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510.

16-692-010 Manifest of cargo—Form. [Order 1034, Regulation 1, filed 10/13/66, effective 1/1/67.] Repealed by 00-22-071, filed 10/30/00, effective 11/30/00. Statutory

Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510.

**Chapter 16-693
COMMISSION MERCHANT
STANDARD CONTRACT FORMAT**

- 16-693-001 Promulgation. [Order 1399, § 16-693-001, filed 5/8/75.] Repealed by 87-18-009 (Order 1949), filed 8/21/87. Statutory Authority: 1987 c 393 § 13.
- 16-693-010 Commission merchant standard contract format. [Order 1399, § 16-693-010, filed 5/8/75.] Repealed by 87-18-009 (Order 1949), filed 8/21/87. Statutory Authority: 1987 c 393 § 13.
- 16-693-020 Standard contract format—Title. [Order 1399, § 16-693-020, filed 5/8/75.] Repealed by 87-18-009 (Order 1949), filed 8/21/87. Statutory Authority: 1987 c 393 § 13.

**Chapter 16-694
AGRICULTURAL PRODUCTS—COMMISSION MERCHANTS,
DEALERS, BROKERS, BUYERS, AGENTS—LICENSE FEES**

- 16-694-001 License fees. [Statutory Authority: Chapter 20.01 RCW. 94-12-034, § 16-694-001, filed 5/25/94, effective 6/25/94. Statutory Authority: RCW 20.01.020 and chapter 20.01 RCW. 90-24-003 (Order 2062), § 16-694-001, filed 11/26/90, effective 12/27/90. Statutory Authority: RCW 20.01.404 [20.01.040] and 20.01.370. 88-23-056 (Order 1991), § 16-694-001, filed 11/15/88. Statutory Authority: 1987 c 393 § 13. 87-18-009 (Order 1949), § 16-694-001, filed 8/21/87.] Repealed by 00-22-071, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510.
- 16-694-010 Proof of payment. [Statutory Authority: RCW 20.01.404 [20.01.040] and 20.01.370. 88-23-056 (Order 1991), § 16-694-010, filed 11/15/88.] Repealed by 00-22-071, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510.
- 16-694-020 Commission merchant license. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-694-020, filed 7/25/91, effective 8/25/91.] Repealed by 00-22-071, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510.
- 16-694-021 Commission merchant license—Late renewal penalty. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-694-021, filed 7/25/91, effective 8/25/91.] Repealed by 00-22-071, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510.

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

- WAC**
- 16-05-001 Statement of purpose.
 - 16-05-010 What does an organization, company or individual have to do to get on the applicable list?
 - 16-05-040 The department of agriculture is completely held harmless and not liable.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 16-05-005 How will the lists be developed? [Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-005, filed 6/18/96, effective 7/19/96.] Repealed by 99-

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

WAC 16-05-001 Statement of purpose. This chapter establishes procedures for fulfilling the Washington department of agriculture requirements under RCW 43.05.020 to compile and maintain lists of individuals, organizations, both public and private, who provide technical assistance.

[Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-001, filed 6/18/96, effective 7/19/96.]

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

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

- (1) **Director's office:**
 - Legislative affairs.
 - Internal program review.
 - Policy development and review.
- (2) **Agency operations division:**

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

(3) Commodity inspection division:

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

Statewide grain inspection.

(4) Consumer and producer protection division:

Commission merchants program.

Livestock identification, brand registration and inspection.

Establishment of livestock markets.

Grain warehouse audit.

Weights and measures program.

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

(5) Food safety and animal health division:

Dairy inspection program.

Food processing program.

Organic food program.

Egg inspection program.

Animal health program.

(6) Laboratory services division:

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

Administers hop inspection and analyses.

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

Apiary program provides education and registration for Washington apiarists.

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

(7) Pesticide management division:

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

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

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

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

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

WAC 16-05-040 The department of agriculture is completely held harmless and not liable. (1) The department will not perform any testing or background checks on requestors for inclusion on a department technical assistance list. The department will exercise reasonable care to include or delete names upon request. The department is not responsible for errors on a technical assistance list. In addition, the inclusion of a name of an individual, company or organization on a list should not be construed as an endorsement by

the department. Customers using a technical assistance list for referral are encouraged to contact the better business bureau or the office of the attorney general, consumer protection unit, to determine whether a name selected is the subject of a complaint. Customers are also encouraged to check references of those on a list before they select an organization, company or individual to perform technical assistance.

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

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

Chapter 16-06 WAC PUBLIC RECORDS

WAC

16-06-150	The reason for the rule.
16-06-155	Definitions.
16-06-160	Description of agency organization, address and telephone number of Olympia administrative offices.
16-06-165	Agency organization description by division and program.
16-06-170	For assistance with disclosure of agency documents, you may contact a public records designee.
16-06-175	You may also contact an agency public records coordinator for assistance.
16-06-180	The agency's public records officer is available for assistance, appeals of denial of disclosure and information about the agency's index.
16-06-185	Availability of public records.
16-06-190	Request public records in writing using a department-issued form or the format provided in this rule.
16-06-195	Disclosure procedure.
16-06-200	Costs of disclosure.
16-06-205	Protection of public records.
16-06-210	Exemptions.
16-06-215	Qualifications on nondisclosure.
16-06-220	Review of denial of request for inspection for copying of public records.
16-06-225	Records index.
16-06-230	Interagency disclosure.
16-06-235	Request for public records disclosure form.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-06-010	Purpose. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-010, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
16-06-020	Definitions. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-020, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
16-06-030	Description of organization. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-030, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
16-06-040	Operations and procedures. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-040, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
16-06-050	Public records designees. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-050, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.

- 16-06-060 Availability of public records. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-060, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-070 Requests for public records. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-070, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-080 Fees. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-080, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-090 Protection of public records. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-090, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-100 Exemptions. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-100, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-110 Denial of request. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-110, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-120 Review of denial of request for inspection or copying of public records. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-120, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-130 Records index. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-130, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-140 Public records request form. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-140, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.

WAC 16-06-150 The reason for the rule. The reason for this chapter is to ensure compliance by the Washington state department of agriculture with the provisions of the Public Records Disclosure Act, RCW 42.17.250 through 42.17.340, and RCW 34.05.220 through 34.05.240 and RCW 34.05.330.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-150, filed 7/2/96, effective 8/2/96.]

WAC 16-06-155 Definitions. (1) "Denial of disclosure" denotes any exempting from disclosure of any public record.

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

(3) "Disclosure" means inspection and/or copying.

(4) "Public records" include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the department regardless of physical form or characteristics.

(5) "Writing" means handwriting, typewriting, printing, photostating, telefaxing, photographing, and every other means of recording any form of communication or representation including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(2009 Ed.)

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-155, filed 7/2/96, effective 8/2/96.]

WAC 16-06-160 Description of agency organization, address and telephone number of Olympia administrative offices. The administrative offices of the department are located in the Natural Resources Building, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560. The information telephone number is (360) 902-1800. The department is organized into six divisions:

- (1) Agency operations division;
- (2) Commodity inspection division;
- (3) Consumer and producer protection division;
- (4) Food safety and animal health division;
- (5) Laboratory services division; and
- (6) Pesticide management division.

The department maintains service locations or major field offices around the state. Several of these offices are headed by a supervisor or chief. The administrative offices located in Olympia will assist in determining office locations around the state. An organization chart of the department is available upon request from the Public Records Officer, Washington State Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-160, filed 7/2/96, effective 8/2/96.]

WAC 16-06-165 Agency organization description by division and program. An organizational description by division and program is as follows:

Director's office:

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

Agency operations division:

- Accounting, budget, payroll, forms and records, adjudicative proceedings, public disclosure, Washington administrative code filings, personnel office, data processing services, information office, international marketing and commodity commission and fairs commission activities

Commodity inspection division:

- Fruit and vegetable inspection program for quality, grade, condition, size and pack
- Conducts statewide grain inspection

Consumer and producer protection division:

- Commission merchants program
- Livestock identification, brand registration and inspection
- Establishment of livestock markets
- Grain warehouse audit
- Weights and measures program
- Seed program regulates the quality and labeling of various crop seeds in Washington

Food safety and animal health division:

- Dairy inspection program
- Food processing program
- Organic food program
- Egg inspection program
- Animal health program

Laboratory services division:

- Performs chemical and micro-biological analyses in support of the food safety and pesticide management programs
- Administers hop inspection and analyses
- Pest management program is responsible for nonnative insect detection and control, and plant pest and disease identification; develops and enforces plant quarantines
- Apiary program provides education and registration over Washington apiarists
- Nursery program certifies nursery stock and issues phytosanitary certificates for materials moving out-of-state

Pesticide management division:

- Administers the regulations of pesticides, animal feeds and fertilizer laws, and waste disposal program broken down into three units of the division
- The compliance unit enforces state and federal pesticide laws, animal feed laws and fertilizer laws; investigates complaints of pesticide misuse
- The registration unit registers pesticides, fertilizers and animal feeds sold and used in the state
- The program development and certification unit conducts the waste pesticide disposal program; provides interagency coordination on pesticide-related issues; provides safety training on the use of pesticides, which includes public outreach and new program development; licenses pesticide application equipment, pesticide dealers, and commercial, public and private pesticide applicators, operators and consultants; approves recertification courses and tracks educational credits on pesticide licensees

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-165, filed 7/2/96, effective 8/2/96.]

WAC 16-06-170 For assistance with disclosure of agency documents, you may contact a public records designee. The department shall designate in each departmental administrative unit including each office of the department located around the state, a public records designee from among its employees, who shall have the responsibility to respond to written requests for disclosure of the department's public records located in that office; or refer the person requesting disclosure to any other office where the record is located.

If you need help locating a department office in your location, please consult your local telephone directory; call the Olympia administrative office at (360) 902-1800; or write to the public records officer at the Olympia administrative offices at: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-170, filed 7/2/96, effective 8/2/96.]

WAC 16-06-175 You may also contact an agency public records coordinator for assistance. (1) Each assistant director of the department's divisions is designated a public records coordinator who shall have the authority to:

- (a) Respond to written requests for disclosure of the department's public records located in their division;
- (b) Provide input to the public records officer in cases where nondisclosure of a record is an issue;

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(c) Waive the requirement that a records request shall be made in written form.

(2) The address for the public records coordinator is: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560; or you may also contact the information number of the Olympia administrative offices at (360) 901-1800 for assistance.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-175, filed 7/2/96, effective 8/2/96.]

WAC 16-06-180 The agency's public records officer is available for assistance, appeals of denial of disclosure and information about the agency's index. (1) The department shall designate one public records officer, located in the agency operations division who shall:

(a) Be responsible for implementing the department's process regarding disclosure of public records;

(b) Coordinate departmental staff in this regard, generally ensuring the compliance of the staff with public records disclosure requirements;

(c) Make the final decision if a records request has been denied and a petition for review is filed under the procedures in WAC 16-06-220;

(d) Have the option of waiving the requirement that a records request be in written form;

(e) Maintain the agency's index as required under chapter 42.17 RCW.

(2) The address of the public records officer is: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560; or call the Olympia administrative office at (360) 902-1809.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-180, filed 7/2/96, effective 8/2/96.]

WAC 16-06-185 Availability of public records. (1) All public records of the department are available for disclosure except as otherwise provided by law. Requests for public record may be initiated at any department office during customary business hours, Monday through Friday, excluding legal holidays.

(2) The department shall respond promptly to requests for disclosure. Within five business days of receiving a public record request, the department shall respond by:

(a) Providing the record;

(b) Acknowledging the department has received the request and providing a reasonable estimate of the time the department will require to respond to the request; or

(c) Deny the public record request.

(3) Additional time for the department to respond to a request may be based on the need to:

(a) Clarify the intent of the request;

(b) Locate and assemble the information requested;

(c) Notify third persons or agencies affected by the request; or

(d) Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(4) In acknowledging receipt of a public record request that is unclear, the department may ask the requestor to clarify what information the requestor is seeking. If the requestor

fails to clarify the request, the department need not respond to it.

(5) If the department does not respond in writing within five business days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:

(a) Consider the request denied; and

(b) Petition the public records officer under WAC 16-06-180.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-185, filed 7/2/96, effective 8/2/96.]

WAC 16-06-190 Request public records in writing using a department-issued form or the format provided in this rule. (1) All requests for the disclosure of a public record shall be in writing on a department of agriculture disclosure form as prescribed by WAC 16-06-235, or a format which substantially complies with WAC 16-06-235, and identifies the record being sought with reasonable certainty. The written request shall include but is not limited to:

(a) The name, address and telephone number of the person requesting the record;

(b) The calendar date on which the request is made; and

(c) Sufficient information to readily identify documents being requested.

(2) A request for disclosure shall be made during customary office hours.

(3) In all cases in which a member of the public is making the request, it shall be the obligation of department staff to assist the member of the public to appropriately identify the public record being requested.

(4) A form for requesting department documents can be obtained from any administrative office of the department or a person can format a request in a similar format as prescribed in WAC 16-06-235.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-190, filed 7/2/96, effective 8/2/96.]

WAC 16-06-195 Disclosure procedure. (1) The public records designee and the public records coordinator shall review file materials prior to disclosure.

(2) If the file does not contain materials exempt from disclosure, the public records designee or coordinator shall proceed with full disclosure.

(3) If the record is not maintained in the office directly contacted, the public records designee or public records coordinator records officer will retrieve the record processing or will forward the request to the appropriate office for processing.

(4) Responses to requests for public records shall be made promptly by agencies, following RCW 42.17.320 and WAC 16-06-185.

(5) A denial of a request for disclosure shall be accompanied by a written statement of the specific exemption authorizing the withholding of the record, or part of the record, and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-195, filed 7/2/96, effective 8/2/96.]

(2009 Ed.)

WAC 16-06-200 Costs of disclosure. (1) No fee shall be charged for the inspection of public records.

(2) The department shall charge a fee of fifteen cents per page of copy when copy charges exceed ten dollars for providing copies of public records. This charge is the amount necessary to reimburse the department for its costs incident to such copying and shall be payable at the time copies are furnished.

(3) The department may charge the actual cost involved for the duplication of tape recordings, video tapes, photographs, slides, postage, delivery, if these costs exceed ten dollars.

(4) The public records officer or the public records coordinator may waive any of the foregoing costs.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-200, filed 7/2/96, effective 8/2/96.]

WAC 16-06-205 Protection of public records. In order to adequately protect the public records of the department, the following will apply:

(1) No public record shall be removed from the department's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated department employee.

(3) No public record may be marked or altered in any manner during inspection.

(4) Public records that are maintained in a file or jacket, or in chronological order, may not be dismantled except by a designated department employee for purposes of copying.

(5) Upon request of a member of the public to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents, the department shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by chapter 42.17 RCW is contained therein.

(6) When copying public documents, the copy machine will be operated by staff persons of the department only.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-205, filed 7/2/96, effective 8/2/96.]

WAC 16-06-210 Exemptions. The department reserves the right to determine if a requested public record is exempt or nondisclosable under RCW 42.17.250 et seq. Nondisclosable records include, but are not limited to:

(1) Personal information in any files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy pursuant to RCW 42.17.310 (1)(b).

(2) Investigative material pursuant to RCW 42.17.310 (1)(d) and (e).

(3) Test questions, scoring keys and other examination data used to administer a license, pursuant to RCW 42.17.310 (1)(f).

(4) Preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with action (RCW 42.17.310 (1)(i)).

(5) Records which are relevant to a controversy to which an agency is a party but which records would not be available

to another party under the rules of pretrial discovery for causes pending in the superior courts.

(6) Lists of individuals requested for commercial purposes. The department shall not disclose such records unless specifically authorized or directed to do so by law: Provided, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: Provided further, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW.

(7) Information on commercial fertilizer distribution, pursuant to RCW 42.17.317.

(8) Information on commercial feed pursuant to RCW 15.53.9018.

(9) Confidential information regarding individual company operations or production found in the Washington State Seed Act, RCW 15.49.370(8).

(10) Business related information obtained under the Organic Food Products Act concerning an entity certified under that act or an applicant for such certification, which is found under RCW 15.86.110.

(11) Privileged or confidential information or data required under the Washington Pesticide Control Act which contains trade secrets, commercial or financial information, which is found under RCW 15.58.065.

(12) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(13) Pursuant to chapter 43.23 RCW, except for release of statistical information not descriptive of any readily identifiable person or persons, all financial and commercial information and records supplied by persons to the department with respect to export market development projects shall be kept confidential unless confidentiality is waived by the party supplying the information. For purposes of this section, persons include any natural person, joint venture, firm, partnership or association, private or public corporation, or governmental entity.

(14) The following agricultural business and commodity commission records are exempt from the disclosure requirements of chapter 42.17 RCW:

(a) Production or sales records required to determine assessment levels and actual assessment payments to commodity commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88 and 16.67 RCW or required by the department of agriculture under RCW 15.13.-310(4) or 15.49.370(6);

(b) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49 and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States Department of Agriculture or on applications for phytosanitary certification required by the department of agriculture; and

(c) Financial and commercial information and records supplied by persons to commodity commissions formed under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88 and 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-210, filed 7/2/96, effective 8/2/96.]

WAC 16-06-215 Qualifications on nondisclosure. (1)

To the extent that nondisclosable information can be deleted from the specific record sought, the remainder of the record shall be disclosed.

(2) No exemptions shall be construed to require nondisclosure of statistical information not descriptive of identifiable persons, as required by RCW 42.17.310(2).

(3) Inspection and copying of any specific records otherwise nondisclosable is permissible pursuant to an order of a superior court.

(4) Denial of disclosure of a public record will be in writing accompanied by a written statement of the reason the document was withheld.

(5) A person who is denied a request for a public record shall have the right to appeal the denial to the public records officer of the department in the manner prescribed by WAC 16-06-220.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-215, filed 7/2/96, effective 8/2/96.]

WAC 16-06-220 Review of denial of request for inspection for copying of public records. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by submitting a written request for review to the department's public records officer located in the Olympia administrative office. The written request shall specifically refer to the written statement that constituted or accompanied the denial of disclosure.

(2) Immediately after receiving a petition for review of a decision denying a public record, the public records designee or public records coordinator denying the request shall refer it to the public records officer. The public records officer shall review decisions denying disclosure in the most prompt fashion possible, and such review shall be deemed completed at the end of the second business day following receipt by the department of the petition for review. This shall constitute final agency action for the purposes of judicial review, pursuant to RCW 42.17.320. If the public records officer neither approves nor disapproves the denial of the request before the end of the second business day following the denial of inspection, the denial of inspection shall be deemed approved by the department, and constitutes a final agency action pursuant to RCW 42.17.320.

(2) Immediately after receiving a petition for review of a decision denying a public record, the public records designee or public records coordinator denying the request shall refer it to the public records officer. The public records officer shall review decisions denying disclosure in the most prompt fashion possible, and such review shall be deemed completed at the end of the second business day following receipt by the department of the petition for review. This shall constitute final agency action for the purposes of judicial review, pursuant to RCW 42.17.320. If the public records officer neither approves nor disapproves the denial of the request before the end of the second business day following the denial of inspection, the denial of inspection shall be deemed approved by the department, and constitutes a final agency action pursuant to RCW 42.17.320.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-220, filed 7/2/96, effective 8/2/96.]

WAC 16-06-225 Records index. The public records officer of the department, located in the Olympia administrative office, shall develop and maintain an agency index of:

- (1)(a) Records issued prior to July 1, 1990, by relying on agency records retention schedules;
- (b) Final orders;
 - (c) Declaratory orders entered after June 30, 1990;
 - (d) Interpretative statements;
 - (e) Policy statements;
 - (f) Agency rule docket; and
 - (g) Other agency information as required.

The schedule for revising and/or updating the index will occur annually on June 30 of each year.

(2) Information on obtaining or viewing the department's index should be directed to the public records officer at the department's headquarters office located at: Department of Agriculture, 1111 Washington Street, SE, P.O. Box 42560, Olympia, Washington 98504-2560.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-225, filed 7/2/96, effective 8/2/96.]

WAC 16-06-230 Interagency disclosure. (1) Unless prohibited by law, information may be disclosed by the department to outside agencies, including other state of Washington agencies or other states.

(2) Outside agencies receiving information pursuant to subsection (1) of this section shall be subject to the same standards of disclosure as are required of the department.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-230, filed 7/2/96, effective 8/2/96.]

WAC 16-06-235 Request for public records disclosure form. The department adopts the following "request for public records disclosure form" for use by all persons requesting inspection and/or copying of department public records. The form may be secured from any office of the department by contacting the office in or near your area; calling the Olympia administrative office at (360) 902-1800; or writing to the public records officer in Olympia at: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2460.



Washington State Department of Agriculture
P.O. Box 42560
Olympia, WA 98504-2560

REQUEST FOR PUBLIC RECORDS DISCLOSURE

Name of Requester: _____

Mailing Address of Requester: _____

Telephone Number of Requester: (_____) _____

Date of Request: _____ Time of Request: _____

Identification of record(s) requested: _____

AGREEMENT TO PROTECT RECORDS FROM USE FOR COMMERCIAL PURPOSES

I hereby agree that the list of individuals and/or information provided to me by the:

shall not be used for any commercial purpose by myself or by any organizations I represent. I will protect the list of individuals and/or information from access by anyone who may use it for purposes of contacting the individuals named therein or otherwise personally affecting them in furtherance of any profit-seeking activity.

I also understand that I may be charged for each page copied, or in the case of copied tape recordings and video tapes, the actual cost of duplication.

I understand the contents of the above provisions and will comply with the terms thereof.

Requester's Signature _____

AGR 1006 (R/8/95)

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-235, filed 7/2/96, effective 8/2/96.]

Chapter 16-08 WAC

PRACTICE AND PROCEDURE

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-08-001	Promulgation. [Order 793, Promulgation, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-110	Service of process—Service upon parties. [Order 793, Regulation .08.110, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-010	Appearance and practice before department of agriculture—Who may appear. [Order 793, Regulation .08.010, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-120	Service of process—Method of service. [Order 793, Regulation .08.120, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-020	Appearance and practice before department of agriculture—Appearance in certain proceedings may be limited to attorneys. [Order 793, Regulation .08.020, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-130	Service of process—When service complete. [Order 793, Regulation .08.130, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-040	Appearance and practice before department of agriculture—Standards of ethical conduct. [Order 793, Regulation .08.040, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-140	Service of process—Filing with agency. [Order 793, Regulation .08.140, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-050	Appearance and practice before department of agriculture—Appearance by former employee of agency or former member of attorney general's staff. [Order 793, Regulation .08.050, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-150	Subpoenas—Form. [Order 793, Regulation .08.150, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-060	Appearance and practice before department of agriculture—Former employee as expert witness. [Order 793, Regulation .08.060, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-160	Subpoenas—Issuance to parties. [Order 793, Regulation .08.160, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-070	Computation of time. [Order 793, Regulation .08.070, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-170	Subpoenas—Service. [Order 793, Regulation .08.170, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-080	Notice and opportunity for hearing in contested cases. [Order 793, Regulation .08.080, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-180	Subpoenas—Fees. [Order 793, Regulation .08.180, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-090	Service of process—By whom served. [Order 793, Regulation .08.090, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-190	Subpoenas—Proof of service. [Order 793, Regulation .08.190, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-100	Service of process—Upon whom served. [Order 793, Regulation .08.100, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-200	Subpoenas—Quashing. [Order 793, Regulation .08.200, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
		16-08-210	Subpoenas—Enforcement. [Order 793, Regulation .08.210, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
		16-08-220	Subpoenas—Geographical scope. [Order 793, Regulation .08.220, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
		16-08-230	Depositions and interrogatories in contested cases—Right to take. [Order 793, Regulation .08.230, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
		16-08-240	Depositions and interrogatories in contested cases—Scope. [Order 793, Regulation .08.240, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
		16-08-250	Depositions and interrogatories in contested cases—Officer before whom taken. [Order 793, Regulation .08.250, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
		16-08-260	Depositions and interrogatories in contested cases—Authorization. [Order 793, Regulation .08.260, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
		16-08-270	Depositions and interrogatories in contested cases—Protection of parties and deponents. [Order 793, Regulation .08.270, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
		16-08-280	Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Order 793, Regulation .08.280, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
		16-08-290	Depositions and interrogatories in contested cases—Recordation. [Order 793, Regulation .08.290, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.

16-08-300	Depositions and interrogatories in contested cases—Signing attestation and return. [Order 793, Regulation .08.300, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-310	Depositions and interrogatories in contested cases—Use and effect. [Order 793, Regulation .08.310, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Order 793, Regulation .08.490, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-320	Depositions and interrogatories in contested cases—Fees of officers and deponents. [Order 793, Regulation .08.320, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 16-08-470 or 16-08-480. [Order 793, Regulation .08.500, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-330	Depositions upon interrogatories—Submission of interrogatories. [Order 793, Regulation .08.330, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-510 Continuances. [Order 793, Regulation .08.510, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-340	Depositions upon interrogatories—Interrogation. [Order 793, Regulation .08.340, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-520 Rules of evidence—Admissibility criteria. [Order 793, Regulation .08.520, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-350	Depositions upon interrogatories—Attestation and return. [Order 793, Regulation .08.350, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Order 793, Regulation .08.530, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-360	Depositions upon interrogatories—Provisions of deposition rule. [Order 793, Regulation .08.360, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-540 Petitions for rule making, amendments or repeal—Who may petition. [Order 793, Regulation .08.540, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-370	Official notice—Matters of law. [Order 793, Regulation .08.370, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-550 Petitions for rule making, amendments or repeal—Requisites. [Order 793, Regulation .08.550, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-380	Official notice—Material facts. [Order 793, Regulation .08.380, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-560 Petitions for rule making, amendments or repeal—Agency must consider. [Order 793, Regulation .08.560, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-390	Presumptions. [Order 793, Regulation .08.390, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-570 Petitions for rule making, amendments or repeal—Notice of disposition. [Order 793, Regulation .08.570, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-400	Stipulations and admissions of record. [Order 793, Regulation .08.400, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-580 Declaratory rulings. [Order 793, Regulation .08.580, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-410	Form and content of decisions in contested cases. [Order 793, Regulation .08.410, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	16-08-590 Forms. [Order 793, Regulation .08.590, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
16-08-420	Definition of issues before hearing. [Order 793, Regulation .08.420, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	
16-08-430	Prehearing conference rule—Authorized. [Order 793, Regulation .08.430, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	
16-08-440	Prehearing conference rule—Record of conference action. [Order 793, Regulation .08.440, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	
16-08-450	Submission of documentary evidence in advance. [Order 793, Regulation .08.450, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	
16-08-460	Excerpts from documentary evidence. [Order 793, Regulation .08.460, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	
16-08-470	Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Order 793, Regulation .08.470, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.	
16-08-480	Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Order 793, Regulation .08.480, effective	

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

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

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

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

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

WAC 16-08-003 Declaration of purpose and applicability. This chapter sets forth the rules of procedure that are applicable to adjudicative proceedings before the department. Because civil penalties and orders issued by the department pursuant to chapters 90.64 and 90.48 RCW in the livestock nutrient management program are appealable only to the pollution control hearings board (PCHB) under chapter 43.21B RCW and chapter 371-08 WAC, this chapter is not applicable to those proceedings.

[Statutory Authority: Chapters 90.64 and 34.05 RCW. 04-02-063, § 16-08-003, filed 1/7/04, effective 2/7/04.]

WAC 16-08-004 Livestock nutrient management program (LNMP) appeals. (1) All appeals of civil penalties and orders issued by the department in the livestock nutrient management program shall be filed with the PCHB at the environmental hearings office and shall be served on the department of agriculture pursuant to RCW 43.21B.230 and 43.21B.300, and WAC 371-08-335 and 371-08-345.

(2) Pursuant to WAC 371-08-306, when referring to appeals related to civil penalties and orders issued by the department of agriculture in the livestock nutrient management program, all references to "department" in both chapters 43.21B RCW and 371-08 WAC shall mean department of agriculture; all references to "director" shall mean director of agriculture.

[Statutory Authority: Chapters 90.64 and 34.05 RCW. 04-02-063, § 16-08-004, filed 1/7/04, effective 2/7/04.]

WAC 16-08-011 Adoption of model rules of procedure. The model rules of procedure, chapter 10-08 WAC, adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use by the department. In the case of a conflict between the model rules of procedure and procedural rules adopted in this chapter, the procedural rules adopted by the department shall take precedence.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-011, filed 11/15/91, effective 12/16/91.]

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

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

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

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

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

(a) Determine the order of presentation of evidence;

(b) Administer oaths and affirmations;

(c) Issue subpoenas;

(d) Rule on procedural matters, objections, and motions;

(e) Rule on offers of proof and receive relevant evidence;

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

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

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

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

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

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

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

WAC 16-08-022 Consolidation of proceedings. Without affecting the department's discretion to otherwise consolidate adjudicative proceedings, the department may consolidate an emergency adjudicative proceeding with an adjudicative proceeding on the merits.

[Statutory Authority: RCW 34.05.425. 93-10-059, § 16-08-022, filed 4/30/93, effective 5/31/93.]

WAC 16-08-031 Application for adjudicative proceeding. An application for an adjudicative proceeding shall be made on a form provided by the department. Written application for an adjudicative proceeding shall be received at the address designated on the application form within twenty-five days of service of the proposed department action giving rise to the application unless provided for otherwise by statute or rule.

[Statutory Authority: Chapter 34.05 RCW. 97-14-050, § 16-08-031, filed 6/27/97, effective 7/28/97; 91-23-051, § 16-08-031, filed 11/15/91, effective 12/16/91.]

WAC 16-08-041 Settlement. Before or after a hearing, parties to a proceeding may enter into discussions leading to a voluntary settlement of the subject matter of the proceeding. These conferences shall be informal and without prejudice to the rights of the parties, and no statement, admission, or offer of settlement made at an informal conference shall be admissible in evidence in any adjudicative proceeding.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-041, filed 11/15/91, effective 12/16/91.]

WAC 16-08-051 Discovery—Authority of presiding officer. (1) Discovery in adjudicative proceedings other than as enumerated in WAC 16-08-061 through 16-08-121 may be permitted at the discretion of the presiding officer. In permitting such discovery, the presiding officer shall make reference to the civil rules of procedure.

(2) The presiding officer shall have the power to control the frequency and nature of discovery permitted, including discovery as enumerated in WAC 16-08-061 through 16-08-121, and to order discovery conferences to discuss discovery issues.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-051, filed 11/15/91, effective 12/16/91.]

WAC 16-08-061 Depositions in adjudicative proceedings—Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-061, filed 11/15/91, effective 12/16/91.]

WAC 16-08-071 Depositions in adjudicative proceedings—Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-071, filed 11/15/91, effective 12/16/91.]

WAC 16-08-081 Depositions in adjudicative proceedings—Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the director of agriculture or agreed upon by the parties by stipulation in writing filed with the department of agriculture. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-081, filed 11/15/91, effective 12/16/91.]

WAC 16-08-091 Depositions in adjudicative proceedings—Notice. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than five days in writing to the department of agriculture and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the presiding officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-091, filed 11/15/91, effective 12/16/91.]

WAC 16-08-101 Depositions and interrogatories in adjudicative proceedings—Protection of parties and

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deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the director or his/her designated presiding officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the director, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the director, or the director may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the director or his/her designated presiding officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-101, filed 11/15/91, effective 12/16/91.]

WAC 16-08-111 Depositions in adjudicative proceedings—Use and effect. Subject to rulings by the presiding officer upon objections, a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the presiding officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the presiding officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his/her witness by taking his/her deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him/her or any other party.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-111, filed 11/15/91, effective 12/16/91.]

WAC 16-08-121 Depositions in adjudicative proceedings—Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington under RCW 5.56.010, which fees shall be tendered and paid by the party at whose instance the depositions are taken.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-121, filed 11/15/91, effective 12/16/91.]

WAC 16-08-131 Adjudicative proceedings—Petition for review and replies. (1) Any party to an adjudicative proceeding may file a petition for review of an initial order.

(2) The petition for review shall be filed with the director within twenty days of the date of service of the initial order unless a different place and time limit for filing the petition are specified in the initial order in its statement describing available procedures for administrative relief. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed and evidence of such service shall be filed with the petition for review.

(3) The petition for review shall specify the portions of the initial order to which exception is taken and shall refer to the evidence of record relied upon to support the petition.

(4) Any party may file a reply to a petition for review. The reply shall be filed with the office where the petition for review was filed within twenty days of the date of service of the petition and copies of the reply shall be served upon all other parties or their representatives at the time the reply is filed, and may cross-petition for review. If the reply contains a cross-petition, it shall specify portions of the initial order to which exception is taken by the replying party, and shall refer to the evidence of record relied upon to support the reply.

(5) Any party may reply to a cross-petition by filing and serving it as set forth in subsection (4) of this section.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-131, filed 11/15/91, effective 12/16/91.]

WAC 16-08-141 Brief adjudicative proceedings. (1) Pursuant to RCW 34.05.482, the department will use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

- (a) Actions taken by the agency based on the failure:
 - (i) To maintain, supply, or display records; and/or
 - (ii) To display evidence of a license; and/or
 - (iii) To display or post information required by law; and/or
 - (iv) To possess required insurance, bonding or other security.
- (b) Actions taken with respect to late application renewal fees.
- (c) Actions taken with respect to certificate of compliance agreements under WAC 16-461-010.
- (d) Actions taken with respect to sale permits pursuant to RCW 15.13.270.
- (e) Actions taken to revoke certification of plant material as foundation or breeder planting stock pursuant to RCW 15.14.110.
- (f) Penalty actions taken with respect to cattle breed name use.
- (g) Penalty actions taken against milk producers pursuant to RCW 15.36.115 or 15.36.595.
- (h) Dairy degrade or permit suspension actions taken pursuant to chapter 15.36 RCW.
- (i) Actions taken with respect to licenses for sale of milk for animal food pursuant to RCW 15.37.030 et seq.
- (j) Actions taken with respect to registration of commercial feed pursuant to RCW 15.53.9036.

(k) Actions taken with respect to pesticide registration under RCW 15.58.110.

(l) Actions taken with respect to organic certification pursuant to RCW 15.86.060 and/or 15.86.070.

(m) Actions taken with respect to mushroom buyer or dealer licenses pursuant to RCW 15.90.020.

(n) Actions taken with respect to animal health certificates pursuant to RCW 16.36.050.

(o) Actions taken with respect to destruction or treatment of quarantined animals pursuant to RCW 16.36.090.

(p) Actions taken with respect to licenses for garbage feeding to swine pursuant to RCW 16.36.108.

(q) Actions taken with respect to licenses related to custom farm slaughter pursuant to chapter 16.49 RCW.

(r) Actions taken with respect to licenses related to custom meat facilities pursuant to chapter 16.49 RCW.

(s) Actions taken with respect to approval of livestock pens within feedlots pursuant to RCW 16.58.080.

(t) Actions taken with respect to certified feed lot licenses pursuant to RCW 16.58.130.

(u) Actions taken with respect to seizure and destruction of incorrect weights and measures pursuant to RCW 19.24.-250.

(v) Actions taken with respect to licenses of grain dealers or warehousemen pursuant to RCW 22.09.471.

(w) Revocation of compliance agreements for the completion of state phytosanitary, sanitation, or brown garden snail certificates pursuant to chapters 15.13 and 17.24 RCW.

(x) Revocation of compliance agreements for preprinting or use of rubber stamps for nursery stock inspection certificates pursuant to chapter 15.13 RCW.

(y) Revocation of compliance agreements for root sampling of nursery stock pursuant to chapter 15.13 RCW.

(aa) Agency refusal to certify seed stocks because of misleading or confusing labeling pursuant to chapter 15.60 RCW and WAC 16-316-345.

(bb) Rescinding of permit for seed conditioning pursuant to chapter 15.60 RCW and WAC 16-316-185(8).

(cc) Expulsion from or refusal to allow entry into a seed or plant certification program pursuant to chapters 15.60 and 15.13 RCW.

(2) A party to a brief adjudicative hearing has twenty days to file an application or request from the date of service of the department's notice of intent to take action. The application or request for a brief adjudicative hearing shall be filed at the address listed on the form provided by the department. The party filing the application or request for a brief adjudicative proceeding shall submit a written explanation of their view of the matter along with the application or request. Other parties may file a written response within ten days after service of the application for a brief adjudicative proceeding. Copies of the response shall be served on all parties. Oral statements may be submitted and considered as follows:

(a) If a party to a brief adjudicative proceeding desires an opportunity to make an oral statement, it should be requested in the application or request.

(b) A request to make an oral statement may be granted if the presiding officer believes such a statement would benefit him or her in reaching a decision. The presiding officer shall notify the parties within a reasonable time of the decision to grant or deny the request to hear oral comments, and

if the request is granted, shall notify the parties of the time and place for hearing comments.

(3) At the time any unfavorable action is taken, the presiding officer shall serve upon each party a brief statement of the reasons for the decision. Within ten days of the decision, the presiding officer shall give the parties a brief written statement of the reasons for the decision and information about any internal administrative review available.

(4) The presiding officer's written decision is an initial order. If no review is taken of the initial order, it shall be the final order.

(5) The reviewing officer shall conduct a review of an initial order resulting from a brief adjudicative proceeding upon the written or oral request of a party if the director receives the request within twenty-one days from the service of the initial order. If no request is filed in a timely manner, the reviewing officer may review, on his or her own motion, an order resulting from a brief adjudicative proceeding and adopt, modify, or reject the initial order; but the reviewing officer shall not take any action on review less favorable to any party without giving that party notice and opportunity to explain his or her view of the matter.

(6) A request for review of an initial order shall contain an explanation of the party's view of the matter and a statement of reasons why the initial order is incorrect. The request for review shall be filed with the director and copies shall be served on all parties, and evidence of such service filed. Responses to a request for review of an initial order shall be filed with the director and served on all parties within ten days after service of the request for review.

(7) The order on review shall be in writing, shall include a brief statement of the reasons for the decision, and shall be entered within twenty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(8) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding and/or by the reviewing officer for any review.

[Statutory Authority: Chapter 34.05 RCW. 97-14-050, § 16-08-141, filed 6/27/97, effective 7/28/97. Statutory Authority: RCW 34.05.425. 93-10-059, § 16-08-141, filed 4/30/93, effective 5/31/93. Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-141, filed 11/15/91, effective 12/16/91.]

WAC 16-08-151 Emergency adjudicative proceedings. (1) Pursuant to RCW 34.05.479, the department shall use emergency adjudicative proceedings for the suspension or cancellation of authority in situations involving an immediate danger to the public health, safety, or welfare requiring immediate action by the department. Such situations shall include:

(a) Failure to possess required insurance, bonding or other security.

(b) Health, safety, or welfare violations when the violation involves an immediate danger to the public health, safety, or welfare, including, but not limited to, decisions by the department to condemn horticultural plants under chapter

15.13 RCW; or to condemn infested or infected articles under chapter 15.08 RCW; or to issue stop sale, use, or removal order under chapter 15.49 RCW; or to quarantine apiaries under chapter 15.60 RCW; or to quarantine animals under chapter 16.36 RCW; or to impound infested, infected, or regulated articles pursuant to chapter 17.24 RCW; or to close food processing facilities under chapter 69.07 RCW; or under rules or regulations of the director adopted pursuant to such laws.

(2) The summary order shall include a brief statement of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the public health, safety, or welfare. The order shall be effective when entered. Service of the order shall be made pursuant to WAC 10-08-110. The order shall also give the affected party five days from service of the order to request an adjudicative proceeding on the order, or, in the alternative, the director may in the order automatically establish a date affording the affected party the opportunity to present any defense concerning why the summary order is incorrect.

(3) A decision made upon the emergency adjudicative proceeding shall be expressed in a written order which shall be served on all parties within five days after its entry. This written order is a final order.

(4) The summary order shall be effective pending disposition on the merits of the denial, suspension or revocation of authority.

[Statutory Authority: Chapter 34.05 RCW and RCW 34.05.479. 98-09-085, § 16-08-151, filed 4/21/98, effective 5/22/98. Statutory Authority: RCW 34.05.425. 93-10-059, § 16-08-151, filed 4/30/93, effective 5/31/93. Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-151, filed 11/15/91, effective 12/16/91.]

WAC 16-08-161 Conversion of proceedings. (1) Upon application by any person or upon his or her own motion, the presiding officer or other official responsible for the original proceeding shall consider whether the conversion of a proceeding pursuant to RCW 34.05.070 should be made.

(2) Commencement of the new proceeding shall be determined to be the time of commencement of the original proceeding, provided that all statutory and regulatory requirements for the new proceeding shall be met.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-161, filed 11/15/91, effective 12/16/91.]

WAC 16-08-171 Documents—Filing. Any documents filed with the director under provisions of the Administrative Procedure Act, chapter 34.05 RCW, Model rules of procedure, chapter 10-08 WAC, and this chapter, shall be filed with the Administrative Regulations Program, P.O. Box 42560, 1111 Washington St., S.E., Olympia, WA 98504-2560.

Unless otherwise required by law, filing of a document with the director shall be made personally, by first class mail, by certified or registered mail, by commercial parcel delivery company, or by electronic telefacsimile transmission and same-day mailing of original showing same-day postmark. Filing shall occur within the period of time specified for filing by statute, rule, or order.

[Statutory Authority: Chapter 34.05 RCW. 97-14-050, § 16-08-171, filed 6/27/97, effective 7/28/97; 91-23-051, § 16-08-171, filed 11/15/91, effective 12/16/91.]

Chapter 16-19 WAC

CUSTOM FARM SLAUGHTERERS, CUSTOM SLAUGHTERING ESTABLISHMENTS, AND CUSTOM MEAT FACILITIES

WAC

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**PART 1
GENERAL PROVISIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WAC 16-19-020 Requirements for sanitary operations. Requirements for sanitary operations of custom farm slaughtering, custom slaughtering establishments, and custom meat facilities are found in Title 21 CFR Part 110-Current good manufacturing practice in manufacturing, packing or holding human food. These rules have been adopted in WAC 16-167-050 (2)(k) and are available from the department on request.

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

WAC 16-19-030 Licensing expiration date-late fee. Licenses for custom farm slaughterers, custom slaughtering establishments, and custom meat facilities issued under RCW 16.49.440 shall expire on June 30 of each year. A late fee will be charged if the application for renewal is not received prior to July 1 of each year.

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

**PART 2
CUSTOM FARM SLAUGHTERING**

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

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

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

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

(i) Height - six feet.

(ii) Length - six feet.

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

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

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

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

(4) A water tank built into the vehicle constructed of smooth, cleanable, impervious and durable material with a minimum capacity of forty gallons. No slaughtering operation may be commenced unless at least twenty gallons is available. Water must be delivered to the outlets at a pressure of at least forty pounds per square inch. One hose connection from tank and hose with nozzle must be provided to wash down carcasses. The water system must be maintained to a sanitary condition and be used only for potable water.

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

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

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

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

faces of the mobile unit that have been contaminated by contact with the hide must be cleaned and sanitized before subsequent carcasses are hauled.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART 3 CUSTOM SLAUGHTERING ESTABLISHMENTS

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

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

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

(3) Inedible and condemned storage and handling facilities.

(a) Adequate facilities for sanitary handling and storage of inedible offal and for sanitizing equipment in which inedible materials were transported must be provided, including one or more properly located enclosed rooms. Hot and cold water must be provided at outlets in or adjacent to the inedible handling room. The necessary doors connecting inedible storage rooms with rooms where edible products are handled must be metal clad, self-closing and tight fitting.

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

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

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

formed so as to avoid contamination of the carcass with ingesta or fecal material.

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

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

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

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

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

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

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

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

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

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

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

WAC 16-19-210 Requirements for assignment, stamping, recordkeeping and condemnation of meat. The operator of any custom slaughtering establishment must have in his or her possession certificates of permit or other satisfactory proof of ownership of carcasses or parts thereof in his

establishment. Such proof of ownership must be kept on file for a period of six months after receipt of the carcass or part of the carcass.

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

PART 4 CUSTOM MEAT FACILITIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WAC 16-19-330 Requirements for preparation and storage of meat and meat food products. (1) Inspected meat and uninspected meat must be stored and prepared separately at all times. Separate meat storage areas must be designated for inspected and uninspected meat and meat food

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products. There must be no physical contact between inspected and uninspected meat.

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

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

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

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

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

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

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

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

Chapter 16-24 WAC

HUMANE SLAUGHTER OF LIVESTOCK

WAC

16-24-001	Promulgation.
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16-24-040	Mechanical—Gunshot.
16-24-050	Electrical—Stunning with electric current.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-24-060	Ritual—Slaughter in accordance with ritual requirements of any religious faith. [Order 804, Regulation 1.06, effective 3/18/60.] Later enactment, see WAC 16-24-012.
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WAC 16-24-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.50 RCW; after due notice as provided under chapters 34.04 and 42.32 RCW and a public hearing held in Olympia on September 13, 1967 do promulgate the following regulations.

[Order 1067, Promulgation, filed 9/19/67, effective 10/20/67; Order 804, Promulgation, effective 3/18/60.]

WAC 16-24-010 Definitions. For the purposes of WAC 16-24-010 through 16-24-050:

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

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Humane method" means either:

(a) A method whereby the animal is rendered insensible to pain be mechanical, electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast or cut; or

(b) A method in accordance with the ritual requirements of any religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

(4) "Livestock" means cattle, calves, sheep, swine, horses, mules and goats.

(5) "Packer" means any person engaged in the business of slaughtering livestock.

(6) "Person" means a natural person, individual, firm, partnership, corporation, company, society and association and every officer, agent or employee, thereof. This term shall import either the singular or plural, as the case may be.

(7) "Slaughterer" means any person engaged in the commercial or custom slaughtering of livestock, including custom farm slaughterers.

(8) "Law" - chapter 16.50 RCW, (chapter 31, Laws of 1967).

(9) "Carbon dioxide" - a gaseous form of the chemical formula CO₂.

(10) "Carbon dioxide concentration" - ratio of carbon dioxide gas and atmospheric air.

(11) "Exposure time" - the period of time an animal is exposed to an anesthesia-producing carbon dioxide concentration.

(12) "Anesthesia" - loss of sensation or feeling.

(13) "Surgical anesthesia" - a state of unconsciousness measured in conformity with accepted surgical practices.

(14) "Consciousness" - responsiveness of the brain to the impressions made by the senses.

(15) "Captive bolt" - a stunning instrument which when activated drives a bolt out a barrel for a limited distance.

[Order 1067, Regulation 1, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.01, effective 3/18/60.]

WAC 16-24-012 Slaughter by humane method—Violation.

(1) No slaughterer or packer shall bleed or slaughter any livestock except by a humane method: Provided, That the director may, by administrative order, exempt a person from compliance with this order for a period of not to exceed six months if he finds that an earlier compliance would cause such person undue hardship.

(2) The use of a manually operated hammer, sledge or pole axe is declared to be an inhumane method of slaughter within the meaning of chapter 16-24 WAC.

(3) Any person violating any provision of chapter 16-24 WAC is guilty of a misdemeanor and subject to a fine of not more than two hundred fifty dollars or confinement in the county jail for not more than ninety days.

(4) Nothing in chapter 16-24 WAC shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provisions

of this order, ritual slaughter and the handling or other preparation of livestock for ritual slaughter is defined as humane.

[Order 1067, Regulations 2-5, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.06, effective 3/18/60.]

WAC 16-24-020 Chemical—Carbon dioxide. The slaughtering of calves, sheep, and swine with the use of carbon dioxide gas and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the law.

(1) Administration of gas, required effect; handling.

(a) The carbon dioxide gas shall be administered in a chamber in accordance with this section so as to produce surgical anesthesia in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be exposed to the carbon dioxide gas in a way that will accomplish the anesthesia quickly and calmly, with a minimum of excitement and discomfort to the animals.

(b) The driving or conveying of the animals to the carbon dioxide chamber shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the anesthesia chamber is essential since the induction or early phase of anesthesia is less violent with docile animals. Among other things this requires that, in driving animals to the anesthesia chamber, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) On emergence from the carbon dioxide chamber the animals shall be in a state of surgical anesthesia and shall remain in this condition throughout shackling, sticking and bleeding. Asphyxia or death from any cause shall not be produced in the animals before bleeding.

(2) Facilities and procedures.

(a) General requirements for gas chamber and auxiliary equipment; operator.

(i) The carbon dioxide gas shall be administered in a chamber which accomplishes effective exposure of the animal. Two types of chambers involving the same principle are in common use for carbon dioxide anesthesia. They are the "U" type chamber and the "straight line" type chamber. Both are based upon the principle that carbon dioxide gas has a higher specific gravity than air. The chambers open at both ends for entry and exit of animals and have a depressed central section. Anesthetizing carbon dioxide concentrations are maintained in the depressed central section of the chamber. Effective anesthetization is produced in this section. Animals are driven from holding pens through a pathway constructed of pipe or other smooth metal onto a continuous conveyor device which moves the animals through the chamber. The animals are compartmentalized on the conveyor by impellers synchronized with the conveyor or are otherwise prevented from crowding. Where impellers are used to compartmentalize the animal, a mechanically or manually operated gate will be used to move the animal onto the conveyor. Surgically anesthetized animals are moved from the chamber by the same continuous conveyor that carried them into and through the carbon dioxide gas.

(ii) Flow of animals into and through the carbon dioxide chamber is dependent on one operator. The operation or stoppage of the conveyor is entirely dependent upon this operator. It is necessary that he be skilled, attentive, and aware of his

responsibility. Overdosages and death of animals can be brought about by carelessness of this individual.

(b) Special requirements for gas chamber and auxiliary equipment. The ability of anesthetizing equipment to perform with maximum efficiency is dependent on its proper design and efficient mechanical operation. Pathways, compartments, gas chambers, and all other equipment used must be designed to accommodate properly the species of animals being anesthetized. They shall be free from pain producing restraining devices. Injury of animals must be prevented by the elimination of sharp projections or exposed wheels or gears. There shall be no unnecessary holes, spaces, or openings where feet or legs of animals may be injured. Impellers or other devices designed to mechanically move or drive animals or otherwise keep them in motion or compartmentalized shall be constructed of flexible or well padded rigid material. Power activated gates designed for constant flow of animals to anesthetizing equipment shall be so fabricated that they will not cause injury. All equipment involved in anesthetizing animals shall be maintained in good repair.

(c) Gas. Maintenance of a uniform carbon dioxide concentration and distribution in the anesthesia chamber is a vital aspect of producing surgical anesthesia. This may be assured by reasonable accurate instruments which sample and analyze carbon dioxide gas concentration within the chamber throughout anesthetizing operations. Gas concentration shall be maintained uniform so that the degree of anesthesia in exposed animals will be constant. Carbon dioxide gas supplied to anesthesia chambers may be from controlled reduction of solid carbon dioxide or from a controlled liquid source. In either case, the carbon dioxide shall be supplied at a rate sufficient to anesthetize adequately and uniformly the number of animals passing through the chamber. Sampling of gas for analysis shall be made from a representative place or places within the chamber and on a continuing basis. Gas concentrations and exposure time shall be graphically recorded throughout each day's operation. Neither carbon dioxide nor atmospheric air used in the anesthesia chambers shall contain noxious or irritating gases. Each day before equipment is used for anesthetizing animals, proper care shall be taken to mix adequately the gas and air within the chamber. All gas producing and control equipment shall be maintained in good repair and all indicators, instruments, and measuring devices must be available for inspection by department inspectors during anesthetizing operations and at other times. A suitable exhaust system must be provided to eliminate possible overdosages due to mechanical or other failure of equipment.

[Order 1067, Regulation 6, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.02, effective 3/18/60.]

WAC 16-24-030 Mechanical—Captive bolt. The slaughtering of cattle, calves, sheep, swine, goats, horses and mules by using captive bolt stunners and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the law.

(1) Application of stunners, required effect; handling.

(a) The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce imme-

diately unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.

(b) The driving of the animals to the stunning areas shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the stunning areas is essential since accurate placement of stunning equipment is difficult on nervous or injured animals. Among other things, this requires that, in driving animals to the stunning areas, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) Immediately after the stunning blow is delivered the animals shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.

(2) Facilities and procedures.

(a) General requirements for stunning facilities; operator.

(i) Acceptable captive bolt stunning instruments may be either skull penetrating or nonpenetrating. The latter type is also described as a concussion or mushroom type stunner. Penetrating instruments on detonation deliver bolts of varying diameters and lengths through the skull and into the brain. Unconsciousness is produced immediately by physical brain destruction and a combination of changes in intracranial pressure and acceleration concussion. Nonpenetrating or mushroom stunners on detonation deliver a bolt with a flattened circular head against the external surface of the animal's head over the brain. Diameter of the striking surface of the stunner may vary as conditions require. Unconsciousness is produced immediately by a combination of acceleration concussion and changes in intracranial pressures. A combination instrument utilizing both penetrating and nonpenetrating principles is acceptable. Energizing of instruments may be accomplished by detonation of measured charges of gunpowder or accurately controlled compressed air. Captive bolts shall be of such size and design that, when properly positioned and activated, immediate unconsciousness is produced.

(ii) To assure uniform unconsciousness with every blow, compressed air devices must be equipped to deliver the necessary constant air pressure and must have accurate constantly operating air pressure gauges. Gauges must be easily read and conveniently located for use by the stunning operator and the inspector. For purposes of protecting employees, inspectors, and others, it is desirable that any stunning device be equipped with safety features to prevent injuries from accidental discharge. Stunning instruments must be maintained in good repair.

(iii) The stunning area shall be so designed and constructed as to limit the free movements of animals sufficiently to allow the operator to locate the stunning blow with a high degree of accuracy. All chutes, alleys, gates and restraining mechanisms between and including holding pens and stunning area shall be free from pain producing features such as exposed bolt ends, loose boards, splintered or broken planking and protruding sharp metal of any kind. There shall be no unnecessary holes or other openings where feet or legs of animals may be injured. Overhead drop gates shall be suitably covered on the bottom edge to prevent injury on contact with animals. Roughened or cleated cement shall be used as

flooring in chutes leading to stunning areas to reduce falls of animals. Chutes, alleys, and stunning areas shall be so designed that they will comfortably accommodate the kinds of animals to be stunned.

(iv) The stunning operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately place the stunning instrument to produce immediate unconsciousness. He must use the correct detonating charge with regard to kind, breed, size, age, and sex of the animal to produce the desired results.

(b) Special requirements: Choice of instrument and force required to produce immediate unconsciousness varies, depending on kind, breed, size, age, and sex of the animal: Young swine, lambs, and calves usually require less stunning force than mature animals of the same kind. Bulls, rams, and boars usually require skull penetration to produce immediate unconsciousness. Charges suitable for smaller kinds of livestock such as swine or for young animals are not acceptably interchanged for use on larger kinds or older livestock, respectively.

[Order 1067, Regulation 7, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.03, effective 3/18/60.]

WAC 16-24-040 Mechanical—Gunshot. The slaughtering of cattle, calves, sheep, swine, goats, horses and mules by shooting with firearms and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the law.

(1) Utilization of firearms, required effect; handling.

(a) The firearms shall be employed in the delivery of a bullet or projectile into the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut. The animals shall be shot in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.

(b) The driving of the animals to the shooting areas shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the shooting area is essential since accurate placement of the bullet is difficult in case of nervous or injured animals. Among other things, this requires that, in driving animals to the shooting areas, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) Immediately after the firearm is discharged and the projectile is delivered, the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.

(2) Facilities and procedure.

(a) General requirements for shooting facilities; operator.

(i) On discharge, acceptable firearms dispatch free projectiles or bullets of varying sizes and diameters through the skull and into the brain. Unconsciousness is produced immediately by a combination of physical brain destruction and changes in intracranial pressure. Caliber of firearms shall be such that when properly aimed and discharged, the projectile produces immediate unconsciousness.

(ii) To assure uniform unconsciousness with every discharge when small-bore firearms are used, it is necessary to use one of the following type projectiles: Hollow pointed bullets, frangible iron plastic composition bullets, or powdered iron missiles. When powdered iron missiles are used, the firearms shall be in close proximity with the skull of the animal when fired. Firearms must be maintained in good repair. For purposes of protecting employees, inspectors, and others, it is desirable that all firearms be equipped with safety devices to prevent injuries from accidental discharge. Aiming and discharging of firearms should be directed away from operating areas.

(iii) The provisions contained in WAC 16-24-030 (2)(a)(iii) with respect to the stunning area also apply to the shooting area.

(iv) The shooting operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately direct the projectile to produce immediate unconsciousness. He must use the correct caliber firearm, powder charge and type of ammunition to produce the desired results.

(b) Special requirements: Choice of firearms and ammunition with respect to caliber and choice of powder charge required to produce immediate unconsciousness varies, depending on age and sex of the animal. In the case of bulls, rams, and boars, small-bore firearms may be used provided they are able to produce immediate unconsciousness of the animals. Small-bore firearms are usually effective for stunning other cattle, sheep, swine, goats, calves, horses and mules.

[Order 1067, Regulation 8, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.04, effective 3/18/60.]

WAC 16-24-050 Electrical—Stunning with electric current. The slaughtering of cattle, calves, sheep, swine and goats with the use of electric current and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the law.

(1) Administration of electric current, required effect; handling.

(a) The electric current shall be administered so as to produce surgical anesthesia in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be exposed to the electric current in a way that will accomplish the anesthesia quickly and calmly, with a minimum of excitement and discomfort to the animals.

(b) The driving or conveying of the animals to the place of application of electric current shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the place of application is essential to insure rapid and effective insensibility. Among other things this requires that, in driving animals to the place of application, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) The quality and location of the electrical shock shall be such as to produce immediate insensibility to pain in the exposed animal.

(d) The stunned animal shall remain in a state of surgical anesthesia through shackling, sticking and bleeding. How-

ever, the animal shall die from loss of blood resulting from sticking and bleeding, and not from electrical shock.

(2) Facilities and procedures; operator.

(a) General requirements for operator: It is necessary that the operator of electric current application equipment be skilled, attentive, and aware of his responsibility. Overdoses and death of animals can be brought about by carelessness of this individual.

(b) Special requirements for electric current application equipment: The ability of electric current equipment to perform with maximum efficiency is dependent on its proper design and efficient mechanical operation. Pathways, compartments, current applicators, and all other equipment used must be designed to accommodate properly the species of animals being anesthetized. They shall be free from pain producing restraining devices. Injury of animals must be prevented by the elimination of sharp projections or exposed wheels or gears. There shall be no unnecessary holes, spaces or openings where feet or legs of animals may be injured. Impellers or other devices designed to mechanically move or drive animals or otherwise keep them in motion or compartmentalized shall be constructed of flexible or padded material. Power activated gates designed for constant flow of animals to electrical stunning equipment shall be so fabricated that they will not cause injury. All electrical stunning and auxiliary control and other equipment shall be maintained in good repair and all indicators, instruments, and measuring devices shall be available for inspection by department inspectors during stunning operations and at other times.

(c) Electric current: Each animal shall be given a sufficient application of electric current to insure unconsciousness immediately and through the bleeding operation. Suitable timing, voltage and current control devices shall be used to insure that each animal receives the necessary electrical charge to produce immediate unconsciousness. Moreover, the current shall be applied so as to avoid the production of hemorrhages or other tissue changes that would interfere with the inspection procedures of the department.

[Order 1067, Regulation 9, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.05, effective 3/18/60.]

Chapter 16-25 WAC

DISPOSAL OF DEAD LIVESTOCK

WAC

16-25-010	Purpose.
16-25-015	Applicability.
16-25-020	Definitions.
16-25-025	Routine disposal.
16-25-030	Disposal of livestock that have died from a reportable disease.
16-25-040	General emergency authority.

WAC 16-25-010 Purpose. The purpose of this rule is to prevent the transmission of livestock diseases and to protect the public health, safety, and welfare and Washington state's livestock industry through the proper routine disposal of carcasses of livestock that have died because of disease. The statutory authority for the rule is found in RCW 16.36.010 and 16.36.092.

[Statutory Authority: RCW 16.36.010, 16.36.092, and chapter 34.05 RCW. 07-10-086, § 16-25-010, filed 5/1/07, effective 6/1/07.]

(2009 Ed.)

WAC 16-25-015 Applicability. This rule applies to the disposal of livestock that has died because of disease or an unknown cause.

[Statutory Authority: RCW 16.36.010, 16.36.092, and chapter 34.05 RCW. 07-10-086, § 16-25-015, filed 5/1/07, effective 6/1/07.]

WAC 16-25-020 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Burial" means placing a carcass below the natural surface of the ground and completely covering it with soil.

"Carcass" means the body or tissues of a livestock animal that has died or has been killed other than by slaughter for human or animal consumption or commercial use.

"Composting" means the aerobic decomposition of organic matter under controlled conditions.

"Death from disease" means livestock that has died from a disease or an unknown cause.

"Emergency disposal" means disposal of carcasses ordered depopulated by the director or depopulated as a result of a reportable disease listed in WAC 16-70-010.

"Incineration" means the controlled and monitored combustion of carcasses for the purposes of volume reduction and pathogen control as approved by the department of ecology or local air pollution control authorities.

"Landfill" means a permitted facility, whether on-site or off-site, where solid waste is permanently placed in or on land, in accordance with chapter 70.95 RCW and chapters 173-350 and 173-351 WAC.

"Livestock" means horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds, and other species so designated by statute. This term does not include free ranging wildlife as defined in Title 77 RCW.

"Natural decomposition" means decomposition of carcasses through natural decay processes on the surface of the ground without cover material.

"Open burning" means the act of consuming or destroying a carcass by fire with or without the use of an accelerant.

"Rangeland" means a large open area for grazing of livestock in excess of one hundred sixty acres of contiguous usable grazing or timberland.

"Rendering" means the practice of using heat to convert dead animal carcasses and animal by-products into marketable products, such as meat and bone meal for animal feed, human food additives, or cosmetics.

"Routine disposal" means the disposal of the carcass of a livestock animal that died in the normal course of business. Routine disposal does not include carcasses of livestock ordered depopulated by the director or depopulated as a result of a reportable disease listed in WAC 16-70-010.

[Statutory Authority: RCW 16.36.010, 16.36.092, and chapter 34.05 RCW. 07-10-086, § 16-25-020, filed 5/1/07, effective 6/1/07.]

WAC 16-25-025 Routine disposal. A carcass must be disposed of within seventy-two hours of the time of death or discovery to avoid nuisance odors or disease. If weather conditions prevent burial within seventy-two hours and rendering, composting, landfilling, or natural decomposition cannot be accomplished, then the carcass must be buried as soon as

the weather permits. The following are acceptable methods for the routine disposal of carcasses:

(1) **Burial.**

(a) A carcass may be disposed of by burial on the property where the livestock animal died if done with the approval of the property owner.

(b) A carcass must be buried to a depth so that no part of the carcass is nearer than three feet to the natural surface of the ground. Every part of the carcass must be covered with at least three feet of soil within twenty-four hours of placement in the ground.

(c) Carcass burial must be:

(i) At least three hundred feet from any well, spring, or body of surface water, such as a river, stream, lake, pond, or intermittent stream;

(ii) At least three hundred feet from any residence not owned by the owner of the livestock animal;

(iii) At least fifty feet from any property line between parcels under different ownership; and

(iv) Not in a low-lying area subject to seasonal flooding or within a hundred-year flood plain or in a manner that will impact ground water.

(d) Each burial site is limited to one thousand pounds of carcasses or one livestock animal weighing more than one thousand pounds.

(e) Carcass burial is not allowed on a property of less than five acres, except for the burial of a single carcass weighing less than two hundred pounds. The maximum amount of land used for burial during any year is limited to ten percent of the property or one acre, whichever is greater.

(2) **Burning.** Open burning of carcasses is not allowed for routine disposal under RCW 70.94.775.

(3) **Composting.** Composting must be conducted in compliance with chapter 70.95 RCW and chapter 173-350 WAC.

(4) **Incineration.**

(a) Complete incineration of carcasses to a mineral residue must be performed in an approved incineration facility or by a mobile air curtain incinerator; and

(b) Appropriate permits must be obtained in advance through the local air pollution control authority or the department of ecology in accordance with requirements of chapter 70.94 RCW, Washington Clean Air Act.

(5) **Landfill.** Carcasses may be disposed of at a privately or publicly owned landfill with prior approval of the local health officer and the landfill operator, and permitted in accordance with chapter 70.95 RCW and chapters 173-350 and 173-351 WAC.

(6) **Natural decomposition.** A livestock animal that dies on private or state rangeland from causes other than a significant infectious or contagious disease agent may be left to decompose naturally on that property as long as the carcass:

(a) Is at least one thousand three hundred twenty feet from any well, spring, sinkhole, or body of surface water such as a river, stream, lake, pond, or intermittent stream;

(b) Is at least one thousand three hundred twenty feet from any residence not owned by the owner of the dead livestock animal;

(c) Is at least one thousand three hundred twenty feet from any public roadway;

(d) Is out of public view; and

(e) Is left to decompose on the land with the property owner's permission.

(7) **Digestion.** Digestion of carcasses may be accomplished only in a properly designed and sized carcass digester approved by the director.

(8) **Rendering.** Carcasses may be rendered only by a rendering plant licensed under chapter 16.68 RCW, Disposal of dead animals.

[Statutory Authority: RCW 16.36.010, 16.36.092, and chapter 34.05 RCW. 07-10-086, § 16-25-025, filed 5/1/07, effective 6/1/07.]

WAC 16-25-030 Disposal of livestock that have died from a reportable disease. The carcass of a livestock animal that has died from a reportable disease must be disposed of in consultation with the state veterinarian. The list of reportable diseases and reporting requirements are found in chapter 16-70 WAC.

[Statutory Authority: RCW 16.36.010, 16.36.092, and chapter 34.05 RCW. 07-10-086, § 16-25-030, filed 5/1/07, effective 6/1/07.]

WAC 16-25-040 General emergency authority. If the state veterinarian determines there is an animal health emergency, the state veterinarian has the authority to specify the method of disposal and place additional requirements for the disposal of carcasses of livestock animals that die of disease or are euthanized to prevent the spread of disease.

[Statutory Authority: RCW 16.36.010, 16.36.092, and chapter 34.05 RCW. 07-10-086, § 16-25-040, filed 5/1/07, effective 6/1/07.]

Chapter 16-30 WAC

RESTRICTED FEEDLOTS AND RESTRICTED HOLDING FACILITIES

WAC

16-30-010	Definitions.
16-30-025	Restricted feedlots.
16-30-030	Conditions of permit to operate a restricted feedlot.
16-30-035	Restricted holding facilities.
16-30-038	Conditions of permit to operate a restricted holding facility.
16-30-039	Permit applications for a restricted feedlot or restricted holding facility.
16-30-040	Expiration and revocation of restricted feedlot and restricted holding facility permits.
16-30-050	Brands.
16-30-060	Brand time.
16-30-070	Place of brand.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-30-001	Promulgation. [Order 955, Promulgation, filed 8/31/64; Order 851, Promulgation, effective 7/19/61.] Repealed by 99-14-032, filed 6/29/99, effective 7/30/99. Statutory Authority: Chapter 16.36 RCW.
16-30-020	Permit applications. [Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-020, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-020, filed 2/5/88; Order 955, Regulation 2, filed 8/31/64; Order 851, Regulation 2, effective 7/19/61.] Repealed by 08-01-095, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-30-080	Lot size. [Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-080, filed 2/5/88; Order 955, Regulation 8, filed 8/31/64; Order 851, Regulation 8, effective 7/19/61.] Repealed by 08-01-095, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.

- 16-30-090 Feedlot requirements. [Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-090, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-090, filed 2/5/88; Order 955, Regulation 9, filed 8/31/64; Order 851, Regulation 9, effective 7/19/61.] Repealed by 08-01-095, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-30-100 Criminal penalty—Civil injunction. [Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-100, filed 2/23/89; Order 955, Regulation 10, filed 8/31/64; Order 851, effective 7/19/61.] Repealed by 99-14-032, filed 6/29/99, effective 7/30/99. Statutory Authority: Chapter 16.36 RCW.

WAC 16-30-010 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

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

"Director" means the director of the department of agriculture or the director's authorized representative.

"Official individual identification" means identifying an animal or group of animals using devices or methods including, but not limited to, official tags, tattoos, and registered brands when accompanied by a certificate of brand inspection from a brand inspection authority who is recognized by the director.

"Restricted cattle" means cattle being held in a restricted holding facility or a restricted feedlot.

"Restricted feedlot" means a dry feed yard with no provision for grazing where cattle specified in this rule are confined for feeding and kept separate and apart from all other cattle.

"Restricted holding facility" means a dry feed yard with no provision for grazing where cattle are held to meet import test requirements.

"Test-eligible" means bulls over six months of age, brucellosis vaccinated female dairy cattle over twenty months of age, and brucellosis vaccinated beef breed female cattle over twenty-four months of age.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-010, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 16.36 RCW. 99-14-032, § 16-30-010, filed 6/29/99, effective 7/30/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-010, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-010, filed 2/5/88; Order 955, Regulation 1, filed 8/31/64; Order 851, Regulation 1, effective 7/19/61.]

WAC 16-30-025 Restricted feedlots. (1) A restricted feedlot is a designated area that is isolated from all other non-restricted areas within a feedlot. Restricted feedlots must meet the following standards:

(a) Cattle in the restricted feedlot must not share water or feeding facilities accessible to other areas.

(b) Restricted feedlots must be clearly identified as such by signs permanently affixed at all corners stating "restricted feeding area" in letters a minimum of six inches in height.

(c) There must be a minimum of thirty feet between restricted feedlots and other lots and facilities.

(d) No common fences and gates may be used.

(2) The purpose of a restricted feedlot is to accept for feeding purposes with no provision for grazing:

(a) Female cattle from a Class Free state that are not officially brucellosis vaccinated and not knowingly exposed to brucellosis;

(b) Cattle that enter Washington state on a brand certificate that includes the permit number and without a certificate of veterinary inspection; and

(c) Cattle imported from Canada. These cattle must be confined to the initial restricted feedlot until moved to slaughter.

(3)(a) Restricted feedlots may buy and import cattle from a Class A state if the cattle do not originate from a herd known to be exposed to brucellosis. Female cattle entering a restricted feedlot from a Class A state must be:

(i) Officially brucellosis vaccinated; or

(ii) Brucellosis tested negative within thirty days prior to movement.

(b) Cattle may not be imported from restricted feedlots that accept cattle known to be exposed to brucellosis.

(4) The classification of states and areas as Class Free and Class A is designated by United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) in Title 9 CFR Part 78.41 (January 1, 2006) and is defined in *Brucellosis Eradication: Uniform Methods and Rules*, effective October 1, 2003.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-025, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-025, filed 2/23/89.]

WAC 16-30-030 Conditions of permit to operate a restricted feedlot. The operator of a restricted feedlot must abide by the following conditions:

(1) There may be no contact between animals not also similarly restricted.

(2)(a) No cattle, except for brucellosis vaccinated females, may be removed from the restricted feedlot except to a federally inspected slaughter plant or a restricted feedlot of like status or to a licensed public livestock market where they will be marketed for immediate slaughter.

(b) Cattle that move from a restricted feedlot to a public livestock market must be identified with an "F" brand and remain in the slaughter channels.

(c) Female cattle that are calfhooed vaccinated may be removed from the restricted feedlot for breeding purposes only and by permit from the director. Calfhooed vaccinated female cattle that are test-eligible must also test negative for brucellosis and tuberculosis before removal from the restricted feedlot for breeding purposes.

(d) Bulls under six months of age may be removed from the restricted feedlot for breeding purposes only.

(3) The restricted feedlot will be maintained in a sanitary condition.

(4) The department will be notified immediately of any outbreak of any infectious or contagious disease.

(5) The disposal of dead livestock will be in accordance with the laws relating to the disposal of dead livestock and in accordance with chapter 16-25 WAC.

(6) Accurate records will be kept for six years accounting for all cattle entering and leaving the restricted feedlot.

(7) Proper facilities shall be provided for inspection of brands, branding, and identification of cattle.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-030, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-030, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-030, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 83-07-028 (Order 1790), § 16-30-030, filed 3/14/83; Order 955, Regulation 3, filed 8/31/64; Order 851, Regulation 3, effective 7/19/61, but corrected for clerical error by filing dated 7/20/61.]

WAC 16-30-035 Restricted holding facilities. (1) Restricted holding facilities are areas approved by the director, as advised by the designated brucellosis and tuberculosis epidemiologist. Such facilities are specifically for cattle that have been imported into the state but have not met the department's brucellosis and tuberculosis entry requirements.

(2) The restricted holding facility area shall house restricted cattle separate and apart from all other cattle.

(3) Upon negative brucellosis and tuberculosis test results, restricted cattle will be released from the holding facility.

(4) Milk from restricted cattle may not be used for human consumption.

(5) Restricted holding facilities must be clearly identified as such by signs permanently affixed at all corners stating "restricted holding facility" in letters a minimum of six inches in height.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-035, filed 12/17/07, effective 1/17/08.]

WAC 16-30-038 Conditions of permit to operate a restricted holding facility. The operator of a restricted holding facility must abide by the following conditions:

(1) All cattle entering restricted holding facilities must have official individual identification listed on the certificate of veterinary inspection.

(2) There may be no contact between cattle not also similarly restricted and no commingling between separate shipments of cattle.

(3) No cattle may be removed from the restricted holding facility until they meet state and federal import regulations.

(4) Cattle may be removed from the restricted holding facility without meeting state and federal import regulations if they are sent to a federally inspected slaughter plant.

(5) The restricted holding facility will be maintained in a sanitary condition.

(6) The department of agriculture will be notified immediately of any outbreak of any infectious or contagious disease.

(7) The disposition of dead cattle will be in accordance with the laws relating to the disposal of dead livestock and in accordance with chapter 16-25 WAC.

(8) Accurate records will be kept for six years to account for all cattle entering and leaving the restricted holding facility. Records must be open for review by authorized department of agriculture personnel during normal business hours, and must be provided to the department upon the director's request.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-038, filed 12/17/07, effective 1/17/08.]

WAC 16-30-039 Permit applications for a restricted feedlot or restricted holding facility. (1) Application forms

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to establish a restricted feedlot or restricted holding facility may be obtained from:

Washington State Department of Agriculture
Animal Services Division
1111 Washington St. S.E.
P.O. Box 42577
Olympia, Washington 98504-2577
Phone: 360-902-1878.

(2) Applicants for restricted feedlots and restricted holding facilities must provide the following information on the application form:

(a) Name and address of applicant;

(b) Location of the restricted feedlot or restricted holding facility; and

(c) Drawing of the layout of the restricted feedlot or restricted holding facility.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-039, filed 12/17/07, effective 1/17/08.]

WAC 16-30-040 Expiration and revocation of restricted feedlot and restricted holding facility permits.

(1) All permits for restricted feedlots and holding facilities expire on the 30th day of June of the year following the date of issue. Restricted feedlots and holding facilities must be inspected annually upon renewal and at any other time as determined by the director. Renewal of a restricted feedlot is contingent upon accurate recordkeeping.

(2) Any violation of chapter 16.36 RCW or any of the rules adopted under that chapter is sufficient cause for the suspension or revocation of any permit to operate a restricted feedlot or restricted holding facility. In all proceedings for suspension or revocation of a restricted feedlot or restricted holding facility permit, the owner or manager has the right to request a hearing before revocation is made permanent. Any action shall be taken under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-040, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-040, filed 2/5/88; Order 955, Regulation 4, filed 8/31/64; Order 851, Regulation 4, effective 7/19/61.]

WAC 16-30-050 Brands. Before a permit is issued for a restricted feedlot the operator or owner must have an "F" brand and number recorded with the state department of agriculture. Such a brand consists of the letter "F" followed by an assigned number and is to be used only by the restricted feedlot to which it is recorded.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-050, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-050, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-050, filed 2/5/88; Order 955, Regulation 5, filed 8/31/64; Order 851, Regulation 5, effective 7/19/61.]

WAC 16-30-060 Brand time. For the purpose of proper identification, all cattle moving from a restricted feedlot to a public livestock market must be branded with an "F" brand.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-060, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-060, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-060, filed 2/5/88; Order 955, Regulation 6, filed 8/31/64; Order 851, Regulation 6, effective 7/19/61.]

WAC 16-30-070 Place of brand. (1) The "F" brand shall be placed immediately behind the shoulder and high on the back. In the event a brand is already situated there, the feedlot brand may be placed directly in front of or below the existing brand, but must not deface the existing brand.

(2) Restricted feedlots may apply for an "F" series brand from the department at the following address:

Brand Registrar
 Washington State Department of Agriculture
 P.O. Box 42577
 Olympia, WA 98504-2577
 Phone: 360-725-5505.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-070, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-070, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-070, filed 2/5/88; Order 955, Regulation 7, filed 8/31/64; Order 851, Regulation 7, effective 7/19/61.]

**Chapter 16-32 WAC
 LIVESTOCK SERVICES—FEES**

WAC

16-32-011 Schedule of laboratory fees.

**DISPOSITION OF SECTIONS FORMERLY
 CODIFIED IN THIS CHAPTER**

16-32-009 Schedule of laboratory fees. [Statutory Authority: Chapter 16.38 RCW. 94-12-053 (Order 5043), § 16-32-009, filed 5/27/94, effective 6/27/94.] Repealed by 98-14-036, filed 6/23/98, effective 7/24/98. Statutory Authority: RCW 16.38.060.

16-32-010 Schedule of laboratory fees. [Statutory Authority: RCW 16.38.060. 88-01-034 (Order 1962), § 16-32-010, filed 12/11/87; 87-19-054 (Order 1954), § 16-32-010, filed 9/14/87; 87-11-004 (Order 1928), § 16-32-010, filed 5/8/87.] Repealed by 94-12-053 (Order 5043), filed 5/27/94, effective 6/27/94. Statutory Authority: Chapter 16.38 RCW.

WAC 16-32-011 Schedule of laboratory fees. The following fees shall be charged for services performed by the diagnostic laboratory of the laboratory services division, state department of agriculture:

(1) Requests for special scheduling of tests to be conducted within twenty-four hours of sample receipt (STAT testing) will be honored if time and personnel are available. A fifty percent surcharge on all test fees will be charged.

(2) If the owner is a resident of Washington state, the following fees shall apply:

(a) Accession fee for each submission date (per owner)	\$10.00
(b) Bacteriology:	
Aerobic culture (1-3 tissues per animal)	\$ 7.95
each additional animal, same owner, same submission	\$ 2.20
Antibiotic sensitivity tests (each organism)	\$ 3.40
Paratuberculosis (Johne's disease)	\$11.35
each additional sample in herd, same submission	\$ 3.40
Milk culture - per animal	\$ 7.95
each additional animal in herd, same submission	\$ 2.20
Trichomoniasis	\$ 2.80

Campylobacteriosis	\$ 2.80
(c) Serology:	
Food animal:	
Single virus or bacteria (CF, Agglutination, AGID):	
first animal	\$ 2.80
each additional animal in herd, same submission	\$ 1.10
Companion animals:	
Equine Infectious Anemia (EIA), AGID, each animal	\$ 3.95
Leptospirosis microscopic agglutination	
first animal (canine)	\$ 5.65
each additional animal, same owner, same submission	.55
<i>Brucella canis</i> tube agglutination	
first animal	\$ 5.65
each additional animal, same owner, same submission	.55
<i>Brucella canis</i> slide agglutination	
first animal	\$ 5.65
each additional animal, same owner, same submission	\$ 3.45
(d) ELISA testing	
Bluetongue (first animal)	\$ 7.45
each additional animal in herd, same submission	\$ 3.70
Bovine leukemia virus (first animal)	\$ 7.45
each additional animal in herd, same submission	\$ 5.00
Equine Infectious Anemia (EIA), each animal	\$10.60
Paratuberculosis (Johne's), first animal	\$ 7.45
each additional animal in herd, same submission	\$ 5.00
(e) Other services and supplies:	
Forwarding of samples to other laboratories	\$ 5.30
Shipping supplies or samples, handling fee	
each shipment	\$ 3.15
(3) If the owner is an out-of-state resident, the following fees shall apply:	
(a) Accession fee for each submission date (per owner)	\$15.00
(b) Bacteriology:	
Aerobic culture (1-3 tissues per animal)	\$11.35
each additional animal, same owner, same submission	\$ 3.40
Antibiotic sensitivity tests (each organism)	\$ 4.50
Paratuberculosis (Johne's disease)	\$17.05
each additional sample in herd, same submission	\$ 4.50
Milk culture - per animal	\$11.35
each additional animal in herd, same submission	\$ 3.40
Trichomoniasis	\$ 3.95
Campylobacteriosis	\$ 3.95
(c) Serology:	
Food animal:	
Single virus or bacteria (CF, Agglutination, AGID):	
first animal	\$ 4.50
each additional animal in herd, same submission	\$ 1.10

Companion animal:		16-42-02001	Vaccine outlets restricted. [Order 896, Regulation 3, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
Equine Infectious Anemia (EIA), AGID, each animal	\$ 5.65	16-42-022	Biologics. [Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-022, filed 7/10/85.] Repealed by 00-17-072, filed 8/14/00, effective 9/14/00. Statutory Authority: RCW 16.36.040.
Leptospirosis microscopic agglutination first animal (canine)	\$ 8.50	16-42-025	Purchasing and administering biologics limited. [Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-025, filed 7/10/85; Order 896, Regulation 4, effective 11/24/62.] Repealed by 00-17-072, filed 8/14/00, effective 9/14/00. Statutory Authority: RCW 16.36.040.
each additional animal, same owner, same submission	\$ 1.70	16-42-030	Permit. [Order 578, Regulation 3, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.
<i>Brucella canis</i> tube agglutination first animal	\$ 8.50	16-42-03001	Exempt vaccines. [Order 896, Regulation 5, filed 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
each additional animal, same owner, same submission	\$ 1.70	16-42-040	Report. [Order 578, Regulation 4, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.
<i>Brucella canis</i> slide agglutination first animal	\$ 8.50	16-42-04001	Reports of disease outbreak by user. [Order 896, Regulation 7, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
each additional animal, same owner, same submission	\$ 5.10	16-42-045	Order is exclusive—Control of sales, etc. [Order 896, Regulation 8, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
(d) ELISA testing		16-42-050	Penalty. [Order 578, Penalty, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.
Bluetongue (first animal)	\$11.15	16-42-05001	Penalty. [Order 896, Regulation 9, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
each additional animal in herd, same submission	\$ 5.55	16-42-060	Penalty. [Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-060, filed 7/10/85.] Repealed by 00-17-072, filed 8/14/00, effective 9/14/00. Statutory Authority: RCW 16.36.040.
Bovine leukemia virus (first animal)	\$11.15		
each additional animal in herd, same submission	\$ 7.50		
Equine Infectious Anemia (EIA), each animal	\$15.95		
Paratuberculosis (Johne's), first animal	\$11.15		
each additional animal in herd, same submission	\$ 7.50		
(e) Other services and supplies:			
Forwarding of samples to other laboratories	\$ 7.95		
Shipping supplies or samples, handling fee each shipment	\$ 4.75		

(4) A fee shall be charged by the department for any other analysis, supplies or service not listed in this section. Such fees shall be based on labor costs, supply and material costs, and administrative and overhead costs.

[Statutory Authority: RCW 16.38.060. 98-14-036, § 16-32-011, filed 6/23/98, effective 7/24/98. Statutory Authority: Chapter 16.38 RCW. 94-12-053 (Order 5043), § 16-32-011, filed 5/27/94, effective 6/27/94.]

Chapter 16-42 WAC BIOLOGICAL PRODUCTS

WAC

16-42-005	Definitions.
16-42-015	License.
16-42-017	Permits required.
16-42-023	Sale of licensed products.
16-42-026	Restricted products.
16-42-035	Reports.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-42-001	Promulgation. [Order 578, Promulgation, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.
16-42-00101	Promulgation. [Order 896, Promulgation, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
16-42-002	Promulgation. [Order 767, Promulgation, effective 12/30/57.] Repealed by Order 896, effective 11/24/62.
16-42-010	License. [Order 767, Regulation 1, effective 12/30/57.] Repealed by Order 896, effective 11/24/62.
16-42-01001	Definition. [Order 896, Regulation 1, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
16-42-020	Who administers. [Order 578, Regulation 2, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.

WAC 16-42-005 Definitions. "Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of WSDA or the director's authorized representative.

"Veterinary biologic" means any virus, serum, toxin, and analogous product of natural or synthetic origin, or product prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms, and the antigenic or immunizing components intended for use in the diagnosis, treatment, or prevention of diseases in animals.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-103, § 16-42-005, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. 00-17-072, § 16-42-005, filed 8/14/00, effective 9/14/00. Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-005, filed 7/10/85.]

WAC 16-42-015 License. Only veterinary biologics that have been produced under a U.S. Veterinary Biological Product License may be imported into the state of Washington. The director may allow the importation of unlicensed veterinary biologics under special use permits.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-103, § 16-42-015, filed 6/18/08, effective 7/19/08. Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-015, filed 7/10/85; Order 896, Regulation 2, effective 11/24/62.]

WAC 16-42-017 Permits required. (1) Any person manufacturing veterinary biologics within the state for distribution within the state must first obtain a permit from the director. This permit may be revoked or suspended under chapter 34.05 RCW for any violation of this chapter.

(2) Written approval of the director is required before any newly licensed veterinary biologic is imported into the state for sale, use or distribution. The director may also require a special permit for the importation or distribution of precicensed veterinary biologics into Washington state.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-103, § 16-42-017, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. 00-17-072, § 16-42-017, filed 8/14/00, effective 9/14/00. Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-017, filed 7/10/85.]

WAC 16-42-023 Sale of licensed products. Veterinary biologics produced in accordance with WAC 16-42-015 or 16-42-017 may be sold over the counter as well as by persons or firms properly licensed under chapter 18.64 RCW and by any veterinarian licensed under chapter 18.92 RCW. Persons other than licensed veterinarians or state or federal veterinarians may purchase and administer veterinary biologics to their own animals, except for those veterinary biologics restricted in WAC 16-42-026.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-103, § 16-42-023, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. 00-17-072, § 16-42-023, filed 8/14/00, effective 9/14/00.]

WAC 16-42-026 Restricted products. (1) All veterinary biologics now in existence or newly developed to diagnose, prevent, or combat the following diseases are declared by the director to be of such a nature that their control is necessary to protect animal health:

- (a) Avian influenza.
- (b) Anthrax.
- (c) Bluetongue.
- (d) Brucellosis.
- (e) Equine infectious anemia.
- (f) Equine viral arteritis.
- (g) Paratuberculosis.
- (h) Pseudorabies.
- (i) Rabies.
- (j) Tuberculosis.
- (k) Foot and mouth.
- (l) Vesicular stomatitis.
- (m) All conditionally approved vaccines.

(2) All veterinary biologics used to control or diagnose any of the diseases listed in subsection (1) of this section are restricted, and may only be purchased, administered, or otherwise used by or under the direct supervision of veterinarians licensed under chapter 18.92 RCW, or by state or federal veterinarians. The director may authorize others by written permit to purchase the veterinary biologics listed in subsection (1) of this section for research agencies or laboratories authorized by the department, for emergency disease control programs, or for other limited and controlled purposes.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-103, § 16-42-026, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. 00-17-072, § 16-42-026, filed 8/14/00, effective 9/14/00.]

WAC 16-42-035 Reports. In the interest of public health and good cooperative disease control it is recommended that any person using any veterinary biologics immediately report to the department any suspected or actual dis-

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ease outbreak that occurs in connection with use of the veterinary biologic.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-103, § 16-42-035, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. 00-17-072, § 16-42-035, filed 8/14/00, effective 9/14/00. Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-035, filed 7/10/85; Order 896, Regulation 6, effective 11/24/62.]

Chapter 16-54 WAC ANIMAL IMPORTATION

WAC

16-54-010	Definitions.
	GENERAL IMPORTATION REQUIREMENTS
16-54-025	Transporting livestock—Sanitary requirements.
16-54-028	Testing procedure requirements.
16-54-030	Certificate of veterinary inspection, and entry permit requirements.
16-54-032	Certificate of veterinary inspection—Required information.
16-54-060	Quarantine.
	IMPORTATION RESTRICTIONS
16-54-065	Prohibited entries.
16-54-068	Restrictions.
	HORSES, DONKEYS, MULES AND OTHER DOMESTIC EQUINE AND EQUINE REPRODUCTIVE PRODUCTS
16-54-071	Domestic equine and equine reproductive products—Importation requirements.
	CATTLE, BISON, AND OTHER DOMESTIC BOVINE
16-54-082	Domestic bovine animals—Importation requirements.
16-54-083	Domestic and foreign bovine brucellosis requirements.
16-54-085	Domestic bovine tuberculosis requirements.
16-54-086	Bovine trichomoniasis requirements.
16-54-088	Temporary grazing permits.
	GOATS
16-54-090	Goats—Importation and testing requirements.
	SHEEP
16-54-101	Sheep—Importation and testing requirements.
	LLAMAS AND ALPACAS
16-54-105	Llamas and alpacas.
	SWINE
16-54-111	Swine—Importation and testing requirements.
	AVIAN SPECIES
16-54-145	Poultry and game birds, including ratites—Importation and testing requirements.
16-54-160	Birds other than poultry—Importation and testing requirements.
	SMALL ANIMALS
16-54-170	Dogs, cats, and ferrets—Importation and testing requirements.
	WILD AND EXOTIC ANIMALS AND BIRDS, INCLUDING ZOO ANIMALS
16-54-180	Wild and exotic animals and birds—Importation and testing requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-54-001	Promulgation. [Order 957, filed 7/22/66, effective 8/22/66.] Repealed by 81-10-047 (Order 1730), filed 5/1/81. Statutory Authority: Chapters 16.36 and 16.40 RCW.
16-54-002	Promulgation. [Order 1172, § 16-54-002, filed 12/15/70.] Repealed by Order 1430, filed 2/9/76.
16-54-003	Promulgation. [Order 1430, § 16-54-003, filed 2/9/76.] Repealed by Order 1488, filed 11/2/76.

- 16-54-004 Promulgation. [Order 1488, § 16-54-004, filed 11/2/76.] Repealed by 81-10-047 (Order 1730), filed 5/1/81. Statutory Authority: Chapters 16.36 and 16.40 RCW.
- 16-54-012 Breeding cattle defined. [Order 1540, § 16-54-012, filed 10/17/77.] Repealed by 84-16-022 (Order 1838), filed 7/24/84. Statutory Authority: RCW 16.36.040 and 16.36.050.
- 16-54-014 Official brucellosis test defined. [Order 1540, § 16-54-014, filed 10/17/77.] Repealed by 84-16-022 (Order 1838), filed 7/24/84. Statutory Authority: RCW 16.36.040 and 16.36.050.
- 16-54-016 Official calfhood vaccinates. [Statutory Authority: RCW 16.36.040 and 16.36.050. 84-16-022 (Order 1838), § 16-54-016, filed 7/24/84. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-01-073 (Order 1716), § 16-54-016, filed 12/17/80, effective 4/1/81; Order 1540, § 16-54-016, filed 10/17/77.] Repealed by 99-09-023, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040.
- 16-54-018 Official brucellosis vaccinates. [Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-018, filed 4/15/99, effective 5/16/99.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-54-020 Illegal importation. [Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-020, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-020, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-020, filed 10/15/92, effective 11/15/92; Order 1540, § 16-54-020, filed 10/17/77; Order 1172, § 16-54-020, filed 12/15/70; Order 1024, Regulation 11, filed 7/22/66, effective 8/22/66; Order 957, Regulation 2, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-54-035 Certification of health—Wild and exotic animals. [Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-035, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-035, filed 10/15/92, effective 11/15/92.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-54-040 Immediate slaughter cattle and horses. [Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-040, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapter 16.36 RCW. 83-09-009 (Order 1792), § 16-54-040, filed 4/8/83; Order 1172, § 16-54-040, filed 12/15/70; Order 1024, Regulation 7, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-54-050 Vehicles. [Order 1172, § 16-54-050, filed 12/15/70; Order 1024, Regulation 4, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-54-070 Domestic equine. [Order 1172, § 16-54-070, filed 12/15/70; Order 1024, Regulation 6, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by Order 1430, filed 2/9/76. Later promulgation, see WAC 16-54-071.
- 16-54-080 Domestic bovine animals. [Order 1172, § 16-54-080, filed 12/15/70; Order 1024, Regulation 8, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by Order 1430, filed 2/9/76. Later promulgation, see WAC 16-54-081.
- 16-54-081 Domestic bovine animals. [Order 1488, § 16-54-081, filed 11/2/76; Order 1430, § 16-54-081, filed 2/9/76. Formerly WAC 16-54-080.] Repealed by Order 1540, filed 10/17/77.
- 16-54-100 Sheep. [Order 1172, § 16-54-100, filed 12/15/70; Order 1024, Regulation 10, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by Order 1430, filed 2/9/76. Later promulgation, see WAC 16-54-101.
- 16-54-110 Swine. [Order 1172, § 16-54-110, filed 12/15/70; Order 1024, Regulation 11, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by Order 1430, filed 2/9/76. Later promulgation, see WAC 16-54-111.
- 16-54-120 Dogs and cats. [Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-120, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 87-08-021 (Order 1918), § 16-54-120, filed 3/25/87; Order 1540, § 16-54-120, filed 10/17/77; Order 1172, § 16-54-120, filed 12/15/70; Order 1024, Regulation 12, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-54-125 Species prohibited by state health department. [Statutory Authority: RCW 16.70.040. 97-01-068 (Order 6010), § 16-54-125, filed 12/16/96, effective 1/16/97; Order 1172, § 16-54-125, filed 12/15/70.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-54-130 Poultry. [Order 957, Regulation 13, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Superseded by Order 997, filed 1/21/66. See chapter 16-59 WAC.
- 16-54-135 Llamas and alpacas. [Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-135, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-135, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-135, filed 10/15/92, effective 11/15/92.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-54-140 Psittacine birds. [Order 957, Regulation 14, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61.] Repealed by deletion, Order 1024, filed 7/22/66, effective 8/22/66.
- 16-54-150 Penalty. [Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-150, filed 10/15/92, effective 11/15/92; Order 1172, § 16-54-150, filed 12/15/70; Order 1024, Regulation 13, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61.] Repealed by 99-09-023, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040.
- 16-54-155 Exotic Newcastle Disease (END) quarantine. [Statutory Authority: Chapters 16.36 and 34.05 RCW. 03-19-029, § 16-54-155, filed 9/9/03, effective 10/10/03.] Repealed by 07-14-056, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.36 and 34.05 RCW.

WAC 16-54-010 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Accredited free state" means a state that has been determined by United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) to have a zero prevalence of cattle and bison herds affected with bovine tuberculosis as listed in Title 9 CFR Part 77.79 (January 1, 2006).

"Approved veterinary laboratory" means a laboratory that has been approved by National Veterinary Services Laboratories.

"Certificate of veterinary inspection" means a legible veterinary health inspection certificate on an official form (electronic or paper) from the state of origin or from APHIS, USDA executed by a licensed and accredited veterinarian or a veterinarian approved by APHIS, USDA. The certificate of veterinary inspection is also known as an "official health certificate."

"Class free and Class A, B, and C states" means states that are classified for brucellosis by USDA, APHIS in Title 9 CFR Part 78.41 (January 1, 2006).

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

"Director" means the director of WSDA or the director's authorized representative.

"Domestic bovine" means domesticated cattle, including bison.

"Domestic equine" means horses, donkeys, mules, ponies, and other animals in the *Equidae* family.

"Entry permit" means prior written permission issued by the director to admit or import animals or animal reproductive products into Washington state.

"Exotic animal" means species of animals that are not native to Washington state but exist elsewhere in the world in the wild state.

"Immediate slaughter" means livestock will be delivered to a federally inspected slaughter plant within three days of entry into Washington state.

"Mature vaccinate" means a female bovine over the age of twelve months that has been vaccinated, under directions issued by the state of origin, with a mature dose of brucellosis vaccine.

"Modified accredited state" means a state that has been determined by USDA, APHIS to have a prevalence of bovine tuberculosis of less than 0.1 percent of the total number of herds of cattle and bison as listed in Title 9 CFR Part 77.11 (January 1, 2006).

"Movement permit" means an entry permit that is valid for six months and permits the entry of domestic equine into Washington state.

"NPIP" means the National Poultry Improvement Plan.

"Official brucellosis test" means the official test defined by Title 9 CFR Part 78.1 (January 1, 2006).

"Official brucellosis vaccinate" means an official adult vaccinate or official calfhood vaccinate as defined by Title 9 CFR Part 78.1 (January 1, 2006).

"Official identification" means identifying an animal or group of animals using USDA-approved or WSDA-approved devices or methods, including, but not limited to, official tags, unique breed registry tattoos, and registered brands when accompanied by a certificate of inspection from a brand inspection authority who is recognized by the director.

"Poultry" means chickens, turkeys, ratites, waterfowl, game birds, pigeons, doves, and other domestic fowl designated by statute. Poultry does not mean free ranging birds defined as wildlife in RCW 77.08.010(16).

"Restricted feedlot" means a feedlot holding a permit issued under chapter 16-30 WAC.

"Stage I, II, III, IV, or V pseudorabies state" means states as classified by the Pseudorabies Eradication State-Federal-Industry Program Standards (November 1, 2003).

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"USDA, APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.

"Virgin bull" means a sexually active male bovine less than twelve months of age or a sexually intact male bovine between twelve and twenty-four months of age that is certified by the owner or the owner's designee as having had no breeding contact with female cattle.

"Wild animals" is defined in RCW 77.08.010(17).

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-010, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-010, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-010, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-010, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-010, filed 10/15/92, effective 11/15/92. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-54-010, filed 2/5/88; 84-16-022 (Order 1838), § 16-54-010, filed 7/24/84; Order 1172, § 16-54-010, filed 12/15/70; Order 1024, Regulation 1, filed 7/22/66, effective 8/22/66; Order 957, Regulation 1, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61.]

GENERAL IMPORTATION REQUIREMENTS

WAC 16-54-025 Transporting livestock—Sanitary requirements. All trucks, railway cars, and other conveyances used for the transportation of livestock must be maintained in a sanitary condition and cleaned and disinfected when required by the director in order to prevent the spread of disease.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-025, filed 6/28/07, effective 7/29/07.]

WAC 16-54-028 Testing procedure requirements. (1) An accredited veterinarian or a veterinary technician under the direct supervision of an accredited veterinarian must collect and submit all test specimens.

(2) All livestock regulatory tests must be performed by a laboratory approved by the National Veterinary Services Laboratories.

(a) Official tuberculosis tests must be conducted by a licensed accredited veterinarian.

(b) Technicians employed and approved by state, federal, or tribal government and directly or indirectly supervised by state, federal, or tribal animal health veterinarians may conduct routine surveillance tests.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-028, filed 6/28/07, effective 7/29/07.]

WAC 16-54-030 Certificate of veterinary inspection, and entry permit requirements. (1) Certificate of veterinary inspection:

(a) A certificate of veterinary inspection must accompany all animals entering Washington state, except where specifically exempted in this chapter. Certificates of veterinary inspection expire thirty days from the date of issuance.

(b) The certificate of veterinary inspection must show that all livestock listed have been examined and found in compliance with vaccination, testing, and Washington animal identification requirements found in chapter 16-610 WAC.

(c) Any exemption to the requirement for a certificate of veterinary inspection may be suspended during an emergency disease condition declared by the director.

(2) **Entry permit:** An entry permit is required on:

- (a) All domestic bovine (including Mexican cattle, Canadian cattle, and bison);
- (b) Swine;
- (c) Rams;
- (d) Equine identified on a certificate similar to the Washington Equine Certificate of Veterinary Inspection and Movement Permit (form AGR-3027);
- (e) Equine from states or countries where the diseases listed in WAC 16-54-071 have been diagnosed;
- (f) Intact male equine that test positive to equine viral arteritis; and
- (g) Equine reproductive products from donors that test positive to equine viral arteritis.

(3) Entry permits are granted at the discretion of the director and may be obtained from:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, Washington 98504-2577
360-902-1878.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-030, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-030, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-030, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-030, filed 10/15/92, effective 11/15/92. Statutory Authority: RCW 16.36.040 and 16.36.050. 87-08-021 (Order 1918), § 16-54-030, filed 3/25/87; Order 1540, § 16-54-030, filed 10/17/77; Order 1172, § 16-54-030, filed 12/15/70; Order 1024, Regulation 3, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16-54-032 Certificate of veterinary inspection—Required information. (1) A certificate of veterinary inspection must contain the following information:

- (a) An entry permit, when required, that includes the physical addresses of the premises of origin and destination;
- (b) Date of inspection;
- (c) Names and addresses of the consignor and consignee;
- (d) Shipment information, including:
 - (i) Origin of shipment;
 - (ii) Anticipated shipment date; and
 - (iii) Number of animals in the shipment;
- (e) Certification that the animals are free from clinical signs or known exposure to any infectious or communicable disease;
- (f) Test or vaccination status, when required;
- (g) Description of each animal by:
 - (i) Identifying species;
 - (ii) Breed;
 - (iii) Age;
 - (iv) Sex of the animal;
 - (v) Color; and
 - (vi) Tag, tattoo, microchip, USDA-approved RFID (radio frequency identification device) ear tag, or other official method of identification, including ownership brands.

(2) All certificates of veterinary inspection must be reviewed by the animal health official of the state of origin and a copy must be immediately forwarded to:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, Washington 98504-2577.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-032, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-032, filed 6/28/07, effective 7/29/07.]

WAC 16-54-060 Quarantine. Any animal entering Washington state without a required certificate of veterinary inspection, or required entry permit, or that does not meet the requirements of this chapter shall be quarantined at the owner's expense and subject to any required test, inspection, or vaccination at the owner's expense until released from quarantine by the director.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-060, filed 6/28/07, effective 7/29/07; Order 1172, § 16-54-060, filed 12/15/70; Order 1024, Regulation 5, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

IMPORTATION RESTRICTIONS

WAC 16-54-065 Prohibited entries. (1) Any animal that is infected with or exposed to any infectious or communicable disease is prohibited from entering Washington state.

(2) Livestock susceptible to vesicular stomatitis that have been located within the past thirty days within ten miles of any premises under quarantine for vesicular stomatitis are prohibited from entering Washington state.

(3) The following animals are prohibited from entering Washington state for any purpose:

- (a) Cattle originating from Mexican dairies;
- (b) Feral swine;
- (c) Domestic swine from herds where brucellosis is known to exist;
- (d) Deleterious exotic wildlife, as defined by RCW 77.08.010 and designated at WAC 232-12-017, except as provided in WAC 232-12-017.

(4) The Washington state department of health under WAC 246-100-191 (Animals, birds, pets—Measures to prevent human disease) prohibits certain animals including bats, skunks, foxes, raccoons, and coyotes from being imported into Washington state except for exhibition by bona fide public or private zoological parks.

(5) Entry permits allowing bona fide public or private zoological parks to import bats, skunks, foxes, raccoons, and coyotes may be issued by the director in consultation with the secretary of the Washington state department of health.

Exemptions:

(6) Infected or exposed animals destined for immediate slaughter, or with an entry permit to a research facility, or with an entry permit to a veterinary facility for treatment may enter at the discretion of the director.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-065, filed 6/28/07, effective 7/29/07.]

WAC 16-54-068 Restrictions. (1) It is a violation to import animals into Washington state that do not comply with the requirements of this chapter or any other Washing-

ton state regulation relating to animal health and care, or to the importation and movement of poultry, hatching eggs, and wildlife.

(2) All animals entering Washington state must comply with the requirements of USDA, APHIS regulations found at Title 9 CFR for movement or importation from foreign countries.

(3)(a) Livestock entering Washington state from a state where a reportable disease listed in WAC 16-70-010 has been diagnosed within the past thirty days must be accompanied by a valid entry permit and a certificate of veterinary inspection.

(b) The certificate of veterinary inspection shall also include written verification that the animals have not been exposed to any reportable disease nor located within ten miles of an area where such a disease has been diagnosed.

(c) In the case of a state where vesicular stomatitis has been diagnosed, the certificate of veterinary inspection must be issued within twenty-four hours of shipment to Washington state and must contain:

(i) The temperature reading of each animal at the time of inspection; and

(ii) The following statement written by an accredited veterinarian:

"All animals identified on this certificate have been examined and found to be free from clinical signs of vesicular stomatitis. During the past thirty days, these animals have not been exposed to vesicular stomatitis or located within ten miles of an area where vesicular stomatitis has been diagnosed."

(d) Cattle entering Washington state from a state or a foreign state or province where vesicular stomatitis has been diagnosed must be held at their destination separate and apart from all other cattle for a period of seven days and reexamined by an accredited veterinarian at the end of that period.

(4) Dogs, cats, and ferrets must be accompanied by an entry permit and proof of current rabies vaccination if they originate from a rabies quarantined area or an area where the state or country of origin has designated terrestrial rabies as endemic.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-068, filed 6/28/07, effective 7/29/07.]

HORSES, DONKEYS, MULES AND OTHER DOMESTIC EQUINE AND EQUINE REPRODUCTIVE PRODUCTS

WAC 16-54-071 Domestic equine and equine reproductive products—Importation requirements. Import health requirements.

(1)(a) In addition to the other requirements of this chapter, all horses, donkeys, mules, and other domestic equine and equine reproductive products entering Washington state must be accompanied by a certificate of veterinary inspection.

(b) Equine vaccinated against equine viral arteritis (EVA) must be accompanied by a vaccination certificate.

(c) Reproductive products from donors that test positive for EVA must be accompanied by an application and entry permit.

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(d) Domestic equine from the western states of Oregon, Idaho, California, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, and New Mexico may enter Washington state for shows, rides, or other events either with a certificate of veterinary inspection or with a document similar to the Equine Certificate of Veterinary Inspection and Movement Permit. Individual trips cannot exceed ninety days.

(e) An itinerary of interstate travel must be filed with the department within fourteen days of the expiration of the movement permit.

(2) All certificates and forms may be obtained from and sent to:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, Washington 98504-2577

Exemptions to import health requirements.

(3) Horses traveling into Washington state with their Oregon or Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

Import test requirements.

Equine infectious anemia (EIA).

(4) All domestic equine, except foals under six months of age accompanying their negative tested dams, must have a negative test for equine infectious anemia (EIA) within twelve months before entering Washington state.

Exemptions to EIA test requirements.

(5) Domestic equine moving to Washington from Oregon are excluded from EIA test requirements.

Equine viral arteritis (EVA).

(6) Intact males over six months of age must test antibody negative for EVA within thirty days before entry into Washington state or have proof of vaccination.

(7) Vaccinated equine that test antibody positive for EVA must be accompanied by a certificate of veterinary inspection that provides proof of:

(a) A prevaccination negative antibody blood test;

(b) Vaccination within ten days of the prevaccination blood test; and

(c) Approved method of animal identification. Approved methods of identification are:

(i) Photograph or clearly drawn picture of the animal (both sides and front);

(ii) Brand (hot iron or freeze brand);

(iii) Microchip; and/or

(iv) Lip tattoo.

(8) Intact males over six months of age and equine reproductive products from donors that test positive for EVA may enter Washington state only if accompanied by an entry permit and a statement on the certificate of veterinary inspection verifying that the consignee:

(a) Has been advised of the positive antibody test results and the associated risks of EVA infection;

(b) Agrees to follow the recommendations of the Office International des Epizooties of the World Organization of Animal Health regarding EVA and USDA recommendations

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found in the *Equine Viral Arteritis Uniform Methods and Rules*, effective April 19, 2004; and

(c) Consents to the shipment.

(9) Intact males that test antibody positive for EVA are required to have an entry permit and may be subject to quarantine.

(10) Equine semen and embryos must originate from donors that have proof of vaccination or a negative antibody test for EVA during the current breeding season.

(11) Equine semen and embryos from antibody positive donors must be used or implanted only in vaccinated or seropositive mares. These mares must be isolated for twenty-one days following insemination or implantation.

(12) Additional testing for EVA may be required during emergency disease conditions declared by the director.

Piroplasmosis.

(13) Any equine that has ever tested positive for piroplasmosis may not enter Washington state.

(14) Any equine that has originated from a country or state where piroplasmosis is endemic must be negative to a C-ELISA test within thirty days before entry into Washington state, and must be quarantined upon arrival and retested within sixty to ninety days. Horses that test positive on the post-arrival C-ELISA test are not permitted to remain in the state and must be removed.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-071, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-071, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-071, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapter 16.36 RCW. 94-23-121, § 16-54-071, filed 11/22/94, effective 12/23/94. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-071, filed 10/15/92, effective 11/15/92. Statutory Authority: Chapters 16.36 and 16.44 RCW. 82-24-040 (Order 1778), § 16-54-071, filed 11/24/82. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-10-047 (Order 1730), § 16-54-071, filed 5/1/81; Order 1540, § 16-54-071, filed 10/17/77; Order 1430, § 16-54-071, filed 2/9/76. Formerly WAC 16-54-070.]

CATTLE, BISON, AND OTHER DOMESTIC BOVINE

WAC 16-54-082 Domestic bovine animals—Importation requirements. Import health requirements.

(1) Domestic bovine entering Washington state must have a certificate of veterinary inspection and an entry permit issued by the office of the state veterinarian prior to entry. Entry permits are required on all feeder cattle entering restricted feedlots and are to be obtained by the brand inspector of the state of origin and recorded on the brand document.

(2) Before entering Washington state, Canadian cattle, including calves, must be identified on the right hip by a "CAN" brand (C open-A N).

Exemptions to import health requirements.

(3) A certificate of veterinary inspection is not required for domestic bovine that are:

(a) Consigned to federally inspected slaughter plants for immediate slaughter; or

(b) Consigned to state-federal approved livestock markets for sale for immediate slaughter only; or

(c) Consigned to specifically approved livestock markets or restricted holding facilities where import requirements can be met; or

(d) Consigned to a restricted feedlot.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-082, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-082, filed 6/28/07, effective 7/29/07; 05-14-019, § 16-54-082, filed 6/24/05, effective 7/25/05. Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-082, filed 4/15/99, effective 5/16/99; 97-01-067 (Order 6009), § 16-54-082, filed 12/16/96, effective 1/16/97. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-082, filed 10/15/92, effective 11/15/92. Statutory Authority: Chapter 16.36 RCW. 89-24-021 (Order 2021), § 16-54-082, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-54-082, filed 2/5/88; 87-08-021 (Order 1918), § 16-54-082, filed 3/25/87; 84-16-022 (Order 1838), § 16-54-082, filed 7/24/84. Statutory Authority: Chapter 16.36 RCW. 83-09-009 (Order 1792), § 16-54-082, filed 4/8/83. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-04-030 (Order 1782), § 16-54-082, filed 1/27/83. Statutory Authority: Chapters 16.36 and 16.40 RCW. 82-03-019 (Order 1752), § 16-54-082, filed 1/14/82; 81-10-047 (Order 1730), § 16-54-082, filed 5/1/81. Statutory Authority: Chapters 16.36 and 16.44 RCW. 78-06-116 (Order 1579), § 16-54-082, filed 6/7/78; Order 1540, § 16-54-082, filed 10/17/77.]

WAC 16-54-083 Domestic and foreign bovine brucellosis requirements. (1) Female cattle, domestic and foreign, must have an official calfhood brucellosis vaccination and legible vaccination tattoo before entry into Washington state.

(a) Cattle vaccinated with strain 19 vaccine must be permanently identified with a tattoo in the right ear that must bear the USDA registered V shield preceded by a number indicating the quarter of the year in which they were vaccinated, followed by the last digit of the year of vaccination.

(b) Cattle vaccinated with RB-51 strain of vaccine must be permanently identified with a tattoo in the right ear that must bear the USDA registered V shield preceded by the letter R followed by the last digit of the year of vaccination.

(c) Brucellosis vaccinated cattle from foreign countries must present original vaccination certificates. On arrival, the cattle must be tattooed with the USDA V shield and the year indicated on the vaccination certificate.

(2) Mature vaccinated domestic bovine that are identified by a legible vaccination tattoo and USDA vaccination and USDA identification tags will be allowed entry into Washington state if the state of origin allows mature vaccination and is of the same brucellosis class or higher.

(3)(a) Test eligible dairy cattle from all states and all cattle from Class A states must be tested negative for bovine brucellosis within thirty days before entry.

(b) Beef cattle from selected brucellosis free states designated by the director may be required to have a negative test thirty days before entry.

(c) Test eligible bovine are bulls over six months of age, brucellosis vaccinated dairy females over twenty months of age, and brucellosis vaccinated beef breed females over twenty-four months of age.

(4) All animals must be identified by USDA approved official identification.

Exemptions to domestic bovine brucellosis test and vaccination requirements.

(5) Domestic bovine that are exempt from brucellosis testing and vaccination requirements are:

(a) Those cattle from a class free state consigned to restricted feedlots;

(b) Those consigned to federally inspected slaughter plants for immediate slaughter;

(c) Heifer calves less than four months of age;

(d) Slaughter only dairy breed cattle from Oregon, Idaho, and Montana that are consigned to a state-federal approved livestock market;

(e) Bull calves less than six months of age;

(f) Steers and spayed heifers;

(g) Official brucellosis vaccinated dairy cattle less than twenty months of age;

(h) Official brucellosis vaccinated beef cattle less than twenty-four months of age;

(i) Cattle from a certified brucellosis free herd, as defined by Title 9 CFR Part 78.1; and

(j) Test eligible beef breed cattle and dairy cattle that are consigned to a state or federally approved livestock market to meet entry testing requirements. Heifer calves between four and twelve months of age may be consigned to a state-federal approved sale yard where they will remain until meeting vaccination requirements.

(6) Cattle that have not met the department's brucellosis requirements may enter, with approval from the director, a restricted holding facility in Washington state until testing and vaccination requirements have been met. The restricted holding facility must be approved by the director and operated in accordance with a written agreement between the facility owner and the director. The restricted holding facility must be maintained and all inspections, testing, and vaccination done at the owner's expense.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-083, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-083, filed 6/28/07, effective 7/29/07.]

WAC 16-54-085 Domestic bovine tuberculosis requirements. (1) All domestic bovine from a modified accredited advanced or lower state must have a negative TB test within sixty days before entry into Washington state. Domestic bovine from a modified accredited or lower state shall be held separate and apart from native cattle for sixty days and retested negative at least sixty days after entry into Washington state.

(2) **Dairy cattle six months of age or older** must:

(a) Test negative for bovine tuberculosis within sixty days before entering Washington state; and

(b) Be identified with a USDA silver identification ear tag, or a USDA-approved RFID tag, or an orange brucellosis vaccination tag.

(3) **Dairy heifers and bull calves less than six months of age** must:

(a) Be issued a hold order or a quarantine order that requires the animals to be taken directly to a designated premises or facility;

(b) Be held separate and apart from all other domestic bovine until they test negative for bovine tuberculosis after six months of age; and

(c) Be identified with a USDA silver identification ear tag, or a USDA-approved RFID tag, or an orange brucellosis vaccination tag.

(4) **Cattle used for rodeo or timed events.**

(a) All cattle used for rodeo or timed events, except those imported directly from Mexico, must be accompanied by proof recorded on a certificate of veterinary inspection of a

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negative bovine tuberculosis test within twelve months before entry into Washington state.

(b) Calves under six months old that were born and have continuously resided in the state of Washington are excluded from this requirement.

(5) **Mexican cattle** - All cattle imported from Mexico that enter Washington, including those imported for rodeo or recreation purposes, must be sexually neutered and must bear official Mexican identification and brand before entry.

(a) All Mexican cattle must be accompanied by proof of two negative bovine tuberculosis tests conducted in the United States after entry from Mexico. The second negative test must be a minimum of sixty days after the first test and within thirty days before entry into Washington state.

(b) All Mexican cattle that remain in the state of Washington shall be tested annually for tuberculosis.

(c) If Mexican cattle entering Washington state are not accompanied by proof of two negative bovine tuberculosis tests prior to entry, they will be issued a hold order or a quarantine order that requires the animals to be taken directly to a designated premises or facility and kept separate and apart from Washington cattle until the completion of required tests.

(d) Sexually intact Mexican beef cattle may enter only with a prior entry permit and at the discretion of the director.

Exemptions to domestic bovine tuberculosis test requirements.

(6) **Dairy cattle** are exempt from bovine tuberculosis testing requirements if they:

(a) Originate from an accredited bovine tuberculosis-free herd, as defined by USDA, APHIS in Title 9 CFR Chapter 1 Part 77 (January 1, 2006), and if an accredited herd number and the date of the last bovine tuberculosis test are shown on the certificate of veterinary inspection;

(b) Are consigned to federally inspected slaughter plants for immediate slaughter; or

(c) Are consigned to slaughter through state and federally approved sale yards and remain in slaughter channels.

(7)(a) Cattle that have not met the department's tuberculosis requirements may enter, with approval from the director, a restricted holding facility in Washington state until testing requirements have been met.

(b) The restricted holding facility must be approved by the director and operated in accordance with a written agreement between the facility owner and the director.

(c) The restricted holding facility must be maintained and all inspections and testing done at the owner's expense.

(8) **Dairy steers and spayed heifers** are exempt from bovine tuberculosis testing requirements before entry into Washington state if they are entering restricted feedlots to be fed for slaughter.

(9) **Mexican cattle** are exempt from the second bovine tuberculosis test and isolation requirements if their official Mexican identification remains intact and they are consigned to a federally inspected slaughter plant for immediate slaughter.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-085, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-085, filed 6/28/07, effective 7/29/07.]

WAC 16-54-086 Bovine trichomoniasis requirements. (1) **Breeding bulls** may be imported into the state of Washington if they meet the following requirements:

(a) The bulls originate from a herd wherein all bulls have tested negative for bovine trichomoniasis since they were removed from female cattle; and

(b) The bulls have tested negative to a bovine trichomoniasis culture test within thirty days before import and have had no contact with female cattle from the time of the test to the time of import; or

(c) If the bulls originate from a herd where one or more bulls or cows have been found infected with bovine trichomoniasis **within the past twelve months**, the bulls must have three consecutive negative bovine trichomoniasis culture tests one week apart or one negative polymerase chain reaction (PCR) test. The samples for each test must be collected within thirty days before cattle are imported into Washington state, and an import permit must be obtained from the director and include a certifying statement that the bulls originated from an infected herd.

(2) Before arrival at their destination in Washington state, all imported bulls must be identified with official identification or an official trichomoniasis bangle tag.

(3) Bulls that enter Washington state without meeting the bovine trichomoniasis requirements of this section will be quarantined at the owner's expense until they have had three consecutive negative bovine trichomoniasis culture tests one week apart or one negative PCR test.

(4)(a) Any bull or cow that is positive to a trichomoniasis culture test, and any herd in which one or more bulls or cows are found infected with trichomoniasis is considered infected.

(b) In the case of bulls testing positive to trichomoniasis, the herd shall be quarantined pending an epidemiological investigation to determine the source of the infection, and as long as infection persists in the herd.

(c) Infected bulls will be quarantined and will not be used for breeding. They must be slaughtered, sold for slaughter, or sent to a restricted feedlot to remain in slaughter channels.

(5) **Certification and proficiency testing and types of tests.** The state veterinarian will determine trichomoniasis training for veterinarians and laboratories, and the types of tests used to determine trichomoniasis infection.

(a) Only veterinarians registered with WSDA shall collect samples for official tests for trichomoniasis. Prior to being granted registered status, all veterinarians who will collect samples for trichomoniasis testing shall attend an educational seminar conducted by the animal services division on trichomoniasis and proper sample collection techniques.

(b) Registered veterinarians shall only utilize official laboratories recognized by the state veterinarian for culture of trichomoniasis samples.

(c) Registered veterinarians shall submit results of all trichomoniasis tests and all official identification on official trichomoniasis test and report forms to the animal services division within five business days of receiving test results from an official laboratory or identifying virgin bulls with official trichomoniasis bangle tags.

(d)(i) Polymerase chain reaction is accepted as an official test when completed by a qualified laboratory approved

by the director and when the sample is received by the laboratory within forty-eight hours of collection.

(ii) Other tests for trichomoniasis may be approved as official tests by the state veterinarian after the tests have been proven effective by research, have been evaluated sufficiently to determine efficacy, and a protocol for use of the test has been established.

(iii) An official test is one in which the sample is received in the official laboratory in good condition within forty-eight hours of collection. Samples in transit for more than forty-eight hours will not be accepted for official testing and must be discarded. Samples that have been frozen or exposed to high temperatures must also be discarded.

Exemptions to bovine trichomoniasis test requirements.

(6) **Virgin bulls** are exempt from bovine trichomoniasis test requirements. If sold, virgin bulls must be accompanied by a certificate signed by the owner or the owner's designee that they have had no breeding contact with female cattle.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-086, filed 6/25/08, effective 7/26/08.]

WAC 16-54-088 Temporary grazing permits. Cattle moving interstate on grazing permits are exempt from a certificate of veterinary inspection and testing requirements.

(1)(a) Persons desiring to move cattle into Washington state for temporary grazing purposes must complete a temporary grazing application approved by both states. After approval, a permit number will be issued.

(b) Temporary grazing permits are valid for a period not to exceed six months and are valid only for movement to the destination specified on the permit and return to the location of origin.

(c) A copy of the approved application must accompany any vehicle transporting cattle into Washington state for temporary grazing purposes.

(d) Temporary grazing permits will be issued only for cattle entering from states that share common borders with the state of Washington.

(e) If cattle have been commingled with other herds or additional cattle have been added to the original grazing herd, they must have a certificate of veterinary inspection and entry permit in order to return to Washington.

(2) Permits are granted based on current disease conditions in both states. The director may specify conditions on the permit to prevent or control disease.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-088, filed 6/28/07, effective 7/29/07.]

GOATS

WAC 16-54-090 Goats—Importation and testing requirements. Import health requirements.

(1) All goats entering Washington state must be accompanied by a certificate of veterinary inspection. The certificate of veterinary inspection must state that the animals are free from clinical signs or known exposure to any infectious or communicable disease.

(2) Female dairy goats six months of age or older must test negative for brucellosis and tuberculosis within thirty days before they enter Washington state.

(3) Sexually intact goats must have official USDA scrapie identification.

Exemption to import health requirements.

(4) Goats traveling into Washington state with their Oregon and Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-090, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-090, filed 10/15/92, effective 11/15/92; Order 1172, § 16-54-090, filed 12/15/70; Order 1024, Regulation 9, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

SHEEP

WAC 16-54-101 Sheep—Importation and testing requirements. Import health requirements.

(1) A certificate of veterinary inspection must accompany all sheep entering Washington state. The certificate of veterinary inspection must state that the sheep:

(a) Are clinically free from the signs of infectious diseases, including footrot, sore mouth, and caseous lymphadenitis; and

(b) Originated from a flock in which scrapie has not been diagnosed in the past five years or are from a flock enrolled in the USDA Voluntary Scrapie Flock Certification Program described in Title 9 CFR Part 54 (January 1, 2006).

(c) Are officially identified with official USDA scrapie program identification. Sheep required to be officially identified include:

- (i) All breeding sheep;
- (ii) All sexually intact sheep imported for exhibition;
- (iii) All sheep over eighteen months of age.

Import test requirements.

(2) All breeding rams over six months of age require an entry permit.

(3) The certificate of veterinary inspection must state that the rams:

(a) Tested negative on an ELISA test for *Brucella ovis* within thirty days before entering Washington state; and

(b) Are palpated and certified free of any evidence of epididymitis; and

(c) Are individually identified with an official USDA scrapie program identification. Each ram's identification number, test results, and the date of the test must be entered on the certificate of veterinary inspection accompanying the animal.

(4) Any purebred rams of Suffolk, Hampshire, Shropshire, or Montadale descent, or cross thereof; any nonpurebred rams known to have Suffolk, Hampshire, Shropshire, or Montadale ancestors; and any nonpurebred rams of unknown ancestry with a black face, except for hair sheep, may enter Washington state for breeding purposes if they are determined by genetic testing before entry to be QR or RR at the 171 codon. Hair sheep known to have Suffolk, Hampshire, Shropshire, or Montadale ancestors are considered blackface sheep.

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Exemptions to import health and test requirements.

(5) Sheep traveling into Washington state with their Oregon and Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

(6) Sheep entering Washington state for immediate slaughter at a USDA inspected slaughter plant are exempt from the certificate of veterinary inspection and testing requirements.

(7) Official USDA approved scrapie identification is not required on slaughter sheep less than eighteen months of age.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-101, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-101, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-101, filed 10/15/92, effective 11/15/92; Order 1430, § 16-54-101, filed 2/9/76. Formerly WAC 16-54-100.]

LLAMAS AND ALPACAS

WAC 16-54-105 Llamas and alpacas. Import health requirements.

(1) All llamas and alpacas imported into Washington state shall be accompanied by a health certificate stating that the animals are free from signs of or exposure to infectious or communicable disease.

Exemptions to import health requirements.

(2) Llamas and alpacas traveling into Washington state with their Oregon and Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-105, filed 6/28/07, effective 7/29/07.]

SWINE

WAC 16-54-111 Swine—Importation and testing requirements. Import health requirements.

(1) All swine entering Washington state must be accompanied by an entry permit, a certificate of veterinary inspection, and official USDA approved identification.

(2) Feral swine are prohibited in Washington state.

Import test requirements.

(3) **Brucellosis.** All intact male and intact female swine more than six months of age must be tested negative for brucellosis within thirty days before entering Washington state or must originate from a USDA validated brucellosis free herd or state (Swine Brucellosis Control/Eradication State-Federal-Industry Uniform Methods and Rules, April, 1998).

(4) **Pseudorabies.** No test is required from states recognized as Stage IV or Stage V by Pseudorabies Eradication State-Federal-Industry Program Standards, November 1, 2003.

(5) A negative pseudorabies test within thirty days before entry is required for swine from any state or area that loses Stage IV or Stage V status.

Exemptions to import test requirements.

(6) Swine shipped directly to a federally inspected slaughter plant for immediate slaughter are exempt from testing requirements.

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Swine semen and embryos.

(7)(a) Swine semen and swine embryos entering Washington state for insemination of swine or implantation into swine shall be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian stating that the donor swine are not known to be infected with or exposed to pseudorabies, were negative to an official pseudorabies serologic test within thirty days prior to the collection of the semen or embryos or were members of a qualified pseudorabies negative herd, and had not been exposed to pseudorabies within thirty days prior to the collection of the semen or embryos.

(b) Brucellosis testing is not required on donor swine from brucellosis validated free states.

(c) Pseudorabies testing is not required on donor swine from pseudorabies Stage IV or Stage V states.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-111, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-111, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-111, filed 10/15/92, effective 11/15/92. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-02-001 (Order 1780), § 16-54-111, filed 12/23/82; Order 1540, § 16-54-111, filed 10/17/77; Order 1430, § 16-54-111, filed 2/9/76. Formerly WAC 16-54-110.]

AVIAN SPECIES**WAC 16-54-145 Poultry and game birds, including ratites—Importation and testing requirements. Import health requirements.**

(1) All poultry and game birds, including ratites, imported into Washington state must be accompanied by a certificate of veterinary inspection.

(a) USDA VS form 17-6 (Certificate for Poultry or Hatching Eggs for Export) will be accepted in lieu of the certificate of veterinary inspection.

(b) For hatching eggs and baby poultry, a USDA NPIP VS form 9-3 (Report of Sales of Hatching Eggs, Chicks, and Poults) may be used in lieu of the certificate of veterinary inspection.

(c) The certificate of veterinary inspection must include either the NPIP number or negative results of the required tests.

(2) Poultry or hatching eggs must originate from flocks or areas not under state or federal restriction.

(3) Each ratite entering Washington state must be permanently identified with USDA approved identification. The type of identification must be listed on the certificate of veterinary inspection.

Import test requirements.

(4) Poultry and game birds must:

(a) Originate from an NPIP participant flock that has met classification requirements for pullorum-typhoid, *Salmonella* enteritidis, and avian influenza; or

(b) Test negative within thirty days before entering Washington for pullorum-typhoid, *S. enteritidis*, and avian influenza. Serum testing or NPIP member status is also required for the following species:

(i) Bobwhite quail (*Colinus virginianus*).

(ii) Coturnix quail (*Coturnix coturnix*).

(iii) Pure or hybrid Ring-necked pheasant (*Phasianus colchicus*).

(iv) Chukar (*Alectoris chukar*).

(v) Hungarian partridge (*Perdix perdix*).

(5) Hatching eggs must originate from an NPIP participant flock that has met classification requirements for the diseases listed in subsection (4)(a) of this section. If the parent breeder flock is not an NPIP participant, the parent birds must be tested for the above diseases within thirty days before entry.

(6) Turkeys and wild turkeys, their poults, and eggs must originate from a producer who is participating in the mycoplasmosis control phase of the NPIP or must have been tested serologically negative for *M. gallisepticum* and *M. synoviae* within thirty days of entry.

Exemptions to import health requirements.

(7) Doves, pigeons, and poultry destined for immediate slaughter are exempt from the certificate of veterinary inspection and testing requirements.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-145, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-145, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapter 16.36 RCW. 94-23-121, § 16-54-145, filed 11/22/94, effective 12/23/94.]

WAC 16-54-160 Birds other than poultry—Importation and testing requirements. Import health requirements.

(1) All birds other than poultry entering Washington state require a certificate of veterinary inspection that contains the following statement:

"To the best of my knowledge, the birds listed on this certificate are not infected with exotic Newcastle disease, psittacosis, or avian influenza and have been free from clinical signs of or known exposure to infectious or communicable disease during the past thirty days."

(2) All birds must be individually identified with a numbered leg band or in a manner appropriate to the species.

Exemptions to import health requirements.

(3) Family pet birds are exempt from the certificate of veterinary inspection if they:

(a) Are two or less in number; and

(b) Have not been purchased within thirty days of entry into Washington state; and

(c) Are traveling by private conveyance with their owners.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-160, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-160, filed 6/28/07, effective 7/29/07.]

SMALL ANIMALS**WAC 16-54-170 Dogs, cats, and ferrets—Importation and testing requirements. Import health requirements.**

(1) Dogs, cats, or ferrets entering Washington state require a certificate of veterinary inspection.

(2) The certificate of veterinary inspection for dogs, cats, or ferrets must identify each animal and certify that each animal at the time of entry is current on rabies vaccination according to the manufacturer's label, and does not originate from an area under quarantine for rabies.

Exemptions to import health requirements.

(3) Dogs, cats, or ferrets less than ninety days of age do not require a rabies vaccination.

(4) Dogs and cats that originate in Washington state and visit Canada for thirty days or less are exempt from a certificate of veterinary inspection.

(5) Dogs, cats, or ferrets that are family pets and have current rabies vaccination certificates and are traveling by private conveyance with their owners are exempt from a certificate of veterinary inspection.

Import test requirements.

(6) The director may require dogs six months of age or older to be tested negative for heartworm.

Exemptions to import test requirements.

(7) Dogs that are family pets, have been owned more than one month, are not going to be sold or have a change of ownership, and are traveling by private conveyance with their owner or handler are exempt from the heartworm test requirement.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-170, filed 6/28/07, effective 7/29/07.]

WILD AND EXOTIC ANIMALS AND BIRDS, INCLUDING ZOO ANIMALS

WAC 16-54-180 Wild and exotic animals and birds—Importation and testing requirements. Import health requirements.

(1) Wild and exotic animals and birds entering Washington state must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian licensed in the state of origin, or accompanied by an international certificate of health.

(2) All wild and exotic animals must be accompanied by an entry permit.

Import test requirements.

(3) **Brucellosis:** Within thirty days before entering Washington state, negative serologic testing must be conducted on the following categories of captive wild or exotic animals that are more than six months of age:

Table 1.

Wild and exotic animals that must be tested for brucellosis

Tested For	Species Scientific Name	Common Name Examples
<i>Brucella abortus</i>	<i>Camelidae</i>	• Vicuna • Guanaco
	<i>Cervidae</i>	• Elk • Caribou • Moose • Reindeer • Deer
	<i>Giraffidae</i>	• Giraffe • Okapi
	<i>Bovidae</i>	• Antelope • Wild cattle (gaur, banteng, kaupre, yak)

Table 1.

Wild and exotic animals that must be tested for brucellosis

Tested For	Species Scientific Name	Common Name Examples
		• Bison (American bison, European bison) • Buffalo (Asian water buffalo, tamaraw, lowland anoa, mountain anoa, African buffalo)
	<i>Ovidae, Capridae</i>	• Wild sheep (big-horn sheep, dalls sheep, mouflon, argoli, uriol, blue sheep, barbary sheep, red sheep) • Wild goats (Rocky Mountain goat, ibex, walia ibex, west caucasian tur, east caucasian tur, Spanish ibex, markhor)
<i>Brucella suis</i>	<i>Suidae</i>	• Wild swine (European wild boar, bearded pig, Jovan pig, pygmy hog, wart hog, giant forest pig, East Indian swine or Babirusa, African bush pig, peccaries)
<i>Brucella suis bio-var 4</i>	<i>Cervidae</i>	• Caribou • Reindeer
<i>Brucella ovis</i>	<i>Ovidae, Capridae</i>	• All wild sheep and goats must be tested and found negative to <i>Brucella ovis</i> within thirty days before entering Washington state

(4) **Tuberculosis** (*Mycobacterium bovis* and *Mycobacterium tuberculosis*):

(a) Animals less than six months of age that are nursing negative tested dams may be excluded from tuberculosis test requirements.

(b) Within thirty days before entering Washington state, the animals listed in the following table must test negative for *M. bovis* and *M. tuberculosis* by a skin test or other approved test that follows federal tuberculosis protocols:

Table 2.

Wild and exotic animals that must be tested for tuberculosis

Species Scientific Name	Common Name Examples
<i>Ceropithecidae</i>	• Old world primates
<i>Hylobotidae</i>	• Gibbons
	• Lesser apes
<i>Pongidae</i>	• Great apes
<i>Bovidae</i>	• Antelope
	• Wild cattle
<i>Ovidae, Capridae</i>	• Wild sheep
	• Wild goats
<i>Cervidae, Giraffidae</i>	• Elk
	• Caribou
	• Moose
	• Reindeer
	• Deer
	• Giraffe
	• Okapi

(c) *Cervidae*, such as elk, deer, caribou, moose, and reindeer and *Giraffidae*, such as giraffe and okapi, must be from herds not known to be infected with, exposed to, or affected by tuberculosis. They must also test negative for *M. bovis* using the testing requirements defined in Title 9 CFR Part 77.33 (January 1, 2006).

(d) For all captive wild or exotic animals not listed in Table 2 in subsection (2)(b) of this section, the following statement signed by the animal's owner or agent must be placed on the official certificate of veterinary inspection:

"To my knowledge, the animals listed on this certificate are not infected with tuberculosis and have not been exposed to animals infected with tuberculosis during the past twelve months."

(5) **Pseudorabies:** All wild swine imported for zoos, exhibitions or to a research facility must test negative for pseudorabies no more than thirty days before entry into Washington state and must be held in quarantine for thirty to sixty days pending a postentry retest.

(6) **Equine infectious anemia:** All wild horses, donkeys, and hybrids of the family *Equidae* must test negative on an approved test for equine infectious anemia no more than six months before entry into Washington state.

(7) **Elaphostrongylinae** (*Parellostrongylus tenvis* (meningeal worm) and *Elaphostrongylus cervis* (muscle worm)): Before entering Washington state, all *Cervidae* must be examined for *Elaphostrongylinae* infection in the absence of anthelmintic treatment that could mask detection of the parasite.

(a) **All *Cervidae* residing for at least six months** west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas must have a negative fecal exam for dorsal-spined larvae made by an approved laboratory using the Baermann technique and be certified that they have not been treated with or exposed to anthelmintics for at least thirty days before testing.

(b) **All *Cervidae* residing for less than six months** west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas must be held in a preentry quarantine for thirty to sixty days and

have two fecal tests for dorsal-spined larvae made by an approved laboratory using the Baermann technique.

(i) The first test must be conducted at least thirty days and not more than forty days before the second test.

(ii) Fecal samples of at least thirty grams per sample are to be collected by an accredited veterinarian from the animal's rectum and identified by the animal's official identification number.

(iii) During the thirty-day testing period, test animals must be held in quarantine and isolated from all other *Cervidae* not included in the shipment.

(iv) If any animal tests positive to either of the two fecal tests, neither that animal nor any other animal held in quarantine with the infected animal may be imported into Washington state.

(c) All imported *Cervidae* must be held for one hundred eighty days in an onsite quarantine and be available for inspection by the director during this time.

(d) Every thirty, sixty, ninety, one hundred twenty, one hundred fifty, and one hundred eighty days after arrival, fecal samples from the animals must be tested by the Baermann technique in an approved laboratory and be found negative for dorsal-spined larvae. Animals that test positive for dorsal-spined larvae must either be removed from Washington state or destroyed.

(e) To prevent the presence of the gastropod intermediate hosts of *Elaphostrongylinae* larvae, the quarantine site must be prepared and inspected before the imported animals enter. Preparation includes:

(i) Providing a hard surface, such as asphalt or concrete, on which to keep the animals;

(ii) Spraying the quarantine area with an EPA-registered molluscicide; and

(iii) Spraying a four-meter wide tract around the perimeter of the holding compound with an EPA-registered molluscicide. This perimeter tract must be treated once every five days and within twenty-four hours of precipitation (10 mm or more) to ensure that the gastropod population is kept to zero within the compound.

(8) **Rabies:** Any carnivorous mammal taken from the wild is prohibited from entering Washington state if rabies has been diagnosed in the state of origin during the past twelve months.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-180, filed 6/28/07, effective 7/29/07.]

Chapter 16-59 WAC**AVIAN DISEASES IN WASHINGTON STATE****WAC**

16-59-005	Definitions.
16-59-020	Wrongful sale.
16-59-030	Testing requirements for poultry entering public exhibition.
16-59-060	Shipping equipment.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-59-001	Promulgation. [Order 997, Promulgation, filed 1/21/66.] Repealed by 99-09-024, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040.
16-59-010	Health certificates. [Statutory Authority: RCW 16.36.-040. 99-09-024, § 16-59-010, filed 4/15/99, effective

5/16/99. Statutory Authority: Chapter 16.36 RCW. 94-23-122, § 16-59-010, filed 11/22/94, effective 12/23/94; Order 997, Regulation 1, filed 1/21/66.] Repealed by 08-03-010, filed 1/4/08, effective 2/4/08. Statutory Authority: RCW 16.36.010, 16.36.040, and chapter 34.05 RCW.

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

WAC 16-59-005 Definitions. "Department" means the Washington state department of agriculture.

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

"Game birds" means fowl such as pheasants, partridge, chukars, quail, and grouse that are raised in confinement.

"Hatching eggs" means fertile eggs that have the potential to hatch poultry.

"NPPI" means USDA National Poultry Improvement Plan, a cooperative industry-state-federal program to eliminate egg-transmitted and hatchery-disseminated diseases. Title 9, Code of Federal Regulations, Parts 145 and 147, are the plan standards and contain the requirements for this voluntary program.

"Person" means a person, persons, firm or corporation.

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

[Statutory Authority: RCW 16.36.010, 16.36.040, and chapter 34.05 RCW. 08-03-010, § 16-59-005, filed 1/4/08, effective 2/4/08. Statutory Authority: RCW 16.36.040. 99-09-024, § 16-59-005, filed 4/15/99, effective 5/16/99.]

WAC 16-59-020 Wrongful sale. It is unlawful for any person to exchange, sell, or otherwise distribute poultry or hatching eggs affected with or originating from flocks affected with pullorum-typhoid or other contagious, infectious, or communicable disease. The director has the authority to issue a permit for movement of such poultry when satisfied that the movement will not affect the health of flocks in the state.

[Statutory Authority: RCW 16.36.010, 16.36.040, and chapter 34.05 RCW. 08-03-010, § 16-59-020, filed 1/4/08, effective 2/4/08. Statutory Authority: RCW 16.36.040. 99-09-024, § 16-59-020, filed 4/15/99, effective 5/16/99; Order 997, Regulation 2, filed 1/21/66.]

WAC 16-59-030 Testing requirements for poultry entering public exhibition. Pullorum-typhoid:

(1) All poultry that are going to public exhibition, including exhibition, exotic, and game birds, but excluding waterfowl, doves, and pigeons must:

(a) Come from U.S. Pullorum-Typhoid Clean or equivalent flocks, as defined in the National Poultry Improvement Plan and Auxiliary Provisions, Title 9 CFR, Section 145.53; or

(b) Have had a negative pullorum-typhoid test within ninety days before going to public exhibition.

(2) The department maintains a copy of the National Poultry Improvement Plan and Auxiliary Provisions for public inspection. You may also find the information on the

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internet at: http://www.access.gpo.gov/nara/cfr/waisidx_06/9cfrv1_06.html.

[Statutory Authority: RCW 16.36.010, 16.36.040, and chapter 34.05 RCW. 08-03-010, § 16-59-030, filed 1/4/08, effective 2/4/08. Statutory Authority: RCW 16.36.040. 99-09-024, § 16-59-030, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapter 16.36 RCW. 94-23-122, § 16-59-030, filed 11/22/94, effective 12/23/94. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-007 (Order 1994), § 16-59-030, filed 2/17/89; Order 997, Regulations 3, 4, 5, filed 1/21/66.]

WAC 16-59-060 Shipping equipment. (1) In order to prevent the spread of disease, all poultry must be moved only in containers that are maintained in a sanitary condition and cleaned and disinfected when required by the director.

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

[Statutory Authority: RCW 16.36.010, 16.36.040, and chapter 34.05 RCW. 08-03-010, § 16-59-060, filed 1/4/08, effective 2/4/08. Statutory Authority: RCW 16.36.040. 99-09-024, § 16-59-060, filed 4/15/99, effective 5/16/99; Order 997, Regulation 6, filed 1/21/66.]

Chapter 16-70 WAC

ANIMAL DISEASES—REPORTING

WAC

16-70-005	Definitions.
16-70-010	Requirements for reporting diseases that are on the OIE notifiable disease list.
16-70-020	Other diseases reportable to WSDA.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-70-001	Promulgation. [Order 1005, Promulgation, filed 7/22/66, effective 8/22/66; Order 655, Promulgation, effective 5/19/53.] Repealed by 00-06-064, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.010(1), [16.36.]040 and [16.36.]080(4).
16-70-030	Reporting diseases—Lists may be modified. [Order 1005, Regulation 5, filed 7/22/66, effective 8/22/66.] Repealed by 00-06-064, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.010(1), [16.36.]040 and [16.36.]080(4).

WAC 16-70-005 Definitions. For the purpose of this chapter:

"Animal" means any animal species except fish and insects including all those so classified as wild, captive wild, exotic wild, alternative livestock, semidomesticated, domestic or farm.

"OIE notifiable disease list" means the diseases listed by the OIE in the *Terrestrial Animal Health Code* (15th Edition, 2006). The OIE notifiable disease list may be found on the internet at: http://www.oie.int/eng/maladies/en_classification.htm. The list may also be found in the Washington state department of agriculture's *Animal Health Handbook for Veterinarians*.

"OIE" means Office International des Epizooties. The OIE is the World Organization of Animal Health.

"Reportable disease list" means the list of diseases that include the OIE notifiable disease list and other diseases listed in this chapter.

"Veterinary laboratory" means a place equipped for performing diagnostic or investigative procedures on submitted

specimens from animals and fish by personnel whose primary duties are to conduct such procedures.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-10-087, § 16-70-005, filed 5/1/07, effective 6/1/07. Statutory Authority: RCW 16.36.010(1), [16.36.]040 and [16.36.]080(4). 00-06-064, § 16-70-005, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-127 (Order 5011), § 16-70-005, filed 9/21/93, effective 10/22/93.]

WAC 16-70-010 Requirements for reporting diseases that are on the OIE notifiable disease list. (1) Any veterinary laboratory or person licensed to practice veterinary medicine in the state of Washington shall immediately report to the office of the state veterinarian the existence or suspected existence among any animals within the state of any reportable or notifiable diseases as published by the OIE (effective January 23, 2006) or in this chapter.

(2) Case definitions shall conform to OIE standards under the *Terrestrial Animal Health Code* (15th Edition, 2006) and the *OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals*, 5th Edition, 2004, with updates published online at: http://www.oie.int/eng/publicat/en_standards.htm.

(a) A case means an individual animal affected by one of the diseases listed on the OIE notifiable disease list or a disease listed in this chapter.

(b) The criterion by which "affected" is defined for each disease (for example: Clinical signs, serological evidence, etc.) is found in the *Terrestrial Animal Health Code* and *Manual of Diagnostic Tests and Vaccines for Terrestrial Animals*.

(c) The OIE *Terrestrial Animal Health Code* can be found on the internet under OIE-Health Standards at: http://www.oie.int/eng/normes/en_mcode.htm. The *Terrestrial Animal Health Code* is available in web format; a hard copy version may be ordered from OIE.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-10-087, § 16-70-010, filed 5/1/07, effective 6/1/07. Statutory Authority: RCW 16.36.010(1), [16.36.]040 and [16.36.]080(4). 00-06-064, § 16-70-010, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-127 (Order 5011), § 16-70-010, filed 9/21/93, effective 10/22/93; Order 1005, Regulations 1-3, filed 7/22/66, effective 8/22/66; Order 655, Regulation 1, effective 5/19/53.]

WAC 16-70-020 Other diseases reportable to WSDA.

(1)(a) In addition to the diseases published on the OIE notifiable disease list, the state veterinarian may request reports on other diseases of concern from a statistical or survey standpoint associated with overall disease control measures.

(b) Any veterinarian or veterinary laboratory may voluntarily report to the office of the state veterinarian other diseases that are not on the OIE notifiable disease list or not listed below.

(2) In addition to the diseases that are on the OIE notifiable disease list, the following diseases must be reported immediately to the office of the state veterinarian:

- Beef measles (*Teania saginata*)
- Chronic wasting disease in cervids (Transmissible Spongiform Encephalopathy)
- Contagious ecthyma (Orf)
- Hantavirus
- Infectious Coryza in poultry (*Hemophilus gallinarum*)
- Listeriosis

- Low pathogenic avian influenza H5/H7
- Lyme disease
- Plague (*Yersinia pestis*)
- Potomac horse fever (*Erlchiosis*)
- Salmonellosis (any livestock species)
- Scabies (any livestock species)
- Shigella-toxin producing *E. coli*
- Strangles in equine (*Streptococcus equi*)

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-10-087, § 16-70-020, filed 5/1/07, effective 6/1/07. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-127 (Order 5011), § 16-70-020, filed 9/21/93, effective 10/22/93; Order 1005, Regulation 4, filed 7/22/66, effective 8/22/66.]

Chapter 16-71 WAC

EQUINE INFECTIOUS ANEMIA

WAC

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| 16-71-010 | Definitions. |
| 16-71-022 | Procedure. |
| 16-71-030 | Quarantine. |
| 16-71-035 | Identification of reactors. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-71-001 | Promulgation. [Order 1330, § 16-71-001, filed 12/21/73.] Repealed by 00-14-059, filed 7/3/00, effective 8/3/00. Statutory Authority: RCW 16.36.040. |
| 16-71-002 | Promulgation. [Order 1354, § 16-71-002, filed 5/21/74.] Repealed by Order 1431, filed 2/10/76. Later promulgation, see WAC 16-71-003. |
| 16-71-003 | Promulgation. [Order 1431, § 16-71-003, filed 2/10/76. Formerly WAC 16-71-002.] Repealed by 00-14-059, filed 7/3/00, effective 8/3/00. Statutory Authority: RCW 16.36.040. |
| 16-71-020 | Procedure. [Order 1354, § 16-71-020, filed 5/21/74; Order 1330, § 16-71-020, filed 12/21/73.] Repealed by Order 1431, filed 2/10/76. Later promulgation, see WAC 16-71-022. |
| 16-71-040 | Branding. [Order 1330, § 16-71-040, filed 12/21/73.] Repealed by 00-14-059, filed 7/3/00, effective 8/3/00. Statutory Authority: RCW 16.36.040. |
| 16-71-050 | Penalty. [Order 1330, § 16-71-050, filed 12/21/73.] Repealed by 00-14-059, filed 7/3/00, effective 8/3/00. Statutory Authority: RCW 16.36.040. |

WAC 16-71-010 Definitions. (1) "Department" means the Washington state department of agriculture.

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

(3) "Equines" means horses, donkeys, mules, ponies and others in the Equidae family.

(4) "Equine Infectious Anemia (EIA)" means infection with the equine infectious anemia lentivirus, affecting both sexes, all ages, all breeds and all species of equines. Infected equines remain carriers for life, constituting a potential source for spread of the infection. There is no known cure or treatment.

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

(6) "Official test" means blood samples tested by USDA-approved laboratories or by people authorized by the state of origin's animal health officials to conduct tests.

(7) "Reactor" means an equine found positive on an official EIA test.

[Statutory Authority: RCW 16.36.040. 00-14-059, § 16-71-010, filed 7/3/00, effective 8/3/00; Order 1330, § 16-71-010, filed 12/21/73.]

WAC 16-71-022 Procedure. (1) Positive diagnosis of EIA is made with the agar gel immunodiffusion test (AGID or Coggins test), competitive enzyme-linked immunosorbent assay (cELISA test) or other official test. A supplementary AGID will be conducted to confirm positives detected with other official tests. Blood samples for EIA testing will be collected by licensed, accredited veterinarians at the owners' request and expense. At sample collection, the veterinarian will make an accurate, detailed identification of the equine on an official test request form. Positive test results are to be reported to state and federal animal health authorities. Owners will be advised of the procedure if equines are found positive on the official test. The owner must sign an agreement regarding disposition of a reactor. The agreement should follow a herd plan as defined in chapter 16.36 RCW.

(2) All equines over six months of age entering the state must be accompanied by an official health certificate and a record of a negative EIA test conducted within six months prior to importation. Exceptions to the EIA test requirement:

- (a) Equines consigned for immediate slaughter;
- (b) Equines consigned to a veterinary clinic for the purpose of treatment or surgery, under the supervision of a veterinarian. These equines must return to the state of origin following treatment or surgery and must not be commingled, housed or corralled in common with any other equine;
- (c) Equines under six months old;
- (d) Oregon-origin equines under a reciprocal arrangement; and
- (e) Idaho-origin equines may be excluded when a reciprocal arrangement exists for Washington-origin equines moving into Idaho.

(3) The management or board of governors at race tracks, rodeos, shows, fairs or other assembly points may require negative, official EIA tests within six months prior to consignment or participation for all equines consigned to these assembly points or participating in events.

[Statutory Authority: RCW 16.36.040. 00-14-059, § 16-71-022, filed 7/3/00, effective 8/3/00; Order 1431, § 16-71-022, filed 2/10/76. Formerly WAC 16-71-020.]

WAC 16-71-030 Quarantine. (1) Within twenty-four hours after positive test results are known, reactors will be quarantined to the premises of origin as provided in chapter 16.36 RCW. The quarantine will remain in effect until confirmation of reactor status and the reactor's disposition. The quarantine will be released only upon the reactor's death or when it is legally moved from the premises by permit on a VS form 1-27. If reactor status is disclosed while the equine is on a premises other than the owner's, permission may be granted to move the animal to the owner's premises. Reactors can only move by permit on a VS form 1-27. State and federal animal health authorities will conduct an epidemiological investigation to identify other equines exposed to EIA by contact with the reactor. All equines having contact with the reactor must be quarantined. The quarantine will be removed on these contact equines and movement allowed only after a

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negative, official EIA test at least 60 days after removal of the reactor.

(2) Confirmed reactors must be euthanized, placed in a quarantine facility for life, donated to a diagnostic or research facility, legally moved to slaughter or legally removed from the state. A state or federal animal health authority or a licensed, accredited veterinarian will conduct euthanasia. For lifelong quarantine, a state or federal animal health authority must approve the isolation facility. The isolation facility must keep the reactor separate from all other equines. It must be screened to prevent transmission of EIA by insects. With consultation of an entomologist, an insect control program must be developed, approved by the director and must be followed routinely. The isolation facility must be located at least 200 yards from any other equines. The department will pay for and hold a lifetime brand inspection on those equines held in lifetime quarantine. If the reactor is donated, moved to slaughter or removed from the state, it can only move by permit on a VS form 1-27. For removal from the state, the receiving state must agree in advance to accept the reactor.

[Statutory Authority: RCW 16.36.040. 00-14-059, § 16-71-030, filed 7/3/00, effective 8/3/00; Order 1330, § 16-71-030, filed 12/21/73.]

WAC 16-71-035 Identification of reactors. Confirmed reactors will be permanently identified by lip tattooing or branding with a hot iron, chemical brand or freeze brand. A lip tattoo is applied to the inside surface of the upper lip and consists of the numbers 91 followed by the letter A, with each character being at least one inch high and three-fourths of an inch wide. A brand is applied on the left side of the neck or left shoulder and consists of the numbers 91 followed by the letter A, with each character being at least two inches high. Permanent identification will be applied by state or federal animal health authorities or by licensed, accredited veterinarians. Permanent identification is not necessary if the reactor is moved directly to slaughter under permit with a VS form 1-27 and the vehicle is officially sealed.

[Statutory Authority: RCW 16.36.040. 00-14-059, § 16-71-035, filed 7/3/00, effective 8/3/00.]

Chapter 16-74 WAC

LIVESTOCK TESTING—DUTIES OF OWNERS

WAC

16-74-005	Definitions.
16-74-010	Presenting and confining livestock for testing.
16-74-020	Facilities.
16-74-030	Handling.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-74-001	Promulgation. [Order 776, Promulgation, effective 5/26/58.] Repealed by 00-06-065, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040.
16-74-040	Penalty. [Order 776, Penalty, effective 5/26/58.] Repealed by 00-06-065, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040.

WAC 16-74-005 Definitions. (1) "Communicable disease" means a disease due to a specific infectious agent or its toxic products transmitted from an infected person, animal or inanimate reservoir to a susceptible host, either directly or

indirectly through an intermediate plant or animal host, vector or the environment.

(2) "Contagious disease" means a communicable disease that is capable of being easily transmitted from one animal to another animal or a human.

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

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

(5) "Infectious disease" means a clinical disease of humans or animals resulting from an infection with an infectious agent that may or may not be communicable or contagious.

(6) "Livestock" means horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds and other species designated by statute. "Livestock" does not mean free ranging wildlife as defined in Title 77 RCW.

[Statutory Authority: RCW 16.36.040. 00-06-065, § 16-74-005, filed 3/1/00, effective 4/1/00.]

WAC 16-74-010 Presenting and confining livestock for testing. Livestock owners are required to present and confine their livestock when they are to be tested for any infectious, communicable or contagious disease. The accessibility and confinement of the livestock are to be in a manner and at reasonable times as prescribed by the director.

[Statutory Authority: RCW 16.36.040. 00-06-065, § 16-74-010, filed 3/1/00, effective 4/1/00; Order 776, Regulation 1, effective 5/26/58.]

WAC 16-74-020 Facilities. Owners must furnish adequate facilities to assure convenient and safe procedures in conducting all tests. The required facilities may include corals, chutes, stanchions and/or squeeze chutes as deemed necessary by the director or his duly authorized representative.

[Statutory Authority: RCW 16.36.040. 00-06-065, § 16-74-020, filed 3/1/00, effective 4/1/00; Order 776, Regulation 2, effective 5/26/58.]

WAC 16-74-030 Handling. All handling of livestock for the purpose of testing, sampling or drawing of blood samples is the responsibility of the owner.

[Statutory Authority: RCW 16.36.040. 00-06-065, § 16-74-030, filed 3/1/00, effective 4/1/00; Order 776, Regulation 3, effective 5/26/58.]

**Chapter 16-80 WAC
PSEUDORABIES IN SWINE**

WAC

16-80-005	Definitions.
16-80-007	Surveillance program.
16-80-010	Quarantine.
16-80-015	Sale of quarantined animals.
16-80-020	Quarantine and release.
16-80-025	Disinfecting premises.
16-80-030	Disinfecting vehicles.
16-80-035	Indemnity for pseudorabies infected or exposed swine.
16-80-040	Vaccination.
16-80-045	Identification of swine.
16-80-047	Mandatory reporting of suspected pseudorabies.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

16-80-050	Criminal penalty—Civil injunction. [Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-
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80-050, filed 3/29/91, effective 4/29/91.] Repealed by 00-06-066, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040.

WAC 16-80-005 Definitions. (1) "Director" means the director of agriculture of the state of Washington or his or her authorized representatives.

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

(3) "Approved pseudorabies vaccine" means only those biological products that are approved by and produced under license of the United States Department of Agriculture (USDA) for injection into swine for the purpose of enhancing their resistance to pseudorabies, are specific gene deletion vaccines and are authorized for use in a specific herd by the state veterinarian.

(4) "Official identification" means a USDA issued backtag or an eartag bearing state identification and a unique number.

(5) "Pseudorabies infected herd" means a herd of swine in which pseudorabies has been diagnosed in one or more animals by the National Veterinary Service Laboratory (NVSL) or a state laboratory approved by USDA to conduct official pseudorabies tests.

(6) "Expose" means to have contact with an animal infected with the pseudorabies virus.

(7) "Pseudorabies" means a contagious, infectious and communicable disease caused by a herpesvirus that affects swine and other animals.

(8) "Official pseudorabies test" means a test for the diagnosis of pseudorabies conducted in a USDA-approved laboratory. These tests include, but are not limited to, serum neutralization (SN), virus isolation, fluorescent antibody, latex agglutination, particle concentration fluorescence immunoassay (PCFIA) and enzyme-linked immunosorbent assay (ELISA).

[Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-005, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.-096. 91-08-027, § 16-80-005, filed 3/29/91, effective 4/29/91.]

WAC 16-80-007 Surveillance program. All swine blood submitted to the department's laboratory for brucellosis testing will be tested for pseudorabies by the latex agglutination test. Samples positive on the latex agglutination test will be further tested by the enzyme linked immunosorbent assay (ELISA) and serum neutralization (SN) tests. The ELISA or SN tests must show positive results before classifying the sample as positive. An epidemiological investigation will be initiated for each positive sample and an attempt will be made to trace such a sample to the herd of origin. Area testing will be done on all swine herds within a five mile radius of any infected premises. Trace forward and trace backward testing will be done in all herds which may have bought animals from or sold animals to the infected herd within a twenty-four month period prior to discovery of the infection.

[Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-007, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.-096. 91-08-027, § 16-80-007, filed 3/29/91, effective 4/29/91.]

WAC 16-80-010 Quarantine. All swine herds infected with or exposed to pseudorabies will be quarantined and officially tested for pseudorabies. If the owner of any such swine

herd refuses to allow the department to test, the swine herd and the premises on which they are quarantined will remain quarantined until released under WAC 16-80-020, RCW 16.36.010 or 16.36.020. No animal or products of such animals will be removed from the premises while they are under quarantine except as provided in RCW 16.36.010 or 16.36.020.

[Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-010, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-010, filed 3/29/91, effective 4/29/91.]

WAC 16-80-015 Sale of quarantined animals. Swine from a pseudorabies quarantined herd cannot be offered for sale, except for immediate slaughter. Such swine can only be moved from the pseudorabies quarantined herd when accompanied by an official federal form VS1-27 completed and signed by a federal or state veterinarian.

[Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-015, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-015, filed 3/29/91, effective 4/29/91.]

WAC 16-80-020 Quarantine and release. Any herd of swine in which pseudorabies positive animals are found will be quarantined. The quarantine will be released when the entire quarantined herd has successfully completed Plan A (test and removal), Plan B (offspring segregation), Plan C (depopulation - repopulation), or any plan listed in Pseudorabies Eradication State-Federal-Industry Program Standards, APHIS Document 91-55-041, effective January 1, 1998. Plan C will be the plan of choice if the statewide herd infection rate is less than 0.1% of total number of state herds. The plan used will be determined by mutual agreement between the herd owner or his or her veterinarian designated by the owner and the state veterinarian.

[Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-020, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-020, filed 3/29/91, effective 4/29/91.]

WAC 16-80-025 Disinfecting premises. All barns, feed troughs, water tanks, feeding platforms, farrowing houses, and dry lots where a pseudorabies infected herd has been held must be thoroughly cleaned and disinfected within fifteen days after all infected swine have been removed. Recommended disinfectants are: Orthophenolphenate compounds, phenolic compounds, 2% sodium hydroxide, trisodium phosphate, chlorhexidine.

[Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-025, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-025, filed 3/29/91, effective 4/29/91.]

WAC 16-80-030 Disinfecting vehicles. When a vehicle is used to transport pseudorabies infected animals or pseudorabies exposed animals from a pseudorabies quarantined herd, the vehicle must be cleaned and disinfected immediately following the unloading of the last animal of each load. The destination of infected or exposed swine must be equipped with department approved facilities to clean and disinfect vehicles.

Written approval will be issued after inspection of the cleaning and disinfection of the vehicle. This approval must

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be obtained from a state or federal veterinarian or registered veterinary technician or from the director.

[Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-030, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-030, filed 3/29/91, effective 4/29/91.]

WAC 16-80-035 Indemnity for pseudorabies infected or exposed swine. The director may order the slaughter or destruction of any swine affected with or exposed to pseudorabies. The state veterinarian must approve the disposal methods of those swine destroyed. Subject to the availability of sufficient funds, the director may pay an indemnity for any swine ordered slaughtered or destroyed. When the indemnity is approved, the amount that will be paid is one hundred dollars for any sow past fifty days pregnant or with suckling piglets, fifty dollars for boars and open sows or sows less than fifty days pregnant, and fifty dollars for breeding gilts over two hundred fifty pounds live weight. An indemnity of up to seventy-five percent of appraised value of feeding stock will be paid when destroyed rather than slaughtered.

No indemnity will be paid if:

- (1) The statewide infection rate exceeds 0.1% of total swine herds in the state; or
- (2) The swine belong to the federal government or any of its agencies, this state or any of its political subdivisions or any municipal corporations; or
- (3) The swine were brought into this state within six months of being ordered slaughtered or destroyed.

[Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-035, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-035, filed 3/29/91, effective 4/29/91.]

WAC 16-80-040 Vaccination. No pseudorabies vaccine may be used in the state except when the use of an approved pseudorabies vaccine is specifically authorized in writing by the state veterinarian for use in a pseudorabies infected herd under pseudorabies eradication Plan A (test and removal). Only gene deleted vaccines with a corresponding specific laboratory test will be authorized.

[Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-040, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-040, filed 3/29/91, effective 4/29/91.]

WAC 16-80-045 Identification of swine. Boars and sows moving through livestock auction yards or collection facilities in intrastate commerce must be tagged with official identification. All swine moving in interstate commerce must be identified in compliance with federal regulation 9 CFR 71.19 a & b.

[Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-045, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-045, filed 3/29/91, effective 4/29/91.]

WAC 16-80-047 Mandatory reporting of suspected pseudorabies. Pseudorabies is a reportable disease under WAC 16-70-010 and must be reported to the department immediately by persons licensed to practice veterinary medicine in the state. Additionally, laboratories and swine producers must report to the director the existence or suspected existence of pseudorabies infection among swine within the state. This report will be immediately made by telephone or

fax on the day infection is diagnosed or suspected. Veterinarians, laboratories and swine producers are to make this report to the office of the state veterinarian.

[Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-047, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36-096. 91-08-027, § 16-80-047, filed 3/29/91, effective 4/29/91.]

Chapter 16-86 WAC

CATTLE AND BISON DISEASES IN WASHINGTON STATE

WAC

16-86-005	Definitions.
16-86-008	Forms used in this chapter.
BRUCELLOSIS	
16-86-013	Quarantine.
16-86-014	Adoption of United States Department of Agriculture Brucellosis Eradication Uniform Methods and Rules.
16-86-015	Change of ownership requirements for cattle and bison in Washington.
16-86-017	Grazing permits.
16-86-025	Official brucellosis vaccination.
16-86-026	Brucellosis testing requirements for raw milk dairies.
16-86-040	Brucellosis quarantine and release.
16-86-092	Indemnity for brucellosis affected or exposed cattle.
Q FEVER	
16-86-110	Q fever testing requirements for raw milk dairies.
TUBERCULOSIS	
16-86-120	Adoption of United States Department of Agriculture Bovine Tuberculosis Eradication Uniform Methods and Rules.
16-86-130	Cattle used in rodeo or timed events.
16-86-140	Tuberculosis testing requirements for raw milk dairies.
16-86-150	Tuberculosis quarantine and release.
16-86-160	Indemnity for tuberculosis affected or exposed cattle and bison.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-86-001	Promulgation. [Order 956, Promulgation, filed 8/31/64; Order 855, Promulgation, effective 7/19/61.] Repealed by Order 1171, filed 12/15/70. See WAC 16-86-002.
16-86-002	Promulgation. [Order 1171, § 16-86-002, filed 12/15/70. Formerly WAC 16-86-001.] Repealed by Order 1429, filed 2/9/76.
16-86-003	Promulgation. [Order 1429, § 16-86-003, filed 2/9/76.] Repealed by Order 1539, filed 10/17/77.
16-86-006	Department defined. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-006, filed 8/30/79.] Repealed by 84-08-037 (Order 1814), filed 3/30/84. Statutory Authority: Chapter 16.36 RCW.
16-86-007	Definition—Accredited veterinarian. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-007, filed 8/30/79.] Repealed by 84-08-037 (Order 1814), filed 3/30/84. Statutory Authority: Chapter 16.36 RCW.
16-86-009	Definition—Commercial dairy herd. [Order 1539, § 16-86-009, filed 10/17/77.] Repealed by 84-08-037 (Order 1814), filed 3/30/84. Statutory Authority: Chapter 16.36 RCW.
16-86-010	Definitions. [Order 1171, § 16-86-010, filed 12/15/70; Order 855, Regulation 1, effective 7/19/61.] Repealed by Order 1429, filed 2/9/76.
16-86-011	Definition—Official calfhood vaccination. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-01-072 (Order 1717), § 16-86-011, filed 12/17/80, effective 4/1/81; Order 1539, § 16-86-011, filed 10/17/77; Order 1429, § 16-86-011, filed 2/9/76.] Repealed by 84-08-037 (Order 1814), filed 3/30/84. Statutory Authority: Chapter 16.36 RCW.
16-86-012	Definition—Approved brucella vaccine. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076

16-86-020	Quarantine. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-020, filed 4/15/99, effective 5/16/99; Order 1539, § 16-86-020, filed 10/17/77; Order 1171, § 16-86-020, filed 12/15/70; Order 855, Regulation 2, effective 7/19/61.] Decodified and amended by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. Recodified as WAC 16-86-013.
16-86-030	Sale of quarantined animals. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-030, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-030, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 83-07-029 (Order 1791), § 16-86-030, filed 3/14/83; Order 1539, § 16-86-030, filed 10/17/77; Order 1171, § 16-86-030, filed 12/15/70; Order 855, Regulation 3, effective 7/19/61.] Repealed by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-86-050	Disinfecting premises. [Order 1539, § 16-86-050, filed 10/17/77; Order 1171, § 16-86-050, filed 12/15/70; Order 855, Regulation 5, effective 7/19/61.] Repealed by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-86-055	Disinfecting vehicles. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-055, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapters 16.36 and 16.40 RCW. 80-04-061 (Order 1681), § 16-86-055, filed 3/25/80.] Repealed by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-86-060	Sale of brucellosis reactors. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-060, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-01-071 (Order 1718), § 16-86-060, filed 12/17/80; Order 1539, § 16-86-060, filed 10/17/77; Order 1171, § 16-86-060, filed 12/15/70; Order 855, Regulation 6, effective 7/19/61.] Repealed by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-86-070	Sale of tuberculosis reactors. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-070, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36-060. 87-23-043 (Order 1958), § 16-86-070, filed 11/18/87; Order 1539, § 16-86-070, filed 10/17/77; Order 1171, § 16-86-070, filed 12/15/70; Order 855, Regulation 7, effective 7/19/61.] Repealed by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-86-080	Branding and tagging of tuberculosis reactors. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-080, filed 4/15/99, effective 5/16/99; Order 1171, § 16-86-080, filed 12/15/70; Order 855, Regulation 8, effective 7/19/61.] Repealed by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-86-090	Branding and tagging of brucellosis reactors. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-090, filed 4/15/99, effective 5/16/99; Order 1171, § 16-86-090, filed 12/15/70; Order 855, Regulation 9, effective 7/19/61.] Repealed by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-86-093	Indemnity for scrapie infected or exposed sheep or goats. [Statutory Authority: RCW 16.36.096 and 16.36.040. 90-10-045 (Order 2035), § 16-86-093, filed 4/30/90, effective 5/31/90.] Repealed by 99-09-025, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040.
16-86-095	Official brucellosis vaccination. [Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-095, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-095, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-095, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-10-049 (Order 1732), § 16-86-095, filed 5/1/81, effective 7/1/81; 79-09-076 (Order 1642), § 16-86-095, filed 8/30/79.] Decodified and amended by 08-01-094, filed 12/17/07, effective 1/17/08. Statutory Authority:

16-86-100 Chapters 16.36 and 34.05 RCW. Recodified as WAC 16-86-025.
Criminal penalty—Civil injunction. [Order 1171, § 16-86-100, filed 12/15/70; Order 855, Penalty and Injunction Clause, effective 7/19/61.] Repealed by 99-09-025, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040.

WAC 16-86-005 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States Department of Agriculture (USDA) Veterinary Services to participate in state-federal cooperative programs.

"Breed registry tattoo" means individual registry tattoos issued by breed associations.

"Brucellosis vaccine" means only those *Brucella abortus* products that are approved by and produced under license of the USDA for injection into cattle to enhance their resistance to brucellosis.

"Official calfhoo d vaccinate" means female cattle between four and twelve months of age that are vaccinated with brucellosis vaccine at a calfhoo d dose (2cc subcutaneously).

"Official identification" means identifying an animal or group of animals using devices or methods approved by the director, including, but not limited to, official tags, unique breed registry tattoos, and registered brands when accompanied by a certificate of inspection from a brand inspection authority who is recognized by the director.

"Official Washington mature vaccinate" means female cattle over the age of twelve months that are native to Washington state, or originate from other class free states or countries to be determined on a case-by-case investigation by the director, and vaccinated with a reduced dose of brucellosis vaccine (0.25cc subcutaneously) under directions issued by the director.

"Premises" means a location or physical address.

"Timed events" means competitive events that take place where time elapsed is the factor that determines the placing of individuals competing in the event.

"USDA" means the United States Department of Agriculture.

"Vaccination tattoo" means a tattoo in the right ear bearing the United States registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which the animal was vaccinated with strain 19 *Brucella* vaccine. For strain RB-51 calfhoo d vaccination, an R precedes the shield and V. In the case of strain RB-51 mature vaccination, an M precedes the shield and V. For strain RB-51 vaccinates, the last number of the tattoo corresponds to the last digit of the year in which vaccine was administered.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-005, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-005, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.040. 90-10-045 (Order 2035), § 16-86-005, filed 4/30/90, effective 5/31/90. Statutory Authority: RCW 16.36.040 and 16.36.050. 87-08-020 (Order 1917), § 16-86-005, filed 3/25/87. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-005, filed 3/30/84; Order 1539, § 16-86-005, filed 10/17/77.]

(2009 Ed.)

WAC 16-86-008 Forms used in this chapter. Forms used in this chapter may be obtained from the department at:

Animal Services Division
Washington State Department of Agriculture
1111 Washington St. S.E.
Olympia, WA 98504-2560
Phone: 360-902-1878.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-008, filed 12/17/07, effective 1/17/08.]

BRUCELLOSIS

WAC 16-86-013 Quarantine. Cattle or bison that are infected or suspected of being infected with an infectious or communicable disease after an official test will be quarantined as provided under RCW 16.36.010. If owners refuse to allow the department to test for diseases provided for in this chapter, all cattle or bison will be regarded as a menace to the health of livestock, and the premises on which they are kept will be immediately quarantined and no animals or products of these animals may be removed from the premises.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, amended and recodified as § 16-86-013, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-020, filed 4/15/99, effective 5/16/99; Order 1539, § 16-86-020, filed 10/17/77; Order 1171, § 16-86-020, filed 12/15/70; Order 855, Regulation 2, effective 7/19/61.]

WAC 16-86-014 Adoption of United States Department of Agriculture Brucellosis Eradication Uniform Methods and Rules. In addition to the rules adopted in this chapter, the Washington state department of agriculture adopts the procedures and methods of the *USDA Brucellosis Eradication Uniform Methods and Rules*, effective October 1, 2003. The department maintains a copy of this document for public inspection. You may also find the information on the internet at: www.aphis.usda.gov/animal_health/animal_diseases/brucellosis/downloads/umr_bovine_bruc.pdf.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-014, filed 12/17/07, effective 1/17/08.]

WAC 16-86-015 Change of ownership requirements for cattle and bison in Washington. (1) **Cattle.** All female cattle must be official calfhoo d or official Washington mature vaccinates and bear legible vaccination tattoos before being sold or introduced into any breeding herd in the state of Washington. This rule does not apply to the following:

- (a) Cattle sold or consigned to a restricted feedlot;
- (b) Cattle sold or consigned to a federally inspected slaughter plant;
- (c) Cattle sold or consigned to a public livestock market for immediate slaughter within three days of sale;
- (d) Spayed heifers;
- (e) Cattle sold to buyers in states or countries without brucellosis vaccination import requirements; and
- (f) Calves under four months of age.

(2) **Bison.** All bison, except calves under eight months of age at the side of their negative-tested mothers, are required to test negative for brucellosis upon change of ownership.

(3)(a) Under RCW 20.01.380, as cattle and bison move throughout the marketing system, livestock dealers are

required to retain cattle and bison identification to the herd of origin. Official identification devices provide permanent identification of livestock and ensure the ability to find the source of animal disease outbreaks.

(b) Removing an official animal health tag, or official animal identification tag, permanent mark, or other device is prohibited except at the time of slaughter.

(c) If an official identification device is lost and it is necessary to retag an animal, the new official number shall correlate, whenever possible, with the previous official number of the animal and shall be reported to the office of the state veterinarian.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-015, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-015, filed 4/15/99, effective 5/16/99; 97-01-067 (Order 6009), § 16-86-015, filed 12/16/96, effective 1/16/97. Statutory Authority: RCW 16.36.096 and 16.36.040. 94-05-008 (Order 5032), § 16-86-015, filed 2/3/94, effective 3/6/94; 92-21-023, § 16-86-015, filed 10/13/92, effective 11/13/92. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-015, filed 2/5/88; 87-08-020 (Order 1917), § 16-86-015, filed 3/25/87. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-015, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-06-002 (Order 1785), § 16-86-015, filed 2/17/83. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-14-078 (Order 1742), § 16-86-015, filed 7/1/81; 81-10-048 (Order 1731), § 16-86-015, filed 5/1/81; 79-09-076 (Order 1642), § 16-86-015, filed 8/30/79; 79-07-089 (Order 1634), § 16-86-015, filed 6/29/79; 78-12-053 (Order 1588), § 16-86-015, filed 11/29/78; Order 1539, § 16-86-015, filed 10/17/77.]

WAC 16-86-017 Grazing permits. (1) Washington herd owners desiring to move cattle interstate for grazing purposes and return to Washington shall request a permit for such movement from the animal health program of the department. The state to which the animals are to be moved for grazing must approve the movement. A separate permit must be obtained from the animal health program for the return of such cattle.

(2) Grazing permits will be issued only for movements to states that are class free or A for brucellosis and that share common borders with the state of Washington.

(3) Cattle moving interstate on grazing permits are generally exempt from interstate health certificate and testing requirements unless required by the state veterinarian in either state due to changing disease conditions.

(4) Cattle moving interstate on grazing permits must meet the brand or animal identification requirements of each state before interstate movement.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-017, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-017, filed 4/15/99, effective 5/16/99; Order 1539, § 16-86-017, filed 10/17/77.]

WAC 16-86-025 Official brucellosis vaccination. (1) An official vaccination report of all brucellosis vaccinations must be made to the department within thirty days of vaccination by the accredited veterinarian who performed the vaccination. The vaccination report must be made on an approved report form (USDA form number VS 4-26) issued by the department for the purpose of individually identifying the cattle and recording official brucellosis vaccinations.

(a) All vaccinations must be performed by a licensed accredited veterinarian or federal or state employed veterinarian and are not official until they are reported to the department.

(b) Veterinarians must record all vaccinations in a ledger that records the owner of the animal, tag numbers, and the date of vaccination. These records must be maintained for seven years.

(2) Official calfhood vaccinates must be:

(a) Permanently identified by official vaccination eartag (orange tag); and

(b) Vaccinated with 2cc subcutaneous RB-51 *Brucella* vaccine and permanently identified as vaccinates by a vaccination tattoo in the right ear. For strain RB-51 calfhood vaccination, the tattoo consists of an R, the United States registered V-shield, and the last digit of the year of vaccination.

(3) Official mature vaccinates (over twelve months of age) must have prevaccination blood samples for brucellosis submitted on USDA form number VS4-33 to the office of the state veterinarian. An official mature vaccinate must be:

(a) Vaccinated with 0.25cc subcutaneous RB-51 *Brucella* vaccine;

(b) Permanently identified by an official USDA identification (silver tag) and a USDA brucellosis vaccination tag (orange tag); and

(c) Permanently identified as a vaccinate by a vaccination tattoo in the right ear. For strain RB-51 mature vaccination, the tattoo consists of an M, the United States registered V-shield, and the last digit of the year of vaccination.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, amended and recodified as § 16-86-025, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-095, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-095, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-095, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-10-049 (Order 1732), § 16-86-095, filed 5/1/81, effective 7/1/81; 79-09-076 (Order 1642), § 16-86-095, filed 8/30/79.]

WAC 16-86-026 Brucellosis testing requirements for raw milk dairies. (1) All cattle whose raw milk or raw milk products are offered for sale must be from a herd that has tested negative to a serological test for brucellosis within the previous twelve months.

(2) Any additions to the herd must be serologically tested negative at the owner's expense for brucellosis within thirty days before introduction into the herd.

(3) Herds must be serologically tested negative at the owner's expense annually to maintain the dairy's raw milk license.

(4) The state veterinarian shall direct all testing procedures in accordance with state and federal standards for animal disease eradication.

(5) All raw milk and raw milk products from animals that test positive for brucellosis are prohibited from sale and must be destroyed.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-026, filed 12/17/07, effective 1/17/08.]

WAC 16-86-040 Brucellosis quarantine and release. (1) Any herd of cattle or bison in which brucellosis reactors are found will be quarantined. Positive or reactor classification shall be based on standards listed in *USDA Brucellosis Eradication Uniform Methods and Rules*, effective October 1, 2003.

(2) The quarantine will be released when the entire quarantined herd has passed two consecutive negative blood tests without reactors.

(a) The first test must be not less than thirty days following removal of all reactors from the herd. The second test must not be less than ninety days nor more than one year following the date of the previous test.

(b) Steers, spayed heifers, officially vaccinated dairy cattle under twenty months of age, and officially vaccinated beef animals under twenty-four months of age need not be tested.

(c) Adult vaccination for cattle may be used as a whole herd vaccination under the terms of a herd plan and based on the standards listed in *USDA Brucellosis Eradication Uniform Methods and Rules*, effective October 1, 2003.

(3) Cattle or bison that test positive to the brucellosis test must not be sold or offered for sale except for immediate slaughter.

(4) Quarantined cattle and bison may only be moved when accompanied by an official USDA form number VS1-27.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-040, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-040, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.38.060. 87-23-043 (Order 1958), § 16-86-040, filed 11/18/87; Order 1539, § 16-86-040, filed 10/17/77; Order 1171, § 16-86-040, filed 12/15/70; Order 855, Regulation 4, effective 7/19/61.]

WAC 16-86-092 Indemnity for brucellosis affected or exposed cattle. (1) As provided under RCW 16.36.090, the director may order the slaughter or destruction of any cattle affected with or exposed to brucellosis.

(2) Under RCW 16.36.096, subject to the availability of amounts appropriated for this specific purpose, owners, individuals, partnerships, corporations or other legal entities whose animals have been slaughtered or destroyed by order of the director may be eligible for indemnification in an amount not to exceed seventy-five percent of the appraised or salvage value of the animal ordered slaughtered or destroyed.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-092, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-092, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096. 86-08-055 (Order 1879), § 16-86-092, filed 3/28/86. Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-11-096 (Order 1660), § 16-86-092, filed 10/26/79.]

Q FEVER

WAC 16-86-110 Q fever testing requirements for raw milk dairies. (1) All cattle whose raw milk or raw milk products are offered for sale must be from a herd that has tested negative serologically for Q fever within the previous twelve months. Q fever is caused by the coccobacillus *Coxiella burnetii* and is highly infectious to humans.

(2) Any additions to the herd must be tested negative for Q fever at the owner's expense within thirty days before introduction into the herd.

(3) Herds must be tested negative annually at the owner's expense to maintain the dairy's raw milk license.

(4) The state veterinarian shall direct all testing procedures in accordance with state and federal standards for animal disease eradication.

(2009 Ed.)

(5) All raw milk and raw milk products from animals that test positive for Q fever are prohibited from sale and must be destroyed or pasteurized according to industry standards.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-110, filed 12/17/07, effective 1/17/08.]

TUBERCULOSIS

WAC 16-86-120 Adoption of United States Department of Agriculture Bovine Tuberculosis Eradication Uniform Methods and Rules. The Washington state department of agriculture adopts the *Procedures and Methods of the USDA Bovine Tuberculosis Eradication Uniform Methods and Rules*, effective January 1, 2005. The department maintains a copy of the *Bovine Tuberculosis Eradication Uniform Methods and Rules* for public inspection. You may also find the information on the internet at: www.aphis.usda.gov/animal_health/animal_diseases/tuberculosis/downloads/tb-umr.pdf.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-120, filed 12/17/07, effective 1/17/08.]

WAC 16-86-130 Cattle used in rodeo or timed events. All cattle used for rodeo or timed events must be accompanied by proof recorded on a tuberculosis test chart (USDA form number VS6-22) of a negative bovine tuberculosis test within twelve months of the event. Calves under six months old that were born and have continuously resided in the state of Washington and Washington origin timed event cattle that are not commingled with high-risk are excluded from this requirement.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-130, filed 12/17/07, effective 1/17/08.]

WAC 16-86-140 Tuberculosis testing requirements for raw milk dairies. (1) All cattle whose raw milk or raw milk products are offered for sale must be from a herd that has tested negative for tuberculosis within the previous twelve months.

(2) Any additions to the herd must be tested negative for tuberculosis at the owner's expense within thirty days before introduction into the herd.

(3) Herds must be tested negative annually at the owner's expense to maintain the dairy's raw milk license.

(4) The state veterinarian shall direct all testing procedures in accordance with state and federal standards for animal disease eradication.

(5) All raw milk and raw milk products from animals that test positive for tuberculosis are prohibited from sale and must be destroyed.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-140, filed 12/17/07, effective 1/17/08.]

WAC 16-86-150 Tuberculosis quarantine and release. (1) Any herd of cattle or bison in which tuberculosis reactors are found will be quarantined. The sale or removal of any animal out of a quarantined herd is prohibited except for removal for immediate slaughter.

(2) Herds in which no gross lesions reactors occur and in which no evidence of *Mycobacterium bovis* infection has

been disclosed may be released from quarantine after a sixty-day negative caudal fold tuberculosis retest of the entire herd.

Herds containing one or more suspects to the caudal fold tuberculosis test will be quarantined until the suspect animals are:

(a) Retested by the comparative-cervical tuberculosis test within ten days of the caudal fold injection; or

(b) Retested by the gamma interferon tuberculosis test and the tuberculosis status of the suspect has been determined; or

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

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

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

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-150, filed 12/17/07, effective 1/17/08.]

WAC 16-86-160 Indemnity for tuberculosis affected or exposed cattle and bison. (1) As provided under RCW 16.36.090, the director may order the slaughter or destruction of any cattle and bison affected with or exposed to tuberculosis.

(2) As provided for under RCW 16.36.096, subject to the availability of amounts appropriated for this specific purpose, owners, individuals, partnerships, corporations or other legal entities whose animals have been slaughtered or destroyed by order of the director may be eligible for indemnification in an amount not to exceed seventy-five percent of the appraised or salvage value of the animal ordered slaughtered or destroyed.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-094, § 16-86-160, filed 12/17/07, effective 1/17/08.]

Chapter 16-89 WAC

SHEEP AND GOAT DISEASES IN WASHINGTON STATE

WAC

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- 16-89-012 Quarantine.
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SCRAPIE

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- 16-89-150 Brucellosis testing for sheep and goat dairies.
- 16-89-160 Brucellosis quarantine and release.

Q FEVER

- 16-89-170 Q fever testing requirements for sheep and goat dairies.

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- 16-89-180 Tuberculosis testing for goat dairies.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-89-005 Purpose. [Statutory Authority: RCW 16.36.040. 02-24-042, § 16-89-005, filed 12/3/02, effective 1/3/03; 99-09-026, § 16-89-005, filed 4/15/99, effective 5/16/99.] Repealed by 08-13-100, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW.
- 16-89-020 Identification of blackface breeding stock. [Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-020, filed 4/15/99, effective 5/16/99.] Repealed by 02-24-042, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 16.36.040.
- 16-89-025 Recordkeeping. [Statutory Authority: RCW 16.36.040. 02-24-042, § 16-89-025, filed 12/3/02, effective 1/3/03.] Repealed by 08-13-100, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW.
- 16-89-030 Quarantine. [Statutory Authority: RCW 16.36.040. 02-24-042, § 16-89-030, filed 12/3/02, effective 1/3/03; 99-09-026, § 16-89-030, filed 4/15/99, effective 5/16/99.] Decodified and amended by 08-13-100, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. Recodified as WAC 16-89-012.
- 16-89-040 Restriction of exposed animals. [Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-040, filed 4/15/99, effective 5/16/99.] Repealed by 08-13-100, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW.
- 16-89-050 Scrapie source flocks. [Statutory Authority: RCW 16.36.040. 02-24-042, § 16-89-050, filed 12/3/02, effective 1/3/03; 99-09-026, § 16-89-050, filed 4/15/99, effective 5/16/99.] Repealed by 08-13-100, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW.
- 16-89-060 Movement and disposition of restricted animals. [Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-060, filed 4/15/99, effective 5/16/99.] Repealed by 08-13-100, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW.
- 16-89-070 Importation of exposed, suspect and high risk animals. [Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-070, filed 4/15/99, effective 5/16/99.] Repealed by 08-13-100, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW.
- 16-89-080 Reporting scrapie. [Statutory Authority: RCW 16.36.-040. 99-09-026, § 16-89-080, filed 4/15/99, effective 5/16/99.] Repealed by 08-13-100, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW.
- 16-89-100 Indemnification. [Statutory Authority: RCW 16.36.-040. 02-24-042, § 16-89-100, filed 12/3/02, effective 1/3/03; 99-09-026, § 16-89-100, filed 4/15/99, effective 5/16/99.] Decodified and amended by 08-13-100, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. Recodified as WAC 16-89-013.
- 16-89-110 Cleaning and disinfection. [Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-110, filed 4/15/99, effective 5/16/99.] Repealed by 08-13-100, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW.

WAC 16-89-010 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"APHIS" means the United States Department of Agriculture, Animal and Plant Health Inspection Service.

"Department" means the Washington state department of agriculture.

"Director" means the director of agriculture or the director's authorized representative.

"Flock" means a number of animals of sheep or goat species that are kept, fed and herded together, and have single or multiple ownership. The term "flock" is interchangeable with the term "herd" and applies to purebred and commercial sheep and goats.

"High risk animal" means any female genetically susceptible exposed animal. The female offspring of a scrapie-positive female animal or any female genetically less susceptible exposed animal that the designated scrapie epidemiologist (with the concurrence of the USDA area veterinarian in charge, state veterinarian, regional scrapie epidemiologist, and National Scrapie Program coordinator) determines to be a potential risk based on the epidemiology of the flock, including genetics of the positive sheep, the prevalence of scrapie in the flock, any history of recurrent infection, or other characteristics.

"Official identification" means an identification mark or device approved by APHIS for use in the scrapie eradication program. Examples include, but are not limited to, electronic devices, official ear tags, and legible official registry tattoos.

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

"Scrapie exposed animal" means any animal that has been in the same flock at the same time within the previous sixty months as a scrapie positive animal, excluding limited contacts, as identified in the *Scrapie Eradication Uniform Methods and Rules*, effective June 1, 2005.

"Scrapie Flock Certification Program" means a national voluntary program for classification of flocks relative to scrapie.

"USDA" means the United States Department of Agriculture.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-100, § 16-89-010, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. 02-24-042, § 16-89-010, filed 12/3/02, effective 1/3/03; 99-09-026, § 16-89-010, filed 4/15/99, effective 5/16/99.]

WAC 16-89-012 Quarantine. Sheep or goats that are infected or suspected of being infected with an infectious or communicable disease after a positive official test, or other probable cause as determined by the director, will be quarantined as provided under RCW 16.36.010. If owners refuse to allow the department to test for diseases provided for in this chapter, all sheep and goats on the premises will be regarded as a menace to the health of livestock, and the premises on which they are kept will be immediately quarantined and no animals or products of these animals may be removed from the premises.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-100, amended and recodified as § 16-89-012, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. 02-24-042, § 16-89-030, filed 12/3/02, effective 1/3/03; 99-09-026, § 16-89-030, filed 4/15/99, effective 5/16/99.]

WAC 16-89-013 Indemnification. (1) As provided for under RCW 16.36.096, subject to the availability of amounts appropriated for this specific purpose, owners, individuals, partnerships, corporations or other legal entities whose animals have been slaughtered or destroyed by order of the director may be eligible for indemnification in an amount not

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to exceed seventy-five percent of the appraised or salvage value of the animal ordered slaughtered or destroyed.

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

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-100, amended and recodified as § 16-89-013, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. 02-24-042, § 16-89-100, filed 12/3/02, effective 1/3/03; 99-09-026, § 16-89-100, filed 4/15/99, effective 5/16/99.]

SCRAPIE

WAC 16-89-015 Scrapie program standards. (1) In addition to the rules adopted in this chapter, the Washington state department of agriculture adopts the procedures and methods of the *Scrapie Eradication Uniform Methods and Rules*, effective June 1, 2005, and Control of Scrapie, Title 9, Code of Federal Regulations, Part 54 and Scrapie in Sheep and Goats, Part 79 as revised January 1, 2006. Copies of these documents are on file at the Washington Department of Agriculture, Animal Services Division, 1111 Washington Street, Olympia, Washington 98504 and are available for public inspection.

(2) The *Scrapie Eradication Uniform Methods and Rules* may be found on the internet at: http://www.aphis.usda.gov/animal_health/animal_diseases/scrapie/downloads/umr_animal_health.pdf.

(3) Title 9 CFR, Parts 54 and 79 may be found on the internet at: http://www.access.gpo.gov/nara/cfr/waisidx_06/9cfrv1_06.html.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-100, § 16-89-015, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. 02-24-042, § 16-89-015, filed 12/3/02, effective 1/3/03; 99-09-026, § 16-89-015, filed 4/15/99, effective 5/16/99.]

WAC 16-89-022 Scrapie identification of sheep and goats. (1) All sheep that are placed into commerce must have official scrapie program identification.

(2) All goats that are commingled with or exposed to sheep must have official scrapie program identification.

Exemptions

(3) Official scrapie program identification is not required for:

(a) Sheep or goats less than eighteen months of age that are moving directly to a slaughter facility or to an approved terminal feedlot;

(b) Wether goats and low-risk commercial goats (goats that are not registered or exhibited; goats that are not used for milk production; and goats that have not commingled with or have not been exposed to high-risk animals);

(c) Sheep or goats that do not enter commerce and never leave their premises of origin;

(d) Sheep or goats moved for grazing or other management purposes without change of ownership.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-100, § 16-89-022, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. 02-24-042, § 16-89-022, filed 12/3/02, effective 1/3/03.]

WAC 16-89-090 Destruction and disposal of scrapie infected animals or flocks. (1) As provided for under RCW 16.36.090, the director may order the slaughter or destruction of animals or flocks determined by the director or representatives of USDA to be infected with scrapie.

(2) The disposal of condemned scrapie infected animals and flocks will be under the direction of the director and the means of disposal will be other than by offering for human or animal consumption.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-100, § 16-89-090, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. 99-09-026, § 16-89-090, filed 4/15/99, effective 5/16/99.]

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

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

BRUCELLOSIS

WAC 16-89-150 Brucellosis testing for sheep and goat dairies. (1) All sheep and goats whose raw milk or raw milk products are offered for sale must be from a flock or herd that is negative to a serological test for brucellosis within the previous twelve months. Any additions to the flock or herd must be tested negative for brucellosis within thirty days before introduction into the flock or herd.

(2) All raw milk and raw milk products from animals that test positive for brucellosis are prohibited from sale and must be destroyed.

(3) All sheep and goats whose raw milk or raw milk products are offered for sale must have official identification.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-100, § 16-89-150, filed 6/18/08, effective 7/19/08.]

WAC 16-89-160 Brucellosis quarantine and release.

(1) Any herd of goats in which brucellosis reactors are found will be quarantined. Positive or reactor classification shall be based on standards listed in USDA Brucellosis Eradication Uniform Methods and Rules, effective October 1, 2003. The department maintains a copy of this document for public inspection. You may also find the information on the internet at: www.aphis.usda.gov/animal_health/animal_diseases/brucellosis/downloads/umr_bovine_bruc.pdf.

(2) The quarantine will be released when the entire quarantined herd has passed two consecutive negative blood tests without reactors. The first test must be not less than thirty days following removal of all reactors from the herd. The second test must not be less than ninety days nor more than one year following the date of the previous test.

(3) Goats that test positive to the brucellosis test must not be sold or offered for sale except for immediate slaughter.

(4) Quarantined goats may only be moved when accompanied by an official USDA form number VS1-27.

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[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-100, § 16-89-160, filed 6/18/08, effective 7/19/08.]

Q FEVER

WAC 16-89-170 Q fever testing requirements for sheep and goat dairies. (1) All sheep and goats whose raw milk or raw milk products are offered for sale must be from a herd that has tested negative for Q fever within the previous twelve months. Q fever is caused by the coccobacillus *Coxiella burnetii* and is highly infectious to humans.

(a) Any additions to the herd must be tested negative for Q fever within thirty days before introduction into the herd.

(b) Herds must be tested negative annually to maintain the dairy's raw milk license.

(c) The state veterinarian shall direct all testing procedures in accordance with state and federal standards for animal disease eradication.

(d) All raw milk and raw milk products from animals that test positive for Q fever are prohibited from sale and must be destroyed or pasteurized.

(2) All sheep and goats whose raw milk or raw milk products are offered for sale must have official identification.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-100, § 16-89-170, filed 6/18/08, effective 7/19/08.]

TUBERCULOSIS

WAC 16-89-180 Tuberculosis testing for goat dairies. (1) All goats whose raw milk or raw milk products are offered for sale must be from a herd that has tested negative for tuberculosis within the previous twelve months. Any additions to the herd must be tested negative for tuberculosis within sixty days before introduction into the herd.

(2) All raw milk and raw milk products from animals that test positive for tuberculosis are prohibited from sale and must be destroyed.

(3) All goats whose raw milk or raw milk products are offered for sale must have official identification.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-100, § 16-89-180, filed 6/18/08, effective 7/19/08.]

WAC 16-89-190 Tuberculosis quarantine and release. (1) Any herd of goats in which tuberculosis reactors are found will be quarantined. The sale or removal of any animal out of a quarantined herd is prohibited except for removal for immediate slaughter.

(2) Herds in which no gross lesions reactors occur and in which no evidence of *Mycobacterium bovis* infection has been disclosed may be released from quarantine after a sixty-day negative caudal fold tuberculosis retest of the entire herd. Herds containing one or more suspects to the caudal fold tuberculosis test will be quarantined until the suspect animals are:

(a) Retested by the comparative-cervical tuberculosis test within ten days of the caudal fold injection; or

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

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

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

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-13-100, § 16-89-190, filed 6/18/08, effective 7/19/08.]

Chapter 16-101 WAC

WASHINGTON STATE MILK AND MILK PRODUCTS STANDARDS

WAC

16-101-701	Standards for the production of milk and milk products.
16-101-716	Procedures for certification of interstate milk shippers.
16-101-721	Methods for making sanitation ratings of milk shippers.
16-101-726	Standard for the accrediting of milk laboratories.
16-101-731	Availability of the publications adopted by the department in this chapter.
16-101-800	Raw milk warning labels.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-101-001	Promulgation. [Order 1132, § 16-101-001, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-010	Milk. [Order 1132, § 16-101-010, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-020	Goat milk. [Order 1132, § 16-101-020, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-030	Cream or coffee cream. [Order 1132, § 16-101-030, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-040	Whipping cream. [Order 1132, § 16-101-040, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-050	Whipped cream. [Order 1132, § 16-101-050, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-060	Whipped coffee cream. [Order 1132, § 16-101-060, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-070	Sour cream or cultured sour cream. [Order 1132, § 16-101-070, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-080	Half-and-half. [Order 1132, § 16-101-080, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-090	Sour half-and-half or cultured half-and-half. [Order 1132, § 16-101-090, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-100	Reconstituted or recombined milk and milk products. [Order 1132, § 16-101-100, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-110	Concentrated milk. [Order 1132, § 16-101-110, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-120	Concentrated milk products. [Order 1132, § 16-101-120, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-130	Nonfat milk. [Order 1132, § 16-101-130, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-140	Skim milk. [Order 1132, § 16-101-140, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-150	Lowfat milk. [Order 1132, § 16-101-150, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-160	Vitamin D milk and milk products. [Order 1132, § 16-101-160, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-170	Fortified milk and milk products. [Order 1132, § 16-101-170, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-180	Homogenized milk. [Order 1132, § 16-101-180, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-190	Flavored milk or milk products. [Order 1132, § 16-101-190, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-200	Buttermilk. [Order 1132, § 16-101-200, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-210	Cultured buttermilk. [Order 1132, § 16-101-210, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-220	Cultured milk or cultured whole milk buttermilk. [Order 1132, § 16-101-220, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-230	Eggnog. [Order 1132, § 16-101-230, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-240	Eggnog flavored milk. [Order 1132, § 16-101-240, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-250	Yogurt. [Order 1132, § 16-101-250, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-260	Low fat yogurt. [Order 1132, § 16-101-260, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-270	Nonfat yogurt. [Order 1132, § 16-101-270, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-280	Milk products. [Order 1132, § 16-101-280, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-290	Grade A dry milk products. [Order 1132, § 16-101-290, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-300	Optional ingredients. [Order 1132, § 16-101-300, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-310	Misbranded milk and milk products. [Order 1132, § 16-101-310, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-320	Pasteurization. [Order 1132, § 16-101-320, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-330	Fluid milk products. [Order 1132, § 16-101-330, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-400	Promulgation. [Order 1401, § 16-101-400, filed 6/19/75 and 6/20/75.] Repealed by 80-06-125 (Order 1706), filed 6/2/80. Statutory Authority: Chapter 15.36 RCW.
16-101-410	Milk. [Order 1401, § 16-101-410, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
16-101-420	Pasteurized milk. [Order 1401, § 16-101-420, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
16-101-430	Homogenized milk. [Order 1401, § 16-101-430, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
16-101-440	Vitamin D milk. [Order 1401, § 16-101-440, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
16-101-450	Vitamin A milk. [Order 1401, § 16-101-450, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
16-101-455	Multivitamin fortified or multimineral fortified milk or milk products. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 87-12-026 (Order 1931), § 16-101-455, filed 5/29/87.] Repealed by 96-18-108, filed

	9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.		96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
16-101-460	Vitamin A lowfat milk. [Order 1401, § 16-101-460, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-640	Eggnog flavored milk or eggnog. [Order 1401, § 16-101-640, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
16-101-465	Lowfat milk with calcium added. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 87-12-026 (Order 1931), § 16-101-465, filed 5/29/87.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-650	Optional ingredients. [Order 1401, § 16-101-650, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
16-101-470	Nonfat milk (skim milk). [Order 1401, § 16-101-470, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-660	Protein fortified fluid milk products. [Order 1401, § 16-101-660, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
16-101-475	Nonfat (skim) milk with calcium added. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 87-12-026 (Order 1931), § 16-101-475, filed 5/29/87.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-670	Acidified milk and milk products. [Order 1401, § 16-101-670, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
16-101-480	Vitamin A nonfat milk (skim milk). [Order 1401, § 16-101-480, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-680	Pasteurization. [Order 1401, § 16-101-680, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
16-101-490	Reconstituted or recombined milk or milk products. [Order 1401, § 16-101-490, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-690	Civil penalties—Substandard products. [Statutory Authority: Chapter 15.36 RCW. 87-08-038 (Order 1920), § 16-101-690, filed 3/30/87, effective 7/1/87.] Repealed by 99-18-030, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-101-500	Evaporated milk. [Order 1401, § 16-101-500, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-700	Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products. [Statutory Authority: RCW 15.36.021(3). 00-21-012, § 16-101-700, filed 10/6/00, effective 11/6/00; 96-22-058, § 16-101-700, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.36.540 and [15.36.1550. 93-24-093 (Order 5021), § 16-101-700, filed 11/30/93, effective 12/31/93. Statutory Authority: Chapter 15.36 RCW. 80-06-125 (Order 1706), § 16-101-700, filed 6/2/80.] Repealed by 08-24-073, filed 12/1/08, effective 1/1/09. Statutory Authority: RCW 15.36.21 [15.36.021] and chapter 15.36 RCW.
16-101-510	Concentrated milk and concentrated milk products. [Order 1401, § 16-101-510, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-705	Adoption of the dry milk ordinance as the standard for production of condensed and dry milk products and condensed and dry whey. [Statutory Authority: RCW 15.36.021(3). 96-22-059, § 16-101-705, filed 11/4/96, effective 12/5/96.] Repealed by 08-24-073, filed 12/1/08, effective 1/1/09. Statutory Authority: RCW 15.36.21 [15.36.021] and chapter 15.36 RCW.
16-101-520	Half-and-half. [Order 1401, § 16-101-520, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-710	Suspension of Grade A permit. [Statutory Authority: Chapter 15.36 RCW. 80-06-125 (Order 1706), § 16-101-710, filed 6/2/80.] Repealed by 84-18-055 (Order 1840), filed 9/5/84. Statutory Authority: Chapter 15.36 RCW.
16-101-530	Cream or whipped light cream. [Order 1401, § 16-101-530, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-711	Adoption of the standards for the fabrication of single-service containers and closures for milk and milk products. [Statutory Authority: RCW 15.36.021(3). 96-22-059, § 16-101-711, filed 11/4/96, effective 12/5/96.] Repealed by 08-24-073, filed 12/1/08, effective 1/1/09. Statutory Authority: RCW 15.36.21 [15.36.021] and chapter 15.36 RCW.
16-101-540	Whipping cream or whipped cream. [Order 1401, § 16-101-540, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-715	Aseptically processed milk and milk products. [Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-715, filed 6/28/82.] Repealed by 96-22-059, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.36.021(3).
16-101-550	Buttermilk or cultured buttermilk. [Order 1401, § 16-101-550, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-720	Aseptic processing. [Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-720, filed 6/28/82.] Repealed by 96-22-059, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.36.021(3).
16-101-560	Sour cream or cultured sour cream. [Order 1401, § 16-101-560, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-725	Labeling. [Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-725, filed 6/28/82.] Repealed by 96-22-059, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.36.021(3).
16-101-570	Sour half-and-half or cultured half-and-half. [Statutory Authority: Chapter 15.32 RCW. 87-09-033 (Order 1925), § 16-101-570, filed 4/10/87; Order 1401, § 16-101-570, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-730	Aseptically processed milk—Suspension of Grade A permit. [Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-730, filed 6/28/82.] Repealed by 96-22-059, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.36.021(3).
16-101-580	Yogurt. [Order 1401, § 16-101-580, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-735	Processing. [Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-735, filed 6/28/82.] Repealed by 96-22-059, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.36.021(3).
16-101-590	Chocolate milk. [Order 1401, § 16-101-590, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.	16-101-740	Sanitation requirements. [Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-740, filed 6/28/82.] Repealed by 96-22-059, filed 11/4/96,
16-101-600	Chocolate lowfat milk or chocolate nonfat milk. [Order 1401, § 16-101-600, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.		
16-101-610	Flavored milk. [Order 1401, § 16-101-610, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.		
16-101-620	Flavored lowfat milk. [Order 1401, § 16-101-620, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.		
16-101-630	Flavored nonfat milk (flavored skim milk). [Order 1401, § 16-101-630, filed 6/19/75 and 6/20/75.] Repealed by		

effective 12/5/96. Statutory Authority: RCW 15.36-021(3).

16-101-990

Where can publications adopted by WSDA under this chapter be obtained? [Statutory Authority: RCW 15.36.021(3). 00-21-012, § 16-101-990, filed 10/6/00, effective 11/6/00; 96-22-059, § 16-101-990, filed 11/4/96, effective 12/5/96.] Repealed by 08-24-073, filed 12/1/08, effective 1/1/09. Statutory Authority: RCW 15.36.21 [15.36.021] and chapter 15.36 RCW.

WAC 16-101-701 Standards for the production of milk and milk products. (1) With the exception of the portions identified in subsection (2) of this section, the department adopts the Grade "A" Pasteurized Milk Ordinance, 2007 Revision, United States Public Health Service/Food and Drug Administration, as additional Washington state standards for the production of milk and milk products including Grade A condensed and dry milk products and condensed and dry whey products under chapter 15.36 RCW.

(2) The department does not adopt the following portions of the Grade "A" Pasteurized Milk Ordinance, 2007 Revision:

(a) Grade "A" Pasteurized Milk Ordinance - 2007 Revision.

PMO Page No.	Excepted Portion
Pages 11-12	<ul style="list-style-type: none"> Section 3, Permits, paragraph 4, which begins with "The regulatory agency shall suspend..." Section 3, Permits, paragraph 5, which begins with "Upon notification..."
Page 28	<p>Section of Table 1 entitled "GRADE "A" RAW MILK AND MILK PRODUCTS FOR PASTEURIZATION, ULTRA-PASTEURIZATION OR ASEPTIC PROCESSING"</p> <ul style="list-style-type: none"> "Temperature: Cooled to 10°C (50°F) or less within four (4) hours or less of the commencement of the first milking and to 7°C (45°F) or less within two hours after the completion of milking. Provided that the blend temperature after the first milking and subsequent milkings does not exceed 10°C (50°F)." Note: Milk sample submitted for testing cooled and maintained at 0°C (32°F) to 4.4°C (40°F), but <7.0°C (45°F) and less than three (3) hours after collection has not increased in temperature; Under Bacterial Limits, only the sentence..."Individual producer milk not to exceed 100,000 per mL prior to commingling with other producer milk."

(b) Standards for Grade "A" Raw Milk for Pasteurization, Ultra-pasteurization or Aseptic Processing.

(2009 Ed.)

PMO Page No.	Excepted Portion
Page 51	Item 18r. "Raw Milk Cooling" paragraph 1, which begins with "Raw milk for pasteurization shall be cooled..."
Pages 51-52	Item 18r. "Administrative Procedures", paragraph 1 only

(c) Standards for Grade "A" Pasteurized, Ultra-pasteurized and Aseptically Processed Milk and Milk Products.

PMO Page No.	Excepted Portion
Page 111	Item 18p. "Bottling, Packaging and Container Filling", under Public Health Reason, first sentence only which begins with "Manual bottling, packaging, and container filling..."
Page 111	Item 18p. "Administrative Procedures", item number 2 only.
Page 113	Item 19p. "Capping, container closure and sealing and Dry Milk Product Storage", Administrative Procedures, item number 1 only.
Page 125	Sections 15 (Enforcement), 16 (Penalty), and 17 (Repeal and Date of Effect)

(d) Appendix E: Examples of 3-out-of-5 Compliance Enforcement Procedures.

PMO Page No.	Excepted Portion
Pages 198-199	All of Appendix E

[Statutory Authority: RCW 15.36.21 [15.36.021] and chapter 15.36 RCW. 08-24-073, § 16-101-701, filed 12/1/08, effective 1/1/09.]

WAC 16-101-716 Procedures for certification of interstate milk shippers. The department adopts the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments 2007 Revision as Washington state procedures for the certification of interstate milk shippers.

[Statutory Authority: RCW 15.36.21 [15.36.021] and chapter 15.36 RCW. 08-24-073, § 16-101-716, filed 12/1/08, effective 1/1/09. Statutory Authority: RCW 15.36.021(3). 00-21-012, § 16-101-716, filed 10/6/00, effective 11/6/00; 96-22-059, § 16-101-716, filed 11/4/96, effective 12/5/96.]

WAC 16-101-721 Methods for making sanitation ratings of milk shippers. The department adopts the Methods of Making Sanitation Ratings of Milk Shippers 2007 Revision, United States Health and Human Services Public Health Service/Food and Drug Administration as Washington state methods for ratings of interstate milk shippers.

[Statutory Authority: RCW 15.36.21 [15.36.021] and chapter 15.36 RCW. 08-24-073, § 16-101-721, filed 12/1/08, effective 1/1/09. Statutory Authority: RCW 15.36.021(3). 00-21-012, § 16-101-721, filed 10/6/00, effective 11/6/00; 96-22-059, § 16-101-721, filed 11/4/96, effective 12/5/96.]

WAC 16-101-726 Standard for the accrediting of milk laboratories. The department adopts the Evaluation of Milk Laboratories 2005 Revision United States Health and Human Services Public Health Service/Food and Drug Administration as the Washington state standard for accrediting milk laboratories and certified industry supervisors who

request certification and approval for uniform collection and testing required for compliance with the Grade "A" Pasteurized Milk Ordinance.

[Statutory Authority: RCW 15.36.21 [15.36.021] and chapter 15.36 RCW. 08-24-073, § 16-101-726, filed 12/1/08, effective 1/1/09. Statutory Authority: RCW 15.36.021(3), 96-22-059, § 16-101-726, filed 11/4/96, effective 12/5/96.]

WAC 16-101-731 Availability of the publications adopted by the department in this chapter. (1) The Grade "A" Pasteurized Milk Ordinance, 2007 Revision, United States Public Health Service/Food and Drug Administration, can be purchased from the Superintendent of Documents, U.S. Printing Office, Washington, D.C.

(2) The following publications can be obtained by writing the Center for Food Safety and Applied Nutrition, Director, Office of Constituent Operations, Industry Activities Staff, HFS-S65 200 "C" Street, S.W., Washington, D.C. 20204:

- The Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 2007 Revision.
- The Methods of Making Sanitation Ratings of Milk Shippers, 2007 Revision, United States Department of Health and Human Services Public Health Services/Food and Drug Administration.
- The Evaluation of Milk Laboratories, 2005 Revision, United States Department of Health and Human Services Public Health Service/Food and Drug Administration.

[Statutory Authority: RCW 15.36.21 [15.36.021] and chapter 15.36 RCW. 08-24-073, § 16-101-731, filed 12/1/08, effective 1/1/09.]

WAC 16-101-800 Raw milk warning labels. (1) **What authority does the department have to require warning labels on retail raw milk containers?** This rule is being promulgated under authority of RCW 15.36.021(1) and 69.04.398(3).

(2) **To what does this rule apply?** The labeling requirements in this rule apply to containers of raw milk intended for sale to consumers in the state of Washington.

(3) **Why is the Washington state department of agriculture adopting warning label requirements for retail raw milk sales?** The department is adopting this rule to inform consumers about possible harm that may occur from consuming raw milk that contains harmful microorganisms.

(4) **What purpose will this rule serve?** The purpose of this rule is to warn purchasers about known hazards associated with the consumption of raw milk so that they may make informed choices about buying these products.

(5) **What warning label must be on raw milk containers?** The raw milk container must bear the following labeling: **WARNING:** *This product has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of harm from use of this product.*

(6) **What are the specific requirements for warning labels on raw milk?** The raw milk warning labels must meet the following requirements:

(a) The warning label type size must be consistent with the type size of other required labeling, but not less than one-sixteenth inch in height.

(b) The warning label must be conspicuous and in contrasting color from other labeling.

(c) The warning label must be prominently displayed on the container's principal display panel.

(d) The warning label must be clearly readable.

[Statutory Authority: RCW 15.36.021(1) and 69.04.398(3), 97-19-045, § 16-101-800, filed 9/11/97, effective 10/12/97.]

**Chapter 16-101X WAC
DEGRADES, LICENSE SUSPENSIONS AND
REVOCATIONS FOR DAIRY PRODUCERS AND
PROCESSORS**

WAC

- 16-101X-010 Under what circumstances will the director degrade a dairy farm operation or a milk processing plant operation?
- 16-101X-020 How is the length of a degrade of a producer or a milk processing plant determined?
- 16-101X-030 How is the debit point value of each violation determined?
- 16-101X-040 How can a degraded dairy farm or milk processing plant operation be regraded?
- 16-101X-050 Under what circumstances may the director initiate revocation action against the grade A license of a producer or processor?

WAC 16-101X-010 Under what circumstances will the director degrade a dairy farm operation or a milk processing plant operation? (1) The director shall call for a degrade of a dairy farm operation of a producer or a Grade A milk processing plant operation for one or more repeat violations of chapter 15.36 RCW, or rules adopted thereunder, which are noted on consecutive inspections as provided in RCW 15.36.111.

(2) For purposes of this chapter, "degrade" means the lowering in grade from Grade A to Grade C.

[Statutory Authority: RCW 15.36.021, 96-24-058 (Order 6006), § 16-101X-010, filed 11/27/96, effective 12/28/96.]

WAC 16-101X-020 How is the length of a degrade of a producer or a milk processing plant determined? The length of a degrade of a dairy farm operation or a grade A milk processing plant operation shall be based on the total number of debit points awarded to repeat violations as provided in WAC 16-101X-030 or until the director determines the violations that caused the degrade are corrected, which ever is longer. The schedule for determining a degrade period is as follows.

TOTAL DEBIT POINTS	DEGRADE PERIOD
1-10	2 Days
11-15	4 Days
16-20	6 Days
21-30	8 Days
31-40	10 Days
41-50	12 Days
51 or more	14 Days

[Statutory Authority: RCW 15.36.021, 96-24-058 (Order 6006), § 16-101X-020, filed 11/27/96, effective 12/28/96.]

WAC 16-101X-030 How is the debit point value of each violation determined? (1) The debit point for each violation, as shown in the table below, is the same as the debit points awarded to dairy farms or milk processing plants during state surveys and federal check ratings as determined in the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration.

(2) A copy of the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" may be obtained by request from the Washington State Department of Agriculture Food Safety Program, P.O. Box 42560, Olympia, Washington 98504-2560 (360-902-1875).

(3) DAIRY FARM SANITATION VIOLATION DEBIT POINT VALUES

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
ABNORMAL MILK		
1a	Cows secreting abnormal milk milked last or in SEPARATE equipment	5
1b	Abnormal milk properly handled and disposed of	5
1c	Proper care of abnormal milk handling equipment	5
MILKING PARLOR		
2a	Floors, gutters and feed troughs of concrete or of equally impervious materials; in good repair	1
2b	Walls and ceilings smooth, painted or finished adequately; in good repair; ceiling dust tight	1
2c	Separate stalls or pens for horses, calves and bulls	1
2d	Adequate natural and/or artificial light; well distributed	1
2e	Properly ventilated;	1
3a	Clean and free of litter	3
3b	No swine or fowl	3
4a	Cowyard graded to drain; no pooled water or wastes	3
4b	Cowyard clean; cattle housing areas and manure packs properly maintained	3
4c	No swine	3
4d	Manure stored inaccessible to cows	3
MILKHOUSE		
Floors		
5a	Smooth; concrete or other impervious material; in good repair	1
5b	Graded to drain	1
5c	Drains trapped, if connected to sanitary system	1
Walls and Ceilings		
5a	Approved material and finish	1
5b	Good repair (windows, doors and hoseport included)	1
Lighting and Ventilation		
5a	Adequate natural and/or artificial light; properly distributed	2

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
5b	Adequate ventilation	2
5c	Doors and windows closed during dusty weather	2
5d	Vents and lighting fixtures properly installed	2
Miscellaneous Requirements		
5a	Used for milkhouse operations only; sufficient size	2
5b	No direct opening into living quarters or barn; except as permitted by Ordinance	2
5c	Liquid wastes properly disposed of	2
5d	Proper hoseport where required	2
5e	Acceptable surface under hoseport	2
5f	Suitable shelter for transport truck as required by this Ordinance	2
Cleaning Facilities		
5a	Two-compartment wash and rinse vat of adequate size	2
5b	Suitable water heating facilities	2
5c	Water under pressure piped to milkhouse	2
Cleanliness		
6a	Floors, walls, windows, tables and similar nonproduct surfaces clean	4
6b	No trash, unnecessary articles, animals or fowl	4
Toilet		
7a	Provided; conveniently located	4
7b	Constructed and operated according to Ordinance	4
7c	No evidence of human wastes about premises	4
7d	Toilet room in compliance with Ordinance	4
Water Supply		
8a	Constructed and operated according to Ordinance	2 or 5
8b	Complies with bacteriological standards	5
8c	No connection between safe and unsafe supplies; no improper sub-merged inlets	5
UTENSILS AND EQUIPMENT		
9a	Smooth, impervious, nonabsorbent, safe materials; easily cleanable;	4
9b	In good repair; accessible for inspection;	4
9c	Approved single service articles; not reused	4
9d	Of proper design	4
9e	Approved CIP milk pipeline system	4
10a	Utensils and equipment clean	5
11a	All multiuse containers and equipment subjected to approved sanitization process	5
12a	All multiuse containers and equipment properly stored	2

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
12b	Stored to assure complete drainage where applicable	2
12c	Single-service articles properly stored	2
	MILKING	
13a	Milking done in barn, stable or parlor	5
13b	Brushing completed before milking begun	5
13c	Flanks, bellies, udders, and tails of cows clean at time of milking; clipped when required	5
13d	Teats treated with sanitizing solution and dried just prior to milking	5
13e	No wet hand milking	5
	TRANSFER AND PROTECTION OF MILK	
	Protection from Contamination	
14a	No overcrowding	3
14b	Product and CIP circuits separated	3
14c	Improperly handled milk discarded	3
14d	Immediate removal of milk	3
14e	Milk and equipment properly protected	3
14f	Sanitized milk surfaces not exposed to contamination	3
14g	Air under pressure of proper quality	3
	Drug and Chemical Control	
15a	Cleaners and sanitizers properly identified	2
15b	Drug administration equipment properly handled and stored	2
15c	Drugs properly labeled (name and address) and stored	2
15d	Drugs properly labeled (directions for use, cautionary statements, active ingredients)	7
15e	Drugs properly used and stored to preclude contamination of milk	7
	PERSONNEL	
	Handwashing Facilities	
16a	Proper handwashing facilities convenient to milking operations	2
16b	Wash and rinse vats not used as handwashing facilities	2
	Personnel Cleanliness	
17a	Hands washed clean and dried before milking, or performing milkhouse functions; rewashed when contaminated	1
17b	Clean outer garments worn	1
	COOLING	
18a	Milked cooled to 45°F or less within 2 hours after milking	5
18b	Recirculated cooling water from safe source and properly protected; complies with bacteriological standards	5
18c	Temperature recorder with 7 day chart	5*
	INSECTS AND RODENTS	
19a	Fly breeding minimized by approved manure disposal methods	3
19b	Manure packs properly maintained	3

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
19c	All milkhouse openings effectively screened or otherwise protected; doors tight and self-closing; screen doors open outward	2
19d	Milkhouse free of insects and rodents	2
19e	Approved pesticides; used properly	2
19f	Equipment and utensils not exposed to pesticide contamination	2
19g	Surrounding neat and clean; free of harborage and breeding areas	2
19h	Feed storage not attraction for birds, rodents or insects	2

* This is a requirement of chapter 16-125 WAC rated in accordance with cooling criteria in similar sections of the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" for dairy plants.

(4) MILK PROCESSING PLANT SANITATION VIOLATION DEBIT POINT VALUES

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
1	FLOORS	
1a	Smooth; impervious; no pools; good repair; trapped drains	1
2	WALLS AND CEILINGS	
2a	Smooth; washable; light-colored; good repair	1
3	DOORS AND WINDOWS	
3a	All outer openings effectively protected against entry of flies and rodents	2
3b	Outer doors self-closing; screen doors open outward	2
4	LIGHTING AND VENTILATION	
4a	Adequate in all rooms	1
4b	Well ventilated to preclude odors and condensation; filtered air with pressured systems	1
5	SEPARATE ROOMS	
5a	Separate rooms as required; adequate size	3
5b	No direct opening to barn or living quarters	3
5c	Storage tanks properly vented	3
6	TOILET FACILITIES	
6a	Complies with local ordinances	3
6b	No direct opening to processing rooms; self-closing doors	3
6c	Clean; well-lighted and ventilated; proper facilities	3
6d	Sewage and other liquid wastes disposed of in a sanitary manner	3
7	WATER SUPPLY	
7a	Constructed and operated in accordance with Ordinance	4
7b	No direct or indirect connection between safe and unsafe water	4

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
7c	Condensing water and vacuum water in compliance with Ordinance requirements	4
7d	Complies with bacteriological standards	4
8	HANDWASHING FACILITIES	
8a	Located and equipped as required; clean and in good repair; improper facilities not used	2
9	MILK PLANT CLEANLINESS	
9a	Neat; clean; no evidence of insects or rodents; trash properly handled	3
9b	No unnecessary equipment	3
10	SANITARY PIPING	
10a	Smooth; impervious; corrosion-resistant; nontoxic; easily cleanable materials; good repair; accessible for inspection	3
10b	Clean-in-place lines meet Ordinance specifications	3
10c	Pasteurized products conducted in sanitary piping, except as permitted by Ordinance	3
11	CONSTRUCTION AND REPAIR OF CONTAINERS AND EQUIPMENT	
11a	Smooth; impervious; corrosion-resistant; nontoxic; easily cleanable materials; good repair; accessible for inspection	3
11b	Self-draining; strainers of approved design	3
11c	Approved single-service articles; not reused	3
12	CLEANING AND SANITIZING OF CONTAINERS/EQUIPMENT	
12a	Containers, utensils and equipment effectively cleaned	5
12b	Mechanical cleaning requirements of Ordinance in compliance; records complete	5
12c	Approved sanitization process applied prior to the use of product-contact surfaces	5
12d	Required efficiency tests in compliance	5
12e	Multiple use plastic containers in compliance	5
12f	Aseptic system sterilized	5
13	STORAGE OF CLEANED CONTAINERS AND EQUIPMENT	
13a	Stored to assure drainage and protected from contamination	3
14	STORAGE OF SINGLE SERVICE ARTICLES	
14a	Received, stored and handled in a sanitary manner; paperboard containers not reused except as permitted by the Ordinance	2

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
15A	PROTECTION FROM CONTAMINATION	
15a	Operations conducted and located so as to preclude contamination of milk, milk products, ingredients, containers, equipment and utensils	3
15b	Air and steam used to process products in compliance with Ordinance	3
15c	Approved pesticides, safely used	3
15B	CROSS CONNECTIONS	
15a	No direct connections between pasteurized and raw milk or milk products.	5
15b	Overflow, spilled and leaked products or ingredients discarded	5
15c	No direct connections between milk or milk products and cleaning and/or sanitizing solutions	5
16A	PASTEURIZATION-BATCH	
(1)	INDICATING AND RECORDING THERMOMETERS	
16a	Comply with Ordinance specifications	4
(2)	TIME AND TEMPERATURE CONTROLS	
16a	Adequate agitation throughout holding; agitator sufficiently submerged	15
16b	Each pasteurizer equipped with indicating and recording thermometer; bulb submerged	15
16c	Recording thermometer reads no higher than indicating thermometer	15
16d	Product held minimum pasteurization temperature continuously for 30 minutes, plus filling time if product preheated before entering vat, plus emptying time, if cooling is begun after opening outlet	15
16e	No product added after holding begun	15
16f	Airspace above product held at not less than 5.0°F higher than minimum required pasteurization temperature during holding	15
16g	Approved airspace thermometer; bulb not less than 1 inch above product level	15
16h	Inlet and outlet valves and connections in compliance with Ordinance	15
16B	PASTEURIZATION-HIGH TEMPERATURE	
(1)	INDICATING AND RECORDING THERMOMETERS	
16a	Comply with Ordinance specifications	4
(2)	TIME AND TEMPERATURE CONTROLS	
16a	Flow diversion device complies with Ordinance requirements	15
16b	Recorder-controller complies with Ordinance requirements	15
16c	Holding tube complies with Ordinance requirements	15

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
16d	Flow promoting devices comply with Ordinance requirements	15
(3)	ADULTERATION CONTROLS	
16a	Satisfactory means to prevent adulteration with added water	3
16C	ASEPTIC PROCESSING	
(1)	INDICATING AND RECORDING THERMOMETERS	
16a	Comply with Ordinance specifications	4
(2)	TIME AND TEMPERATURE CONTROLS	
16a	Flow diversion device complies with Ordinance requirements	15
16b	Recorder-controller complies with Ordinance requirements	15
16c	Holding tube complies with Ordinance requirements	15
16d	Flow promoting devices comply with Ordinance requirements	15
(3)	ADULTERATION CONTROLS	
16a	Satisfactory means to prevent adulteration with added water	3
16D	REGENERATIVE HEATING	
16a	Pasteurized or aseptic product in regenerator automatically under greater pressure than raw product in regenerator at all times	10
16b	Accurate pressure gauges installed as required; booster pump properly identified and installed	10
16c	Regenerator pressures meet Ordinance requirements	10
16E	TEMPERATURE RECORDING CHARTS	
16a	Batch pasteurizer charts comply with applicable Ordinance requirements	4
16b	HTST pasteurizer charts comply with applicable Ordinance requirements	4
16c	Aseptic charts comply with applicable Ordinance requirements	4
17	COOLING OF MILK	
17a	Raw milk maintained at 45°F or less until processed	5
17b	Pasteurized milk and milk products, except those to be cultured, cooled immediately to 45°F or less in approved equipment; all milk and milk products stored thereat until delivered	5
17c	Approved thermometers properly located in all refrigeration rooms and storage tanks	5
17d	Recirculated cooling water from safe source and properly protected; complies with bacteriological standards	5
18	BOTTLING AND PACKAGING	
18a	Performed in plant where contents finally pasteurized	5
18b	Performed in sanitary manner by approved mechanical equipment	5

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
18c	Aseptic filling in compliance	5
19	CAPPING	
19a	Capping and/or closing performed in sanitary manner by approved mechanical equipment	5
19b	Imperfectly capped/closed products properly handled	5
19c	Caps and closures comply with Ordinance	5
20	PERSONNEL CLEANLINESS	
20a	Hands washed clean before performing plant functions; rewashed when contaminated	1
20b	Clean outer garments and hair covering worn	1
20c	No use of tobacco in processing areas	1
21	VEHICLES	
21a	Vehicles clean; constructed to protect milk	1
21b	No contaminating substances transported	1
22	SURROUNDINGS	
22a	Neat and clean; free of pooled water, harborages and breeding areas	2
22b	Tank unloading areas properly constructed	2
22c	Approved pesticides; used properly	2

[Statutory Authority: RCW 15.36.021. 96-24-059 (Order 6007), § 16-101X-030, filed 11/27/96, effective 12/28/96.]

WAC 16-101X-040 How can a degraded dairy farm or milk processing plant operation be regraded? A producer or processor subject to degrade action for repeat violations must apply on an application provided by the department to have his or her dairy farm or milk processing plant regraded. The application must be signed by the producer or processor and must state that all violations, both repeat violations and nonrepeat violations, cited on the inspection that caused the degrade have been corrected. Within seven days after receiving a completed application for regrade, the department will reinspect the dairy farm or milk processing plant. If the department determines that all violations, both repeat violations and nonrepeat violations, cited on the inspection that caused the degrade have been corrected and the degrade period as determined by the director has ended, the department will regrade the dairy farm or milk processing plant operation.

[Statutory Authority: RCW 15.36.021. 96-24-059 (Order 6007), § 16-101X-040, filed 11/27/96, effective 12/28/96.]

WAC 16-101X-050 Under what circumstances may the director initiate revocation action against the grade A license of a producer or processor? The director may initiate revocation proceedings against a dairy producer or milk processor whenever that producer or processor has had his or her milk processing plant operation or dairy farm operation degraded for repeated violations and/or had his or her Grade A producer's license or milk processing plant license sus-

pended and/or his or her milk degraded due to temperature violations, excessive coliform bacteria counts, total bacterial counts, or somatic cell counts, more than four times within a continuous three year period. A license may also be revoked as provided for in RCW 15.36.401 or 15.36.411.

[Statutory Authority: RCW 15.36.021, 96-24-058 (Order 6006), § 16-101X-050, filed 11/27/96, effective 12/28/96.]

Chapter 16-102 WAC BUTTERFAT TESTING OF MILK

WAC

16-102-001	Promulgation.
16-102-010	Sampling, preserving, and storing samples.
16-102-020	Calibration, operation, maintenance and cleaning of instrument.
16-102-030	Permanent records.

WAC 16-102-001 Promulgation. (This promulgation relates only to WAC 16-102-010, 16-102-020 and 16-102-030.)

I, Donald W. Moos, director of agriculture of the state of Washington, after public notice and hearing held at Olympia, Washington on February 26, 1970 by virtue of authority vested in me under chapters 34.04 and 15.32 RCW, do hereby promulgate the following regulations governing butterfat testing of milk by use of transmitted light.

[Order 1133, § 16-102-001, filed 3/16/70.]

WAC 16-102-010 Sampling, preserving, and storing samples. Sampling, preserving and storage of samples shall be the same as for Babcock testing with the following exceptions.

(1) Proportionate portions from each shipment of milk shall be added to the composite sample so that the completed composite sample will contain not less than 5 ounces.

(2) When each shipment of milk is tested on a fresh basis, there shall be at least 5 ounces of milk taken for sample.

(3) Potassium dichromate shall be used for composite samples. Other preservatives may only be used if approved by the director of agriculture specifically for this method of testing.

[Order 1133, § 16-102-010, filed 3/16/70.]

WAC 16-102-020 Calibration, operation, maintenance and cleaning of instrument. The instrument shall be operated, maintained and cleaned in the manner specified by the manufacturer of the instrument, and each manufacturer of instruments for use in this method of testing milk for butterfat shall satisfy the director of agriculture that their instructions are complete and by following them an accurate test for butterfat will result. Except as provided below, instrument calibrations and operation shall be conducted only by technicians licensed by the department of agriculture specifically for this method using procedures for calibration and procedure checks, as recommended in the official first action approval published in Vol. 52, No. 2, 1969 of the Journal of the Association of Official Analytical Chemists or in the latest edition of the Official Methods of Analysis of the Association of Official Analytical Chemists.

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(1) Samples used for calibration shall be prepared in the same manner as samples upon which producer payments are to be based. If composite samples are to be tested, the samples shall be preserved and stored in the same manner as the regular composites. If fresh samples are the basis for payment, then the samples shall be from fresh milk.

(2) Samples used for calibration shall include samples in (3%-4%) (4%-5%) (5%-6%) ranges.

(3) Temper all milk samples, whether fresh or composite to 98°-100°F. in thermostatically controlled water bath which is provided with an accurate thermometer: Provided, That a lower temperature which is proven to give accurate tests to the satisfaction of the director of agriculture may be used.

(4) When any sample differs in butterfat content by greater than 2.0 percentage points from the sample preceding it through the instrument, there shall be an immediate retest and the second test shall be the one recorded.

(5) Any dairy technician operating this instrument shall hold a license specifically for this method and shall also hold a Babcock testing license with the department of agriculture.

[Order 1133, § 16-102-020, filed 3/16/70.]

WAC 16-102-030 Permanent records. (1) A bound record book shall be provided for all permanent records.

(2) All calibration results and check tests for initial calibration or subsequent calibration shall be recorded in permanent record book.

(3) All tests for checking accuracy of calibration shall be recorded in permanent record book.

[Order 1133, § 16-102-030, filed 3/16/70.]

Chapter 16-103 WAC MILK PROCESSING ASSESSMENTS AND COLLECTIONS

WAC

16-103-001	Assessments.
16-103-002	Collections.
16-103-003	Penalties.
16-103-010	Purpose.
16-103-020	Milk processing plant license.

WAC 16-103-001 Assessments. (1) The assessment on all milk processed in this state shall be fifty-three and one-half hundredths of one cent per hundredweight.

(2) All assessments shall be levied on the operator of the first milk plant receiving the milk for processing. This includes milk plants producing their own milk for processing and milk plants that receive milk from other sources.

(3) All assessments shall be in addition to those collected under chapter 15.44 RCW and/or Title 142 WAC.

[Statutory Authority: RCW 15.36.105, 94-05-040 (Order 5028), § 16-103-001, filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 15.36.550, 92-20-056, § 16-103-001, filed 10/2/92, effective 11/2/92.]

WAC 16-103-002 Collections. Milk plant operators shall submit a report to the director on or before the twentieth day of each month with the preceding month's assessment. The report shall list the milk plant name and address, pounds of milk received at that plant including milk purchased or received from other sources, and the total amount of assess-

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ment on forms provided by the director. Provided, that entities having more than one milk plant may submit one assessment check for all milk plants and include separate reports for each milk plant.

[Statutory Authority: RCW 15.36.550. 92-20-056, § 16-103-002, filed 10/2/92, effective 11/2/92.]

WAC 16-103-003 Penalties. Any due and payable assessment not paid by the milk plant operator by the twentieth of the succeeding month shall be considered a lien on any property owned by him or her. All delinquent assessments shall be filed as liens quarterly by the director with the county auditor of any county in which property owned by the milk plant operator is located. All delinquent assessments shall be collected in the manner and with the same priority over other creditors as prescribed for the collection of delinquent taxes under chapters 84.60 and 84.64 RCW.

[Statutory Authority: RCW 15.36.550. 92-20-056, § 16-103-003, filed 10/2/92, effective 11/2/92.]

WAC 16-103-010 Purpose. These rules are promulgated under the authority of RCW 15.32.110 as recodified by chapter 143, Laws of 1994. The purpose of these rules is to establish a renewal date for the annual milk processing plant license.

[Statutory Authority: RCW 15.36.051. 94-19-011, (Order 5055), § 16-103-010, filed 9/9/94, effective 10/10/94.]

WAC 16-103-020 Milk processing plant license. The licensing period for milk processing plants shall begin on July 1 and run through the following June 30. All annual milk processing plant licenses shall expire on June 30 of each year.

[Statutory Authority: RCW 15.36.051. 94-19-011, (Order 5055), § 16-103-020, filed 9/9/94, effective 10/10/94.]

Chapter 16-104 WAC

SHELL EGGS—STANDARDS, GRADES AND WEIGHT CLASSES

WAC

- 16-104-130 Washington state standards for quality of individual shell eggs—Application.
- 16-104-140 Terms descriptive of the shell.
- 16-104-150 Terms descriptive of the air cell.
- 16-104-160 Terms descriptive of the white.
- 16-104-170 Terms descriptive of the yolk.
- 16-104-180 General terms.
- 16-104-190 General.
- 16-104-200 Grades.
- 16-104-210 Summary of grades.
- 16-104-220 Weight classes.
- 16-104-230 Minimum sample schedule—Egg samples.
- 16-104-310 Minimum facility and operating requirements for shell egg grading and packing plants.
- 16-104-320 Grading room requirements.
- 16-104-330 Cooler room requirements.
- 16-104-340 Shell egg protecting operations.
- 16-104-350 Shell egg cleaning operations.
- 16-104-360 Shipping containers, egg cartons, and packing materials.
- 16-104-370 Chemicals and compounds.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-104-001 Promulgation. [Order 936, Promulgation, filed 1/29/64; Order 773, Promulgation, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.

- 16-104-0011 Promulgation. [Order 1232, § 16-104-0011, filed 4/17/72, effective 7/1/72.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
- 16-104-010 Washington state standards for quality of individual shell eggs—Application. [Order 1232, § 16-104-010, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 1, filed 1/29/64; Order 773, Regulation 1, Paragraph 1, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
- 16-104-020 Definitions of terms descriptive of shell. [Order 1232, § 16-104-020, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 2, filed 1/29/64; Order 773, Regulation 1, Paragraph 2, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
- 16-104-030 Definitions of terms descriptive of the air cell. [Order 1232, § 16-104-030, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 3, filed 1/29/64; Order 773, Regulation 1, Paragraph 3, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
- 16-104-040 Definitions of terms descriptive of the white. [Order 1232, § 16-104-040, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 4, filed 1/29/64; Order 773, Regulation 1, Paragraph 4, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
- 16-104-050 Definitions of terms descriptive of the yolk. [Order 1232, § 16-104-050, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 5, filed 1/29/64; Order 773, Regulation 1, Paragraph 5, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
- 16-104-060 Definitions—General terms. [Order 1232, § 16-104-060, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 6, filed 1/29/64; Order 773, Regulation 1, Paragraph 6, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
- 16-104-070 Washington state consumer grades and weight classes for shell eggs—General. [Order 1232, § 16-104-070, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 1, filed 1/29/64; Order 773, Regulation 2, Paragraph 1, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
- 16-104-080 Grades. [Order 1232, § 16-104-080, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 2, filed 1/29/64; Order 773, Regulation 2, Paragraph 2, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
- 16-104-090 Summary of grades. [Order 1232, § 16-104-090, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 3, filed 1/29/64; Order 773, Regulation 2, Paragraph 3, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
- 16-104-100 Weight classes. [Order 1232, § 16-104-100, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 4, filed 1/29/64; Order 773, Regulation 2, Paragraph 4, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
- 16-104-110 Minimum sample schedule—Egg samples. [Order 1232, § 16-104-110, filed 4/17/72, effective 7/1/72; Order 936, Regulation 3, § 1, filed 1/29/64; Order 773, Regulation 3, Paragraph 1, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
- 16-104-120 Effective date. [Order 1232, § 16-104-120, filed 4/17/72, effective 7/1/72.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: RCW 69.25 RCW.

WAC 16-104-130 Washington state standards for quality of individual shell eggs—Application. (1) General. The Washington state standards for quality of individual shell eggs contained in this order are applicable only to eggs that are the product of the domesticated chicken hen and are in the shell.

Interior egg quality specifications for these standards are based on the apparent condition of the interior contents of the

egg as it is twirled before the candling light. Any type or make of candling light may be used that will enable the particular grader to make consistently accurate determinations of the interior quality of shell eggs.

(2) AA quality. The shell must be clean, unbroken, and practically normal. The air cell must not exceed 1/8 inch in depth, may show unlimited movement and may be free or bubbly. The white must be clear and firm so that the yolk is only slightly defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

(3) A quality. The shell must be clean, unbroken, and practically normal. The air cell must not exceed 3/16 inch in depth and may be free or bubbly. The white must be clear and at least reasonably firm so that the yolk outline is only fairly well defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

(4) B quality. The shell must be unbroken, may be abnormal, and may have slightly stained areas. Moderately stained areas are permitted if they do not cover more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered. Eggs having shells with prominent stains or adhering dirt are not permitted. The air cell may be over 3/16 inch in depth, may show unlimited movement, and may be free or bubbly. The white may be weak and watery so that the yolk outline is plainly visible when the egg is twirled before the candling light. The yolk may appear dark, enlarged, and flattened and may show clearly visible germ development but no blood due to such development. It may show other serious defects that do not render the egg inedible. Small blood spots or meat spots (aggregating not more than 1/8 inch in diameter) may be present.

Dirty. An individual egg that has an unbroken shell with adhering dirt or foreign material, prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.

Check. An individual egg that has a broken shell or crack in the shell but with its shell membranes intact and its contents do not leak. A "check" is considered to be lower in quality than a "dirty."

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-130, filed 8/4/87.]

WAC 16-104-140 Terms descriptive of the shell. (1)

Clean. A shell that is free from foreign material and from stains or discolorations that are readily visible. An egg may be considered clean if it has only very small specks, stains, or cage marks, if such specks, stains, or cage marks are not of sufficient number or intensity to detract from the generally clean appearance of the egg. Eggs that show traces of processing oil on the shell are considered clean unless otherwise soiled.

(2) **Dirty.** A shell that is unbroken and that has dirt or foreign material adhering to its surface, which has prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.

(3) **Practically normal (AA or A quality).** A shell that approximates the usual shape and that is sound and is free

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from thin spots. Ridges and rough areas that do not materially affect the shape and strength of the shell are permitted.

(4) **Abnormal (B quality).** A shell that may be somewhat unusual or decidedly misshapen or faulty in soundness or strength or that may show pronounced ridges or thin spots.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-140, filed 8/4/87.]

WAC 16-104-150 Terms descriptive of the air cell.

(1) **Depth of the air cell (air space between shell membranes, normally in the large end of the egg).** The depth of the air cell is the distance from its top to its bottom when the egg is held air cell upward.

(2) **Free air cell.** An air cell that moves freely toward the uppermost point in the egg as the egg is rotated slowly.

(3) **Bubbly air cell.** A ruptured air cell resulting in one or more small separate air bubbles usually floating beneath the main air cell.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-150, filed 8/4/87.]

WAC 16-104-160 Terms descriptive of the white. (1)

Clear. A white that is free from discolorations or from any foreign bodies floating in it. (Prominent chalazae should not be confused with foreign bodies such as spots or blood clots.)

(2) **Firm (AA quality).** A white that is sufficiently thick or viscous to prevent the yolk outline from being more than slightly defined or indistinctly indicated when the egg is twirled.

(3) **Reasonably firm (A quality).** A white that is somewhat less thick or viscous than a firm white. A reasonably firm white permits the yolk to approach the shell more closely which results in a fairly well defined yolk outline when the egg is twirled.

(4) **Weak and watery (B quality).** A white that is weak, thin, and generally lacking in viscosity. A weak and watery white permits the yolk to approach the shell closely, thus causing the yolk outline to appear plainly visible and dark when the egg is twirled.

(5) **Blood spots or meat spots.** Small blood spots or meat spots (aggregating not more than 1/8 inch in diameter) may be classified as B quality. If larger, or showing diffusion of blood into the white surrounding a blood spot, the egg shall be classified as loss. Blood spots shall not be due to germ development. They may be on yolk or in the white. Meat spots may be blood spots which have lost their characteristic red color or tissue from the reproductive organs.

(6) **Bloody white.** An egg which has blood diffused through the white. Eggs with bloody whites are classed as loss. Eggs with blood spots which show a slight diffusion into the white around the localized spot are not to be classed as bloody whites.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-160, filed 8/4/87.]

WAC 16-104-170 Terms descriptive of the yolk. (1)

Outline slightly defined (AA quality). A yolk outline that is indistinctly indicated and appears to blend into the surrounding white as the egg is twirled.

(2) Outline fairly well defined (A quality). A yolk outline that is discernible but not clearly outlined as the egg is twirled.

(3) Outline plainly visible (B quality). A yolk outline that is clearly visible as a dark shadow when the egg is twirled.

(4) Enlarged and flattened (B quality). A yolk in which the yolk membranes and tissues have weakened and/or moisture has been absorbed from the white to such an extent that the yolk appears definitely enlarged and flat.

(5) Practically free from defects (AA quality or A quality). A yolk that shows no germ development but may show other very slight defects on its surface.

(6) Serious defects (B quality). A yolk that shows well developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.

(7) Clearly visible germ development (B quality). A development of the germ spot on the yolk of a fertile egg that has progressed to a point where it is plainly visible as a definite circular area or spot with no blood in evidence.

(8) Blood due to germ development. Blood caused by development of the germ in a fertile egg to the point where it is visible as definite lines or as a blood ring. Such an egg is classified as inedible.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-170, filed 8/4/87.]

WAC 16-104-180 General terms. (1) Loss. An egg that is inedible, cooked, frozen, contaminated, or containing bloody whites, large blood spots, large unsightly meat spots, or other foreign material.

(2) Inedible eggs. Eggs of the following descriptions are classed as inedible: Black rots, yellow rots, white rots, mixed rots (added eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring state), and any eggs that are adulterated as such term is defined pursuant to the Federal Food, Drug, and Cosmetic Act.

(3) Leaker. An individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell.

(4) Restricted eggs means any check, dirty eggs, incubator, reject, inedible, leaker, or loss.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-180, filed 8/4/87.]

WAC 16-104-190 General. (1) These grades are applicable to edible shell eggs in "lot" quantities rather than on an "individual" egg basis. A lot may contain any quantity of two or more eggs. References in these standards to the term "case" means 30-dozen egg cases as used in commercial practices in the state of Washington.

(2) Terms used in WAC 16-104-190 that are defined in WAC 16-104-130 have the same meaning as defined therein.

(3) Aggregate tolerances are permitted within each consumer grade only as an allowance for variable efficiency and interpretation of graders, normal changes under favorable conditions during reasonable periods between grading and inspection and reasonable variation of inspector's interpretation.

(4) Substitution of higher qualities for the lower qualities specified is permitted.

(5) "No grade" or "receipts" means eggs of possible edible quality on which no grade determination has been made or that fail to meet the requirements of an official Washington state consumer grade or that may have been contaminated by smoke, chemicals or other foreign material which may have seriously affected the character, appearance or flavor of the eggs. "No grade" or "receipts" eggs shall be sold only to a dealer who shall be equipped to assign a grade.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-190, filed 8/4/87.]

WAC 16-104-200 Grades. (1) Washington consumer grade AA (at origin) shall consist of eggs which are at least 87 percent AA quality. The maximum tolerance of 13 percent which may be below AA quality may consist of A or B quality in any combination, except that within the tolerance for B quality, not more than 1 percent may be B quality due to air cells over 3/4 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 5 percent (7 percent for jumbo size) checks are permitted and not more than 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(2) Washington consumer grade AA (destination) shall consist of eggs which are at least 72 percent AA quality. The remaining tolerance of 28 percent shall consist of at least 10 percent A quality, and the remainder shall be B quality, except that within the tolerance for B quality not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 7 percent (9 percent for jumbo size) checks are permitted and not more than 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(a) Washington consumer grade A (A) Washington consumer grade A (at origin) shall consist of eggs which are at least 87 percent A quality or better. Within the maximum tolerance of 13 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 5 percent (7 percent for jumbo size) checks are permitted and not more than 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may exceed 0.30 percent. Other types of loss are not permitted.

(b) Washington consumer grade A (destination) shall consist of eggs which are at least 82 percent A quality or better. Within the maximum tolerance of 18 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 7 percent (9 percent for jumbo size) checks are permitted and not more than 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(3) Washington consumer grade B.

(a) Washington consumer grade B (at origin) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be checks, and not more than 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(b) Washington consumer grade B (destination) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be checks and not more than 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

"Exemption." A licensed wholesale shell egg dealer may sell a consumer grade check on the premises where he packages eggs, directly to household consumers for use by such consumer and members of his household and his non-paying guests and employees. This consumer grade check shall consist of eggs which at least 99 percent are checks or better. Checks may not exceed 1% dirties, leakers, and loss in any combination (due to meat or blood spots). Loss other than meat or blood spots is not permitted.

(4) Additional tolerances:

(a) In lots of two or more cases:

(i) For grade AA - no individual case may exceed 10 percent less AA quality eggs than the minimum permitted for the lot average.

(ii) For grade A - no individual case may exceed 10 percent less A quality eggs than the minimum permitted for the lot average.

(iii) For grade B - no individual case may exceed 10 percent less B quality eggs than the minimum permitted for the lot average.

(b) For grade AA, A, and B, no lot shall be rejected or downgraded due to the quality of a single egg except for loss other than blood or meat spots.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-200, filed 8/4/87.]

WAC 16-104-210 Summary of grades. It shall be unlawful to sell, offer for sale, or use as human food any eggs or products containing eggs which have been broken or separated by a process that does not permit the inspection of each individual egg after it is broken or that allows the egg meat and shell to commingle. For the purposes of this rule, egg products sold under a United States Department of Agriculture (USDA) seal from a USDA approved and inspected egg products plant shall be deemed to meet the requirements of this rule for use as human food.

SUMMARY OF GRADES

The summary of Washington state consumer grades for shell eggs follows as Table 1 and Table 2 of this section:

TABLE 1 - SUMMARY OF WASHINGTON CONSUMER GRADES FOR SHELL EGGS

Washington State Consumer Grades (Origin)	Quality Required (1)	Tolerance Permitted (2)	
		Percent	Quality
Grade AA	87 percent AA	Up to 13 Not over 5	A or B (5) Checks (6)
Grade A	87 percent A or better	Up to 13 Not over 5	B Checks (6)

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SUMMARY OF GRADES

The summary of Washington state consumer grades for shell eggs follows as Table 1 and Table 2 of this section:

TABLE 1 - SUMMARY OF WASHINGTON CONSUMER GRADES FOR SHELL EGGS

Washington State Consumer Grades (Origin)	Quality Required (1)	Tolerance Permitted (2)	
		Percent	Quality
Grade B	90 percent B or better	Not over 10	Checks

Washington State Consumer Grades (Destination)	Quality Required (1)	Tolerance Permitted (3)	
		Percent	Quality
Grade AA	72 percent AA	Up to 28 (4) Not over 7	A or B (5) Checks (6)
Grade A	82 percent A or better	Up to 18 Not over 7	B (5) Checks (6)
Grade B	90 percent B or better	Not over 10	Checks

(1) In lots of two or more cases see Table 2 of this section for tolerances for an individual case within a lot.

(2) For the Washington consumer grades (at origin), a tolerance of 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(3) For the Washington consumer grades (destination), a tolerance of 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(4) For Washington grade AA destination, at least 10 percent must be A quality or better.

(5) For Washington grade AA or A at origin and destination within the tolerances permitted for B quality, not more than 1 percent may be B quality due to air cells over 3/4 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects.

(6) For Washington grades AA or A jumbo size eggs, the tolerance for checks at origin and destination is 7 percent and 9 percent respectively.

TABLE 2 - TOLERANCE FOR INDIVIDUAL CASE WITHIN A LOT

Washington Consumer Grade	Case Quality	Origin (Percent)	Destination (Percent)
Grade AA	AA (min)	77	62
	A or B	13	28
	Check (max)	10	10
Grade A	A (min)	77	72
	B	13	18
	Check (max)	10	10
Grade B	B (min)	80	80
	Check (max)	20	20

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-210, filed 8/4/87.]

WAC 16-104-220 Weight classes. (1) The weight classes for Washington state consumer grades for shell eggs shall be as indicated in Table 1 of this section and shall apply to all consumer grades:

TABLE - 1 WASHINGTON STATE WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS.

Size or Weight Classes	Minimum Net Weight Per Dozen	Minimum Net Weight Per 30 Dozen	Minimum Weight for Individual Eggs at Rate Per Dozen
	Ounces	Pounds	Ounces
Jumbo	30	56	29
Extra large	27	50 1/2	26
Large	24	45	23
Medium	21	39 1/2	20
Small	18	34	17
Pee wee or pullet	15	28	—

(2) Minimum weights listed for individual eggs at the rate per dozen are permitted in the various weight classes only to the extent that they will not reduce the net weight per dozen below the required minimum.

(3) A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds 5 percent.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-220, filed 8/4/87.]

WAC 16-104-230 Minimum sample schedule—Egg samples. The following schedule is a minimum number of samples and shall be reasonably calculated to produce a fair representation of the entire lot of eggs examined.

Cases in Lot	Cases in Sample
1 case	1 (see footnote.)
2 to 10 inclusive	2
11 to 25 "	3
26 to 50 "	4
51 to 100 "	5
101 to 200 "	8
201 to 300 "	11
301 to 400 "	13
401 to 500 "	14
501 to 600 "	16

For each additional 50 cases or fraction thereof in excess of 600 cases, one additional case shall be included in the sample. A minimum of 100 eggs per sample case shall be examined. For lots which consist of 100 eggs or less, all eggs shall be examined.

SUMMARY OF WASHINGTON STATE STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS

SPECIFICATIONS FOR EACH QUALITY FACTOR

Quality Factor	AA Quality	A Quality	B Quality
Shell	Clean, unbroken. Practically normal.	Clean, unbroken. Practically normal.	Clean to slightly stained.*Unbroken, abnormal.
Air cell	1/8 inch or less in depth. Unlimited movement & free or bubbly.	3/16 inch or less in depth. Unlimited movement & free or bubbly.	Over 3/16 inch in depth. Unlimited movement & free or bubbly.
White	Clear, firm.	Clear, reasonable firm.	Weak and watery. Small blood spots present.

Quality Factor	AA Quality	A Quality	B Quality
Yolk	Outline slightly defined. Practically free from defects.	Outline fairly well defined. Practically free from defects.	Outline plainly visible. Enlarged and flattened. Clearly visible germ development but no blood. Other serious defect.

* Moderately stained areas permitted (1/32 of surface if localized, or 1/16 in scattered).

** If they are small (aggregating not more than 1/8 inch in diameter).

For eggs with dirty or broken shells, the standards of quality provide two additional qualities. These are:

Dirty	Check
Unbroken. Adhering dirt or foreign material, prominent stains, moderate stained areas in excess of B quality.	Broken or cracked shell but membranes intact, not leaking.***

*** Leaker has broken or cracked shell and membranes, and contents leaking or free to leak.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-230, filed 8/4/87.]

WAC 16-104-310 Minimum facility and operating requirements for shell egg grading and packing plants. General requirements for buildings and plant facilities.

(1) Buildings shall be of sound construction so as to prevent, insofar as practicable, the entrance or harboring of vermin, including all domestic pets, insects, rodents, birds, etc. This applies to:

(a) All grading room areas.

(b) Any storage areas for eggs or cases and cartons. Egg case and carton storage shall be clean and dry, free from dust or any odorous material that could be absorbed by cases or cartons.

(2) Grading and packing rooms shall be of sufficient size to permit installation of necessary equipment and the conduct of grading and packing in a sanitary manner. These rooms shall be kept reasonably clean during grading and packing operations and shall be thoroughly cleaned at the end of each operating day.

(a) Floor shall be constructed of washable materials, tight, reasonably smooth, and in good repair.

(b) Floor drains shall be provided where floors are subjected to flood type cleaning or where normal operations release or discharge water or liquid wastes onto the floor.

(c) All floor areas shall be kept clean.

(3) Adequate lavatory/toilet (restroom) accommodations shall be provided. Lavatory/toilet and locker rooms shall be maintained in a clean and sanitary condition. Hot and cold running water shall be provided. Rooms shall be ventilated to the outside of the building. Signs shall be posted in the restrooms instructing employees to wash their hands before returning to work. Lavatory/toilet rooms shall be equipped with handwashing facilities including soap and sanitary towels.

(4) A separate refuse room or a separate designated area for the accumulation of trash must be provided in plants

which do not have a system for the daily removal or destruction of such trash.

(5) Areas subjected to moisture:

(a) Wood benches, platforms, etc., in areas which are subjected to moisture shall be maintained in good repair or made from other construction materials impervious to moisture and odors.

(b) Wood walls or partitions shall be maintained in good repair or be replaced with materials impervious to moisture and odor build up.

(c) Newly constructed plants should be equipped with nonporous material benches, platforms, etc., in areas which are subjected to moisture. Wood benches, platforms, etc., are allowed when maintained in a sanitary, odor free condition.

(6) Walls and ceilings:

(a) Walls and ceilings shall be kept clean, in good repair and free of cobwebs and dust.

(b) Ceiling shall be dust tight if space overhead is used for storage or other purposes.

(7) Doors and windows: Effective means shall be provided to prevent entrance insofar as practicable of insects, rodents, birds or other vermin and dust.

(8) Hygiene of personnel. Plant personnel coming into contact with shell eggs shall wear clean clothing, free from animal waste, dust, loose dirt or prohibited chemical contamination.

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-310, filed 12/17/91, effective 1/17/92.]

WAC 16-104-320 Grading room requirements. (1)

The grading room candling area shall be adequately darkened to make possible accurate quality determination of the candled appearances of eggs.

(2) There shall be no crossbeams of light, and light reflection from candling lights shall be kept at a minimum.

(3) Candling area/equipment shall be constructed so as to permit cleaning and provide ample shelf space for convenient placement of the different grades to be packed.

(4) The candling lights shall be capable of delivering reasonably uniform intensity of light at the candling aperture to facilitate accurate quality determinations. In operations utilizing mechanical grading equipment, adequate light shall be provided to facilitate necessary quality determinations, including the detection and removal of stained and dirty shells and the condition of the packing material.

(5) Individual egg scales shall be provided to check accuracy of weight classing.

(6) Weighing equipment, whether manual or automatic, shall be kept clean and maintained in a manner to assure accurate operation.

(7) Ventilation and lighting:

(a) Adequate lighting shall be provided to assure accurate and safe grading room operations.

(b) Adequate ventilation shall be maintained to keep the area free from undesirable odors, dust, and condensation.

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-320, filed 12/17/91, effective 1/17/92.]

WAC 16-104-330 Cooler room requirements. (1)

After processing and grading, shell eggs packed in consumer containers shall be refrigerated at maximum of forty-five

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degrees Fahrenheit, ambient air temperature. All containers shall be clearly labeled with the words "keep refrigerated," in lettering as follows:

Cartons:	1/8 inch minimum
Cases:	1 inch minimum
Baskets and racks:	1 inch minimum

This provision shall apply to baskets, racks, cases and cartons acquired after June 1, 1992.

(2) Accurate thermometers shall be provided in egg coolers and egg storage facilities to monitor required ambient air temperatures.

(3) All shell egg coolers shall be equipped with a hygrometer or portable equipment such as a psychrometer to determine that relative humidity is at least seventy percent. When necessary, humidifying equipment capable of maintaining seventy percent relative humidity, to minimize shrinkage, shall be provided: Provided, That this requirement shall not apply to refrigerated vehicles used to transport shell eggs.

(4) Egg coolers and egg storage facilities shall be free from objectionable odors and mold, and shall be maintained in a sanitary condition.

(5) All facilities where eggs are offered for sale to consumers, shall be maintained in a clean and sanitary condition. Display and storage temperatures shall be maintained at a maximum of forty-five degrees Fahrenheit ambient air temperature.

(6) Shell eggs stored prior to grading shall be refrigerated at a maximum of fifty-five degrees Fahrenheit ambient air temperature, when time prior to processing/grading exceeds twenty-four hours. When time during transport of ungraded eggs will exceed three hours, refrigeration at fifty-five degrees Fahrenheit maximum is required. Transport time of shell eggs prior to processing/grading of three hours or less in unrefrigerated vehicles is allowed, however, that time shall be included as part of the twenty-four hours.

(7) Inedibles shall be held under refrigeration in covered containers, clearly labeled and stored to prevent possible odor contamination of graded or ungraded eggs.

(8) Refrigeration is required during all transit of graded product when transit time will require an excess of two hours. Temperatures during all transit of graded product shall be maintained at a maximum of forty-five degrees Fahrenheit ambient air temperature.

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-330, filed 12/17/91, effective 1/17/92.]

WAC 16-104-340 Shell egg protecting operations.

Shell egg protecting (oil processing) operations shall be conducted in a manner to avoid contamination of the product and maximize conservation of its quality.

(1) Eggs with moisture on the shell shall not be shell protected.

(2) Oil having any off odor, or that is obviously rancid or contaminated, shall not be used in shell egg protection.

(3) Processing oil that has been previously used and which has become contaminated shall be filtered and heat treated at one hundred eighty degrees Fahrenheit for three minutes prior to reuse.

(4) Shell egg protecting equipment shall be washed, rinsed, and treated with a bactericidal agent each time the oil is removed. It is preferable to filter and heat treat processing oil and clean processing equipment daily when in use.

(5) Adequate coverage and protection against dust and dirt shall be provided when the equipment is not in use.

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-340, filed 12/17/91, effective 1/17/92.]

WAC 16-104-350 Shell egg cleaning operations. (1) Shell egg cleaning equipment shall be kept in good repair and shall be cleaned after each day's use or more frequently, if necessary.

(2) The temperature of the wash water shall be maintained at ninety degrees Fahrenheit or higher, and shall be at least twenty degrees Fahrenheit warmer than the temperature of the eggs to be washed. Rinse water temperature shall be at least ten degrees Fahrenheit warmer than the final wash water temperature. These temperatures shall be maintained throughout the cleaning cycle.

(3) An approved cleaning compound shall be used in the wash water. It must be approved by the United States Department of Agriculture or the Washington state department of agriculture. The use of metered equipment for dispensing the compound into solution is recommended.

(4) Wash water shall be changed approximately every four hours, or more often if needed, to maintain cleanliness and sanitary conditions, and at the end of each shift. Measures shall be taken to prevent excess foaming during the egg washing operation.

(5) Replacement water shall be added continuously to the wash water of washers to maintain a continuous overflow. Rinse water, chlorine, or quaternary sanitizing rinse may be used as part or all of the replacement water: Provided, That they are compatible with the washing compound. Iodine sanitizing rinse may not be used as part of the replacement water.

(6) Water supply shall be of a safe sanitary quality. Only potable water under two parts per million iron content shall be used, without equipment to correct the excess. Water under pressure shall be available to grading and candling area or room for cleaning purposes. Frequency of testing for potability of the water supply shall be determined by the director, however, must also comply with state and local health department requirements. When the water source is changed, new tests are required.

(7) Waste water from the egg washing operation shall be continuously removed through appropriate drains to prevent standing water from accumulating.

(8) The washing and drying operation shall be continuous and shall be completed as rapidly as possible. Eggs shall not be allowed to stand or soak in water. Immersion-type washers shall not be used.

(9) Prewetting shell eggs prior to washing may be accomplished by spraying a continuous flow of water over the eggs in a manner which permits the water to drain away, or other methods which may be approved by the director. The temperature of the water shall be the same as prescribed in subsection (2) of this section.

(10) Washed eggs shall be spray rinsed with warm water containing an approved sanitizer of not less than 50 p/m nor more than 200 p/m of available chlorine or its equivalent.

(11) Test kits shall be available and used to determine the strength of the sanitizing solution.

(12) During any rest period or other line shutdown, preventative measures shall be taken to prevent overheating and/or partial cooking of eggs in the washing, rinsing, and scanning areas.

(13) Washed eggs shall be dry before cartoning or casing.

(14) When steam or vapors originate from the washing operation, they shall be continuously and directly removed to the outside of the building.

(15) Every reasonable precaution should be exercised to prevent "sweating" of eggs.

(16) Eggs may be dry cleaned or washed. If eggs are dry cleaned, the equipment shall be of a sanitary type, and kept clean and in good repair.

(17) Cloth or wash rags shall not be used for cleaning eggs unless they are of a sanitary single service type. Single service paper toweling may be used.

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-350, filed 12/17/91, effective 1/17/92.]

WAC 16-104-360 Shipping containers, egg cartons, and packing materials. Eggs which are to be distributed with consumer grademarks shall be packaged only in new or good used cases, baskets or racks. They shall be clean, and have sufficient strength and durability to protect the eggs during normal distribution. Reuse of egg cartons or flats after distribution to a consumer outlet shall not be allowed. Used flats may be used for transporting and/or holding nest-run or restricted eggs prior to grading or breaking.

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-360, filed 12/17/91, effective 1/17/92.]

WAC 16-104-370 Chemicals and compounds. The following list of compounds shall be handled in accordance with the manufacturers' instructions. They shall be stored away from the grading area and not be allowed to come in contact with the shell eggs being processed, or with egg cases or cartons: Pesticides including herbicides, insecticides, fungicides and rodenticides; inks, oils, cleaning compounds, foam control agents, sanitizers, and any common cleaners used in the plant.

This paragraph is not intended to prohibit eggs being contacted by certain materials when those materials are used in the normal shell egg cleaning and sanitizing process and the materials have been authorized for such usage in the "List of Proprietary Substance and Non-Food Compounds Authorized for Use Under USDA Inspection And Grading Program."

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-370, filed 12/17/91, effective 1/17/92.]

Chapter 16-108 WAC

WASHINGTON STATE EGG SEALS AND ASSESSMENTS

WAC

16-108-010	Rate.
16-108-020	Time of payment—Regular seals.
16-108-030	Facsimile type seals, invoices, seals on bulk eggs.

16-108-040 Labeling.
16-108-050 Regulation.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

16-108-001 Promulgation. [Order 895, § 16-108-001, filed 9/26/62.] Repealed by 84-11-019 (Order 1824), filed 5/11/84. Statutory Authority: Chapter 69.25 RCW.
16-108-002 Promulgation. [Order 1479, § 16-108-002, filed 8/18/76.] Repealed by 84-11-019 (Order 1824), filed 5/11/84. Statutory Authority: Chapter 69.25 RCW.
16-108-003 Promulgation. [Order 1489, § 16-108-003, filed 1/31/77, effective 3/7/77.] Repealed by 84-11-019 (Order 1824), filed 5/11/84. Statutory Authority: Chapter 69.25 RCW.

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

(2) The imposition of the assessment, whether paid monthly in lieu of seals or by purchase of Washington state egg seals or facsimile type Washington state egg seals imprinted on egg containers, is suspended effective September 1, 2008, and reinstated effective December 1, 2008, at the rate stated in subsection (1) of this section. The reporting requirements of WAC 16-108-030 and labeling requirements of WAC 16-108-040 remain in effect.

[Statutory Authority: Chapters 69.25 and 34.05 RCW. 08-15-165, § 16-108-010, filed 7/23/08, effective 8/23/08. Statutory Authority: RCW 69.25.250. 99-12-076, § 16-108-010, filed 5/28/99, effective 6/28/99; 86-04-027 (Order 1878), § 16-108-010, filed 1/29/86. Statutory Authority: Chapter 69.25 RCW. 84-11-019 (Order 1824), § 16-108-010, filed 5/11/84; Order 1489, § 16-108-010, filed 1/31/77, effective 3/7/77; Order 1479, § 16-108-010, filed 8/18/76; Order 895, Regulation 1, filed 9/26/62; Order 784, Regulation 1, effective 4/1/59.]

WAC 16-108-020 Time of payment—Regular seals. Payment of fees for the regular state egg seals shall be made to the department prior to delivery of such seals.

[Order 1479, § 16-108-020, filed 8/18/76; Order 895, Regulation 2, filed 9/26/62; Order 784, Regulation 2, effective 4/1/59.]

WAC 16-108-030 Facsimile type seals, invoices, seals on bulk eggs. Payment of fees for state egg seal facsimiles printed on egg containers shall be made to the department within ten days of the date appearing on the statement rendered by the department indicating that such fees are due. Carton manufacturers supplying egg cartons to egg dealers paying assessment fees on a monthly basis shall remit copies of invoices of carton purchases to the department. Egg seals may be applied to invoices or cards attached to containers when eggs are sold in bulk.

[Order 1479, § 16-108-030, filed 8/18/76; Order 895, Regulation 3, filed 9/26/62; Order 784, Regulation 3, effective 4/1/59.]

WAC 16-108-040 Labeling. Every egg handler or dealer that pays assessments on a monthly basis, in lieu of seals, shall have their permanent dealer's number imprinted upon all containers that require assessment fees as provided by the "Washington Wholesome Eggs and Egg Products Act." The permanent egg handler or dealer's number shall appear on the outside of the container closure, the characters

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shall be not less than 1/8 inch in height. The numbers shall be preceded by the letters WA- or 53-, which designates the state of Washington.

[Order 1479, § 16-108-040, filed 8/18/76.]

WAC 16-108-050 Regulation. In conformance with the authority set forth in RCW 69.25.170(1) egg seals shall not be required in the sale of eggs by:

(1) Any poultry producer from his own flocks directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees; and

(2) Shell egg packers on their own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees.

[Order 1489, § 16-108-050, filed 1/31/77, effective 3/7/77.]

Chapter 16-125 WAC

**FARM MILK STORAGE TANKS AND BULK MILK
TANKER—REQUIREMENTS**

WAC

16-125-010	Definitions.
16-125-020	Construction.
16-125-030	Installation.
16-125-035	Farm tank pickup and washing requirements.
16-125-120	Bulk milk tanker requirements.
16-125-200	Recording thermometers—Installation.
16-125-210	Recording thermometer—Operation.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

16-125-001 Promulgation. [Order 1283, § 16-125-001, filed 1/29/73.] Repealed by 84-18-055 (Order 1840), filed 9/5/84. Statutory Authority: Chapter 15.36 RCW.
16-125-040 Tolerances. [Order 1283, § 16-125-040, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-125-050 Authorized calibrators. [Order 1283, § 16-125-050, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-125-060 Calibration charts. [Order 1283, § 16-125-060, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-125-070 Calibration required. [Order 1283, § 16-125-070, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-125-080 Calibration (gaging) procedure. [Order 1283, § 16-125-080, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-125-090 Checking (testing) procedure. [Order 1283, § 16-125-090, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-125-100 Sealing legs. [Order 1283, § 16-125-100, filed 1/29/73.] Repealed by 99-18-032, filed 8/25/99, effective 9/25/99. Statutory Authority: RCW 15.36.020.
16-125-110 Effective date. [Order 1283, § 16-125-110, filed 1/29/73.] Repealed by 84-18-055 (Order 1840), filed 9/5/84. Statutory Authority: Chapter 15.36 RCW.

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

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

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

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

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

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

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

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

Provisions of the National Bureau of Standards' Handbook 44 Code on Farm Milk Tanks as adopted under chapter 19.94 RCW applicable to installation and use shall be applicable.

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

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

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

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

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

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

(a) External flexible hoses meet the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Recording devices must not be attached to a farm tank. Recording devices may be suspended on metal brackets from the ceiling, firmly attached to the inside wall of the milk room, or at any other location acceptable to the department. The recording device must be mounted no more than six feet from the floor or be otherwise accessible from the floor without the necessity of climbing.

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

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

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

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

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

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

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

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

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

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

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

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

(2009 Ed.)

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

(c) Sign the chart;

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

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

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

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

(3) The temperature recording charts may be used for more than one pick-up: Provided, That all the pick-ups occur within the maximum time interval of the chart. When the chart is used for more than one pick-up, the licensed grader and sampler must identify each lot of milk with the date, time of pick-up and his/her signature.

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

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

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

Chapter 16-129 WAC

LABELING AND ADVERTISING OF PRODUCTS RESEMBLING GENUINE DAIRY PRODUCTS

WAC

16-129-050 Requirements for signs in theatres or other commercial food service establishments which prepare and sell popcorn for human consumption at the point of sale.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-129-001 Promulgation. [Order 1101, Promulgation, § 16-129-001, filed 10/18/68, effective 2/1/69.] Repealed by 83-02-031 (Order 1781), filed 12/29/82. Statutory Authority: Chapters 69.04 and 15.38 RCW.

16-129-010 Declaration of purpose. [Statutory Authority: Chapters 69.04 and 15.38 RCW. 83-02-031 (Order 1781), § 16-129-010, filed 12/29/82; Order 1101, § 16-129-010, filed 10/18/68, effective 2/1/69.] Repealed by 98-13-029, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapters 69.04 and 15.38 RCW.

16-129-020 Definitions. [Statutory Authority: Chapters 69.04 and 15.38 RCW. 83-02-031 (Order 1781), § 16-129-020, filed 12/29/82; Order 1101, § 16-129-020, filed

- 10/18/68, effective 2/1/69.] Repealed by 98-13-029, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapters 69.04 and 15.38 RCW.
- 16-129-025 When products deemed not to be filled dairy products. [Statutory Authority: Chapters 69.04 and 15.38 RCW. 83-02-031 (Order 1781), § 16-129-025, filed 12/29/82.] Repealed by 98-13-029, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapters 69.04 and 15.38 RCW.
- 16-129-030 Products resembling dairy products—When deemed to be misbranded, falsely labeled or falsely advertised. [Statutory Authority: Chapters 69.04 and 15.38 RCW. 83-02-031 (Order 1781), § 16-129-030, filed 12/29/82; Order 1101, § 16-129-030, filed 10/18/68, effective 2/1/69.] Repealed by 98-13-029, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapters 69.04 and 15.38 RCW.
- 16-129-040 Effective date. [Order 1101, § 16-129-040, filed 10/18/68, effective 2/1/69.] Repealed by 83-02-031 (Order 1781), filed 12/29/82. Statutory Authority: Chapters 69.04 and 15.38 RCW.

WAC 16-129-050 Requirements for signs in theatres or other commercial food service establishments which prepare and sell popcorn for human consumption at the point of sale. (1) Popcorn flavored with butter - Sign shall be in a conspicuous location of durable material in contrasting letters not less than 3/4 inch high stating "Flavored with butter" or words to that effect.

(2) Popcorn flavored in semblance of butter - Sign shall be in a conspicuous location of durable material in contrasting letters not less than 3/4 inch high stating "Imitation butter flavor" and listing the ingredients contained in the flavor in contrasting letters not less than 1/2 inch high in descending order of predominance.

[Statutory Authority: Chapter 69.04 RCW. 86-21-007 (Order 1910), § 16-129-050, filed 10/3/86.]

**Chapter 16-139 WAC
PENALTIES**

WAC

- 16-139-001 Promulgation and purpose.
- 16-139-005 Definitions.
- 16-139-010 Calculation of penalty.
- 16-139-020 Penalty assignment schedule—Critical violations.
- 16-139-030 Penalty assignment schedule—Significant violations.
- 16-139-040 Penalty assignment schedule—Economic and other violations of chapters 16.49, 19.32, 69.04, 69.07, and 69.10 RCW.
- 16-139-050 Other dispositions of alleged violations.
- 16-139-060 Disposition of collected penalty money.

WAC 16-139-001 Promulgation and purpose. This chapter is promulgated by the director of agriculture for the purpose of establishing fair, uniform and equitable means for assessing civil penalties and licensing actions authorized under RCW 16.49.444, 19.32.060, 69.04.880, 69.07.060, 69.07.110, 69.07.150(2), 69.10.030 and 69.10.050. The rules adopted in WAC 16-139-005 through 16-139-060 apply to violations of chapters 16.49 RCW (Custom slaughtering), 19.32 RCW (Food lockers), 69.04 RCW (Intrastate commerce in food, drugs, and cosmetics), 69.07 RCW, (Washington Food Processing Act) and 69.10 RCW (Food storage warehouses). The director also declares:

(1) Education and technical assistance play an important role in the prevention, correction or abatement of food safety violations and are the department's preferable alternative to regulatory action. However, at times regulatory action is necessary to deter violations of food safety laws and rules, to

educate persons about the consequences of such violations, and to compel compliance with food safety laws for the protection of consumers. The department initiates such actions when educational measures, technical assistance, warning letters, compliance agreements or other remedial measures fail to achieve compliance; and

(2) Any regulatory action taken by the department against any person who violates the provisions of chapters 16.49, 19.32, 69.04, 69.07 and 69.10 RCW, and rules adopted thereunder shall be commensurate with the seriousness of the violation under the circumstances; and

(3) Each person shall be treated fairly in accordance with the rules set forth in this chapter.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-001, filed 12/31/97, effective 1/31/98.]

WAC 16-139-005 Definitions. (1) Definitions:

(a) "Violation" means commission of an act or acts prohibited by chapter 16.49, 19.32, 69.04, 69.07 or 69.10 RCW, including rules adopted under them.

(b) "Prior violation" means the same or a similar violation committed by a person within the previous three years.

(c) "Critical violation" means a violation resulting in food adulteration that could cause injury or illness in consumers or that has the potential to contribute to conditions resulting in such adulteration.

(d) "Significant violation" means a violation resulting in food adulteration or food being prepared under unsanitary conditions not apparently related to a public health danger or that has the potential to contribute to conditions resulting in such adulteration and if not corrected could lead to a critical violation.

(e) "Economic violation" means a violation which affects the purchaser economically, either due to misbranding or adulteration where inferior or substandard quality product is substituted, by hiding defects or by false or misleading labeling.

(f) "Other violation" means a violation of chapter 16.49, 19.32, 69.04, 69.07 or 69.10 RCW, not covered under the penalty schedules in WAC 16-139-020 or 16-139-030, including, but not limited to, violation of embargo, mutilation of embargo notices, sale of food from an unlicensed processor, operating without a required license, refusal of inspection or access, interference with the director or the director's designee, or economic and labeling violations.

(g) "Same," with respect to violations, means an identical recurrence or an exact repetition of a previous violation, or a continuation of a previous violation.

(h) "Similar," with respect to violations, means related in appearance or nature; alike though not identical.

(i) "Knowingly" means that the alleged violator had previous warning, knew or reasonably should have known that a condition could result in adverse effects or that a violation would occur.

(j) "Potential," with respect to violations, means that a violation may result in food adulteration or a risk to health or that the violation supports conditions that may contribute to food adulteration or a risk to health.

(k) "Probable," with respect to violations, means that a violation is reasonably likely to result in food adulteration or a risk to health.

(2) Additional definitions for terms used in this chapter are found in the following provisions of law:

- (a) Washington Food, Drug and Cosmetic Act, chapter 69.04 RCW.
- (b) Washington Food Processing Act, chapter 69.07 RCW.
- (c) Current Good Manufacturing Practice in Manufacturing, Packing or Holding Human Food, Title 21, Code of Federal Regulations, Chapter 1, Subchapter B, Part 110.
- (d) Food storage warehouses, chapter 69.10 RCW.
- (e) Custom Slaughter Act, chapter 16.49 RCW.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-005, filed 12/31/97, effective 1/31/98.]

WAC 16-139-010 Calculation of penalty. (1) Median penalty selection. In the disposition of administrative cases, the department shall determine the penalty as follows:

- (a) The department shall first determine the correct penalty assignment schedule table listed in either WAC 16-139-020 (critical violations), WAC 16-139-030 (significant violations), or WAC 16-139-040 (economic and other violations), that is applied based on the type of violation alleged.
- (b) The department shall then determine the penalty range based on whether there have been prior violations in last three years.
- (c) The department shall then determine:
 - (i) The probability of a violation causing a risk to health under WAC 16-139-020 (critical violations); or
 - (ii) The probability of a violation resulting in food adulteration under WAC 16-139-030 (significant violations); or
 - (iii) Whether the violation was knowing under WAC 16-139-040 (economic and other violations).

WAC 16-139-030 Penalty assignment schedule—Significant violations.

LEVEL	POTENTIAL FOR FOOD ADULTERATION	
	A. POTENTIAL	B. PROBABLE
1st Violation in a 3-year period	\$100 and 1-day license suspension	\$200 and 2-day license suspension
2nd Violation in a 3-year period	\$200 and 2-day license suspension	\$400 and 4-day license suspension
3rd Violation in a 3-year period	\$400 and 4-day license suspension	\$800 and 8-day license suspension

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-030, filed 12/31/97, effective 1/31/98.]

WAC 16-139-040 Penalty assignment schedule—Economic and other violations of chapters 16.49, 19.32, 69.04, 69.07, and 69.10 RCW.

LEVEL	DEGREE OF KNOWLEDGE OF VIOLATION	
	A. UNKNOWING	B. KNOWING
1st Violation in a 3-year period	\$100 and 1-day license suspension	\$200 and 2-day license suspension
2nd Violation in a 3-year period	\$200 and 2-day license suspension	\$400 and 4-day license suspension
3rd Violation in a 3-year period	\$300 and 3-day license suspension	\$1000 and 10-day license suspension

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-040, filed 12/31/97, effective 1/31/98.]

(d) The scheduled penalty is then applied unless a proportionate adjustment is made. In no case will a penalty less than the minimum penalty listed for the violation be applied.

(2) Proportionate adjustment of median penalty. The department reserves the right to proportionately increase the civil penalty and proportionately decrease the licensing action under certain circumstances. Such circumstances include situations where licensing action as a deterrent is ineffective and includes but is not limited to violations by persons who are not licensed. Likewise, the department reserves the right to proportionately decrease the civil penalty and proportionately increase the licensing action when circumstances in a particular case demonstrate the ineffectiveness of a civil penalty action as a deterrent.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-010, filed 12/31/97, effective 1/31/98.]

WAC 16-139-020 Penalty assignment schedule—Critical violations.

LEVEL	DEGREE OF RISK TO HEALTH	
	A. POTENTIAL	B. PROBABLE
1st Violation in a 3-year period	\$200 and 2-day license suspension	\$1000 and 7-day license suspension
2nd Violation in a 3-year period	\$400 and 4-day license suspension	\$1000 and 14-day license suspension
3rd Violation in a 3-year period	\$800 and 8-day license suspension	\$1000 and 30-day license suspension

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-020, filed 12/31/97, effective 1/31/98.]

WAC 16-139-050 Other dispositions of alleged violations. Nothing herein shall prevent the department from:

- (1) Choosing not to pursue a case administratively.
- (2) Issuing a notice of correction in lieu of pursuing administrative action.
- (3) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate. Prior violation(s) covered by a prior settlement agreement may be used by the department for the purpose of determining the appropriate penalty for the current alleged violation(s) if not prohibited by the agreement.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-050, filed 12/31/97, effective 1/31/98.]

WAC 16-139-060 Disposition of collected penalty money. Money collected by the department as civil penalties for violation of chapters 16.49, 69.04, and 69.10 RCW shall be directed to the state general fund. Money collected by the department as civil penalties for violations of chapter 69.07 RCW shall be utilized for food processing industry technical advisement and assistance in meeting food safety regulations and requirements and food safety education and training of food safety program personnel.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-060, filed 12/31/97, effective 1/31/98.]

Chapter 16-142 WAC

PERISHABLE PACKAGED FOOD GOODS—PULL DATING

WAC

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

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

WAC 16-142-100 What is the purpose for this rule? The purpose for this rule is to establish uniform standards for pull date labeling and safe storage conditions for perishable

packaged food goods as described in RCW 69.04.900 through 69.04.920.

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

WAC 16-142-110 What is the purpose for pull dates?

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

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

WAC 16-142-120 What does the pull date indicate?

The pull date indicates the last day that the product can be sold and still allow the purchaser a reasonable amount of time to use the product under normal usage and storage conditions.

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

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

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

WAC 16-142-140 How must the pull date be shown?

The pull date must first show the month then the day of the month. The month can either be identified with three letters indicating the month such as DEC for December or by numbers indicating the month from one for January through twelve for December. The day of the month must be shown using two numbers such as 06 for the sixth day or 19 for the nineteenth day. When both the month and day of the month are shown by numbers they must be separated by a space or dash. The pull date must be separated from other numbers or letters on the label so as to prevent confusion.

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

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

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

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

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

WAC 16-142-170 What are the storage conditions and temperature requirements for perishable packaged foods? Storage conditions and temperature requirements for perishable packaged foods are the same as required under

chapter 246-215 WAC rules and regulations of the state board of health for food service and chapter 69.10 RCW Food storage warehouses.

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

Chapter 16-144 WAC

PROCESSING FROZEN DESSERTS

WAC

16-144-010	Definitions.
16-144-145	Requirements for frozen dessert mix processing, handling, transportation and pasteurization.
16-144-146	How may frozen dessert mix be transported without requiring repasteurization?
16-144-147	Can frozen dessert mix be transported in milk tank trucks or milk cans?
16-144-148	What temperature must frozen dessert mix be held at?
16-144-149	How long may frozen dessert mix be held after pasteurization?
16-144-150	What ingredients must be added to the mix before final pasteurization?
16-144-151	What ingredients may be added after final pasteurization or at the freezer?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-144-001	Promulgation and purpose. [Statutory Authority: RCW 15.36.021 and 69.04.398(3), 95-16-062, § 16-144-001, filed 7/26/95, effective 8/26/95; Order 1069, Promulgation, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-020	Processing of ice cream. [Order 1069, Regulation 2, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-030	Processing of other desserts—Frozen and French custards—Labeling—Optional ingredients. [Order 1069, Regulation 3, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-040	Ice milk—Labeling—Optional ingredients. [Order 1069, Regulation 4, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-050	Nonfat frozen dairy desserts—Labeling—Optional ingredients. [Order 1069, Regulation 5, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-060	Dietetic or dietary frozen dairy desserts—Labeling—Optional ingredients. [Order 1069, Regulation 6, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-070	Fruit sherbets—Labeling—Optional ingredients. [Order 1069, Regulation 7, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-080	Water ices—Labeling—Optional ingredients. [Order 1069, Regulation 8, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW.
16-144-090	Frozen yogurt. [Statutory Authority: Chapters 15.32 and 15.36 RCW, 90-14-076, § 16-144-090, filed 7/2/90, effective 8/2/90.] Repealed by 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.
16-144-100	Frozen lowfat yogurt. [Statutory Authority: Chapters 15.32 and 15.36 RCW, 90-14-076, § 16-144-100, filed 7/2/90, effective 8/2/90.] Repealed by 99-24-039, filed 11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.
16-144-110	Frozen nonfat yogurt. [Statutory Authority: Chapters 15.32 and 15.36 RCW, 90-14-076, § 16-144-110, filed 7/2/90, effective 8/2/90.] Repealed by 99-24-039, filed

11/24/99, effective 12/25/99. Statutory Authority: RCW 15.36.020.

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

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

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

WAC 16-144-010 Definitions. (a) The definitions and standards contained in chapters 15.32 and 69.04 RCW shall apply under this order unless the context of this order clearly indicates otherwise.

(b) Frozen desserts means ice cream, frozen custard, ice milk, nonfat frozen dairy dessert, dietetic frozen desserts, fruit sherbets, and water ices. Such terms shall also include any food product which is prepared or manufactured and which contains as an ingredient a substantial portion of any of the above mentioned frozen desserts.

(c) The terms "pasteurization," "pasteurized" and similar terms used in this order shall mean heating every particle of the product to a temperature of not less than 155 degrees Fahrenheit and holding continuously for at least thirty minutes in approved and properly operated equipment or heating to a temperature of not less than 175 degrees Fahrenheit for not less than 25 seconds continuously in approved and properly operated equipment.

(d) All frozen desserts shall be manufactured, processed, and pasteurized to conform with a bacteriological standard of not to exceed 50,000 per milliliter and a coliform limit not exceeding 10 per milliliter as determined by Standard Methods for the Examination of Dairy Products of the American Public Health Association, and the 11th Edition of Official Methods of Analyses of the Association of Official Agricultural Chemist. The frozen desserts shall be properly pasteurized as evidenced by the phosphatase test.

[Order 1069, Regulation 1, filed 9/20/67, effective 11/1/67.]

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

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

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

(c) Fluid milk, RCW 15.36.012.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Egg products.

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

(4) Liquid sweeteners.

(5) Dry sugars.

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

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

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

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

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

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

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(5) Harmless lactic acid forming bacteria cultures.

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

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

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

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

Chapter 16-145 WAC

FOOD STORAGE WAREHOUSES

WAC

16-145-010	Purpose.
16-145-020	Food storage warehouse license.

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

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

WAC 16-145-020 Food storage warehouse license. The license period for food storage warehouses shall begin on April 1 and run through the following March 31. All food storage warehouse licenses shall expire on March 31 of each year.

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

Chapter 16-146 WAC

FOOD PROCESSORS

WAC

16-146-100	Food processor license.
16-146-110	Late renewal penalty for food processor license.

WAC 16-146-100 Food processor license. Licenses to operate a food processing plant or to process food issued under RCW 69.07.040 shall expire on the 30th day of June of each year.

[Statutory Authority: RCW 69.07.040. 92-19-044 (Order 4011), § 16-146-100, filed 9/10/92, effective 10/10/92. Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-146-100, filed 7/25/91, effective 8/25/91.]

WAC 16-146-110 Late renewal penalty for food processor license. (1) An additional fee shall be assessed for any license issued under chapter 69.07 RCW for which an application for renewal is not filed prior to July 1st in any year.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 69.07.040. 92-19-044 (Order 4011), § 16-146-110, filed 9/10/92, effective 10/10/92. Statutory Authority: RCW 15.32.100,

15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-146-110, filed 7/25/91, effective 8/25/91.]

Chapter 16-147 WAC SANITARY CERTIFICATES

WAC

16-147-010	What is the purpose of this chapter?
16-147-020	What is a sanitary certificate?
16-147-030	What are the requirements for obtaining a sanitary certificate?

WAC 16-147-010 What is the purpose of this chapter? The purpose of this chapter is to establish requirements for issuing sanitary certificates to food processing plants and to milk processing plants.

[Statutory Authority: RCW 15.36.525 and 69.07.085. 00-05-025, § 16-147-010, filed 2/9/00, effective 3/11/00. Statutory Authority: RCW 69.07.020, 69.07.085. 95-02-016 (Order 5066), § 16-147-010, filed 12/27/94, effective 1/27/95.]

WAC 16-147-020 What is a sanitary certificate? A sanitary certificate is a notarized statement by a responsible food safety official certifying that a food processing plant or milk processing plant has been inspected and approved by this department and has been issued a license indicating the same.

[Statutory Authority: RCW 15.36.525 and 69.07.085. 00-05-025, § 16-147-020, filed 2/9/00, effective 3/11/00. Statutory Authority: RCW 69.07.020, 69.07.085. 95-02-016 (Order 5066), § 16-147-020, filed 12/27/94, effective 1/27/95.]

WAC 16-147-030 What are the requirements for obtaining a sanitary certificate? The requirements for obtaining a sanitary certificate are:

(1) All applicants must be currently licensed as either a food processing or milk processing plant in Washington state with the department of agriculture under RCW 69.07.040 or 15.36.051.

(2) Sanitary certificate will be issued only to cover products listed on the license application or otherwise approved by the department of agriculture.

(3) Products for certification must not be under embargo or litigation by the department of agriculture, the U.S. Food and Drug Administration, or other recognized public health authorities.

(4) An applicant must not be more than ninety days in arrears in paying for previous sanitary certificates issued.

(5) Any applicant that requests sanitary certificates must have been inspected by the department of agriculture within the inspection frequency guidelines established by Washington state department of agriculture and must be in substantial compliance with applicable food safety and dairy laws and rules.

(6) The applicant must provide the department with a declaration in a form acceptable to the department.

(7) Sanitary certificates will be in a form approved by the department of agriculture that specifies the plant location where the products were processed and that the plant was

inspected and found in substantial compliance with food safety or dairy laws and rules. No statements will be made to imply that a product was inspected and passed.

(8) Sanitary certificates will be issued in the order the requests are received. However advance notice of three business days is required to ensure that sanitary certificates will be sent by the date needed.

(9) The department will deliver sanitary certificate by U.S. mail service. Requests for overnight mail or fax will be allowed, but must be paid for by requester.

(10) Milk processing plants that request sanitary certificates for Grade A products must be in compliance with the Pasteurized Milk Ordinance (PMO), or Condensed and Dry Milk Ordinance (DMO), as applicable.

[Statutory Authority: RCW 15.36.525 and 69.07.085. 00-05-025, § 16-147-030, filed 2/9/00, effective 3/11/00. Statutory Authority: RCW 69.07.020, 69.07.085. 95-02-016 (Order 5066), § 16-147-030, filed 12/27/94, effective 1/27/95.]

Chapter 16-157 WAC ORGANIC FOOD STANDARDS AND CERTIFICATION

WAC

PART I GENERAL PROVISIONS

16-157-010	Purpose.
16-157-020	Adoption of the National Organic Program.
16-157-030	Definitions.

PART II ORGANIC PRODUCTION AND HANDLING STANDARDS

16-157-120	Organic mushroom standard.
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PART III ORGANIC CERTIFICATION

16-157-210	Confidentiality.
16-157-215	General requirements for certification.
16-157-220	Producer fee schedule.
16-157-230	Processor fee schedule.
16-157-240	Handler fee schedule.
16-157-245	Retailer fee schedule.
16-157-250	Inspections.
16-157-255	Sampling.
16-157-260	Organic and transitional producer certification and the use of logos.
16-157-270	Organic food processor and handler certification and use of logos.
16-157-275	Organic and transitional certification logos.
16-157-290	Export and transaction certificates.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-157-100	Land requirements. [Statutory Authority: Chapter 15.86 RCW. 02-10-090, § 16-157-100, filed 4/29/02, effective 5/30/02.] Repealed by 03-03-044, filed 1/10/03, effective 2/10/03. Statutory Authority: Chapter 15.86 RCW.
16-157-110	Records. [Statutory Authority: Chapter 15.86 RCW. 02-10-090, § 16-157-110, filed 4/29/02, effective 5/30/02.] Repealed by 03-03-044, filed 1/10/03, effective 2/10/03. Statutory Authority: Chapter 15.86 RCW.
16-157-200	Application for certification. [Statutory Authority: Chapter 15.86 RCW. 02-10-090, § 16-157-200, filed 4/29/02, effective 5/30/02.] Repealed by 03-03-044, filed 1/10/03, effective 2/10/03. Statutory Authority: Chapter 15.86 RCW.
16-157-280	Decertification. [Statutory Authority: Chapter 15.86 RCW. 02-10-090, § 16-157-280, filed 4/29/02, effective 5/30/02.] Repealed by 03-03-044, filed 1/10/03, effective 2/10/03. Statutory Authority: Chapter 15.86 RCW.

**PART I
GENERAL PROVISIONS**

WAC 16-157-010 Purpose. This chapter is adopted under RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act, and under RCW 15.86.070 wherein the director is authorized to adopt rules establishing a certification program for producers, processors, and handlers of organic and transitional food.

[Statutory Authority: RCW 15.86.060 and 15.86.070. 06-23-108, § 16-157-010, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapter 15.86 RCW. 02-10-090, § 16-157-010, filed 4/29/02, effective 5/30/02.]

WAC 16-157-020 Adoption of the National Organic Program. The Washington state department of agriculture adopts the standards of the National Organic Program, 7 CFR Part 205, effective September 11, 2006, for the production and handling of organic crops, livestock, and processed food products. The National Organic Program rules may be obtained from the department.

[Statutory Authority: RCW 15.86.060 and 15.86.070. 06-23-108, § 16-157-020, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapters 15.86 and 34.05 RCW. 04-24-015, § 16-157-020, filed 11/22/04, effective 12/23/04. Statutory Authority: Chapter 15.86 RCW. 03-03-044, § 16-157-020, filed 1/10/03, effective 2/10/03; 02-10-090, § 16-157-020, filed 4/29/02, effective 5/30/02.]

WAC 16-157-030 Definitions. As used in this chapter:

"Department" means the Washington state department of agriculture.

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

"Facility" includes, but is not limited to, any premises, plant, establishment, facility and associated appurtenances where organic food is prepared, handled, or processed in any manner for resale or distribution to retail outlets, restaurants, and any other such facility selling or distributing to consumers.

"Gross annual income" means the total monetary value received during a twelve-month period of time. The twelve-month period of time may be a fiscal year or a calendar year.

"Handler" means any person engaged in the business of handling agricultural products, including producers who handle crops or livestock of their own production.

"Handling operation" means any operation or portion of an operation that receives or otherwise acquires agricultural products and processes, packages, or stores such products.

"New applicant" means any person who applies for organic certification for the first time, or any person who has surrendered an organic certification or had an organic certification suspended or revoked.

"Person" means any individual, partnership, limited liability company, association, cooperative, or other entity.

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

"Producer" means a person who engages in the business of growing or producing food, fiber, feed, and other agricultural-based consumer products.

"Production operation" means a farm, ranch, or other business that grows, gathers, or raises crops, wild crops, or livestock.

"Renewal applicant" means any person that has received organic certification from the department in the previous year.

"Retailer" means any handler that sells organic food products directly to consumers.

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

"Site" means a contiguous defined field, orchard, block, pasture, paddock, garden, circle, plot or other designated area under the same management practices (e.g., organic, transitional).

"Transitional product" 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 except that it has had no applications of prohibited substances within one year prior to the harvest of the crop.

[Statutory Authority: RCW 15.86.060 and 15.86.070. 06-23-108, § 16-157-030, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapter 15.86 RCW. 03-03-044, § 16-157-030, filed 1/10/03, effective 2/10/03; 02-10-090, § 16-157-030, filed 4/29/02, effective 5/30/02.]

**PART II
ORGANIC PRODUCTION AND HANDLING
STANDARDS**

WAC 16-157-120 Organic mushroom standard. (1)

The producer must maintain a production environment that prevents contact between organically produced mushrooms and prohibited substances throughout the entire growing cycle, harvesting and post-harvesting process. The producer must not use lumber treated with arsenate or other prohibited materials for new installations or replacement purposes in contact with the growth substrate.

(2) Organic and nonorganic production must be in separate facilities and have separate ventilation systems.

(3) The producer must use organically produced spawn.

(4) The producer may use nonorganic agar medium that may contain antibiotics not to exceed 1/25th of a gram per liter of agar mix.

(5) Agricultural materials including grain and straw that are used in production substrate must be organically produced. Sawdust, logs or other materials derived from wood used as a growth substrate must originate from trees that have been grown in areas free of prohibited materials for at least three years, and must not have been treated with a prohibited substance after tree harvest. Producers may include nonsynthetic, nonagricultural materials in substrate used to produce mushrooms.

(6) All growing medium amendments must be certified organic.

(7) Manure and any nonorganic agricultural material used as a growth substrate must be from an organic source. Compost used as a growth substrate must consist of certified organic feedstocks.

[Statutory Authority: Chapter 15.86 RCW. 02-10-090, § 16-157-120, filed 4/29/02, effective 5/30/02.]

**PART III
ORGANIC CERTIFICATION**

WAC 16-157-210 Confidentiality. Except for applications and laboratory analyses submitted for certification under this chapter, the department keeps confidential any business-related information obtained under this chapter. All business-related information submitted to the department under this chapter is exempt from public inspection and copying consistent with RCW 15.86.110 and 42.56.210.

[Statutory Authority: RCW 15.86.060 and 15.86.070. 06-23-108, § 16-157-210, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapter 15.86 RCW. 02-10-090, § 16-157-210, filed 4/29/02, effective 5/30/02.]

WAC 16-157-215 General requirements for certification. (1) Except for operations exempt or excluded in the National Organic Program (7 CFR 205.101), each production or handling operation or specified portion of a production or handling operation must be certified if it produces or handles crops, livestock, livestock products, or other agricultural products intended to be sold, labeled, or represented as "one hundred percent organic," "organic," or "made with organic (specified ingredients or food group(s))."

(a) If you have an operation that meets the definition of "production operation," you must be certified as a producer.

(b) If you have an operation that meets the definition of "handling operation," you must be certified as a handler or processor unless you are a certified producer who cleans, washes, grades, dries, packages, transports, or does similar preparation of your own production.

(c) If you are a certified producer who changes crops, wild crops, or livestock products of your own production into new distinct products by physically, chemically, or otherwise changing the original product, you must also be certified as a processor.

(2) If you are seeking to receive or maintain organic certification, you must submit an application on forms approved by the department.

(a) Application forms must be signed by an authorized representative of the business operation and must be accompanied by the appropriate fees in order to be considered.

(b) Application forms are available upon request from the department.

(3) If you are a new applicant, you must include a complete organic system plan with your application.

(4) If you are a certified operation, you must submit an update to your organic system plan on an annual basis. Certified operations may be required by the department to submit a new complete organic system plan whenever there are significant changes to the operation.

(5) Applications for certification must include a list of all organic products produced and/or handled, including sample labels and complete product profiles for each distinctly labeled organic product.

(a) Certified operations must not use an organic label or make organic claims for any product not included in the operation's organic system plan.

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(b) Certified operations may add new products to their organic certification by submitting sample labels and complete product profiles to the department where applicable.

(c) Product profiles must include a complete list of ingredients in the product and processing aids used in manufacturing the product.

(6) Certified operations that do not submit a renewal application and fees to continue certification or do not comply annually with 7 CFR 205.406 may have their certification suspended.

[Statutory Authority: RCW 15.86.060 and 15.86.070. 06-23-108, § 16-157-215, filed 11/17/06, effective 12/18/06.]

WAC 16-157-220 Producer fee schedule. (1) If you wish to apply for the organic producer certification program, you must submit an application and fees to the department each year.

(2) **Annual fees:** The cost per producer application is based on the following fee schedule.

GROSS ANNUAL INCOME	ANNUAL FEE
\$0 - \$15,000	\$200
\$15,001 - \$20,000	\$225
\$20,001 - \$25,000	\$280
\$25,001 - \$30,000	\$335
\$30,001 - \$35,000	\$390
\$35,001 - \$42,500	\$470
\$42,501 - \$50,000	\$560
\$50,001 - \$65,000	\$670
\$65,001 - \$80,000	\$835
\$80,001 - \$100,000	\$1,000
\$100,001 - \$125,000	\$1,150
\$125,001 - \$150,000	\$1,300
\$150,001 - \$175,000	\$1,450
\$175,001 - \$200,000	\$1,600
\$200,001 - \$240,000	\$1,750
\$240,001 - \$280,000	\$1,900
\$280,001 - \$325,000	\$2,050
\$325,001 - \$375,000	\$2,200
\$375,001 - \$425,000	\$2,450
\$425,001 - \$500,000	\$2,700
\$500,001 - \$750,000	\$3,000
\$750,001 - and up	\$2,200 plus 0.11% of gross organic sales

(a) **New applicants:** Application fees are based on an estimate of the gross annual income from organic agricultural products.

(i) In the event that the actual gross annual income from organic agricultural products exceeds the estimated gross annual income from organic agricultural products, the department may bill the producer for the additional fee.

(ii) In the event that the actual gross annual income from organic agricultural products is less than the estimated gross annual income from organic agricultural products, the producer may request a refund for the reduced fee.

(b) **Renewal applicants:** Application fees are based on the previous year's gross annual income from organic agricultural products.

(i) In the event that the current year's gross annual income from organic agricultural products exceeds the previ-

ous year's gross annual income from organic agricultural products, the department may bill the producer for the additional fee.

(ii) In the event that the current year's gross annual income is less than the previous year's gross annual income from organic agricultural products, the producer may request a refund for the reduced fee.

(c) **Late fees:** Renewal applications postmarked after February 1 must include a late fee in addition to the renewal fee.

If your application is postmarked after February 1 but before:

	The late fee is:
March 1	\$100.00
April 1	\$200.00
May 1	\$300.00
June 1	\$400.00
July 1	\$500.00
August 1	\$600.00

(3) Site fee:

(a) Each site that is involved in organic production must be inspected on an annual basis.

(b) All sites involved in organic production must be included as part of the producer's organic system plan.

(c) The producer of each site that is included in the organic system plan must pay a site inspection fee of twenty dollars per year.

(4) **Transitional certification fee:** In addition to the producer application fee, if you are requesting transitional certification, you must pay a fifty dollar transitional certification fee for each site request.

(5) **New application fee:** New applicants must pay a two hundred fifty dollar new application fee in addition to the annual fees.

[Statutory Authority: RCW 15.86.060 and 15.86.070. 06-23-108, § 16-157-220, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapters 15.86 and 34.05 RCW. 05-22-055, § 16-157-220, filed 10/28/05, effective 11/28/05. Statutory Authority: Chapter 15.86 RCW. 03-03-044, § 16-157-220, filed 1/10/03, effective 2/10/03; 02-10-090, § 16-157-220, filed 4/29/02, effective 5/30/02.]

WAC 16-157-230 Processor fee schedule. (1)(a) If you wish to apply for organic processor certification, you must submit an application and fees to the department each year.

(b) If you are a producer who processes your own organic products, you may pay application and certification fees under WAC 16-157-220 or apply separately as a processor.

(2) Application fees:

(a) **New applicants:** New applicants must pay an application fee of two hundred dollars per application and a new applicant fee of two hundred fifty dollars.

(b) **Renewal applicants:** Application fees are two hundred dollars per renewal application.

(c) **Late fees:** Renewal applications postmarked after March 1 must include a late fee in addition to the renewal fee.

If your application is postmarked after March 1 but before:

	The late fee is:
April 1	\$100.00
May 1	\$200.00
June 1	\$300.00

If your application is postmarked after March 1 but before:

	The late fee is:
July 1	\$400.00
August 1	\$500.00
September 1	\$600.00

(3) Certification fees:

(a) **Category I - Organic food products:** Products labeled as "organic" or "one hundred percent organic" are assessed 0.30% of the previous year's gross annual income for the first million dollars and 0.11% for gross annual income above one million dollars.

(b) **Category II - Made with organic food products:** Products labeled as "made with organic ingredients" are assessed 0.20% of the previous year's gross annual income for the first million dollars and 0.07% for gross annual income above one million dollars.

(c) **Category III - Food products with organic ingredients:** Products packaged for retail sales that limit organic claims to the information panel are assessed 0.11% of the previous year's gross annual income for the first million dollars and 0.04% for gross annual income above one million dollars.

(d) **Category IV - Custom organic food products:** Products produced by processors who charge a service fee to organic manufacturers for processing organic food are assessed at 0.40% of the previous year's service fees received for processing organic food for the first million dollars and 0.11% for service fees above one million dollars.

(e) In the event that the current year's gross annual income exceeds the previous year's gross annual income or estimate of income, the department may bill the applicant for the additional certification fee.

(f) In the event that the current year's gross annual income is less than the previous year's gross annual income or estimate of sales, the applicant may request a refund for the reduced certification fee.

[Statutory Authority: RCW 15.86.060 and 15.86.070. 06-23-108, § 16-157-230, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapter 15.86 RCW. 03-03-044, § 16-157-230, filed 1/10/03, effective 2/10/03; 02-10-090, § 16-157-230, filed 4/29/02, effective 5/30/02.]

WAC 16-157-240 Handler fee schedule. (1) If you wish to apply for the organic food certification program, you must submit an application and fees to the department each year.

(a) Handlers who process organic food products must apply for organic certification under WAC 16-157-230.

(b) Retailers who wish to apply for the organic food certification program must apply for organic certification under WAC 16-157-245.

(c) Producers who package, store, or handle organic products from other certified organic operations must apply for certification as a handler under this section.

(d) Producers who handle only their own organic products do not need to obtain separate certification as handlers.

(e) Producers who are certified as handlers under this section pay certification fees for their own production under WAC 16-157-220 and do not include sales of their own production in the calculation of their handler certification fees.

(f) All other handlers of organic food products may apply for organic certification under this section.

(2) **Annual fees:** The cost per organic handler application is based on the following schedule.

GROSS ANNUAL INCOME	FEE
\$0 - \$50,000	\$200
\$50,001 - \$75,000	\$250
\$75,001 - \$100,000	\$330
\$100,001 - \$200,000	\$440
\$200,001 - \$300,000	\$550
\$300,001 - \$400,000	\$660
\$400,001 - \$500,000	\$770
\$500,001 - \$750,000	\$990
\$750,001 - \$1,000,000	\$1,100
\$1,000,001 - \$1,250,000	\$1,375
\$1,250,001 - \$1,500,000	\$1,650
\$1,500,001 - \$2,000,000	\$2,200
\$2,000,001 - \$2,500,000	\$2,750
\$2,500,001 - \$3,000,000	\$3,300
\$3,000,001 - \$4,000,000	\$3,850
\$4,000,001 - \$5,000,000	\$4,400
\$5,000,001 - \$6,000,000	\$5,500
\$6,000,001 - \$7,000,000	\$6,600
\$7,000,001 - \$8,000,000	\$7,700
\$8,000,001 - \$9,000,000	\$8,800
\$9,000,001 - \$10,000,000	\$9,900
over \$10,000,000	\$11,000

(a) **New applicants:** Application fees are based on an estimate of the gross annual income from organic agricultural products.

(i) In the event that the actual gross annual income exceeds the estimate, the department may bill the handler for the additional fee.

(ii) In the event that the actual gross annual income from organic agricultural products is less than the estimate, the handler may request a refund for the reduced fee.

(b) **Renewal applicants:** Application fees are based on the previous year's gross annual income from organic agricultural products.

(i) In the event that the current year's gross annual income from organic agricultural products exceeds the previous year's gross annual income from organic agricultural products, the department may bill the handler for the additional fee.

(ii) In the event that the current year's gross annual income from organic agricultural products is less than the previous year's gross annual income from organic agricultural products, the handler may request a refund for the reduced fee.

(c) **Late fees:** Renewal applications postmarked after March 1 must include a late fee in addition to the renewal fee.

If your application is postmarked after March 1 but before:	The late fee is:
April 1	\$100.00
May 1	\$200.00
June 1	\$300.00
July 1	\$400.00
August 1	\$500.00
September 1	\$600.00

(d) **New application fee:** New applicants must pay a two hundred fifty dollar new application fee in addition to the annual fees.

[Statutory Authority: RCW 15.86.060 and 15.86.070, 06-23-108, § 16-157-240, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapter 15.86 RCW, 03-03-044, § 16-157-240, filed 1/10/03, effective 2/10/03; 02-10-090, § 16-157-240, filed 4/29/02, effective 5/30/02.]

WAC 16-157-245 Retailer fee schedule. (1) If you are seeking organic retailer certification, you must submit an application and fees to the department each year.

(2) **Application fees:** The cost per retailer application is based on the following schedule.

GROSS ANNUAL INCOME	FEE
\$0 - \$100,000	\$330
\$100,001 - \$500,000	\$500
\$500,001 - \$1,000,000	\$750
\$1,000,001 - \$2,000,000	\$1,000
\$2,000,001 - \$3,000,000	\$1,500
\$3,000,001 - \$4,000,000	\$2,000
\$4,000,001 - \$5,000,000	\$2,250
over \$5,000,000	\$2,500

(a) **New applicants:** Application fees are based on an estimate of the gross annual income from organic agricultural products.

(i) In the event that the actual gross annual income from organic agricultural products exceeds the estimate, the department may bill the retailer for the additional fee.

(ii) In the event that the actual gross annual income from organic agricultural products is less than the estimated gross annual income from organic agricultural products, the retailer may request a refund for the reduced fee.

(b) **Renewal applicants:** Application fees are based on the previous year's gross annual income from organic agricultural products.

(i) In the event that the current year's gross annual income from organic agricultural products exceeds the previous year's gross annual income from organic agricultural products, the department may bill the producer for the additional fee.

(ii) In the event that the current year's gross annual income from organic agricultural products is less than the previous year's gross annual income from organic agricultural products, the producer may request a refund for the reduced fee.

(c) **Late fees:** Renewal applications postmarked after March 1 must include a late fee in addition to the renewal fee.

If your application is postmarked after March 1 but before:	The late fee is:
April 1	\$100.00
May 1	\$200.00
June 1	\$300.00
July 1	\$400.00
August 1	\$500.00
September 1	\$600.00

(d) **New application fee:** New applicants must pay a two hundred fifty dollar new application fee in addition to the annual fees.

[Statutory Authority: RCW 15.86.060 and 15.86.070. 06-23-108, § 16-157-245, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapter 15.86 RCW. 03-03-044, § 16-157-245, filed 1/10/03, effective 2/10/03.]

WAC 16-157-250 Inspections. (1)(a) The director shall make one or more inspections per year of each certified producer, processor, or handler to determine compliance with this chapter and chapter 15.86 RCW.

(b) Inspections may include a survey of required records, examination of fields, facilities and storage areas, and inspection of any other information deemed necessary by the requirements of this chapter.

(2) The annual on-site inspection and any additional inspections conducted for collecting samples or for surveillance within the state of Washington are provided for under the application and certification fees.

(a) Additional inspections, if necessary to determine compliance or requested, will be charged to the certified producer, processor, or handler at the rate of forty dollars per hour plus associated travel costs as set by the state office of financial management.

(b) Out-of-state inspections, if necessary or requested, shall be at the rate of forty dollars per hour plus associated travel costs.

(3) Expedited inspections and evaluations are defined as inspections and evaluations that are conducted outside of the normal inspection and evaluation schedule. Expedited inspections and evaluations are conducted in less than two weeks from the receipt of a written notice.

(a) Applicants for certification and certified operations may request expedited inspections or evaluations.

(b) The department may provide expedited inspections and evaluations if sufficient staff is available to expedite the work.

(c) Expedited inspections and evaluations shall be at the rate of forty dollars per hour, plus associated travel costs.

[Statutory Authority: RCW 15.86.060 and 15.86.070. 06-23-108, § 16-157-250, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapter 15.86 RCW. 03-03-044, § 16-157-250, filed 1/10/03, effective 2/10/03; 02-10-090, § 16-157-250, filed 4/29/02, effective 5/30/02.]

WAC 16-157-255 Sampling. A representative sample of any organic product may be tested for pesticide or other contaminants whenever the director deems it necessary for organic certification or maintenance of organic certification. Sample analysis is provided under the application and certification fees.

[Statutory Authority: RCW 15.86.060 and 15.86.070. 06-23-108, § 16-157-255, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapter 15.86 RCW. 03-03-044, § 16-157-255, filed 1/10/03, effective 2/10/03; 02-10-090, § 16-157-255, filed 4/29/02, effective 5/30/02.]

WAC 16-157-260 Organic and transitional producer certification and the use of logos. (1) The director must review the application, inspection report, and results of any samples collected to determine if a producer has complied with the conditions for organic or transitional certification. A certificate will be issued when the director determines that the producer has complied with the conditions for organic or transitional producer certification.

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(2) Organic producers certified under this chapter may use the organic producer logo, found in WAC 16-157-275, to identify organic products.

(3) Transitional products certified under this chapter may use the transitional producer logo, found in WAC 16-157-275, to identify transitional products.

[Statutory Authority: RCW 15.86.060 and 15.86.070. 06-23-108, § 16-157-260, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapter 15.86 RCW. 03-03-044, § 16-157-260, filed 1/10/03, effective 2/10/03; 02-10-090, § 16-157-260, filed 4/29/02, effective 5/30/02.]

WAC 16-157-270 Organic food processor and handler certification and use of logos. (1) The director must review the application, inspection report, and results of any organic samples collected to determine if a processor or handler has complied with the conditions for organic food certification. An organic food certificate will be issued when the director determines that the processor or handler has complied with the conditions for organic food certification.

(2) Processors certified under this chapter may use the organic processor logo, found in WAC 16-157-275, to identify organic products processed by the facility.

(3) Handlers certified under this chapter may use the organic handler logo, found in WAC 16-157-275, to identify organic products handled by the facility.

[Statutory Authority: RCW 15.86.060 and 15.86.070. 06-23-108, § 16-157-270, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapter 15.86 RCW. 03-03-044, § 16-157-270, filed 1/10/03, effective 2/10/03; 02-10-090, § 16-157-270, filed 4/29/02, effective 5/30/02.]

WAC 16-157-275 Organic and transitional certification logos.





[Statutory Authority: Chapter 15.86 RCW. 02-10-090, § 16-157-275, filed 4/29/02, effective 5/30/02.]

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WAC 16-157-290 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 the National Organic Program, 7 CFR Part 205, or a foreign organic standard.

(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 is forty dollars per application.

[Statutory Authority: RCW 15.86.060 and 15.86.070. 06-23-108, § 16-157-290, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapter 15.86 RCW. 03-03-044, § 16-157-290, filed 1/10/03, effective 2/10/03; 02-10-090, § 16-157-290, filed 4/29/02, effective 5/30/02.]

Chapter 16-160 WAC

REGISTRATION OF MATERIALS FOR ORGANIC FOOD PRODUCTION

WAC

16-160-010	What is the purpose of this rule?
16-160-020	Definitions.
16-160-030	Do I need to register my brand name material with the organic food program?
16-160-035	Brand name materials list.
16-160-040	How do I apply for registration?
16-160-050	When do registrations expire?
16-160-060	What criteria are used to determine if a brand name material is approved?
16-160-070	Application fees.
16-160-080	Inspections.
16-160-090	Denial or revocation of a registration.
16-160-100	Labeling of registered brand name materials and use of organic logo.
16-160-110	Organic material registration logo.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-160-025	What materials are approved for use in organic food production, processing and handling? [Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-025, filed 7/30/99, effective 8/30/99.] Repealed by 03-03-045, filed 1/10/03, effective 2/10/03. Statutory Authority: Chapter 15.86 RCW.
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WAC 16-160-010 What is the purpose of this rule?

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

[Statutory Authority: Chapter 15.86 RCW. 03-03-045, § 16-160-010, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-010, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-010, filed 2/7/91, effective 3/10/91.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) "Processing aid" means any material used in processing that does not become an ingredient in the food prod-

uct (e.g., enzymes, boiler water additives, pressing aids, and filtering aids).

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

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

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

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

[Statutory Authority: Chapter 15.86 RCW. 03-03-045, § 16-160-020, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-020, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-020, filed 2/7/91, effective 3/10/91.]

WAC 16-160-030 Do I need to register my brand name material with the organic food program? Materials used in organic food production, processing or handling may submit an application for registration with the department. Registration is not required, but is necessary for a product to appear on the brand name materials list or to label or advertise itself as approved for use in organic food production, processing or handling.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-030, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-030, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-030, filed 2/7/91, effective 3/10/91.]

WAC 16-160-035 Brand name materials list. The department maintains a list of registered materials that are approved for use in organic food production, processing or handling. The list is provided to all producers, processors and handlers of organic food. Operations certified by any agency other than the department should refer to their certification agency prior to the use of any registered material as other certification agencies may not recognize the department brand name materials list. A registered material that appears on the brand name materials list has been reviewed by the department to verify that all of its ingredients comply with organic standards under WAC 16-160-060.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-035, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 03-03-045, § 16-160-035, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-035, filed 7/30/99, effective 8/30/99.]

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

- (1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicants;
- (2) The name of the material;
- (3) A copy of the labeling accompanying the material and a statement of all claims to be made for it, including the directions and precautions for use;
- (4) The complete formula of the material including the active and inert ingredients;
- (5) A description of the manufacturing process including all materials used for the extraction and synthesis of the material, if appropriate;
- (6) The intended uses of the product;
- (7) The source or supplier of all ingredients; and
- (8) Any additional information deemed necessary.

Changes to the information above must be submitted to the department for review.

The director may require a full description of the tests made and the results thereof upon which the claims are based. The director may require production records that demonstrate adequate input materials to reconcile the registrant's production of the final product. Trade secrets are confidential and exempt from public disclosure under the Uniform Trade Secrets Act, chapter 19.108 RCW and RCW 42.56.070(1). Applicants should mark the information in the application they consider to be confidential under the Trade Secrets Act or other law. The department will treat this information in accordance with chapter 42.56 RCW.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-040, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-040, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-040, filed 2/7/91, effective 3/10/91.]

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

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

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

WAC 16-160-060 What criteria are used to determine if a brand name material is approved? (1) United States Department of Agriculture (USDA) National Organic Program.

The director reviews the information provided under WAC 16-160-040. A brand name material that meets the requirements under the National Organic Program final rule, section 205.105 and sections 205.600 through 205.606 will be registered.

- (2) Foreign or additional organic standards.

The director may review materials approved under the USDA National Organic Program for compliance with foreign or additional organic standards. The director reviews the information provided under WAC 16-160-040. A brand name material that complies with a specific foreign or addi-

tional organic standard may be registered as approved under that specific organic standard.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-060, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 03-03-045, § 16-160-060, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-060, filed 7/30/99, effective 8/30/99; 91-20-013, § 16-160-060, filed 9/20/91, effective 10/21/91; 91-05-007, § 16-160-060, filed 2/7/91, effective 3/10/91.]

WAC 16-160-070 Application fees. (1) New product registration.

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

- (2) Renewal registration.

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

- (3) Late fees:

Renewal applications postmarked after October 31 must include a late fee in addition to the renewal fee.

If your application is post-marked after October 31 but before:	Then the late fee is:
December 1	\$100.00
January 1	\$200.00
February 1	\$300.00

- (4) Inspections.

Inspections, if required, will be billed at forty dollars per hour plus travel costs and mileage which shall be charged at the rate established by the state office of financial management.

- (5) Samples.

Samples, if required for registration, or requested by the applicant, will be charged to the applicant at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged, it shall be at forty dollars per hour plus travel costs and mileage which shall be charged at the rate established by the state office of financial management.

- (6) Expedited evaluation fees.

Requests for expedited reviews may be submitted and, if approved, are billed at a rate of \$40.00 per hour.

- (7) Foreign or additional standards.

Upon request, the department may assess compliance with foreign or additional organic standards beyond the National Organic Program. Requests for additional assessments of materials approved under the USDA National Organic Program are billed at a rate of \$100.00 per product for each standard.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-070, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86

RCW. 03-03-045, § 16-160-070, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-070, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-070, filed 2/7/91, effective 3/10/91.]

WAC 16-160-080 Inspections. Whenever the department receives an application for registration of materials under this chapter, the department may conduct an inspection. This inspection may entail a survey of required records, examination of facilities, testing representative samples for prohibited materials and any other information deemed necessary to the requirements of this chapter.

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-080, filed 8/6/07, effective 9/6/07.]

WAC 16-160-090 Denial or revocation of a registration. Initial registration.

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

Renewal registration.

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

Revoking registration.

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

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-090, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-090, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-090, filed 2/7/91, effective 3/10/91.]

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

[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-100, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-100, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-100, filed 2/7/91, effective 3/10/91.]

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WAC 16-160-110 Organic material registration logo.



[Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-110, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-110, filed 7/30/99, effective 8/30/99.]

Chapter 16-165 WAC FOOD INSPECTION

WAC

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

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

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

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

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

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

WAC 16-165-110 Food processor licensing—New application—Inspection criteria. To qualify for a new food processing plant license issued under chapter 69.07 RCW, the Washington Food Processing Act, a food processing facility must first make application to the department. After

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the department receives a complete application, the department will inspect the facility. The facility must be in compliance with the following requirements prior to issuance of a license:

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

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

WAC 16-165-120 Food establishments—Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

(1) "**Clean and adequate protective clothing and hair restraints**" means the clothing or the outside layer of cloth-

ing, which can occasionally or incidentally contact food, either directly or indirectly, is:

(a) Clean at the start of the work shift; and

(b) Changed when the clothing becomes so soiled during the course of the work shift that contamination of food, food packaging or food contact surfaces becomes imminent; and

(c) Suitable to the specific food processing operation for protection against the contamination of food, food packaging, and food contact surfaces.

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

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

(a) Using proper handwashing methods which consist of:

(i) Applying soap to hands;

(ii) Using warm water;

(iii) Scrubbing hands thoroughly;

(iv) Rinsing and drying hands using methods that prevent food contamination;

(b) Washing hands before beginning work, after each absence from the work station, and any time hands become soiled or contaminated; and

(c) Sanitizing hands when appropriate in addition to, but not in place of, the proper handwashing methods.

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

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

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

(a) Location;

(b) Time;

(c) Partition;

(d) Air flow;

(e) Enclosed systems; or

(f) Other effective method.

(5) "**Adequate light**" means a minimum of 25 foot candles at the working surfaces of food processing areas and a minimum of 10 foot candles at the floor level in all other food processing areas.

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

(a) Labeling any container containing detergent, sanitizer or toxic material with the:

- (i) Product name;
 - (ii) Chemical description;
 - (iii) Directions for use;
 - (iv) Any required precautionary and warning statements;
 - (v) First-aid instructions;
 - (vi) Name and address of the manufacturer or distributor;
- and

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

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

(i) The contents are properly identified on the container. Labeling the container with the common name is acceptable if the original storage container is on hand and properly identified;

(ii) No food container is used as a container for detergents, sanitizers or toxic materials;

(iii) No container used for detergents, sanitizers or toxic materials, is used as a food container.

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

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

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

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

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

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

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

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

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

(a) In contact with the floor, dirty equipment frames, other insanitary nonfood contact surfaces;

(b) In contact with containers of nonpotable water (other than sterilizing solutions); and

(c) In contact with other contaminants.

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

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

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

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

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

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

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

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

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

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

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

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

(13) **"Current satisfactory water test"** means analysis verifying the bacteriological, physical and chemical safety of the water has been conducted according to appropriate group A or B water system monitoring schedules or, in the case of

bottled water operations, according to the requirements of Title 21 CFR, Part 129 and that reports of such analysis are on file at the processing facility and available for review by WSDA during routine facility inspection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(19) **"Toilets clean, in good repair, not opening directly into process areas, self-closing doors"** means toilet rooms are kept clean, free of trash and litter, in good repair and all toilet room doors are self-closing and do not open directly into a food processing area.

(20) **"Handwash facilities adequate and convenient, with hot and cold or tempered water"** means food handlers in a food establishment have access to one or more handwashing facilities with hot, cold, or tempered running water, and:

(a) There is at least one handwash facility located in the food processing area in a location convenient to each food handling area when hands come into contact with or manipulate unwrapped or unpackaged ready to eat food. (Hand sanitizing stations may be required if appropriate); or

(b) Handwash facilities are located in rest rooms or other areas in operations where food is not manipulated by hand and hands do not contact the food; or

(c) Handwash facilities are located in rest rooms or other areas and hand sanitizing stations are located in food processing areas in operations where food would normally undergo further preparation (for example washing, cleaning, cooking or other processing) either in the plant or by the consumer that would adequately eliminate physical, chemical and microbiological contaminants introduced by handling.

(21) **"Hand dips provided as necessary"** means hand sanitizing stations are provided, and properly positioned and maintained in all food operations as provided in subsection (20)(c) of this section.

(a) For the purposes of this subsection "properly positioned" means:

(i) Food handlers have ready access to hand sanitizing stations when returning from the toilet, handwash stations, lunch and breaks and whenever necessary while working; and

(ii) At least one hand sanitizing station is inside the process room entryways on each side of the processing table, lines and equipment where food is manipulated by hand, and at least one hand sanitizing station for every ten food handlers at processing tables, lines and equipment.

(b) For the purposes of this subsection "properly maintained" means sanitizing solutions are checked and recharged

to a strength equal to 10 PPM chlorine or 25 PPM iodine, and changed every four hours while in use.

(c) Hand sanitizing stations are recommended for all food operations provided for in subsection (20)(c) of this section.

(22) **"Food protected from contamination in storage"** means food is stored under conditions that protect food against physical, chemical and microbial contamination, as well as against deterioration of the food and the container.

(23) **"Food protected from contamination in storage: Critical violation"** means it is a critical violation when:

(a) A storage situation allows potential contamination of products. This includes, but is not limited to, the storing of raw materials in such a fashion that they cross-contaminate finished food products, particularly ready to eat food. For example, the storage of raw fish and seafood, meat, poultry and other food which inherently contains pathogenic and spoilage microorganisms, as well as soil and other foreign material, is in direct contact with other food in the same container or in any other cross-contaminating circumstance with finished food products; or

(b) Raw materials or food products from unapproved or uncertified sources are used that are inherently associated with food-borne illnesses. Raw products include, but are not limited to:

- (i) Unpasteurized milk and dairy products;
- (ii) Unpasteurized eggs used in products which are not heated to pasteurization temperatures during processing;
- (iii) Home canned low-acid foods;
- (iv) Raw uncertified shellfish; and
- (v) Uninspected meat products.

(24) **"Adequate records maintained as required"** means all records are maintained as provided under Title 21 CFR, Part 113 Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Part 114, Acid Foods; Part 129, Bottled Water; and any other law or rule requiring recordkeeping, EXCEPT that water tests under Part 129 are covered under subsection (13) of this section, "Current satisfactory water test."

(25) **"Adequate records maintained as required: Critical violation"** means it is a critical violation when a record is not maintained on any food process and/or controls as provided for in subsection (24) of this section, or so poorly maintained that the information intended to be conveyed by the record is lacking or cannot be determined.

(26) **"Products coded as required"** means all products are coded as provided under Title 21 CFR, Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Part 114, Acidified Foods; Part 129, Processing and Bottling of Bottled Drinking Water; and any other law or rule requiring that products be coded.

(27) **"Products coded as required: Critical violation"** means it is a critical violation when a product is not coded as required in subsection (26) of this section, or so inadequately coded with respect to the food product, the plant where manufactured, the date manufactured, time or batch manufactured, cannot be readily identified.

(28) **"Packaging material properly handled and stored"** means:

A food contact surface of food packaging material is protected from potential sources of contamination during handling and storage. This includes, but is not limited to:

- (a) Boxes, liners and other primary containers are stored off floors or other insanitary surfaces;
- (b) Top containers in a nested stack of lined or primary containers are inverted or otherwise protected;
- (c) All single service containers, caps, roll stock, liner jars, bottles, jugs and other preformed containers are stored in closed sanitary tubes, wrappings, boxes or cartons prior to use;
- (d) The forming, make-up or other package assembly is conducted in a manner that precludes contamination; and
- (e) The handling of packaging material and containers prior to filling or wrapping is conducted so not to expose them to contamination by dust, foreign material or other contaminants.

(29) **"Potentially hazardous food"** means any food, whole or in part, capable of supporting the germination, growth and/or toxin production by infectious or toxic microorganisms is at temperatures between 38°F and 145°F, and/or food is otherwise harmful to health.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 99-13-001, § 16-165-130, filed 6/3/99, effective 7/4/99.]

WAC 16-165-140 Food establishment—Inspection criteria. The food inspection criteria shall be in accordance with the following table for determining:

- (1) If a food establishment is in compliance with chapters 16.49, 69.04, 69.07 and 69.10 RCW, and rules adopted thereunder;
- (2) The debit value for each significant violation; and
- (3) Whether a violation is critical, or a licensing requirement:

INSPECTION CRITERIA		
Critical Inspection Criteria		
	Criteria Item-Critical*	Licensing Requirement?
1.	Food products free from adulteration.	Yes
2.	Persons with apparent infections or communicable diseases properly restricted.	Yes
3.	Adequate washing and sanitizing of hands as necessary, gloves used in food handling sanitary conditions.	Yes
4.	Product contact surfaces clean and maintained in a sanitary condition; cleaned and sanitized prior to each use or as essential.	Yes
5.	In use food contact equipment and utensils appropriately stored; protected from contamination between uses.	No
6.	Water used safe and of adequate sanitary quality; from approved source.	Yes

INSPECTION CRITERIA Critical Inspection Criteria		
Criteria Item-Critical*		Licensing Requirement?
7.	No cross connections; no back-siphonage.	Yes
8.	Ice from approved source.	Yes
9.	Hot and cold water, under pressure, in areas where foods are processed or equipment washed.	Yes
10.	Adequate, readily accessible toilet facilities provided.	Yes
11.	No evidence of human defecation or urination about the premises.	Yes
12.	Handwash facilities adequate and convenient, including hot and cold or tempered water.	Yes
13.	Food protected from contamination in storage.	No
14.	Critical control points and factors such as time, temperature, pressure, flow rate, pH, Aw, inhibitors adequate to ensure safety of product.	Yes
15.	Process registered as required; processes approved as required.	Yes
16.	Persons involved in LACF, acidified food, pasteurized operation licensed or certified as required.	No
17.	Adequate records maintained as required.	No
18.	Products coded as required.	No
19.	Required critical control point monitoring devices such as retort thermometers, recorder/controllers, pH meters, approved, accurate and in place.	Yes
20.	Required critical control point monitoring, measurements, test, and analysis on products and containers performed as required.	No
21.	Potentially hazardous foods maintained at proper temperatures.	Yes
*A critical violation results in an establishment not being in substantial compliance, therefore no debit values are assigned.		

INSPECTION CRITERIA Significant Inspection Criteria			
Criteria Item-Significant		Debit Value	Licensing Requirement?
1.	Jewelry, watches other personal items not a source of contamination.	1	No
2.	Clean and adequate protective clothing and hair restraints.	1-2	No

INSPECTION CRITERIA Significant Inspection Criteria			
Criteria Item-Significant		Debit Value	Licensing Requirement?
3.	Use of tobacco, eating and drinking of food and beverages and gum chewing restricted to appropriate areas.	1	No
4.	Garments and personal belongings stored appropriately, not a source of potential contamination.	2	No
5.	Employee work procedures preclude contamination.	1-2	No
6.	Grounds: Free from pest attractions, breeding places, harborage, excessive dust and other contaminants.	1	No
7.	Suitable size and location, construction including walls, floors, ceiling, counters, shelving, other fixtures, smooth, readily cleanable and in good repair.	1-5	Yes
8.	Processes separated as required.	1-2	Yes
9.	No operations in domestic living or sleeping quarters (including domestic kitchens).	0	Yes
10.	Adequate light.	1-2	Yes
11.	Lights; glass over food protected; breakproof.	1	No
12.	Adequate ventilation to minimize vapors, steams, noxious fumes.	1-2	Yes
13.	Drip or condensate from ceiling, fixtures, pipes, ducts not a potential source of contamination.	1-3	No
14.	Screened or protected to exclude pests.	1-2	No
15.	Building, fixtures, facilities clean; including transport vehicles.	1-5	Yes
16.	Detergents, sanitizers, toxic materials safely used and stored.	1-3	No
17.	Detergents, sanitizers and toxic materials properly identified.	1-2	No

INSPECTION CRITERIA Significant Inspection Criteria		
Criteria Item-Significant	Debit Value	Licensing Requirement?
18. Product contact surfaces clean and maintained in a sanitary condition; cleaned and sanitized prior to each use or as essential.	1-2	No
19. Nonproduct contact surfaces of equipment clean and maintained in a sanitary condition.	1-2	No
20. In use food contact equipment and utensils appropriately stored; protected from contamination between uses.	1-2	No
21. Effective measures taken to exclude pests from the facility. No harborage/breeding areas.	1-2	No
22. Pesticides safely used and stored.	1-3	No
23. No evidence of rodents, insects, birds or other animals.	1-5	Yes
24. Current satisfactory water supply test.	5	Yes
25. Water supply sufficient in quantity for intended operations.	2	Yes
26. Adequate floor drains and plumbing to convey wastes and sewage from plant.	1-2	Yes
27. Sewage and waste lines protected not a source of contamination.	1-2	Yes
28. Adequate offal, rubbish and waste disposal.	1-2	Yes
29. Toilet facilities clean and in good repair, no direct opening to process area, self-closing door.	1-2	Yes
30. Soap and single service towels or suitable drying devices provided at handwash facilities. Adequate refuse receptacles provided.	1-2	No

INSPECTION CRITERIA Significant Inspection Criteria		
Criteria Item-Significant	Debit Value	Licensing Requirement?
31. Readily understandable handwash signs provided at handwash facilities.	1	No
32. Hand dips provided as necessary.	1-2	No
33. Design, material and workmanship durable, readily cleanable and in good repair. Contact surfaces nontoxic and corrosion resistant.	1-3	Yes
34. Design and use preclude contamination with lubricants, fuel, contaminated water, paint, rust, compressed air/gas and other contaminants.	1-3	No
35. Freezers and cold storage units equipped with adequate thermometers.	1	No
36. Incoming raw materials, ingredients or processed food from an approved source, in an obvious sanitary condition. Items inspected on receipt, suitable for intended use, segregated as necessary and properly stored (clean storage containers, facilities, products properly covered), frozen foods stored frozen, properly thawed; ingredients properly identified; raw materials washed or cleaned as required.	1-5	No
37. Adequate records maintained as required - noncritical.	1	No
38. Products coded as required - noncritical.	1	No
39. Required monitoring, measurements, tests, analysis on products and containers performed as required - noncritical.	1	No

INSPECTION CRITERIA		
Significant Inspection Criteria		
Criteria Item-Significant	Debit Value	Licensing Requirement?
40. No contaminating material used, stored or transported with supplies, ingredients or processed foods.	1-2	No
41. Packing material properly handled and stored.	1	No
42. Food products not misbranded, including pull dates.	1	Yes
43. Cleaning operations - conducted to minimize contamination.	1-3	No

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 99-13-001, § 16-165-140, filed 6/3/99, effective 7/4/99.]

WAC 16-165-150 Food establishment inspection rating system—Inspection score. (1) A food establishment is rated as follows at the completion of an inspection conducted by the department:

(a) A food establishment will be debited the point value assigned to the inspection item listed in WAC 16-165-140 for each violation found during an inspection.

(b) The sum of the points debited for an inspection are subtracted from the maximum point value of one hundred. The remaining sum is the establishment's score for that inspection.

(c) When the department on a food establishment inspection identifies a critical violation, no score will be listed unless the critical violation is satisfactorily corrected during the inspection.

(2) An establishment is considered in substantial compliance with the inspection criteria if:

- No critical violations are found, or if critical violations are found and corrected prior to completion of the inspection; and
- The establishment's inspection score is ninety points or above.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 99-13-001, § 16-165-150, filed 6/3/99, effective 7/4/99.]

WAC 16-165-160 Food establishments—Basis for enforcement action. (1) The department may issue a notice of correction for:

(a) Food establishments that score less than ninety points on an inspection; or

(b) Critical violations found during an inspection of a food establishment.

(2) The department may review and consider initiating enforcement action, such as license suspension, civil penalties, and/or other penalties provided in chapters 16.49, 69.04, 69.07, or 69.10 RCW when:

(a) Food establishments score less than ninety points on two separate inspections within a consecutive three-year period; or

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(b) Food establishments fail to correct critical violations during an inspection.

(3) Nothing herein shall prevent the department from:

(a) Choosing not to pursue a case administratively.

(b) Issuing a notice of correction in lieu of pursuing administrative action.

(c) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 99-13-001, § 16-165-160, filed 6/3/99, effective 7/4/99.]

Chapter 16-167 WAC

INTRASTATE COMMERCE IN FOODS

WAC

16-167-010	Purpose and authority.
16-167-020	Pesticide chemicals.
16-167-030	Food additives.
16-167-040	Color additives.
16-167-050	General requirements.
16-167-060	Compliance policy guidelines.
16-167-900	Where can publications adopted by WSDA under this chapter be obtained?

WAC 16-167-010 Purpose and authority. (1) Consistent with the concept of uniformity where possible with the federal regulations adopted under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. the following federal regulations are specifically made applicable to all persons subject to chapters 69.04 and 69.07 RCW by virtue of RCW 69.04.392, 69.04.394, 69.04.396 and 69.04.398. Although those regulations are automatically applicable to all persons subject to chapters 69.04 and 69.07 RCW, the department is nevertheless adopting as its own rules the following existing regulations of the federal government published in the Code of Federal Regulations revised as of the dates stated in the rule.

(2) The purpose of this rule is to adopt the following portion of the federal regulations promulgated under Title 21 CFR, Title 40 CFR and FDA Compliance Policy Guidelines as Washington standards for food safety to ensure uniformity with United States standards and to protect the consuming public from possible harm due to the purchase or consumption of adulterated or misbranded food.

(3) These rules are promulgated under authority of RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-010, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-010, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-010, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-010, filed 12/27/94, effective 1/27/95.]

WAC 16-167-020 Pesticide chemicals. The following federal regulations are adopted as Washington tolerances for pesticide chemicals: 40 CFR Revised as of July 1, 1998.

(1) Parts 180 - Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities.

(a) Subpart A - Definitions and Interpretative Regulations.

(b) Subpart C - Specific Tolerances.

- (2) Part 185 - Tolerances for Pesticides in Food.
- (3) Part 186 - Tolerances for Pesticides in Animal Feeds.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-020, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-020, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-020, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-020, filed 12/27/94, effective 1/27/95.]

WAC 16-167-030 Food additives. The following federal regulations prescribing the conditions under which such food additives may safely be used are adopted as Washington food additive regulations. 21 CFR Chapter 1 Revised as of April 1, 1998.

- (1) Part 170 - Food Additives.
- (2) Part 172 - Food Additives Permitted for Direct Addition to Food for Human Consumption.
- (3) Part 173 - Secondary Direct Food Additives Permitted in Food for Human Consumption.
- (4) Part 174 - Indirect Food Additives: General.
- (5) Part 175 - Indirect Food Additives: Adhesives and Components of Coatings.
- (6) Part 176 - Indirect Food Additives: Paper and Paperboard Components.
- (7) Part 177 - Indirect Food Additives: Polymers.
- (8) Part 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers.
- (9) Part 179 - Irradiation in the Production, Processing and Handling of Food.
- (10) Part 180 - Food Additives Permitted in Food on an Interim Basis or in Contact with Food Pending Additional Study.
- (11) Part 181 - Prior-Sanctioned Food Ingredients.
- (12) Part 182 - Substances Generally Recognized as Safe.
- (13) Part 184 - Direct Food Substances Affirmed as Generally Recognized as Safe.
- (14) Part 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe.
- (15) Part 189 - Substances Prohibited From Use in Human Food.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-030, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-030, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-030, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-030, filed 12/27/94, effective 1/27/95.]

WAC 16-167-040 Color additives. The following federal regulations prescribing the use or limited use of such color additives are adopted as Washington color additive regulations. 21 CFR Chapter 1 Subchapter A-General Revised as of April 1, 1998.

- (1) Part 70 - Color Additives.
- (2) Part 73 - Listing of Color Additives Exempt From Certification.
- (3) Part 74 - Listing of Color Additives Subject to Certification.

(4) Part 81 - General Specifications and General Restrictions for Provisional Color Additives for Use in Foods, Drugs and Cosmetics.

(5) Part 82 - Listing of Provisionally Listed Colors and Specifications.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-040, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-040, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-040, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-040, filed 12/27/94, effective 1/27/95.]

WAC 16-167-050 General requirements. The following federal regulations concerning food are adopted as Washington requirements for regulating food in intrastate commerce.

(1) 21 CFR Chapter 1 Subchapter A-General Revised as of April 1, 1998.

- (a) Part 1 - General Enforcement Regulations.
 - (i) Subpart A General Provisions.
 - (ii) Subpart B General Labeling Requirements.
- (b) Part 2 - General Administrative Rulings and Decisions.
 - (i) Subpart A General Provisions.
 - (ii) Subpart B Human and Animal Foods.
- (c) Part 7 - Enforcement Policy.
- (2) 21 CFR Chapter 1 Subchapter B-Food for Human Consumption, Revised as of Federal Register: July 8, 1998, (Volume 63, Number 130) Page 37030-37056.

- (a) Part 100 - General.
- (b) Part 101 - Food Labeling.
- (c) Part 102 - Common or Usual Name for Nonstandardized Foods.
- (d) Part 104 - Nutritional Quality Guidelines for Foods.
- (e) Part 105 - Foods for Special Dietary Use.
- (f) Part 106 - Infant Formal Quality Control Procedures.
- (g) Part 107 - Infant Formula.
- (h) Part 108 - Emergency Permit Control.
- (i) Part 109 - Unavoidable Contaminants in Food for Human Consumption and Food Packaging Material.
- (j) Part 110 - Current Good Manufacturing Practice in Manufacturing, Packing and Holding Human Food.
- (k) Part 111 - Current Good Manufacturing Practices for Dietary Supplements.
 - (l) Part 113 - Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.
 - (m) Part 114 - Acidified Foods.
 - (n) Part 123 - Fish and Fishery Products.
 - (o) Part 129 - Processing and Bottling Bottled Drinking Water.
 - (p) Part 130 - Food Standards: General.
 - (q) Part 131 - Milk and Cream.
 - (r) Part 133 - Cheeses and Related Cheese Products.
 - (s) Part 135 - Frozen Desserts.
 - (t) Part 136 - Bakery Products.
 - (u) Part 137 - Cereal Flours and Related Products.
 - (v) Part 139 - Macaroni and Noodle Products.
 - (w) Part 145 - Canned Fruits.
 - (x) Part 146 - Canned Fruit Juices.

- (y) Part 150 - Fruit Butters, Jellies, Preserves and Related Products.
- (z) Part 152 - Fruit Pies.
- (aa) Part 155 - Canned Vegetables.
- (bb) Part 156 - Vegetable Juices.
- (cc) Part 158 - Frozen Vegetables.
- (dd) Part 160 - Eggs and Egg Products.
- (ee) Part 161 - Fish and Shellfish.
- (ff) Part 163 - Cacao Products.
- (gg) Part 164 - Tree Nut and Peanut Products.
- (hh) Part 165 - Beverages.
- (ii) Part 166 - Margarine.
- (jj) Part 168 - Sweeteners and Table Syrups.
- (kk) Part 169 - Food Dressings and Flavorings.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-050, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-050, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-050, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-050, filed 12/27/94, effective 1/27/95.]

WAC 16-167-060 Compliance policy guidelines. The following compliance policy guidelines are adopted as Washington regulations for regulating food in intrastate commerce. Food and Drug Administration Compliance Policy Guides revised as of August 1996.

Chapter 5 - Foods, Colors and Cosmetics.

- (1) Subchapter 500 - Additives.
- (2) Subchapter 505 - Bakery Products.
- (3) Subchapter 510 - Beverages.
- (4) Subchapter 515 - Candy and Sugar.
- (5) Subchapter 520 - Canned Foods.
- (6) Subchapter 525 - Condiment Industry.
- (7) Subchapter 527 - Dairy.
- (8) Subchapter 530 - Dietary Supplements.
- (9) Subchapter 535 - Edibles Oils.
- (10) Subchapter 537 - Egg Industry.
- (11) Subchapter 540 - Fish and Seafood.
- (12) Subchapter 545 - Food Related.
- (13) Subchapter 550 - Fruits.
- (14) Subchapter 555 - General.
- (15) Subchapter 562 - Labeling.
- (16) Subchapter 565 - Meat and Poultry.
- (17) Subchapter 570 - Nut.
- (18) Subchapter 575 - Pesticides.
- (19) Subchapter 578 - Processed Grains.
- (20) Subchapter 580 - Storage.
- (21) Subchapter 585 - Vegetables.
- (22) Subchapter 587 - Colors.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-060, filed 4/15/98, effective 5/16/98. Statutory Authority: 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-060, filed 12/27/94, effective 1/27/95.]

WAC 16-167-900 Where can publications adopted by WSDA under this chapter be obtained? (1) Title 21 CFR and Title 40 CFR can be purchased from the Superintendent of Documents, U.S. Printing Office, Mail Stop SSOP, Washington D.C. 20402-9328.

(2009 Ed.)

(2) The compliance policy guidelines can be obtained by writing the Center for Food Safety and Applied Nutrition, Director, Office of Constituent Operations, Industry Activities Staff, HFS-S65 200 "C" Street SW, Washington D.C. 20204.

(3) Information can also be obtained from FDA's home-page at [HTTP://WWW.FDA.GOV/FDAHOMEPAGE.HTML](http://www.fda.gov/fdahomepage.html)

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 97-02-036 (Order 6012), § 16-167-900, filed 12/26/96, effective 1/26/97.]

Chapter 16-168 WAC

APPROVED INDEPENDENT SANITATION CONSULTANTS FOR FOOD STORAGE WAREHOUSES

WAC

- | | |
|------------|---|
| 16-168-010 | Independent sanitation consultants—What is the purpose of these rules? |
| 16-168-020 | Independent sanitation consultants—Where does the department get authority to establish these rules? |
| 16-168-030 | Independent sanitation consultants—Where can I find the definitions for terms used in this rule? |
| 16-168-040 | How is independent sanitation consultant defined in RCW 69.10.005(5)? |
| 16-168-050 | What are the minimum qualifications for an independent sanitation consultant? |
| 16-168-060 | How do I apply for approval as an independent sanitation consultant? |
| 16-168-070 | How will I know if my application for independent sanitation consultant was approved? |
| 16-168-075 | How long will I stay on the list of independent sanitation consultants? |
| 16-168-080 | What would cause the department to deny or withdraw approval of my application for approved independent sanitation consultant? |
| 16-168-090 | Do I have a right to appeal denial of my application or withdrawal of my approved status as an independent sanitation consultant? |
| 16-168-100 | What are the reporting requirements for food storage warehouse inspections made by independent sanitation consultants? |

WAC 16-168-010 Independent sanitation consultants—What is the purpose of these rules? The purpose of WAC 16-168-010 through 16-168-090 is to establish minimum qualifications, application approval procedures, list maintenance and reporting requirements for independent sanitation consultants.

[Statutory Authority: RCW 69.10.055. 98-03-089, § 16-168-010, filed 1/21/98, effective 2/21/98; 96-09-037 (Order 5093), § 16-168-010, filed 4/10/96, effective 5/11/96.]

WAC 16-168-020 Independent sanitation consultants—Where does the department get authority to establish these rules? The department is given authority under RCW 69.10.055 for promulgating these rules.

[Statutory Authority: RCW 69.10.055. 98-03-089, § 16-168-020, filed 1/21/98, effective 2/21/98; 96-09-037 (Order 5093), § 16-168-020, filed 4/10/96, effective 5/11/96.]

WAC 16-168-030 Independent sanitation consultants—Where can I find the definitions for terms used in this rule? The definitions for terms used in this chapter may be found in chapters 69.04 and 69.10 RCW and WAC 16-167-050 (2)(k). For the purposes of this chapter, the term "we" means department as defined in chapter 69.10 RCW.

[Title 16 WAC—p. 159]

[Statutory Authority: RCW 69.10.055. 98-03-089, § 16-168-030, filed 1/21/98, effective 2/21/98; 96-09-037 (Order 5093), § 16-168-030, filed 4/10/96, effective 5/11/96.]

WAC 16-168-040 How is independent sanitation consultant defined in RCW 69.10.005(5)? The definition for independent sanitation consultants found in RCW 69.10.005 (5) states: "Independent sanitation consultant" means an individual, partnership, cooperative, or corporation that by reason of education, certification, and experience has satisfactorily demonstrated expertise in food and dairy sanitation and is approved by the director to advise on such areas including, but not limited to: Principles of cleaning and sanitizing food processing plants and equipment; rodent, insect, bird, and other pest control; principles of hazard analysis critical control point; basic food product labeling; principles of proper food storage and protection; proper personnel work practices and attire; sanitary design, construction, and installation of food plant facilities, equipment, and utensils; and other pertinent food safety issues."

[Statutory Authority: RCW 69.10.055. 98-03-089, § 16-168-040, filed 1/21/98, effective 2/21/98; 96-09-037 (Order 5093), § 16-168-040, filed 4/10/96, effective 5/11/96.]

WAC 16-168-050 What are the minimum qualifications for an independent sanitation consultant? The minimum qualifications for an independent sanitation consultant are:

Education and experience:

(1) A bachelor's degree in biology, chemistry, microbiology, food science, dairy science or a related natural science plus three years experience inspecting food storage warehouses or similar operations for compliance with the Current Good Manufacturing Regulations, 21 CFR part 110 (GMPs); or

(2) Three years of college completed with study in the above subjects plus five years experience inspecting food storage warehouses or similar operations for compliance with the GMPs; or

(3) Two years of college completed with study in the above subjects plus seven years experience inspecting food storage warehouses or similar operations for compliance with the GMPs; or

(4) Eight years experience inspecting food storage warehouses or similar operations for compliance with the GMPs plus verifiable training in pest control, cleaning practices, food storage warehouse inspection or application of the GMPs.

[Statutory Authority: RCW 69.10.055. 98-03-089, § 16-168-050, filed 1/21/98, effective 2/21/98; 96-09-037 (Order 5093), § 16-168-050, filed 4/10/96, effective 5/11/96.]

WAC 16-168-060 How do I apply for approval as an independent sanitation consultant? The steps in applying for approval as an independent sanitation consultant are:

- (1) Obtain an application from the department.
- (2) Complete the application, listing your qualifications.
- (3) Each applicant must sign the application and have his/her signature notarized.
- (4) Return the application to the address on the application.

[Title 16 WAC—p. 160]

[Statutory Authority: RCW 69.10.055. 98-03-089, § 16-168-060, filed 1/21/98, effective 2/21/98; 96-09-037 (Order 5093), § 16-168-060, filed 4/10/96, effective 5/11/96.]

WAC 16-168-070 How will I know if my application for independent sanitation consultant was approved? On approval of your application for independent sanitation consultant, we will send you an identification card and place your name on a list of approved independent sanitation consultants that is available on request from the department.

If we are not able to approve your application for independent sanitation consultant, we will notify you and tell you why within twenty-five working days after receiving the application.

[Statutory Authority: RCW 69.10.055. 98-03-089, § 16-168-070, filed 1/21/98, effective 2/21/98; 96-09-037 (Order 5093), § 16-168-070, filed 4/10/96, effective 5/11/96.]

WAC 16-168-075 How long will I stay on the list of independent sanitation consultants? Your name will stay on the list of approved independent sanitation consultants as long as you continue to indicate that you wish to remain on the list. The department will mail out information requests by April 1 of each even-numbered year to all approved independent sanitation consultants.

If you want to remain on the list, fill out the request with your current information, indicate that you want to remain on the list and return it to the department no later than May 1.

If you do not want to remain on the list, you can return the request indicating you no longer wish to be listed as an approved independent sanitation consultant by May 1. If you do not return the request your name will also be removed from the list.

It is the responsibility of the independent sanitation consultants to notify the department of address changes. If we are unable to locate you at the address or telephone number listed with us, we will remove your name from the list.

Your name will return to the list upon receipt of your request and new information.

[Statutory Authority: RCW 69.10.055. 98-03-089, § 16-168-075, filed 1/21/98, effective 2/21/98.]

WAC 16-168-080 What would cause the department to deny or withdraw approval of my application for approved independent sanitation consultant? The department may withdraw or deny approval of independent sanitation consultants or applicants under the following circumstances:

(1) For failing to meet the minimum qualifications in WAC 16-168-050.

(2) For knowingly making false or inaccurate statements regarding qualifications on an application.

(3) For failing to accurately report violative conditions present in food storage warehouse at the time of inspection.

(4) For knowingly making or acquiescing in false or inaccurate statements on inspection reports as to the date of the inspection, findings, corrective actions taken, or any other statement material to the compliance status of a warehouse.

(2009 Ed.)

[Statutory Authority: RCW 69.10.055. 98-03-089, § 16-168-080, filed 1/21/98, effective 2/21/98; 96-09-037 (Order 5093), § 16-168-080, filed 4/10/96, effective 5/11/96.]

WAC 16-168-090 Do I have a right to appeal denial of my application or withdrawal of my approved status as an independent sanitation consultant? Yes, you have a right to appeal denial of approval or withdrawal of approval as an independent sanitation consultant under provisions of chapter 34.05 RCW, the Administrative Procedure Act and chapter 16-08 WAC, the department's practice and procedure rules.

[Statutory Authority: RCW 69.10.055. 98-03-089, § 16-168-090, filed 1/21/98, effective 2/21/98; 96-09-037 (Order 5093), § 16-168-090, filed 4/10/96, effective 5/11/96.]

WAC 16-168-100 What are the reporting requirements for food storage warehouse inspections made by independent sanitation consultants? You can meet reporting requirements for independent sanitation consultants by using a standard food storage warehouse inspection form provided by the department or by using your own form if it covers and indicates visual inspection of at least the following points:

STORAGE CONDITIONS

1. Are incoming lots examined visually for damage or contamination prior to placement in storage?
2. Are food products stored off the floor and away from walls?
3. Does firm maintain a morgue area for damaged and returned goods, sufficiently away from main storage area?
4. Are morgue items disposed of in a proper and timely manner to prevent a source of pest breeding and harborage?
5. Are fertilizers, toxic chemicals, and other potential adulterants adequately separated from human food storage areas?
6. Are rodenticides and insecticides properly used and stored?
7. Are refrigerated storage and frozen storage maintained at proper temperatures, 45 degrees or less?
8. Are cold storage units equipped with suitable thermometers?
9. Is storage area free of evidence of current insect, rodent, bird, etc., activity?

BUILDING AND GROUNDS

1. Are outside premises free from spillage, trash, etc., which may attract or harbor rodents or other pests?
2. Is adequate drainage provided to avoid contamination of facilities and products?
3. Is the building of suitable construction and generally in good physical repair?
4. Are floors, walls and ceilings constructed of easily cleanable materials and kept clean?
5. Are doors, windows and other openings protected to eliminate entry by insects, rodents and other pests? Are open windows screened and are loading doors kept closed when not in use?
6. Is interior lighting sufficient to allow adequate inspection and cleaning of premises?

7. Are food products and processing areas protected against contamination from breakage of light bulbs and other glass fixtures?
8. Does firm have a scheduled cleaning and pest control program, including at least weekly inspection by qualified employees?

SANITARY OPERATIONS

1. Is cleaning of facilities done in such a manner as to avoid contamination of food products?
2. Are detergents, sanitizers, hazardous materials and other supplies used in a safe and effective manner?
3. Are cleaning compounds and hazardous materials kept in original containers, stored separate from food products?
4. Is all refuse properly stored and protected where necessary from insects, rodents and other pests and disposed of in an adequate manner?

TOILETS, DRESSING ROOMS AND EMPLOYEES

1. Are toilets and dressing rooms in good repair, clean, properly ventilated and adequately separated from storage areas?
2. Are handwashing facilities clean and supplied with soap, hot water and sanitary towels?

[Statutory Authority: RCW 69.10.055. 98-03-089, § 16-168-100, filed 1/21/98, effective 2/21/98; 96-09-037 (Order 5093), § 16-168-100, filed 4/10/96, effective 5/11/96.]

Chapter 16-170 WAC

SPECIAL TEMPORARY PERMITS FOR SLAUGHTERING PASTURED CHICKENS

WAC

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|------------|---|
| 16-170-010 | What is the purpose of this chapter? |
| 16-170-020 | What definitions are important to this chapter? |
| 16-170-030 | Who is required to obtain a temporary special permit to slaughter, prepare and sell pastured chickens? |
| 16-170-035 | How can I obtain a temporary special permit? |
| 16-170-037 | What type of slaughter/preparation site diagram is required? |
| 16-170-040 | How long is my temporary special permit valid? |
| 16-170-050 | Must I notify the department before I change the dates I plan to slaughter my chickens? |
| 16-170-060 | What happens when I reach the one thousand chicken limit in the statute? |
| 16-170-070 | What are the site requirements for slaughtering, preparing and selling chickens covered by this chapter? |
| 16-170-075 | What requirements apply to the equipment used to slaughter, prepare and sell chickens covered by this chapter? |
| 16-170-080 | Can a mobile processing unit be used to slaughter, prepare and sell pastured chickens covered by this chapter? |
| 16-170-090 | Who can be in my slaughter site while the slaughter-preparation process is taking place? |
| 16-170-100 | Must I wear protective clothing while slaughtering, processing and selling pastured chickens covered by this chapter? |
| 16-170-110 | Can I store personal garments and belongings in my slaughter site? |
| 16-170-115 | Can I store detergents, sanitizers and other materials in my slaughter site? |
| 16-170-120 | Must I wash my hands before slaughtering chickens? |
| 16-170-125 | Are handwashing stations required at my chicken slaughter site? |
| 16-170-130 | Can I use hand dips at my chicken slaughter site? |
| 16-170-135 | Do I need a toilet near my chicken slaughter site? |
| 16-170-140 | What offal and rinse water disposal requirements apply to my chicken slaughter site? |
| 16-170-145 | How do I store my chicken slaughter equipment and utensils to prevent contamination? |

16-170-150	How do I ensure that my chicken slaughter contact surfaces are clean and maintained in a sanitary condition?
16-170-155	What requirements apply to the water used in my slaughter site?
16-170-170	What requirements apply to the storing and handling of the bags I give my customers to transport the chickens they purchase from me?
16-170-175	What requirements apply to the chilling and storing of slaughtered chickens?
16-170-180	What recordkeeping requirements apply to my temporary special permit chicken slaughter operation?

WAC 16-170-010 What is the purpose of this chapter? The purpose of this chapter is to implement chapter 397, Laws of 2003 by establishing rules regulating the:

(1) Issuance of special temporary permits regulating the slaughter, preparation and sale of one thousand or fewer whole raw pastured chickens in a calendar year by the agricultural producer of those chickens when the chickens are sold directly to the ultimate consumer at the producer's farm.

(2) Conditions under which the pastured chickens identified in this section are slaughtered, prepared and sold.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-010, filed 4/5/04, effective 5/6/04.]

WAC 16-170-020 What definitions are important to this chapter? (1) In addition to the definitions contained in this section, definitions found in chapters 69.04 and 69.07 RCW and Title 21 CFR may apply.

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

"Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practices.

"Agricultural producer" means a person or persons who raise pastured chickens and who slaughter and sell one thousand or fewer of the chickens from their farm directly to the ultimate consumer.

"Authorized person" means a person or persons who work with the agricultural producer in the preparation and slaughter of pastured chickens under this chapter.

"Chicken" means the species *Gallus domesticus*.

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

"Director" means the director of the WSDA.

"Pastured chicken" means a chicken that has lived on pasture, range, or ground covered with vegetation that is suitable for grazing, during at least half the life span of the animal.

"Potable water" means water that is:

- (a) Safe and sanitary;
- (b) Free from coliform; and
- (c) From an approved and monitored source.

"Sanitize" means to adequately treat chicken slaughtering, preparation and sale surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance, and in substantially reducing numbers of other undesirable microorganisms, but without adversely affecting the whole raw chicken or its safety for the consumer.

"Temporary permit" means a permit to slaughter chickens covered by this chapter, which is valid for the calendar year for which it is issued.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-020, filed 4/5/04, effective 5/6/04.]

WAC 16-170-030 Who is required to obtain a temporary special permit to slaughter, prepare and sell pastured chickens? If you are an agricultural producer of pastured chickens who slaughters and prepares one thousand or fewer pastured chickens in a calendar year and sells those chickens as whole raw chickens from your farm to the ultimate consumer, you must obtain a temporary special permit before you slaughter.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-030, filed 4/5/04, effective 5/6/04.]

WAC 16-170-035 How can I obtain a temporary special permit? (1) You can request an application for a temporary special permit by:

Writing to:

Washington State Department of Agriculture
Food Safety Program

P.O. Box 42560

Olympia, WA 98504-2560; or

Calling 360-902-1876; or

Faxing to 360-902-2087; or

Accessing web site <http://agr.wa.gov>.

(2) The department must receive your completed application packet along with check or money order for seventy-five dollars at least six weeks before you plan to slaughter chickens.

Your application packet must include:

- (a) A completed application form;
- (b) A diagram of your slaughter/preparation site;
- (c) A description of your processing steps or a process flow diagram;
- (d) The proposed days or dates of slaughter;
- (e) A description of your rinse water and offal disposal procedures; and
- (f) Documentation verifying that the water you use at your slaughter/preparation site complies with the requirements in WAC 16-170-155.

(3) Once WSDA receives your application, you will be contacted for an on-site inspection before your special temporary permit can be further processed or issued.

(4) Once received, your permit must be prominently and conspicuously posted at your slaughter facility so your customers can see it.

(5) You are prohibited from slaughtering, preparing and selling chickens regulated by this chapter until you receive your special temporary permit.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-035, filed 4/5/04, effective 5/6/04.]

WAC 16-170-037 What type of slaughter/preparation site diagram is required? (1) Your site diagram must clearly show the location of all slaughter and preparation equipment, contact work surfaces, chilling equipment, equipment washing and sanitizing sinks or tubs, handwashing areas, rinse water and offal collection areas and chicken rearing areas.

(2) Everything illustrated on your site diagram must be clearly labeled.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-037, filed 4/5/04, effective 5/6/04.]

WAC 16-170-040 How long is my temporary special permit valid? Subject to the one thousand chicken limit described in chapter 397, Laws of 2003, your temporary special permit is valid for the calendar year in which it is issued.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-040, filed 4/5/04, effective 5/6/04.]

WAC 16-170-050 Must I notify the department before I change the dates I plan to slaughter my chickens? If you wish to slaughter pastured chickens on dates other than those requested in your application, you must notify the department by mail, e-mail, fax or by telephone with a written confirmation at least one week before you slaughter any chickens regulated by this chapter.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-050, filed 4/5/04, effective 5/6/04.]

WAC 16-170-060 What happens when I reach the one thousand chicken limit in the statute? When you have slaughtered and sold one thousand whole raw pastured chickens to ultimate consumers from your farm in a calendar year, you no longer qualify for a temporary special permit for the remainder of the calendar year. Agricultural producers who slaughter more than one thousand chickens must comply with the requirements of chapter 69.07 RCW.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-060, filed 4/5/04, effective 5/6/04.]

WAC 16-170-070 What are the site requirements for slaughtering, preparing and selling chickens covered by this chapter? At a minimum, your slaughter/preparation site must:

- (1) Be constructed or assembled to minimize insects, pests, birds, dust, mud and overhead contamination;
- (2) Include adequate lighting to illuminate the areas where chickens are slaughtered, prepared and sold;
- (3) Have an adequate handwashing station;
- (4) Be readily accessible to a toilet facility;
- (5) Include potable running water;
- (6) Include a means of safely disposing of rinse water and offal; and
- (7) Means of properly cooling slaughtered chickens unless the customer takes possession within four hours.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-070, filed 4/5/04, effective 5/6/04.]

WAC 16-170-075 What requirements apply to the equipment used to slaughter, prepare and sell chickens covered by this chapter? All equipment must be readily cleanable and in good repair.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-075, filed 4/5/04, effective 5/6/04.]

(2009 Ed.)

WAC 16-170-080 Can a mobile processing unit be used to slaughter, prepare and sell pastured chickens covered by this chapter? If the mobile processing unit (MPU) is a self-contained processing unit that meets all of the conditions designed for the sanitary processing of chickens under this chapter, a MPU may be used.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-080, filed 4/5/04, effective 5/6/04.]

WAC 16-170-090 Who can be in my slaughter site while the slaughter-preparation process is taking place?

(1) Only authorized persons can be in your slaughter site while the slaughter-preparation process is taking place. Unauthorized persons must be kept out of the site.

(2) Any authorized person infected with a communicable disease, has open sores or infected cuts on hands, is vomiting or has diarrhea is prohibited from working in your slaughter site.

(3) Authorized persons are prohibited from smoking, eating or drinking while in your slaughter site.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-090, filed 4/5/04, effective 5/6/04.]

WAC 16-170-100 Must I wear protective clothing while slaughtering, processing and selling pastured chickens covered by this chapter? (1) Anyone slaughtering, preparing and selling pastured chickens covered by this chapter must:

(a) Wear clean and adequate clothing.

"Clean and adequate" means that the clothing must be:

(i) Clean at the start of the slaughter-preparation-sale process; and

(ii) Changed when the clothing becomes soiled when contamination of the raw whole chicken, any process work surface, the equipment used to chill slaughtered chickens or the bags used to transport chickens that are sold becomes imminent; and

(iii) Suitable to the specific part of the process (slaughter, preparation or sale) in which you are engaged.

(b) Remove hand jewelry that cannot be adequately sanitized during periods when carcasses are handled by hand. If such hand jewelry cannot be removed, impermeable or disposable gloves must be worn.

(c) Maintain gloves, if they are used in processing, in an intact, clean, and sanitary condition. The gloves should be of an impermeable material.

(2) Clean and effective hair restraints, such as hairnets or beard nets are not required, but hats, caps, scarves or other head covers are recommended to prevent contamination of the whole raw chickens being slaughtered, prepared and sold.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-100, filed 4/5/04, effective 5/6/04.]

WAC 16-170-110 Can I store personal garments and belongings in my slaughter site? All personal garments and belongings must be stored separately and apart from your slaughter site to ensure that they do not become a source of contamination to the raw whole chickens, slaughter and preparation work surfaces and equipment, and the bags used to transport chickens that are sold.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-110, filed 4/5/04, effective 5/6/04.]

WAC 16-170-115 Can I store detergents, sanitizers and other materials in my slaughter site? (1) You can store commercially purchased detergents, sanitizers and other materials related to the process in your slaughter site if they are properly labeled with:

- (a) Product name;
- (b) Chemical description;
- (c) Directions for use;
- (d) Any required precautionary and warning statements;
- (e) First-aid instructions;
- (f) Name and address of the manufacturer or distributor;

and

(g) Any other information required by the U.S. Environmental Protection Agency or other laws or rules.

(2) You can store small "transport" or "use" containers containing detergents, sanitizers or other materials in your slaughter site but only under the following conditions:

(a) The contents must be properly identified on the container. Labeling the container with the common name is acceptable if the original commercially purchased storage container is on hand and properly identified.

(b) Food containers must not be used as containers for detergents, sanitizers or toxic materials.

(c) Containers used for detergents, sanitizers or other materials must not be used as food containers.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-115, filed 4/5/04, effective 5/6/04.]

WAC 16-170-120 Must I wash my hands before slaughtering chickens? (1) You must adequately wash your hands:

- (a) Before you begin the slaughtering process;
- (b) Between the slaughtering and preparation steps in the process;
- (c) Between the preparation and sale steps in the process;
- (d) After each absence from the slaughter facility; and
- (e) Any time your hands become contaminated.

(2) "Adequately washing your hands" means thoroughly washing your hands to prevent contaminating your slaughtered chickens. Adequate handwashing methods consist of:

- (a) Applying soap to your hands;
- (b) Using warm water;
- (c) Scrubbing your hands thoroughly; and
- (d) Using methods to rinse and dry your hands that prevent contamination.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-120, filed 4/5/04, effective 5/6/04.]

WAC 16-170-125 Are handwashing stations required at my chicken slaughter site? (1) Anyone involved in your chicken slaughter process must have access to at least one handwashing station equipped with warm running water, hand soap, and paper towels.

(2) Handwashing stations must be conveniently located in your slaughter site and near your toilet facilities.

(3) If handwashing stations are not conveniently located in your slaughter site and near your toilet facilities, five-gallon insulated containers with continuous flow spigots filled

with warm water between one hundred and one hundred and twenty degrees Fahrenheit with pump type liquid soap, paper towels and five-gallon buckets to catch rinse water are required on-site and near your toilet facilities.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-125, filed 4/5/04, effective 5/6/04.]

WAC 16-170-130 Can I use hand dips at my chicken slaughter site? (1) "Hand dips" or "hand sanitizing stations" are recommended but not required in your chicken slaughter site. Sanitizing your hands using hand dips or hand sanitizing stations is not a substitute for adequate handwashing methods.

(2) However, if you use hand dips, they must be properly positioned and maintained.

(3) "Properly maintained" means sanitizing solutions are:

(a) Checked and recharged to a strength equal to 100 PPM chlorine or 25 PPM iodine; and

(b) Changed every four hours while in use.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-130, filed 4/5/04, effective 5/6/04.]

WAC 16-170-135 Do I need a toilet near my chicken slaughter site? (1) At least one toilet must be available and conveniently located at your chicken slaughter site.

(2) A domestic toilet is sufficient if your slaughter operation is a family operation where only family members are employed. However, if you have employees, you must provide toilet facilities at your slaughtering site or allow your employees to use your domestic toilet.

(3) Portable chemical toilets may be used if they are conveniently located with a self-closing door, screened to exclude insects, and properly maintained.

(4) All nondomestic toilet areas must be kept clean, free of trash and litter, and in good repair. All doors used to enter the nondomestic toilet area must be self-closing and must not open directly into your slaughter site.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-135, filed 4/5/04, effective 5/6/04.]

WAC 16-170-140 What offal and rinse water disposal requirements apply to my chicken slaughter site? Your chicken slaughter site must be designed and maintained to ensure that the:

(1) Offal and rinse water the site generates are readily and safely removed; and

(2) Offal and rinse water do not create an unsanitary condition or contaminate:

(a) The raw whole chickens that you slaughter;

(b) Any potable water stored and used at your slaughter site;

(c) Any product contact surfaces at your slaughter site; or

(d) Any bags used to package raw whole chickens sold to your ultimate consumers.

(3) Your rinse water disposal system must not allow any backflow from or cross connection between the piping that discharges rinse water and the piping that carries potable water to the chicken slaughter area.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-140, filed 4/5/04, effective 5/6/04.]

WAC 16-170-145 How do I store my chicken slaughter equipment and utensils to prevent contamination?

(1) All of your chicken slaughter equipment and utensils must be stored so they will not become contaminated between uses.

(2) All utensils used to slaughter and prepare chickens, such as knives, scrapers, scoops, shovels, cutters, and other hand tools and equipment, must be placed or stored to prevent contact surfaces from being contaminated.

(3) Contaminated equipment and utensils must be cleaned and sanitized before they are used again.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-145, filed 4/5/04, effective 5/6/04.]

WAC 16-170-150 How do I ensure that my chicken slaughter contact surfaces are clean and maintained in a sanitary condition?

(1) All contact surfaces of equipment, utensils, containers and other articles used in the slaughter and preparation of chickens, must be kept free of any residue or contaminant that could contaminate or adulterate (as defined in RCW 69.04.210), the raw whole chicken carcass.

(2) Residues and contaminants must frequently be removed from all slaughter and preparation contact surfaces to prevent the residues from becoming:

(a) Unwholesome or unfit for the raw whole chicken carcass;

(b) Decomposed, filthy, or putrid; or

(c) Injurious to public health.

(3) All slaughter and preparation contact surfaces must be sanitized:

(a) Before they are used; and

(b) After they are cleaned.

(4) You must keep a separate bucket of sanitizer in your slaughter site for rinsing/storing the wipe down cloths used to sanitize all slaughter equipment and slaughter/preparation contact surfaces. The sanitizing solution in the bucket should be at a minimum 100 ppm (mg/L) for chlorine solution or 50 ppm (mg/L) for iodine solution.

(5) Any noncarcass contact surfaces of equipment used in the slaughter of chickens must be kept reasonably free of dirt, old slaughter/preparation residues, foreign material, dust, mold, mildew, slime and other accumulations that occur as a result of the slaughter/preparation operation.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-150, filed 4/5/04, effective 5/6/04.]

WAC 16-170-155 What requirements apply to the water used in my slaughter site? (1) Any water you use in the slaughter, preparation or sale of your chickens must be of a safe and sanitary quality, which means the water supply is potable from an approved source and is monitored according to applicable laws and rules.

(2) Processors that operate from single-family residences on private water supplies need only meet bacteriological testing requirements. Optionally, potable water may be hauled onto the site for use by the processor as long as the transport vehicle and water are of safe and sanitary quality.

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(3) Copies of your water test reports must be on file at your farm and available for review by WSDA during routine slaughter site inspections.

(4) Any ice you manufacture on your farm for use in your slaughter process must be manufactured from potable water.

(5) All ice that you do not manufacture must be from an approved source.

(6) All ice that you use at your chicken slaughter site must be properly handled and stored to protect against contamination.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-155, filed 4/5/04, effective 5/6/04.]

WAC 16-170-170 What requirements apply to the storing and handling of the bags I give my customers to transport the chickens they purchase from me? (1) All bags that you use to package the slaughtered whole chickens that you sell to your customers must be new, of food grade quality and properly handled and stored, which means they must be protected from potential sources of contamination when they are handled and stored.

(2) Methods of properly handling and storing your bags at your slaughter site include, but are not limited to:

(a) All bags must be stored off of the floor or any other unsanitary surfaces.

(b) All bags must be stored in closed boxes or cartons before they are used.

(c) Bags must be removed from the closed box or carton in a way that prevents contamination.

(d) When a slaughtered whole chicken is inserted into a bag, the bag must be handled so it and the chicken are not exposed to contamination by dust, foreign material or other contaminants.

(e) Any bag dropped on the floor or some other unsanitary surface must not be used.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-170, filed 4/5/04, effective 5/6/04.]

WAC 16-170-175 What requirements apply to the chilling and storing of slaughtered chickens? (1) All slaughtered chickens must be chilled to a temperature at or below forty-five degrees Fahrenheit within four hours of slaughter unless the customer takes possession of the slaughtered chickens during this time.

(2) Chilling may be accomplished through the use of mechanical refrigeration, an ice chest using ice from an approved source (see WAC 16-170-155), or by being immersed in cold running water.

(3) A temperature control (TC) must be used to monitor slaughter cool down temperature by inserting a calibrated thermometer into the thickest portion of the first slaughtered carcass and monitoring the temperature to ensure proper chilling at or below forty-five degrees Fahrenheit within four hours of slaughter.

(4)(a) Slaughtered chickens can be stored for up to forty-eight hours before they are sold.

(b) During their storage period, chicken carcass temperatures must be kept at or less than forty-five degrees Fahrenheit by mechanical refrigeration equipped with a thermometer or by maintaining the carcasses in a properly designed

storage container with the use of a temperature control (TC) as outlined in subsection (3) of this section.

(5) All chilled and/or stored chicken carcasses must be protected from physical, chemical, microbial contamination and deterioration.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-175, filed 4/5/04, effective 5/6/04.]

WAC 16-170-180 What recordkeeping requirements apply to my temporary special permit chicken slaughter operation? (1) At a minimum, you must keep the following records at your farm:

(a) Your chicken slaughter dates;

(b) The number of chickens slaughtered on each slaughter date and the cumulative total of chickens slaughtered;

(c) The temperature control log monitoring proper chicken slaughter cool down and storage; and

(d) The water testing records if required by WAC 16-170-155.

(2) All records must be maintained so that the information they intend to convey is clear and understandable.

(3) All records must be available at your farm and available to department inspectors upon request.

(4) All records must be retained at the farm for six months after the expiration of the permit.

[Statutory Authority: 2003 c 397 and chapters 69.07 and 34.05 RCW. 04-08-062, § 16-170-180, filed 4/5/04, effective 5/6/04.]

**Chapter 16-200 WAC
FERTILIZERS**

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-200-001	Promulgation. [Order 453, Promulgation, effective 3/1/46.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018.
16-200-002	Promulgation. [Order 619, Promulgation, effective 2/11/52. Applies to WAC 16-200-512 and to chapter 16-28 WAC.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018.
16-200-003,	16-200-004, 16-200-005, 16-200-010 through 16-200-630. [From Orders 779, 761, 629, 599, 591 and Regulations 1 through 63 and 69 of Order 453, filed 3/22/60.]
16-200-006	Promulgation. [Order 1032, Promulgation, filed 9/13/66, effective 11/15/66; Order 999, Promulgation, filed 12/10/65. Applies to WAC 16-200-700 through 16-200-743.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018.
16-200-007	Promulgation. [Order 1164, § 16-200-007, filed 10/1/70; Order 1016, filed 5/20/66. Applies to WAC 16-200-750 through 16-200-870.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018.
16-200-512	Screenings, screenings waste or screenings refuse, defined—Established tolerances. [Order 619, Regulations 69 and 70, effective 2/11/52.] Repealed by 00-16-046, filed 7/26/00, effective 8/26/00. Statutory Authority: Chapter 15.49 RCW.
16-200-640	Livestock remedies—Application for registration. [Order 453, Regulation 64, effective 3/1/46.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012.
16-200-650	Concentrates, minerals and medicine used in feeds. [Order 453, Regulation 65, effective 3/1/46.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012.
16-200-660	through 16-200-690. [Regulation 453, §§ 66, 67, and 68, effective 3/1/46.] Superseded by Order 999, now codified as WAC 16-200-700 through 16-200-740.
16-200-700	Definition, labeling, and registration of customer-formula fertilizers. [Order 1032, Regulation 1, filed 9/13/66, effective 10/15/66; Order 999, Regulation 1, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
16-200-705	Purpose. [Statutory Authority: RCW 15.54.325 and 15.54.800. 99-08-037, § 16-200-705, filed 3/31/99, effective 5/1/99. Statutory Authority: Chapter 15.54 RCW. 99-02-035, § 16-200-705, filed 12/30/98, effective 1/30/99. Statutory Authority: RCW 15.54.800. 91-01-015 (Order 2066), § 16-200-705, filed 12/7/90, effective 1/7/91. Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-705, filed 9/17/87.] Repealed by 00-19-058, filed 9/18/00, effective 10/19/00. Statutory Authority: RCW 15.54.270(4) and 15.54.800.
16-200-710	Secondary and minor plant nutrients. [Order 1032, Regulation 2, filed 9/13/66, effective 10/15/66; Order 999, Regulation 2, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
16-200-720	Definitions, regulations, and analysis. [Order 1032, Regulation 3, filed 9/13/66, effective 10/15/66; Order 999, Regulation 3, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
16-200-730	Specialty fertilizers. [Order 1032, Regulation 4, filed 9/13/66, effective 10/15/66; Order 999, Regulation 4, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
16-200-740	Fertilizer brand registration. [Order 1032, Regulation 5, filed 9/13/66, effective 10/15/66; Order 999, Regulation 5, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
16-200-742	Fertigation. [Statutory Authority: RCW 15.54.800. 91-01-015 (Order 2066), § 16-200-742, filed 12/7/90, effective 1/7/91.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-200-743	Fertilizer brand registration—Labeling. [Order 1032, Regulation 6, filed 9/13/66, effective 10/15/66; Order 999, Regulation 6, filed 12/10/65.] Repealed by 87-19-

- 097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
- 16-200-750 Definitions and terms. [Statutory Authority: RCW 15.53.9012. 99-17-043, § 16-200-750, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-750, filed 7/9/96, effective 8/9/96; Order 1016, filed 5/20/66.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-755 Label format. [Statutory Authority: RCW 15.53.9012. 99-17-043, § 16-200-755, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-755, filed 7/9/96, effective 8/9/96.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-760 Brand and product names. [Statutory Authority: RCW 15.53.9012. 99-17-043, § 16-200-760, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-760, filed 7/9/96, effective 8/9/96; Order 1164, § 16-200-760, filed 10/1/70; Order 1016, filed 5/20/66.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-770 Expression of guarantees. [Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-770, filed 7/9/96, effective 8/9/96; Order 1016, filed 5/20/66.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-780 Definitions, sampling, and analysis. [Order 1016, filed 5/20/66.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012.
- 16-200-790 Ingredient statement. [Statutory Authority: RCW 15.53.9012. 99-17-043, § 16-200-790, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-790, filed 7/9/96, effective 8/9/96; Order 1164, § 16-200-790, filed 10/1/70; Order 1016, filed 5/20/66.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-795 Directions for use and precautionary statements. [Statutory Authority: RCW 15.53.9012. 99-17-043, § 16-200-795, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-795, filed 7/9/96, effective 8/9/96.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-800 Labeling. [Order 1164, § 16-200-800, filed 10/1/70; Order 1016, filed 5/20/66.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012.
- 16-200-805 Tonnage fees. [Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-805, filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9018. 94-08-034 (Order 5038), § 16-200-805, filed 3/31/94, effective 5/1/94; 81-18-058 (Order 1747), § 16-200-805, filed 9/1/81.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-810 Minerals. [Order 1016, filed 5/20/66.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012.
- 16-200-815 Adulteration. [Statutory Authority: RCW 15.53.9012. 99-17-043, § 16-200-815, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-815, filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.902. 82-23-057 (Order 1776), § 16-200-815, filed 11/17/82.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-820 Screenings. [Order 1016, filed 5/20/66.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-830 Nonprotein nitrogen. [Statutory Authority: RCW 15.53.9012. 99-17-043, § 16-200-830, filed 8/13/99, effective 9/13/99; 96-15-018A (Order 5098), § 16-200-830, filed 7/9/96, effective 8/9/96; Order 1164, § 16-200-830, filed 10/1/70; Order 1016, filed 5/20/66.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-840 Artificial color. [Order 1016, filed 5/20/66.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-850 Medicated feeds. [Order 1164, § 16-200-850, filed 10/1/70; Order 1016, filed 5/20/66.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012.
- 16-200-860 Used sacks and containers. [Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-860, filed 7/9/96, effective 8/9/96; Order 1164, § 16-200-860, filed 10/1/70; Order 1016, filed 5/20/66.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-865 Commercial feed license. [Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-865, filed 7/9/96, effective 8/9/96.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-870 Products requiring registration. [Order 1016, filed 5/20/66.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012.
- 16-200-880 Promulgation. [Order 1432, § 16-200-880, filed 3/12/76.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018.
- 16-200-885 Commercial feed label submission. [Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-885, filed 7/9/96, effective 8/9/96.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-887 Good manufacturing practices. [Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-887, filed 7/9/96, effective 8/9/96.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapters 16-250 and 16-252 WAC.
- 16-200-890 Definitions—Animal waste products. [Order 1432, § 16-200-890, filed 3/12/76.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapter 16-256 WAC.
- 16-200-900 Registration requirements. [Order 1432, § 16-200-900, filed 3/12/76.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapter 16-256 WAC.
- 16-200-910 Refusing or cancelling registration—Procedure. [Order 1432, § 16-200-910, filed 3/12/76.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapter 16-256 WAC.
- 16-200-920 Quality standards. [Order 1432, § 16-200-920, filed 3/12/76.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapter 16-256 WAC.
- 16-200-930 Labeling requirements of animal waste products. [Order 1432, § 16-200-930, filed 3/12/76.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapter 16-256 WAC.
- 16-200-940 Testing required. [Order 1432, § 16-200-940, filed 3/12/76.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapter 16-256 WAC.
- 16-200-950 Records required. [Order 1432, § 16-200-950, filed 3/12/76.] Repealed by 03-23-129, filed 11/19/03, effective 7/1/04. Statutory Authority: Chapters 15.53 and 34.05 RCW. Later promulgation, see chapter 16-256 WAC.

WAC 16-200-600 Purpose. The following sections concerning the protection of ground water, labeling requirements and examination of fertilizer minerals and limes (WAC 16-200-708 through 16-200-742) are established in this chapter under the authority of the Commercial Fertilizer Act, chapter 15.54 RCW.

This chapter also describes the requirements for registration of commercial fertilizers, including the information which must be submitted as part of the registration application, the sample preparation and analysis methods which must be used, the maximum application rates the department will use to determine whether a commercial fertilizer may be registered, the Washington standards for metals (in pounds per acre per year), and the acts which are unlawful under this chapter.

[Statutory Authority: RCW 15.54.270(4) and 15.54.800. 00-19-058, § 16-200-600, filed 9/18/00, effective 10/19/00.]

WAC 16-200-695 Definitions. The definitions set forth in this section shall apply throughout this chapter unless context otherwise requires:

(1) "Organic" means a material containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth. When the term "organic" is utilized in the label or labeling of any commercial fertilizer, it shall be qualified as either "synthetic organic" or "natural organic," with the percentage of each specified.

(2) "Natural organic" means a material derived from either plant or animal products containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(3) "Synthetic organic" means a material that is manufactured chemically (by synthesis) from its elements and other chemicals, containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(4) "Unit" means one percent (by weight) of a ton.

(5) "AOAC" means the association of official analytical chemists.

(6) "Commercial fertilizer" means a substance containing one or more recognized plant nutrients and that is used for its plant nutrient content or that is designated for use or claimed to have value in promoting plant growth, and shall include limes, gypsum, and manipulated animal and vegetable manures. It does not include unmanipulated animal and vegetable manures, organic waste-derived material, and other products exempted by the department by rule.

(7) "Fertigation" means a method of applying commercial fertilizers with irrigation water to fertilize land or plants.

(8) "Fertilizer component" means a commercial fertilizer ingredient containing one or more recognized plant nutrients which is incorporated in the commercial fertilizer for its plant nutrient value.

(9) "Maximum acceptable cumulative metals additions to soil" means the amount of total metals that can be added to soil over a forty-five-year period of time without exceeding the Canadian standards which have been adopted in RCW 15.54.800(3) as Washington standards for metals.

(10) "Organic waste-derived material" means grass clippings, leaves, weeds, bark, plantings, prunings, and other vegetative wastes, uncontaminated wood waste from logging and milling operations, food wastes, food processing wastes,

and materials derived from these wastes through composting. "Organic waste-derived material" does not include products that include biosolids.

(11) "Maximum application rate" means the maximum amount of commercial fertilizer expressed by weight (such as: Pounds, ounces, kilograms, or milligrams) or volume (such as: Gallons, quarts, fluid ounces, liters, or milliliters) to be applied to an area of a specified size (such as: Acres, square feet, hectares, or square meters) in a period of time stated in years.

(12) "Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process that can be beneficially recycled, including material derived from biosolids, and septic tank sludge, also known as septage. For the purposes of this rule, semisolid products include biosolids or products derived from biosolids ranging in character from mostly liquid to fully dried solids.

(13) "Unpackaged biosolids" means biosolids distributed in a loose, unpackaged form such as, but not limited to, tote bags, tote tanks, bins, tanks, trailers, spreader trucks, railcars, and pick-up truckloads or other containers provided by the final user solely for transport of the material.

(14) "Packaged biosolids" means biosolids distributed in a container provided by the distributor of the material.

[Statutory Authority: RCW 15.54.270(4) and 15.54.800. 00-19-058, § 16-200-695, filed 9/18/00, effective 10/19/00. Statutory Authority: RCW 15.54.325 and 15.54.800. 99-08-037, § 16-200-695, filed 3/31/99, effective 5/1/99. Statutory Authority: Chapter 15.54 RCW. 99-02-035, § 16-200-695, filed 12/30/98, effective 1/30/99. Statutory Authority: RCW 15.54.800. 91-01-015 (Order 2066), § 16-200-695, filed 12/7/90, effective 1/7/91. Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-695, filed 9/17/87.]

WAC 16-200-701 What products are exempt from the definition of commercial fertilizer? In addition to unmanipulated animal and vegetable manures and organic waste-derived materials, the following materials are exempt from the definition of commercial fertilizer:

(1) Unpackaged biosolids if they comply with biosolids regulation under chapter 173-308 WAC, and they do not use the term "fertilizer" in the labeling of the biosolids, except to disclaim them as commercial fertilizer;

(2) Packaged biosolids if they do not meet the definition for commercial fertilizer, do not use the term "fertilizer" in the labeling of the biosolids, except to disclaim them as commercial fertilizer, and comply with biosolids regulation under chapter 173-308 WAC.

[Statutory Authority: RCW 15.54.270(4) and 15.54.800. 00-19-058, § 16-200-701, filed 9/18/00, effective 10/19/00.]

WAC 16-200-703 How are biosolids regulated under the Commercial Fertilizer Act? (1) Unpackaged biosolids and packaged biosolids that do not meet the definition for commercial fertilizer must include a legible and conspicuous disclaimer on their labeling. The disclaimer must specifically state that the product is not a commercial fertilizer, and that any nutrient claims are estimates or averages and are not guaranteed.

(2) Packaged biosolids that meet the definition for commercial fertilizer must be registered as commercial fertilizer.

[Statutory Authority: RCW 15.54.270(4) and 15.54.800. 00-19-058, § 16-200-703, filed 9/18/00, effective 10/19/00.]

WAC 16-200-7061 What information must I include with my registration application concerning total metals and application rates? (1) You are required to submit the following metals information with your registration application:

- (a) Total concentration of each metal in each commercial fertilizer reported in parts per million (PPM) which is equivalent to milligrams of metal per kilogram of fertilizer (mg/kg), or micrograms per gram;
 - (b) Copy of the laboratory report on total metals analysis;
 - (c) Method of analysis;
 - (d) Method of sample preparation; and
 - (e) Minimum detection limits for each method used.
- (2) The department may request quality assurance and quality control documentation for analytical procedures and/or for the laboratory which performed the analyses.

(3) The analytical data and maximum application rate will be used to determine if a commercial fertilizer meets or exceeds the Washington standards for metals.

(4) For all commercial fertilizers that have application rates on their labels, the maximum application rate shall be disclosed for each commercial fertilizer on the registration application form.

[Statutory Authority: RCW 15.54.325 and 15.54.800. 99-08-037, § 16-200-7061, filed 3/31/99, effective 5/1/99. Statutory Authority: Chapter 15.54 RCW. 99-02-035, § 16-200-7061, filed 12/30/98, effective 1/30/99.]

WAC 16-200-7062 What method must I use to analyze the total metals contained in my commercial fertilizer? (1) You must prepare your sample of commercial fertilizer using U.S. Environmental Protection Agency ("EPA") sample preparation method 3050B (except when preparing a sample for analysis of mercury*). You must analyze your commercial fertilizer for the total concentration of each of the following nine metals in each commercial fertilizer using one or more of the EPA analysis methods listed in Table 1. All methods are described in EPA's SW-846, Third Edition.

Table 1. Acceptable Sample Preparation and Analysis Methods for Total Metals

Metal	Inductively Coupled Plasma (ICP)	Atomic Absorption	Inductively Coupled Plasma Mass Spectroscopy (ICP/MS)
Arsenic (As)	6010, 6010A, 6010B	7060A, 7061A	6020
Cadmium (Cd)	6010, 6010A, 6010B	7131A	6020
Cobalt (Co)	6010, 6010A, 6010B	7201	6020
Lead (Pb)	6010, 6010A, 6010B	7420, 7421	6020
Molybdenum (Mo)	6010, 6010A, 6010B	7480	6020
Nickel (Ni)	6010, 6010A, 6010B	7520, 7521	6020
Selenium (Se)	6010, 6010A, 6010B	7740, 7741A	6020
Zinc (Zn)	6010, 6010A, 6010B	7951	6020
Mercury (Hg)		7470A*, 7471A*	
Sample Preparation	3050B	3050B	3050B

Copies of SW-846 Third Edition and all associated updates are available from: The Government Printing Office, Superintendent of Documents, Washington, DC 20402, (202) 512-1800, and from the Department of Commerce, National Technical Information Center, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4650 or 800-553-NTIS.

*Since sample preparation method 3050B cannot provide for an analysis of mercury, when you prepare a sample for analysis of mercury you must use the sample preparation method established for analysis method 7470A when using method 7470A to analyze your sample and the sample preparation method established for analysis method 7471A when using method 7471A to analyze your product.

(2) Other sample preparation and analysis methods for total concentration of each metal in each commercial fertilizer may be used only under the following conditions:

- (a) You must submit a request to the department, in writing, detailing the sample preparation and analysis methods, minimum detection limits and quality assurance, quality control documentation and a side-by-side comparison of the analysis results from the alternative method to one of the approved methods' analysis results of the same material; and
- (b) The department, after reviewing the request, may approve the sample preparation or analysis method only if the capability of the method meets or exceeds the sensitivity and accuracy of the applicable method listed in the Table 1.

(3) Any commercial fertilizer product registered prior to the enactment of these provisions using any sample preparation or analysis method not authorized by subsection (1) or (2) must be registered in accordance with subsection (1) or (2) in the next annual commercial fertilizer registration cycle.

[Statutory Authority: Chapter 15.54 RCW. 99-02-035, § 16-200-7062, filed 12/30/98, effective 1/30/99.]

WAC 16-200-7063 How will the department determine whether a commercial fertilizer meets Washington standards for metals? (1) To determine whether a commercial fertilizer meets Washington standards for metals, the department will use the following formula:

$$\frac{\text{Pounds of product applied per acre per year} \times \text{metal content of product (ppm)}}{1,000,000}$$

The number used for pounds of product applied per acre per year will be the maximum application rate allowed by the commercial fertilizer label. If specific label directions for use are not available, the department will use the Washington application rates listed in subsection (2) of this section, divided by four.

(2) Using normal agronomic rates that are representative of soil, crop rotation, and climatic conditions in Washington state, the department developed the following Washington application rates:

Nutrient	4 Yr. Cumulative Total (lbs./acre)
Nitrogen (N)	1600
Phosphorous (as P2O5)	700
Potassium (as K2O)	1600
Boron (B)	12
Calcium (Ca)	800
Chlorine (Cl)	300
Copper (Cu)	10
Iron (Fe)	80
Magnesium (Mg)	400
Manganese (Mn)	40
Molybdenum (Mo)	4
Sulfur (S)	400
Zinc (Zn)	30
Lime (CaCO3 equivalent)	20,000
Gypsum (CaSO4)	16,000

(3) To ensure that the maximum acceptable cumulative metals additions to soil are not exceeded, the department will assume the commercial fertilizer will be applied at the maximum rate as stated on the label or established in this rule.

[Statutory Authority: Chapter 15.54 RCW. 99-02-035, § 16-200-7063, filed 12/30/98, effective 1/30/99.]

WAC 16-200-7064 What are the Washington standards for metals? (1) The standards for metals in Washington are the maximum acceptable annual metals additions to soils adopted in RCW 15.54.800 and are presented in Table 2. Because the Canadian standards contained in the Canadian Trade Memorandum T-4-93 dated August 1996 are based on long-term (forty-five-year) cumulative metals additions to soils, the maximum acceptable annual metals additions to soils are determined by dividing the Canadian standards by forty-five. The Washington standards are expressed as pounds per acre per year.

Table 2. Washington Standards For Metals.

Metals	Lbs./acre/yr.
Arsenic (As)	.297
Cadmium (Cd)	.079
Cobalt (Co)	.594
Mercury (Hg)	.019
Molybdenum (Mo)	.079
Nickel (Ni)	.713
Lead (Pb)	1.981
Selenium (Se)	.055
Zinc (Zn)	7.329

(2) To be registered with the department and distributed in Washington, a commercial fertilizer must not exceed the above standards. Because cobalt (Co), molybdenum (Mo), and zinc (Zn) are also plant nutrients, higher concentrations than those presented in the table may be permitted. Commercial fertilizers which contain cobalt (Co), molybdenum (Mo), and/or zinc (Zn) concentrations may be registered and distributed in Washington if those metals are used as plant nutrients and those metals meet all applicable minimum guarantees and labeling requirements of chapter 15.54 RCW and the rules adopted thereunder.

(3) If a commercial fertilizer contains cobalt (Co), molybdenum (Mo), or zinc (Zn) and any one or more of those metals are not intended to be used as a plant nutrient, then the nonplant nutrient metals must meet the Standards shown in Table 2.

[Statutory Authority: Chapter 15.54 RCW. 99-02-035, § 16-200-7064, filed 12/30/98, effective 1/30/99.]

WAC 16-200-708 Unlawful acts. (1) It shall be unlawful for any person to refuse or neglect to comply with the provisions of the applicable sections of chapter 15.54 RCW, the rules adopted thereunder, or any lawful order of the department.

(2) It is unlawful to distribute a commercial fertilizer in Washington that exceeds the standards for nonnutritive substances established in RCW 15.54.800(3). The department will determine if a commercial fertilizer exceeds the standards by using the maximum application rates and by either:

(a) Comparing data submitted by the registrant to the standards established in WAC 16-200-7064; or

(b) Comparing the results of the analysis of an official sample to the standards established in WAC 16-200-7064. Official samples will be analyzed by the methods set forth in these rules.

[Statutory Authority: Chapter 15.54 RCW. 99-02-035, § 16-200-708, filed 12/30/98, effective 1/30/99. Statutory Authority: RCW 15.54.800. 91-01-015 (Order 2066), § 16-200-708, filed 12/7/90, effective 1/7/91.]

WAC 16-200-711 Plant nutrients in addition to nitrogen, phosphorus and potassium. (1) Plant nutrients, other than nitrogen, phosphorus and potassium, when mentioned in any form or manner shall be registered and shall be guaranteed on the label. Guarantees shall be made on the elemental basis. Sources of the elements guaranteed shall be shown on the label. Proof of availability shall be provided the director upon request. Except guarantees for those water soluble nutrients labeled solely for hydroponic or continuous liquid feed programs, the minimum percentages which will be accepted for registration are as follows:

Element	%
Calcium (Ca)	1.0000
Magnesium (Mg)	0.5000
Sulfur (S)	1.0000
Boron (B)	0.0200
Chlorine (Cl)	0.1000
Cobalt (Co)	0.0005
Copper (Cu)	0.0500
Iron (Fe)	0.1000
Manganese (Mn)	0.0500

Element	%
Molybdenum (Mo)	0.0005
Sodium (Na)	0.1000
Zinc (Zn)	0.0500

(2) Guarantees or claims for the plant nutrients listed in subsection (1) of this section are the only ones which shall be accepted by the department. Proposed labels and directions for the use of the fertilizer shall be furnished to the department with the application for registration upon request. Any of the above listed elements which are guaranteed shall appear in the order listed immediately following guarantees for the primary nutrients of nitrogen, phosphorus and potassium.

(3) A warning or caution statement may be required on the label for any commercial fertilizer containing more than 0.1% boron or more than 0.001% molybdenum. The following are examples of possible warning or caution statements:

(a) Boron:

(i) This fertilizer contains boron which may be injurious to certain crops. Contact your local county agent or field consultant for specific information.

(ii) WARNING: This fertilizer carries added borax and is intended for use only on alfalfa. Its use on any other crops or under conditions other than those recommended may result in serious injury to the crops.

(b) Molybdenum: CAUTION: This fertilizer is to be used only on crops which respond to molybdenum. Crops high in molybdenum are toxic to grazing animals (ruminants).

[Statutory Authority: Chapter 15.54 RCW, 87-19-097 (Order 1952), § 16-200-711, filed 9/17/87.]

WAC 16-200-715 Fertilizer labels. The following information, in the format presented, is the minimum information required for all fertilizer labels. For packaged products, this information shall either appear on the front or back of the package; or occupy at least the upper-third side of the package; or be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this same information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery.

(1) Net weight.

(2) Brand.

(3) Grade (provided that the grade shall not be required when no primary nutrients are claimed.)

(4) Guaranteed analysis*

Total Nitrogen (N)**	_____ %
___% ammoniacal nitrogen	
___% nitrate nitrogen	
___% water insoluble nitrogen	
___% urea nitrogen	
___% (other recognized and determined forms of N)	
Available Phosphoric Acid (P ₂ O ₅)	_____ %
Soluble Potash (K ₂ O)	_____ %
(Other nutrients, elemental basis)***	_____ %

(5) Sources of nutrients guaranteed on the label shall be listed below the completed guaranteed analysis statement.

(6) Name and address of registrant.

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(7) At a minimum, one of the following label statements:

(a) "Information received by the Washington state department of agriculture regarding the components in this product is available on the internet at <http://agr.wa.gov>."

Through June 30, 2006, you may use the following label statement: "Information received by the Washington state department of agriculture regarding the components in this product is available on the internet at <http://www.wa.gov/agr/>."

(b) "Information regarding the contents and levels of metals in this product is available on the internet at <http://agr.wa.gov>."

Through June 30, 2006, you may use the following label statement: "Information regarding the contents and levels of metals in this product is available on the internet at <http://www.wa.gov/agr/>."

(c) "Information regarding the contents and levels of metals in this product is available on the internet at <http://www.regulatory-info-xx.com>."

Each registrant must substitute a unique alphanumeric identifier for "xx." This statement may be used only if the registrant establishes and maintains the internet site and the internet site meets the following criteria:

(i) There is no advertising or company-specific information on the site; and

(ii) There is a clearly visible, direct hyperlink to the department's internet site specified in (a) and (b) of this subsection.

(d) "Information regarding the contents and levels of metals in this product is available on the internet at: "<http://www.aapfco.org/metals.htm>."

Note: The department's Uniform Resource Locator (URL) changed in 2003, thus requiring a revision to the labeling statements required in subsection (7)(a) and (b) of this section. (The new URL is "<http://agr.wa.gov>." The old URL was "<http://www.wa.gov/agr/>.") In order for companies to deplete existing stocks and revise labels, the department will allow either URL to be referenced on labels distributed through June 30, 2006. During this "phase-in" period, the department will maintain a redirect link to ensure that people are directed to the appropriate web site when they enter the old URL. Beginning July 1, 2006, all labels distributed in Washington using the statement in subsection (7)(a) or (b) of this section must include the new URL.

* Zero guarantees shall not be made and shall not appear in the statement.

** If chemical forms of nitrogen are claimed or required, the form shall be shown and the percentages of the individual forms shall add up to the total nitrogen percentage.

*** As prescribed by WAC 16-200-711.

[Statutory Authority: Chapters 15.54 and 34.05 RCW, 03-24-053, § 16-200-715, filed 12/1/03, effective 1/1/04. Statutory Authority: Chapter 15.54 RCW, 87-19-097 (Order 1952), § 16-200-715, filed 9/17/87.]

WAC 16-200-721 Slowly released plant nutrients. (1)

No fertilizer label shall bear a statement that connotes or implies that certain plant nutrients contained in a fertilizer are released slowly over a period of time, unless the nutrient or nutrients are identified and guaranteed.

(2) Types of products with slow release properties recognized are:

(a) Water insoluble (nitrogen products only), such as natural organics, ureaform materials, urea-formaldehyde products, IBDU, oxamide, etc.;

(b) Coated slow release, such as sulfur coated urea and other encapsulated soluble fertilizers;

(c) Occluded slow release, where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles; and

(d) Products containing water soluble nitrogen such as ureaform materials, urea-formaldehyde products, methylene-diurea (MDU), dimethylenetriurea (DMTU), dicyanodiamide (DCD), etc.

(3) The terms "water insoluble," "coated slow release," "slow release," "controlled release," "slowly available water soluble," and "occluded slow release" are accepted as descriptive of the products listed in subsection (2) of this section; however the registrant can show a testing program substantiating the claim (testing under guidance of experiment station personnel or a recognized reputable researcher acceptable to the director). A laboratory procedure, acceptable to the director for evaluating the release characteristics of the product(s) shall also be provided by the registrant upon request.

(4) When the nitrogen is organic, it shall be established that if a label states the amount of organic nitrogen present in a phrase, such as "nitrogen in organic form equivalent to X% N," then the water insoluble nitrogen guarantee shall not be less than sixty percent of the nitrogen so designated. For example: If the total nitrogen guarantee for a fertilizer is ten percent and the label states "Nitrogen in organic form equivalent to 2.5% N" then the water insoluble nitrogen guarantee shall not be less than 1.5% ($2.5\% \times 0.6 = 1.5\%$).

(5) When a slowly released nutrient is less than fifteen percent of the guarantee for either total nitrogen (N), available phosphoric acid (P₂O₅), or soluble potash (K₂O), as appropriate, the label shall bear no reference to such designations.

(6) AOAC method 2.074 (13th Edition), or as designated in subsequent editions, shall be used to confirm the coated slow release and occluded slow release nutrients and others whose slow release characteristics depend on particle size. AOAC method 2.072 (13th Edition) or as designated in subsequent editions, shall be used to determine the water insoluble nitrogen of organic materials.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-721, filed 9/17/87.]

WAC 16-200-725 Commercial fertilizer definitions.

Except as the director designates otherwise in specific cases, the names and definitions for commercial fertilizers shall be those adopted by the Association of American Plant Food Control Officials.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-725, filed 9/17/87.]

WAC 16-200-731 Commercial value of plant nutrients. The commercial values used in assessing penalties for plant nutrient deficiencies are as follows:

[Title 16 WAC—p. 172]

(1) Fertilizer Materials	Commercial	Value	(\$/Unit)
	N	P ₂ O ₅	K ₂ O
Urea	4.20		
Ammonium Nitrate (33.5% -34% N)	4.75		
Ammonium Sulfate	3.27		
Ammonium Phosphate:			
16-20-0	5.61	5.61	
18-46-0	4.81	4.81	
11-52-0	4.68	4.68	
11-55-0	4.63	4.63	
Triple Superphosphate (45%-46% P ₂ O ₅)		5.25	
Muriate of Potash (60%-62% K ₂ O)			2.17
Potassium Sulfate (50%-53% K ₂ O)			6.64
Sulfate of Potash-Magnesia			8.20
Anhydrous Ammonia (82% N)	3.00		
Urea ammonium nitrate (32-0-0)	4.62		
Aqua Ammonia (20-0-0)	3.00		
Ammonium Thiosulfate (12-0-0)	5.00		
Ammonium Polyphosphate (10-34-0)	6.00	6.10	

If the commercial value of any of the fertilizer materials listed above varies by more than 10% of the actual invoice value of the lot sampled, the registrant may request that the invoice be used in determining the commercial value of the fertilizer. The request must be accompanied by a copy of the invoice.

(2) Relative values for macro-nutrients:	Commercial	Value	(\$/Unit)
	N	P ₂ O ₅	K ₂ O
Dry blend nonspecialty fertilizer (not listed in (1) above)	4.48	5.16	2.74
Liquid blend nonspecialty fertilizer (not listed in (1) above)	3.93	5.96	2.74
Dry blend specialty fertilizer	18.96	18.96	18.96
Liquid blend specialty fertilizer	18.96	18.96	18.96

(3) Values used for determining and assessing penalties for secondary and minor plant nutrients shall be determined from the sales invoice.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-731, filed 9/17/87.]

WAC 16-200-735 Breakdown of plant food elements within the guaranteed analysis. When a plant nutrient guarantee is broken down into the component forms, the percentage for each component shall be shown before the name of the form. For example: 4% Nitrate Nitrogen.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-735, filed 9/17/87.]

WAC 16-200-739 Brand name. The addition of another prominent name or design to a registered brand (other than descriptive words associated with the grade) shall constitute a new and different brand. For example: Blue Bird 5-10-10 vs. John Doe Blue Bird 5-10-10.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-739, filed 9/17/87.]

WAC 16-200-7401 Statement of purpose—Penalty assignment. For the purpose of fair, uniform determination

of penalty as set forth in WAC 16-200-7401 through 16-200-7407, the director hereby declares:

(1) Regulatory action is necessary to deter violations of the Fertilizer Regulation Act and rules adopted under it, and to educate persons about the consequences of such violation(s); and

(2) Any regulatory action taken by the department against any person who violates the provisions of chapter 15.54 RCW and/or rules adopted under it shall be commensurate with the seriousness of the violation under the circumstances; and

(3) Each person shall be treated fairly in accordance with the rules set forth in this chapter and in adherence with the Administrative Procedure Act (chapter 34.05 RCW).

[Statutory Authority: Chapters 15.54, 34.05 RCW. 03-02-100, § 16-200-7401, filed 1/2/03, effective 2/2/03.]

WAC 16-200-7402 Definitions—Penalty assignment.

In addition to the definitions set forth in RCW 15.54.270 and WAC 16-200-695, the following shall apply to WAC 16-200-7401 through 16-200-7407.

(1) "Adverse effect(s)" means that the effects resulting from violations of chapter 15.54 RCW or the rules adopted under it actually causes, or creates the possibility of damage or injury to humans, animals, plants, property or the environment, or causes or creates the possibility of a threat to public health.

(2) "Level of violation" means that the alleged violation is a first, second, third, fourth, or more violation(s).

(a) First violation. This means the alleged violator has committed no prior violation within three years of committing the current alleged violation.

(b) Second violation. This means the alleged violator committed one prior violation within three years of committing the current alleged violation.

(c) Third violation. This means the alleged violator committed two prior violations within three years of committing the current alleged violation.

(d) Fourth violation. This means the alleged violator committed three or more prior violations within three years of committing the current alleged violation.

(e) For purposes of calculating the level of violation, prior violations will be measured from the date that a final action was taken by the department and not from the date that the violation(s) occurred.

(3) "Not probable" means that the alleged violator's conduct more likely than not would not have an adverse effect.

(4) "Probable" means that the alleged violator's conduct more likely than not would have an adverse effect.

(5) "Violation" means commission of an act or acts prohibited by chapter 15.54 RCW, and/or rules adopted under it.

(6) "Civil penalty" means a monetary penalty administratively issued by a regulatory agency for noncompliance with state or federal law, or rules. The term does not include any criminal penalty, damage assessment, wages, premiums, taxes owed, interest or late fees on any existing obligation.

(7) "Notice of correction" means a document issued by the department that describes a condition or conduct that is not in compliance with chapter 15.54 RCW, or the rules adopted under it and is not subject to civil penalties as provided for in RCW 43.05.110. A notice of correction is not a

formal enforcement action, is not subject to appeal and is a public record.

(8) "Notice of intent" means a document issued by the department that alleges specific violations of chapter 15.54 RCW, or any rules adopted under it. A notice of intent is a formal enforcement document issued with the intent to assess civil penalties to the alleged violator and/or to deny or cancel a license issued under the authority of chapter 15.54 RCW.

[Statutory Authority: Chapters 15.54, 34.05 RCW. 03-02-100, § 16-200-7402, filed 1/2/03, effective 2/2/03.]

WAC 16-200-7403 Application of RCW 43.05.100 and 43.05.110—Issuance of a civil penalty without first issuing a notice of correction.

(1) Pursuant to RCW 43.05.-100, a notice of correction may be issued by the department when they become aware of conditions and/or conduct that are not in compliance with the applicable laws and rules enforced by the department. The issuance of a notice of correction by the department shall not constitute a previous violation for purposes of WAC 16-200-7402(2), but may, at the discretion of the department, be considered as an aggravating factor for the purposes of WAC 16-200-7404(2).

(2) Prior to issuing a civil penalty for a violation of chapter 15.54 RCW and/or the rules adopted under it, the department shall comply with the requirements of RCW 43.05.110. RCW 43.05.110 allows the department of agriculture to issue a civil penalty provided for by law without first issuing a notice of correction if:

(a) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given a previous notice of the same or similar type of violation of the same statute or rule; or

(b) Compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; or

(c) The violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars; or

(d) The violation was committed by a business that employed fifty or more employees on at least one day in each of the preceding twelve months.

[Statutory Authority: Chapters 15.54, 34.05 RCW. 03-02-100, § 16-200-7403, filed 1/2/03, effective 2/2/03.]

WAC 16-200-7404 Calculation of a civil penalty.

(1) In the disposition of administrative cases, the department shall use the penalty assignment schedules listed in WAC 16-200-7407 to determine the appropriate penalty. The department shall calculate the appropriate penalty based on the level of violation and the adverse effect(s) or potential adverse effects at the time of the incident(s) giving rise to the violation. The median penalty shall be assessed unless an adjustment is warranted due to aggravating or mitigating factors. The median penalty may be adjusted to a level greater than the maximum penalty listed for the violation in the penalty assignment schedule table, but shall not exceed seven

thousand five hundred dollars per violation. The median penalty may be adjusted to a lesser amount due to mitigating factors, but not less than the minimum penalty listed for the violation.

(2) Adjustment of median penalty.

(a) The department reserves the right to increase the civil penalty when certain aggravating factors are present. Such aggravating factors include, but are not limited to:

(i) Situations where the civil penalty assessed is not substantially equivalent to the violator's economic benefit derived from the violation;

(ii) The number of separate alleged violations contained within a single notice of intent;

(iii) The high magnitude of the harm, or potential harm, including quantity and/or degree, to humans, animals, plants, property or the environment caused by the violation(s);

(iv) The similarity of the current alleged violation to previous violations committed within the last three years;

(v) The extent to which the alleged violation is part of a pattern of the same or substantially similar conduct.

(b) The department also reserves the right to decrease the civil penalty when certain mitigating factors are present. Such mitigating factors include, but are not limited to:

(i) Situations involving voluntary disclosure of a violation;

(ii) Situations involving a low magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation;

(iii) Voluntary taking of remedial measures that will result in increased public protection, or that will result in a decreased likelihood that the violation will be repeated.

(3) The department considers each violation to be a separate and distinct event. When a person has committed multiple violations, the violations are cumulative for purposes of calculating the appropriate civil penalty. The penalties are added together.

(4) Violation(s) committed during the period when a bulk fertilizer distribution license is denied or canceled shall be subject to the maximum civil penalty of seven thousand five hundred dollars and/or cancellation of the bulk fertilizer distribution license for a period of up to five years.

[Statutory Authority: Chapters 15.54, 34.05 RCW. 03-02-100, § 16-200-7404, filed 1/2/03, effective 2/2/03.]

WAC 16-200-7405 Denial or cancellation of a bulk fertilizer distribution license. (1) The department retains the sole discretion to determine when a bulk fertilizer distri-

bution license should be canceled. Cancellation of a license shall be an option for the department in those circumstances where:

(a) The penalty schedule allows for cancellation; and/or

(b) One or more aggravating factors are present.

(2) In circumstances where the department determines cancellation to be appropriate, the period of cancellation shall be determined at the discretion of the department, but in no instance shall exceed five years.

(3) The department may deny an applicant a license when the applicant has committed a violation(s) of chapter 15.54 RCW and/or the rules adopted under that chapter. The duration of denial shall be determined based upon the penalty provisions of this chapter. In circumstances where the department determines denial to be appropriate, the period of denial shall not exceed five years.

(4) Nothing shall prevent the department from denying an applicant a license when the applicant has an outstanding civil penalty owed to the department from a previous violation(s).

[Statutory Authority: Chapters 15.54, 34.05 RCW. 03-02-100, § 16-200-7405, filed 1/2/03, effective 2/2/03.]

WAC 16-200-7406 Other dispositions of alleged violations. Nothing herein shall prevent the department from:

(1) Choosing not to pursue a civil penalty or bulk fertilizer distribution license denial or cancellation.

(2) Issuing a notice of correction in lieu of pursuing a civil penalty, or bulk fertilizer distribution license denial or cancellation.

(3) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate. Prior violation(s) covered by a prior settlement agreement may be used by the department for the purpose of determining the appropriate penalty for the current alleged violation(s) if not prohibited by the agreement.

(4) Referring violations or alleged violations to any federal, state or county authority with jurisdiction over the activities in question.

[Statutory Authority: Chapters 15.54, 34.05 RCW. 03-02-100, § 16-200-7406, filed 1/2/03, effective 2/2/03.]

WAC 16-200-7407 Penalty assignment schedule. This assignment schedule shall be used for violations of chapter 15.54 RCW and rules adopted under it.

Level of Violation	Adverse Effects Not Probable			Adverse Effects Probable		
	Minimum	Median	Maximum	Minimum	Median	Maximum
First	\$400	\$600	\$1000	\$700	\$900	\$1100
Second	\$700	\$1000	\$2000	\$1200	\$2600	\$4000 and/or license denial or cancellation
Third	\$1400	\$2000	\$4000	\$1600 and/or license denial or cancellation	\$4800 and/or license denial or cancellation	\$7500 and/or license denial or cancellation
Fourth or more	\$1800 and/or license denial or cancellation	\$4000 and/or license denial or cancellation	\$6000 and/or license denial or cancellation	\$2000 and/or license denial or cancellation	\$7500 and/or license denial or cancellation	\$7500 and license denial or cancellation

[Statutory Authority: Chapters 15.54, 34.05 RCW. 03-02-100, § 16-200-7407, filed 1/2/03, effective 2/2/03.]

Chapter 16-201 WAC

FERTILIZER BULK STORAGE AND OPERATIONAL AREA CONTAINMENT RULES

WAC	
16-201-010	Definitions.
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16-201-160	Primary containment of liquid bulk fertilizers—Security.
16-201-170	Primary containment of bulk fertilizers—Labeling.
16-201-180	Primary containment of liquid bulk fertilizers—Temporary field storage.
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16-201-210	Dry bulk fertilizer storage and handling.
16-201-220	Backflow prevention.
16-201-230	Fertilizer spill and rinsate management.
16-201-240	Maintenance and inspection.
16-201-250	Recordkeeping requirements.
16-201-260	Spill response plan.
16-201-270	Effective dates.
16-201-280	Permits.
16-201-290	Penalties.

WAC 16-201-010 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires.

(1) "**Approved air gap**" means a physical separation between the free-flowing end of a water supply pipeline and the overflow rim of an open or nonpressurized receiving vessel. To be an approved air gap, the separation must be at least:

(a) Twice the diameter of the supply piping measured vertically from the overflow rim of the receiving vessel, and in no case be less than one inch, when unaffected by vertical surfaces (sidewalls): or

(b) Three times the diameter of the supply piping, if the horizontal distance between the supply pipe and a vertical surface (sidewall) is less than or equal to three times the diameter of the supply pipe, or if the horizontal distance between the supply pipe and intersecting vertical surfaces (sidewalls) is less than or equal to four times the diameter of

the supply pipe and in no case less than one and one-half inches.

(2) "**Approved reduced pressure principle backflow prevention assembly (RPBA)**" means an RPBA of a make, model and size that is approved by the Washington state department of health.

(3) "**Appurtenances**" means all valves, pumps, fittings, pipes, hoses and metering devices which are connected to a storage container, or which are used to transfer a material into or out of such storage container.

(4) "**Bulk fertilizer**" means commercial fertilizer distributed in a nonpackage form such as, but not limited to, tote bags, tanks, trailers, spreader trucks, and railcars.

(5) "**Certified engineer**" means a licensed professional engineer, registered in the state of Washington in the discipline in which he/she is practicing.

(6) "**Commercial fertilizer**" means any 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: Provided, That for the purpose of this chapter calcium carbonate (lime) and anhydrous ammonia are exempt: Provided further, That this rule does not apply to materials (including but not limited to compost, biosolids, or municipal sewage sludge), or to products derived therefrom, which are regulated pursuant to the provisions of chapter 70.95 or 70.95J RCW, or rules adopted thereunder.

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

(8) "**Discharge**" means a spill, leak, or release, accidental or otherwise, from a storage container, container or appurtenance. It does not include a fully contained transfer of fertilizer made pursuant to sale, storage, distribution or use.

(9) "**Dry fertilizer**" means fertilizer in solid form.

(10) "**Liquid fertilizer**" means fertilizer in liquid form, and includes solutions, emulsions, suspensions and slurries. Liquid fertilizer does not include anhydrous ammonia.

(11) "**Not technically feasible**" means compliance is not physically or technically possible or feasible, and/or compliance cannot be achieved without compromising operational safety, and/or significantly compromising operational access. Monetary cost of compliance alone, shall not be sufficient for the department to determine that compliance is not technically feasible.

(12) "**Operational area**" means an area or areas at a fertilizer bulk permanent storage facility where fertilizers are transferred, loaded, unloaded, mixed, repackaged, refilled or where fertilizers are cleaned, washed or rinsed from containers or application, handling, storage or transportation equipment.

(13) "**Operational area containment**" means any structure or system designed and constructed to intercept and contain discharges, including storage container or equipment wash water, rinsates, and rainwater from the operational area(s) of fertilizer bulk storage facilities.

(14) "**Permanent storage facility**" means a location at which undivided quantities of liquid bulk fertilizer in excess of five hundred U.S. gallons or undivided quantities of dry

bulk fertilizer in excess of fifty thousand pounds is held in storage: Provided, That temporary field storage is not considered a permanent storage facility.

(15) "**Primary containment**" means the storage of liquid or dry bulk fertilizer in storage containers at a permanent storage facility.

(16) "**Rinsate**" means the liquid generated from the rinsing of any equipment or container that has come in direct contact with any fertilizer, including: Recovered sedimentation, washwater, contaminated precipitation, or other contaminated debris.

(17) "**Secondary containment**" means a device or structure designed, constructed, and maintained to hold or confine a discharge of a liquid fertilizer from a permanent storage facility.

(18) "**Storage container**" means a container, including a railcar, nurse tank or other mobile container, that is used or intended for the storage of bulk liquid or dry fertilizer. It does not include a mobile container at a storage facility for less than fifteen days if this storage is incidental to the loading or unloading of a storage container at the bulk fertilizer storage facility. Storage container does not include underground storage containers or surface impoundments such as lined ponds or pits.

(19) "**Substantially similar protection**" means alternative containment and management practices that prevent or control releases to the environment to the same or similar degree as the protections afforded by full compliance with this chapter.

(20) "**Temporary field storage**" means a storage container with the capacity to store no more than ten thousand gallons of liquid bulk fertilizer and that is used for the temporary storage of liquid bulk fertilizer during application. Liquid bulk fertilizer application tanks directly attached to an apparatus for the purpose of fertigation are exempt from this chapter.

(21) "**Washwater**" means the liquid generated from the rinsing of the exterior of any equipment, containers or secondary containment or operational areas which have or may have come in direct contact with any fertilizer.

[Statutory Authority: Chapters 15.54 and 34.05 RCW. 03-23-130, § 16-201-010, filed 11/19/03, effective 12/20/03. Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-010, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-010, filed 11/2/93, effective 3/1/94.]

WAC 16-201-020 Secondary containment of liquid bulk fertilizers—General requirements. Primary storage of bulk liquid fertilizers at a permanent storage facility shall be located within secondary containment designed to prevent the release of discharged fertilizers. Secondary containment shall consist of:

(1) A wall and liner with a sloped floor as provided in WAC 16-201-028 and 16-201-030; or

(2) A prefabricated facility as provided in WAC 16-201-040.

(3) Secondary containment in operation prior to March 1, 1994, which does not have sloped floors shall be exempt from this section: Provided, That upon alteration to the secondary containment or increase of storage volume, the sec-

ondary containment shall be brought into full compliance with this section.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-020, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-020, filed 11/2/93, effective 3/1/94.]

WAC 16-201-025 Secondary containment of liquid bulk fertilizers—Capacity. (1) Secondary containment shall contain at least one hundred twenty-five percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the containment area: Provided, That permanent storage facilities that have tanks of one hundred thousand gallons or greater capacity may use the following method to meet the capacity requirement: Secondary containment shall contain at least one hundred ten percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the area plus sufficient volume to contain the precipitation from a twenty-five year, twenty-four hour storm event.

(2) If the secondary containment is located indoors or under a roof to prevent accumulation of rainfall, the area shall contain at least one hundred ten percent of the volume of the largest storage container plus the displacement of all other tanks, appurtenances and other items within the containment area.

(3) Secondary containment in operation prior to March 1, 1994, having a capacity of at least one hundred ten percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the containment area shall be considered to be in compliance with this section: Provided, That upon alteration to the secondary containment or increase of storage container volume the secondary [containment] shall be brought into full compliance with the specific capacity requirement of this section.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-025, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-025, filed 11/2/93, effective 3/1/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-201-028 Secondary containment of liquid bulk fertilizers—Walls and floors. (1) The secondary containment floor shall slope to one or more liquid tight collection points or sumps that allows spilled or deposited materials to be easily removed.

(2) The walls and floor of secondary containment shall be constructed of steel, poured reinforced concrete, precast concrete modules, solid masonry, or other materials or combination of materials that:

(a) Shall be designed to withstand a full hydrostatic head of any discharged liquid;

(b) Shall have sufficient thickness and chemical resistance to contain a release until it is recovered;

(c) Shall be constructed and maintained to a permeability standard of 1×10^{-6} cm/sec as determined by ASTM test method D-5084 Measurement of Hydraulic Conductivity of

Saturated Porous Materials Using a Flexible Wall Permeameter or other test method approved by the department;

(d) Shall have sufficient structural strength to maintain the containment's integrity under normally anticipated loadings;

(e) Shall be chemically compatible with the materials being stored; and

(f) Shall be properly sealed to prevent leakage.

(3) Any piping through the outside walls of secondary containment shall be installed and maintained such that the structural integrity of the wall is preserved and in such a manner as to prevent leaks.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-028, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-028, filed 11/2/93, effective 3/1/94.]

WAC 16-201-029 Secondary containment of liquid bulk fertilizer—Earthen walls. (1) Secondary containment walls constructed of earth shall be allowed at permanent storage facilities when a liner is used: Provided, That only permanent storage facilities having storage containers of one hundred thousand gallons or greater capacity can use clay liners.

(2) Earthen walls shall have a horizontal to vertical slope of at least three to one, unless a steeper slope is consistent with good engineering practice, and shall be packed and protected from erosion.

(3) The top of earthen walls shall be no less than two feet six inches wide.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-029, filed 11/17/00, effective 12/18/00.]

WAC 16-201-030 Secondary containment of liquid bulk fertilizers—Lining. If a liner is required to meet the standards set forth in WAC 16-201-028, then it must be constructed as follows:

(1) Synthetic liners:

(a) Synthetic liners shall be chemically compatible with the materials being stored within the permanent storage facility and have a minimum thickness of thirty mils +/- 1 mil. A written confirmation of compatibility and a written estimate of the life of the liner from the manufacturer shall be kept on file at the permanent storage facility or the nearest local office from which the permanent storage facility is administered.

(b) Synthetic liners shall be installed under the supervision of a qualified representative of the manufacturer, a contractor certified by the manufacturer, or a certified engineer. All field constructed seams shall be tested, and repaired if necessary, in accordance with the manufacturer's recommendations.

(2) Permanent storage facilities with storage containers of one hundred thousand gallons or greater may use clay soil liners: Provided, That:

(a) The surface soil shall be sealed, including the berm of an earthen dike, with a sealing agent such as sodium bentonite, attapulgite or a similar clay material[;]

(b) The liner shall be constructed in accordance with reliable civil engineering practices, to achieve a coefficient of permeability not to exceed 1×10^{-6} cm/sec and shall be main-

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tained at 1×10^{-5} cm/sec with a thickness of not less than six inches[.];]

(c) The floor and internal walls of the containment area shall have a protective barrier to prevent desiccation, evaporation, freeze, thaw, or other physical damage.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-030, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-030, filed 11/2/93, effective 3/1/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-201-031 Secondary containment of liquid bulk fertilizers—Floors and linings—Alternative procedures. A floor and/or liner need not be installed directly under a storage container having a capacity of one hundred thousand gallons or more which has been constructed on site and put into use prior to March 1, 1994: Provided, That one of the following alternative procedures are complied with, certified to in writing by an official of the company which owns the storage container, and the certificate is filed with the department:

(1) Alternative 1 is as follows:

(a) A second bottom made of steel shall be constructed for the storage container. The second bottom shall be placed over the original bottom and separated from the original bottom by a support medium designed to provide for leak detection between the two bottoms and properly support the new bottom. This support layer may consist of gravel, sand, concrete (grooved to provide leak detection), steel or other grillage, wire mesh, etc. as dictated by good engineering practice.

(b) The original bottom of the storage container shall be tested for leaks before the support layer and second bottom are installed. A record of the test shall be kept on file at the permanent storage facility or at the nearest local office from which the permanent storage facility is administered.

(c) The newly constructed bottom shall be tested for leaks before any liquid fertilizer is stored on the newly constructed bottom. A record of the test shall be kept on file at the permanent storage facility or at the nearest local office from which the permanent storage facility is administered.

(d) There shall be a system to readily detect leaks through the newly constructed bottom into the support layer. Leak tests should be conducted at not more than six-month intervals with a record of such tests to be kept at the permanent storage facility or at the nearest local office from which the permanent storage facility is administered.

(2) Alternative 2 is as follows:

(a) The storage container shall be emptied, cleaned, and tested for leaks. The walls and floor of the storage container shall be tested to assure that welds and thickness of steel plates are sound and adequate to contain the fertilizers. A record of the inspection, test results, and of any repairs made shall be submitted to the department and maintained by the owner or operator.

(b) The interior floor and twelve inches up the wall of the storage container shall be coated with a liner to inhibit corrosion. A record of this procedure shall be submitted to the department and maintained by the owner or operator.

(c) A test for leaks and liner deterioration or metal corrosion shall be conducted every five years thereafter. A record of the test findings and of indicated repairs and maintenance shall be maintained by the owner or operator.

(3) Alternative 3 is as follows:

(a) Monitoring devices shall be installed in angled borings under each storage container. These monitoring devices shall constitute a leak detection system for each storage container in advance of the point at which any leak would reach ground water.

(b) The number, length, and depth of each boring shall be determined on the basis of site characteristics. The array of monitoring devices under each storage container shall constitute the best practical early warning detection system for storage container leakage.

(c) Each monitoring plan under alternative 3 shall be implemented only upon review and written approval of the department and shall include inspection/monitoring schedules.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-031, filed 11/17/00, effective 12/18/00.]

WAC 16-201-040 Secondary containment of liquid bulk fertilizers—Prefabricated facilities. (1) Prefabricated [secondary containment] shall be composed of a rigid prefabricated basin having both a base and walls constructed of steel or synthetic materials which are resistant to corrosion, puncture or cracking. Materials used in the secondary containment shall be chemically compatible with the products being stored within the secondary containment. A written confirmation of compatibility from the basin manufacturer shall be kept on file at the permanent storage facility or at the nearest local office from which the permanent storage facility is administered.

(2) The prefabricated secondary containment shall be designed and installed to withstand all foreseeable loading conditions, including the tank load and a full hydrostatic head of any discharged liquid. Multiple basins connected to provide the capacity required in WAC 16-201-025 shall be connected in a manner which assures an adequate transfer of discharged liquid between basins.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-040, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-040, filed 11/2/93, effective 3/1/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-201-050 Secondary containment of liquid bulk fertilizers—Discharge outlets or valves. Secondary containment, including prefabricated secondary containment, shall not have discharge outlets or valves. Discharge outlets or valves on existing secondary containment shall be sealed. Secondary containments may be interconnected.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-050, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-050, filed 11/2/93, effective 3/1/94.]

WAC 16-201-060 Secondary containment of liquid bulk fertilizers—Storage with other material. (1) No material may be stored within liquid fertilizer secondary containment unless the material is compatible with all other material stored within the secondary containment. For the purposes of this section, compatible means that the materials, when mixed together, will not react in a manner that will cause a human health or environmental hazard.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-060, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-060, filed 11/2/93, effective 3/1/94.]

WAC 16-201-070 Secondary containment of liquid bulk fertilizers—Precipitation accumulations. Precipitation may not be allowed to accumulate in secondary containment to the point where it:

(1) Reduces the capacity of the secondary containment below one hundred ten percent of the volume of the largest storage container within the area plus the displacement of all other storage containers, appurtenances, and other items within the containment area;

(2) Increases corrosion of storage containers or appurtenances; or

(3) Impairs the stability of storage containers.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-070, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-070, filed 11/2/93, effective 3/1/94.]

WAC 16-201-080 Secondary containment of liquid bulk fertilizers—Recovery of discharges. Discharges within secondary containment shall be immediately recovered.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-080, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-080, filed 11/2/93, effective 3/1/94.]

WAC 16-201-100 Primary containment of liquid bulk fertilizers—Permanent storage facility. Permanent storage facility general requirements:

(1) Storage containers and appurtenances shall be constructed, installed and maintained so as to prevent the discharge of liquid fertilizer.

(2) Storage containers and appurtenances shall be constructed of materials which are resistant to corrosion, puncture or cracking.

(3) Materials used in the construction or repair of storage containers and appurtenances may not be of a type which react chemically or electrolytically with stored liquid fertilizer in a way which may weaken the storage container or appurtenances, or create a risk of discharge.

(4) Metals used for valves, fittings and repairs on metal storage containers shall be compatible with the metals used in the construction of the storage container, so that the combination of metals does not cause or increase corrosion which may weaken the storage container or its appurtenances, or create a risk of discharge.

(5) Storage containers and appurtenances shall be designed to handle all operating stresses, taking into account static head, pressure build up from pumps and compressors,

and any other mechanical stresses to which the storage containers and appurtenances may be subject in the foreseeable course of operations.

(6) Every fertilizer storage container connection, except a safety relief valve connection, shall be equipped with a manual shut-off valve located on the storage container or at a distance from the storage container dictated by standard engineering practice.

(7) Appurtenances shall be adequately supported to prevent sagging and possible breakage because of gravity and other forces encountered in the ordinary course of operation.

(8) Fertilizer storage containers and appurtenances shall be protected against reasonably foreseeable risks of damage by trucks and other moving vehicles or objects.

(9) Tanks designed as underground storage tanks shall not be used as above ground storage tanks for fertilizer unless they are designed and approved for above ground use or have been inspected and approved by a certified engineer. A record of the inspection and approval shall be maintained as a permanent record.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-100, filed 11/2/93, effective 3/1/94.]

WAC 16-201-110 Primary containment of liquid bulk fertilizers—Prohibition against underground storage. No person shall store liquid bulk fertilizer, fertilizer spills or rinsates in an underground storage container or surface impoundment, such as a lined pond or pit. A watertight catch basin or sump used for the temporary collection of rinseate or runoff from transfer and loading areas is exempt from this section.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-110, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-110, filed 11/2/93, effective 3/1/94.]

WAC 16-201-120 Primary containment of liquid bulk fertilizers—Abandoned storage containers. (1) Storage containers used at a permanent storage facility, or used for temporary field storage to hold liquid bulk fertilizer or fertilizer rinseate are considered abandoned if they have been out of service for more than six consecutive months because of a weakness or leak, or have been out of service for any reason for more than two years without an integrity test having been performed.

(2) Abandoned underground storage containers containing fertilizer which meet the definition of hazardous substance underground storage tank system in chapter 173-360 WAC are subject to the applicable requirements in that chapter.

(3) Abandoned above ground storage containers shall be thoroughly cleaned. All hatches on the storage containers shall be secured and all valves or connections shall be severed or plugged with vents being left functional.

(4) Abandoned storage containers shall be posted with a clearly legible tag with the words "Out of Service."

(5) Abandoned storage containers shall not be allowed to be put back in service on the same site without first installing secondary containment protection.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-120, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and (2009 Ed.)

15.58.040. 93-22-093 (Order 5018), § 16-201-120, filed 11/2/93, effective 3/1/94.]

WAC 16-201-130 Primary containment of liquid bulk fertilizers—Anchoring of storage containers. Storage containers shall be secured, if necessary, to prevent flotation or instability which might occur as a result of liquid accumulations within a secondary containment facility.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-130, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-130, filed 11/2/93, effective 3/1/94.]

WAC 16-201-140 Primary containment of liquid bulk fertilizers—Filling storage containers. Storage containers may not be filled beyond the capacity for which they are designed, taking into account the density of the liquid being stored and thermal expansion during storage.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-140, filed 11/2/93, effective 3/1/94.]

WAC 16-201-150 Primary containment of liquid bulk fertilizers—Liquid level gauging device. (1) Every storage container shall be equipped with a liquid level gauging device by which the level of liquid in the storage container can be readily and safely determined.

(2) A liquid level gauging device is not required if the level of fluid in a storage container can be readily and reliably measured by other means.

(3) Liquid level gauging devices shall be secured, in a safe manner, to protect against breakage or vandalism which may result in a discharge.

(4) External sight gauges are prohibited unless they are equipped with an automatic shut-off valve.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-150, filed 11/2/93, effective 3/1/94.]

WAC 16-201-160 Primary containment of liquid bulk fertilizers—Security. All bulk fertilizer storage containers and appurtenances shall be fenced or otherwise secured to provide reasonable protection against vandalism or unauthorized access. Valves on storage containers shall be closed and locked or otherwise secured when left unattended. Locks on end valves shall be considered adequate security for containers and appurtenances. For purposes of this section, unattended means there is no employee on the property for a period of twelve hours or longer.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-160, filed 11/2/93, effective 3/1/94.]

WAC 16-201-170 Primary containment of bulk fertilizers—Labeling. (1) All bulk fertilizer storage containers shall be clearly and conspicuously labeled to identify the contents.

(2) All bulk fertilizer storage containers shall bear a label or placard in accordance with Uniform Fire Code Standard No. 79-3, identifying the material therein.

(3) All bulk fertilizer storage containers used for temporary field storage shall be labeled with the owner's name, the capacity of the tank, and an identifying number. Lettering

shall be a minimum of two inches in height and in a color contrasting to the background.

(4) All bulk fertilizer storage containers used for temporary field storage shall have attached, in a weather-proof enclosure, a record of the date the storage container was put in place.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-170, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-170, filed 11/2/93, effective 3/1/94.]

WAC 16-201-180 Primary containment of liquid bulk fertilizers—Temporary field storage. (1) Temporary field storage shall comply with the following sections: WAC 16-201-100, 16-201-110, 16-201-120, 16-201-140, 16-201-150, and 16-201-170.

(2) Temporary field storage shall be inspected for leakage and soundness daily when in use.

(3) Valves on temporary field storage shall be closed and locked or otherwise secured when left unattended.

(4) The physical location and identifying number of all temporary field storage shall be provided to the department upon request.

(5) Once temporary field storage is set in place, it may remain at that location without secondary containment for a maximum of twenty-one consecutive days commencing from the date of placement in any six-month period, after which it must be removed. Upon written request, the department may issue a permit to extend the time temporary field storage may be in one place during any six-month period due to weather related conditions. No advisory group review, pursuant to WAC 16-201-280(2) is available for this type of permit.

[Statutory Authority: Chapters 15.54 and 34.05 RCW. 03-23-130, § 16-201-180, filed 11/19/03, effective 12/20/03. Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-180, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-180, filed 11/2/93, effective 3/1/94.]

WAC 16-201-190 Operational area containment of liquid fertilizers—Permanent storage facility. (1) All operational area activities shall take place on or within operational area containment: Provided, That during the unloading or loading of railcars, marine vessels, or manned trucks when product is unloaded from direct shipments from manufacturers, individual basins or portable storage containers shall be used to recover spillage and leakage from transfer connections and pumps.

(2) Operational area containment shall be designed and constructed to contain fertilizers, rinsates, washwater and other materials spilled or deposited during mixing, loading, unloading, draining, rinsing and washing activities.

(3) The walls and floor of operational area containment shall be constructed of steel, poured reinforced concrete, pre-cast concrete modules, solid masonry, or other materials or combination of materials that:

(a) Are designed to withstand a full hydrostatic head of any discharged liquid;

(b) Have sufficient thickness and chemical resistance to contain a release until it is recovered;

(c) Are constructed and maintained to a permeability standard of 1×10^{-6} cm/sec as determined by ASTM test method D-5084 Measurement of Hydraulic Conductivity of

Saturated Porous Materials Using a Flexible Wall Permeameter or other test method approved by the department.

(4) If synthetic materials are used in construction they shall be chemically compatible with the products handled at the site. A written confirmation of compatibility from the manufacturer shall be kept on file at the site or the nearest location from which the site is administered.

(5) Operational area containment shall be constructed to withstand the weight of any vehicles or storage containers which will be on it.

(6) Operational area containment shall be constructed with sufficient surface area, using curbs or other means, to prevent any discharge from leaving the containment area. The operational area containment shall have a capacity of at least fifteen hundred gallons. If no storage container or mobile storage container used at the operational area containment to transfer liquid bulk fertilizers has a capacity of more than one thousand gallons, the operational area containment shall be of adequate size and design to contain one hundred twenty-five percent the capacity of the largest storage container, or mobile storage container used.

(7) Operational area containment shall slope to one or more liquid tight collection points or sumps that allows spilled or deposited materials to be easily recovered.

[(8)] An above ground storage container may be used in conjunction with the operational area containment to meet the capacity requirement. If an above ground storage container is used to meet the capacity requirement, the storage container shall be located within secondary containment. The storage container shall be clearly and conspicuously labeled "fertilizer rinsate."

(9) Any pump used for recovering material from the operational area containment shall be manually activated.

(10) The operational area containment shall not have a discharge outlet or valve. Discharge outlets or valves on existing operational areas shall be sealed. Operational area containments may be interconnected.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-190, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-190, filed 11/2/93, effective 3/1/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-201-200 Operational area containment of liquid fertilizers—Temporary field storage. (1) During loading and unloading of liquid bulk fertilizer at temporary field storage locations individual basins or portable storage containers shall be used to recover spillage and leakage from transfer connections and pumps.

(2) Liquid bulk fertilizer storage containers used for temporary field storage shall be located at least one hundred feet from wells and surface water except, for purposes of this section, irrigation water flowing directly to a field, or on a field, is not considered surface water unless the water could be carried beyond the field being irrigated.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-200, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-200, filed 11/2/93, effective 3/1/94.]

WAC 16-201-210 Dry bulk fertilizer storage and handling. (1) Dry bulk fertilizer shall be stored inside a structure or device having a roof or cover, sidewalls, and a base sufficiently impermeable to prevent contact with precipitation and surface water; or

(2) If dry bulk fertilizer is stored outdoors, it shall be placed on a ground cover sufficiently impermeable to prevent seepage or runoff and shall be completely covered with a tarpaulin or other suitable covering to prevent contact with precipitation and surface water.

(3) All loading, unloading, mixing and handling of dry bulk fertilizer at the storage facility shall be conducted on a surface of a size and design that will allow for the collection of spilled materials.

(4) Operational areas shall be cleaned to prevent accumulation of dry bulk fertilizer spilled during loading and unloading.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-210, filed 11/2/93, effective 3/1/94.]

WAC 16-201-220 Backflow prevention. (1) When piping within secondary containment or an operational area is directly connected to a water source such as a well or public water system, an approved air gap or an approved reduced pressure principle backflow prevention assembly (RPBA) shall be installed to protect the water source. Approved air gaps and approved RPBA's shall be installed, operated, inspected and/or tested and maintained per WAC 246-290-490

(2) Approved RPBA's shall be inspected and tested by a Washington State Department of Health certified backflow assembly tester, and approved air gaps shall be inspected by a Washington State Department of Health certified backflow assembly tester or cross-connection control specialist:

(a) At the time of installation, alteration or relocation, and

(b) At least on an annual schedule thereafter.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-220, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-220, filed 11/2/93, effective 3/1/94.]

WAC 16-201-230 Fertilizer spill and rinsate management. (1) Fertilizer spills within secondary containment or operational area containment shall be immediately recovered.

(2) Fertilizer rinsate shall be removed from secondary containment and operational area containment as necessary to ensure the capacity of the containment area does not fall below the levels required by this chapter. [Rinsate] accumulations collected in an operational area water-tight sump shall not exceed the capacity of the sump at the end of the business day.

(3) Fertilizer spills or rinsates shall not be released to the environment unless the material is applied at normal fertilizer rates, used in fertilizer blends, used in a fertilizer manufacturing process, or disposed of properly.

(4) Recovered spills or rinsates in excess of 500 gallons must be contained in a storage container within secondary containment. The storage container must be clearly and conspicuously labeled to identify the content.

(2009 Ed.)

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-230, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-230, filed 11/2/93, effective 3/1/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-201-240 Maintenance and inspection. (1) The operator of a fertilizer bulk storage facility shall inspect and maintain storage containers, appurtenances, secondary containment and operational area containment to minimize the risk of a fertilizer release. The inspection shall include a visual observation for any evidence of leaks, spills, cracks, solar decay or wear.

(2) Maintenance of the fertilizer bulk storage facilities shall be performed as needed to ensure that the integrity of the bulk fertilizer storage containers, secondary containment and operational area containment is maintained.

(3) Bulk fertilizer storage containers and appurtenances shall be inspected at least once per month when in use. Secondary containment and operational area containment shall be inspected at least once per month when in use.

(4) All secondary and operational area containment shall be maintained free of debris and foreign matter.

(5) A written record of all inspections and maintenance shall be made on the day of the inspection or maintenance and kept at the storage site or at the nearest local office from which the storage site is administered.

(6) Inspection records shall contain the name of the person making the inspection, the date of the inspection, conditions noted and maintenance performed.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-240, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-240, filed 11/2/93, effective 3/1/94.]

WAC 16-201-250 Recordkeeping requirements. Records required by this section and documents necessary to ensure compliance with this chapter shall be made available for inspection and copying by the department. The following records shall be maintained at permanent storage facilities or at the nearest local office from which the permanent storage facility is administered.

(1) A record of construction materials and methods of construction to show compliance with WAC 16-201-025, 16-201-028, 16-201-030, 16-201-040, 16-201-050, and 16-201-190. These records shall be maintained as permanent records.

(2) A record of the method(s) used to use or dispose of product or contaminated materials recovered from discharges outside secondary or operational area containment. This record applies only to discharges required to be reported to the Washington state department of ecology by the Washington state Dangerous waste regulations, chapter 173-303 WAC. These records shall be maintained for a period of at least three years.

(3) Inspection and maintenance records required by WAC 16-201-240. These records shall be maintained for a period of at least three years.

(4) Manufacturer's compatibility statements required by WAC 16-201-030 and 16-201-040. These records shall be maintained as permanent records.

(5) A copy of the permanent storage facility's spill response plan required by WAC 16-201-260. This record shall be maintained as a permanent document.

(6) Records required by WAC 16-201-100(9). These records shall be maintained as permanent records.

(7) Records required by WAC 16-201-220, Backflow prevention.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-250, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-250, filed 11/2/93, effective 3/1/94.]

WAC 16-201-260 Spill response plan. (1) The operator of a permanent storage facility shall prepare a written spill response plan for the permanent storage facility. If all or portions of the information required by the spill response plan have been prepared for plans required by other government agencies, they need not be prepared for this plan: Provided, That the information is readily accessible to emergency responders and department personnel. However, when copies of the plan are distributed, all required information shall be provided.

The plan shall include the following elements:

(a) The identity and telephone numbers of the persons and agencies who are to be contacted in the event of a spill, including persons responsible for the stored fertilizer.

(b) For each fertilizer stored at the permanent storage facility a complete copy of the storage container labeling required in WAC 16-201-170, and the labeling required to accompany sale of the fertilizer under the Washington Commercial Fertilizer Act, chapter 15.54 RCW.

(c) A material safety data sheet for each fertilizer stored at the permanent storage facility.

(d) The procedures to be used for controlling and recovering, or otherwise responding to a spill for each type of bulk fertilizer stored at the permanent storage facility.

(e) The procedures to be followed in using or disposing of a recovered spill.

(2) The plan shall be kept current at all times.

(3) A copy of the spill response plan shall be kept readily available for inspection and use at the permanent storage facility or at the nearest local office from which the permanent storage facility is administered and shall be available for inspection and copying by the department.

(4) A copy of the spill response plan shall be provided to the local fire department.

(5) Persons employed at permanent storage facilities shall be trained in spill response procedures pursuant to the spill response plan.

(6) Emergency equipment and supplies. Every permanent storage facility shall have access to pumps and recovery containers which can be used to control and recover spills. Pumps, recovery containers and persons capable of deploying and operating them shall be readily available in an emergency. Pumps and recovery containers may include those operated by a local fire department or other persons: Provided, That the use and availability of the pumps and recovery containers is arranged in advance as part of the spill response plan. Absorbent materials and other equipment suitable for the control and cleanup of smaller spills shall be available at the permanent storage facility. The permanent

storage facility shall maintain a list showing the types and locations of clean-up supplies and equipment. The list shall be maintained at the permanent storage facility or the nearest local office from which the facility is administered.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-260, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-260, filed 11/2/93, effective 3/1/94.]

WAC 16-201-270 Effective dates. The requirements of this chapter shall be effective immediately: Provided, That

(1) All permanent storage facilities that have storage containers of one hundred thousand gallons or greater and that were in operation prior to March 1, 1994, shall comply with WAC 16-201-020 through 16-201-080, and 16-201-190 by March 1, 2001;

(2) Storage of bulk fertilizer, fertilizer spills or rinsates shall comply with WAC 16-201-110 within 30 months of the effective date of this rule;

(3) Fertilizer spills or rinsates must be contained in compliance with WAC 16-201-230(4) within 30 months of the effective date of this rule.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-270, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-270, filed 11/2/93, effective 3/1/94.]

WAC 16-201-280 Permits. (1) The department may issue a permit exempting any person from a requirement under this chapter if compliance is not technically feasible in the judgment of the department and the department finds that alternative measures provide substantially similar protection. All information required to prove that substantially similar protection is possible shall be provided to the department by the person requesting the permit.

(2) At the request of the department, advisory group, or permittee, an advisory group appointed by the director shall evaluate and advise the department on any request for permit from this chapter.

[Statutory Authority: RCW 15.54.800. 00-23-075, § 16-201-280, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-280, filed 11/2/93, effective 3/1/94.]

WAC 16-201-290 Penalties. Any person who fails to comply with any provisions of this chapter shall be subject to imposition of a civil penalty as provided in chapter 15.54 RCW.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-290, filed 11/2/93, effective 3/1/94.]

Chapter 16-202 WAC

APPLICATION OF PESTICIDES AND PLANT NUTRIENTS THROUGH IRRIGATION SYSTEMS

WAC

PART 1

GENERAL PROVISIONS FOR CHEMIGATION OPERATIONS

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16-202-1002

How are specific terms and phrases defined in this chapter?

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PART 5

GENERAL PROVISIONS FOR FERTIGATION OPERATIONS

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16-202-2021	Penalties.
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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.

PART 1

GENERAL PROVISIONS FOR CHEMIGATION OPERATIONS

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.]

PART 2

GENERAL REQUIREMENTS FOR CHEMIGATION OPERATIONS

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.

(2009 Ed.)

(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.

[Title 16 WAC—p. 185]

(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 irri-

gation 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.]

PART 3 SAFETY REQUIREMENTS FOR CHEMIGATION SYSTEMS

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 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, 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.

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(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.]

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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.]

PART 4 PENALTIES AND PENALTY ASSIGNMENT SCHEDULE FOR CHEMIGATION OPERATIONS

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

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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.]

PART 5 GENERAL PROVISIONS FOR FERTIGATION OPERATIONS

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 pre-

vention 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.]

PART 6 GENERAL REQUIREMENTS FOR FERTIGATION OPERATIONS

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.

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(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.]

PART 7

SAFETY REQUIREMENTS FOR FERTIGATION SYSTEMS

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.

(2009 Ed.)

(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.]

PART 8 PENALTIES AND PENALTY ASSIGNMENT SCHEDULE FOR FERTIGATION OPERATIONS

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.

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(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 16-213 WAC

MISCELLANEOUS AGRICULTURAL COMMODITY INSPECTION STANDARDS

WAC

16-213-200	Buckwheat inspection definitions.
16-213-210	Procedures.
16-213-260	Cracked corn, corn screenings, and mixed grain screenings inspection definitions.
16-213-270	Cracked corn, corn screenings, and mixed grain screenings inspection procedures.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-213-010	Promulgation. [Order 1280, § 16-213-010, filed 12/1/72.] Repealed by 00-08-041, filed 3/30/00, effective 4/30/00. Statutory Authority: Chapter 22.09 RCW.
16-213-100	Safflower seed standards—Definitions. [Order 1280, § 16-213-100, filed 12/1/72.] Repealed by 00-08-041, filed 3/30/00, effective 4/30/00. Statutory Authority: Chapter 22.09 RCW.
16-213-110	Application of standards. [Order 1280, § 16-213-110, filed 12/1/72.] Repealed by 00-08-041, filed 3/30/00, effective 4/30/00. Statutory Authority: Chapter 22.09 RCW.
16-213-120	Grades, grade requirements, and grade designations. [Order 1280, § 16-213-120, filed 12/1/72.] Repealed by 00-08-041, filed 3/30/00, effective 4/30/00. Statutory Authority: Chapter 22.09 RCW.
16-213-130	Special grades for safflower seed. [Order 1280, § 16-213-130, filed 12/1/72.] Repealed by 00-08-041, filed 3/30/00, effective 4/30/00. Statutory Authority: Chapter 22.09 RCW.
16-213-220	Inspection and certification of shiplots and combined lots of Washington buckwheat. [Statutory Authority: Chapter 22.09 RCW. 84-06-036 (Order 1812), § 16-213-220, filed 3/2/84.] Repealed by 00-08-041, filed 3/30/00, effective 4/30/00. Statutory Authority: Chapter 22.09 RCW.
16-213-230	Washington stowage examinations. [Statutory Authority: Chapter 22.09 RCW. 84-06-036 (Order 1812), § 16-213-230, filed 3/2/84.] Repealed by 00-08-041, filed 3/30/00, effective 4/30/00. Statutory Authority: Chapter 22.09 RCW.
16-213-240	Rapeseed inspection definitions. [Statutory Authority: Chapter 22.09 RCW. 86-20-050 (Order 1908), § 16-213-240, filed 9/29/86.] Repealed by 00-08-041, filed 3/30/00, effective 4/30/00. Statutory Authority: Chapter 22.09 RCW.
16-213-250	Rapeseed inspection procedures. [Statutory Authority: Chapter 22.09 RCW. 86-20-050 (Order 1908), § 16-213-250, filed 9/29/86.] Repealed by 00-08-041, filed 3/30/00, effective 4/30/00. Statutory Authority: Chapter 22.09 RCW.

WAC 16-213-200 Buckwheat inspection definitions.

(1) "Buckwheat" means grain which before the removal of dockage consists of fifty percent or more of whole kernels of buckwheat (domestic varieties). The term "buckwheat" in these standards shall not include wild buckwheat.

(2) "Dockage" means all matter other than buckwheat which can be readily removed from a test portion of the original sample by use of the approved device in accordance with the procedures as set down in these standards.

(3) "Foreign material" means all matter other than buckwheat which remains in the sample after the removal of dockage.

(4) "Moisture" means a percentage ascertained by the air oven or by any device and method which gives equivalent results.

(5) "Percentages" means percentages ascertained by weight except in the case of moisture.

(6) "Sample grade buckwheat" means buckwheat which has a commercially objectionable foreign odor; or is musty, sour, heating, or hot; or contains eight or more stones per one thousand grams; or fails to meet the grade requirements of Washington numerical grades, or is otherwise distinctly low quality.

(7) "Stones" means concreted, earthy, or mineral matter or other substances of similar hardness that do not disintegrate readily in water.

(8) "Test weight per bushel" means the weight as determined per Winchester bushel (35.24 liters) or as determined by any device and method which gives equivalent results.

(9) "Type" of buckwheat (large or small) means the result determined by sizing a portion using an 8/64 x 3/4 slotted sieve, and shall be added to and made a part of the grade designation.

(a) The designation shall be "large" when twenty percent or less of the buckwheat passes through an 8/64 x 3/4 slotted sieve.

(b) The designation shall be "small" when more than twenty percent of the buckwheat passes through an 8/64 x 3/4 slotted sieve.

(10) "Weevily" buckwheat shall be buckwheat that is infested with live weevils or other insects injurious to stored buckwheat.

[Statutory Authority: Chapter 22.09 RCW. 00-08-041, § 16-213-200, filed 3/30/00, effective 4/30/00; 84-06-036 (Order 1812), § 16-213-200, filed 3/2/84.]

WAC 16-213-210 Procedures. (1) The determination of dockage shall be on approximately nine hundred seventy-five to one thousand twenty-five grams cut from the representative sample.

(a) The Carter dockage tester shall be set up as follows:

(i) Set the air control at number six;

(ii) Set the feed control at number six;

(iii) Use the number two riddle in the riddle carriage;

(iv) Use no sieve in the top sieve carriage;

(v) Use the number eight sieve in the middle sieve carriage;

(vi) Use the number six sieve in the bottom sieve carriage.

(b) Buckwheat produced in the Pacific Northwest tends to be exceptionally large and dockage cannot be accurately determined using the standard method. For this large northwest buckwheat, the Carter dockage tester shall be set up as follows:

(i) Set the air control at number three;

(ii) Set the feed control at number four;

(iii) Use the number twenty-five riddle in the riddle carriage;

(iv) Use no sieve in the top sieve carriage;

(v) Use the number eight sieve in the middle sieve carriage;

(vi) Use the number six sieve in the bottom sieve carriage.

(c) Dockage will then consist of:

(i) The material removed from the air collecting pan;

(ii) Material over the number two or twenty-five riddle. If any buckwheat is in this pan, remove and return to dockage free buckwheat;

(iii) Material through the number eight sieve. If by weight, it is fifty percent or more of material other than buckwheat, return all of it to the dockage. If by weight, it is more than fifty percent buckwheat, return all of it to the dockage free buckwheat;

(iv) Material through the number six bottom sieve.

(d) Record the percentage of dockage on the pan ticket. When applicable, the percentage of dockage shall be shown on the inspection certificate. The percentage of dockage when equal to 0.5 percent or more shall be stated in terms of half percent, whole percent, or whole and half percent, whichever is applicable, with other fractions disregarded as shown in the following examples:

0.50 to 0.99 percent is expressed as 0.5 percent;

1.00 to 1.49 percent is expressed as 1.0 percent;

1.50 to 1.99 percent is expressed as 1.5 percent, etc.

(2) The determination of foreign material shall be made on a representative portion of approximately sixty grams cut from the work sample after the removal of dockage. The percentage of foreign material shall be shown on the pan ticket and the inspection certificate to the nearest tenth of a percent.

(3) The determination for moisture shall be made on a representative portion of exactly two hundred fifty grams obtained from the representative sample before the removal of dockage. The percentage of moisture shall be shown on the pan ticket and the inspection certificate in whole and tenths of a percent to the nearest tenth percent.

(4) The determination for distinctly low quality and Washington sample grade factors shall be made on the basis of the lot as a whole and/or a representative portion of approximately one thousand grams cut from the representative sample before the removal of dockage. Distinctly low quality factors shall include:

(a) Animal filth. Buckwheat containing two or more rodent pellets, bird droppings, or an equivalent quantity of other animal filth shall be graded Washington sample grade.

(b) Broken glass. Buckwheat containing two or more pieces of broken glass shall be graded Washington sample grade.

(c) Castor beans. These multicolored bean-like seeds of the castor-oil plant have been found to be highly toxic to animal life. Buckwheat containing three or more castor beans shall be graded Washington sample grade.

(d) *Crotalaria*. The seeds of *crotalaria* (*CROTALARIA* spp.) are highly toxic to animal life. These seeds can be various colors and are generally "kidney" or "boxing glove" shaped. Buckwheat containing three or more *crotalaria* seeds shall be graded Washington sample grade.

(e) Unknown foreign substance. Buckwheat containing four or more pieces of an unknown foreign substance shall be graded Washington sample grade. Pelletized material other

than feed pellets shall be considered an unknown foreign substance. Feed pellets in buckwheat are considered dockage or foreign material, depending on where they are found during grading.

When buckwheat is found to be Washington sample grade on one or more of these factors, this fact and the reasons therefore shall be shown on the pan ticket and the inspection certificate even though the buckwheat may be Washington sample grade on another factor.

(5) The determination of stones shall be made on a representative portion of approximately one thousand grams of buckwheat after the removal of dockage.

(6) The determination for test weight per bushel shall be made on a representative portion of buckwheat ranging in size from one and one-eighth to one and one-quarter quarts after the removal of dockage. The test weight per bushel of buckwheat, whether or not this factor determines the grade, shall be shown on the pan ticket and the inspection certificate in whole and half pounds. A fraction of a half pound shall be disregarded.

(7) The determination of type shall be made on a representative portion of approximately two hundred fifty grams cut from the work sample after the removal of dockage. One of the following methods may be used:

(a) The mechanical sieving method.

(i) Mount an 8/64 x 3/4 slotted sieve and the bottom pan on the mechanical sieve shaker with the sieve perforations parallel to the direction of the movement. The sample is placed on the sieve and shaken lengthwise of the slots for twenty strokes.

(ii) All the material passing through the sieve shall be weighed and the percentage determined to the nearest tenth of a percent. This percentage shall be shown on the pan ticket and the inspection certificate.

(b) Hand sieving method.

(i) Mount an 8/64 x 3/4 slotted sieve on a bottom pan.

(ii) Place the two hundred fifty gram portion in the center of the pan.

(iii) Hold the sieve level in both hands with elbows close to the body and the sieve perforations parallel to the direction of the movement.

(iv) In a steady motion move the sieve left to right approximately ten inches and then return from right to left.

(v) Repeat the operation twenty times.

(vi) All the material passing through the sieve shall be weighed and the percentage determined to the nearest tenth of a percent. This percentage shall be shown on the pan ticket and the inspection certificate.

(8) The determination for the special grade "weevily" shall be made on the basis of the lot as a whole and/or the representative sample before the removal of dockage. Buckwheat is considered infested and shall be graded weevily when:

(a) The work sample contains one live weevil and any other live insect injurious to stored grain.

(b) The work sample contains one live weevil and the balance of the representative sample contains one live weevil or any other live insect injurious to stored grain.

(c) The work sample, or the work sample and the balance of the representative sample combined, contains no live weevils.

vils but does contain five or more other live insects injurious to stored grain.

(d) Two or more live weevils are found in, on or about the lot. When buckwheat is found to be weevily, this fact shall be shown on the pan ticket and on the inspection certificate in accordance with grade designation procedures.

(9) To provide uniform certification the following procedure shall be observed when writing grade designations on pan tickets and inspection certificates:

(a) The word "Washington" preceded by the abbreviation "no." and the numerical grade, or preceded by the words "sample grade," as the case may be, shall be shown first;

(b) The word "large" or "small" shall be shown next;

(c) The word "buckwheat" shall be shown next;

(d) When applicable, the special grade "weevily" shall be shown next;

(e) When applicable, the word "dockage" together with the percentage thereof.

(10) The following certification requirements are applicable to buckwheat under these standards:

GRADE	MINIMUM TEST WEIGHT PER BUSHEL (POUNDS)		MAXIMUM LIMIT OF FOREIGN MATERIAL
	LARGE	SMALL	
	Pounds	Pounds	Percent
No. 1 Washington	45	48	1.0
No. 2 Washington	43	46	2.0
No. 3 Washington	40	42	4.0

Sample grade - Buckwheat which has a commercially objectionable foreign odor, or is musty, sour, heating, hot, contains eight or more stones per one thousand grams, or is otherwise distinctly low quality shall be graded Washington sample grade buckwheat with the inspector's notation as to quality and condition.

[Statutory Authority: Chapter 22.09 RCW, 86-20-050 (Order 1908), § 16-213-210, filed 9/29/86; 84-06-036 (Order 1812), § 16-213-210, filed 3/2/84.]

WAC 16-213-260 Cracked corn, corn screenings, and mixed grain screenings inspection definitions. (1)

"Cracked corn" is a byproduct of the elevating, transporting, or cleaning of corn. Cracked corn is the entire corn kernel, broken, ground, or fractured. Cracked corn may contain incidental whole kernels of corn. Cracked corn may be "yellow" or "white" if one color constitutes ninety percent or more of the mixture. Cracked corn may not contain more than four percent of admixture (foreign material).

(2) "Corn screenings" is a byproduct of the elevating, transporting, or cleaning of corn. Corn screenings is the entire corn kernel, broken, ground, or fractured. Corn screenings may contain incidental whole kernels of corn. Corn screenings must consist of seventy percent or more of corn, whole and broken, and may contain not more than thirty percent of admixture.

(3) "Mixed grain screenings" is a byproduct of the elevating, transporting, or cleaning of grain. Grain screenings is the entire grain kernel, broken, ground, or fractured. Mixed grain screenings may contain incidental whole kernels of grain. Mixed grain screenings must consist of seventy percent or more of whole, light, and broken kernels of wheat, barley, oats, corn, rye, flaxseed, sorghum, triticale, soybeans, or wild

oats in combination. Mixed grain screenings may contain not more than thirty percent of other foreign material.

(4) "Admixture" in cracked corn or corn screenings means foreign material and standardized grains other than corn.

(5) "Other foreign material" in mixed grain screenings means material other than standardized grains under the United States Grain Standards Act and wild oats.

(6) "Test weight per bushel" means the weight per winchester bushel (35.24 liters) or as determined by any device and method which gives equivalent results.

(7) "Moisture" means a percentage ascertained by the air oven method or by any device and method which gives equivalent results.

[Statutory Authority: Chapter 22.09 RCW, 00-08-041, § 16-213-260, filed 3/30/00, effective 4/30/00; 87-08-030 (Order 1919), § 16-213-260, filed 3/26/87.]

WAC 16-213-270 Cracked corn, corn screenings, and mixed grain screenings inspection procedures. (1)

The determination of cracked corn, yellow or white in cracked corn, corn screenings or mixed grain screenings shall be made on a representative portion of approximately thirty grams cut from the representative sample.

(a) In the case of cracked corn and corn screenings, the percentage of admixture shall be determined and recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(b) In the case of mixed grain screenings, the percentage of other foreign material shall be determined and recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(2) The determination for moisture shall be made on a representative portion of the sample of exactly two hundred fifty grams cut from the work sample. The percentage of moisture is determined by using the motomco moisture meter or other device that yields equivalent results. The percentage of moisture shall be recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(3) The determination of test weight per bushel shall be made on a representative portion of the sample ranging in size from one and one-eighth to one and one-fourth quarts. The test weight per bushel shall be recorded on the inspection certificate in whole and half pounds. A fraction of a half pound shall be disregarded.

(4) The examination of shiplots and combined lots of cracked corn, corn screenings and mixed grain screenings.

(a) When examining a shiplot or combined lot of cracked corn, corn screenings or mixed grain screenings, an individual subplot sample may exceed the limit for admixture in cracked corn and corn screenings and the limit of other foreign material in mixed grain screenings by up to two percent provided that:

(i) The weighted or mathematical average for the lot as a whole is within the prescribed limits of the applicable definition; and

(ii) The preponderance of the lot by weight meets the applicable definition.

(b) The certificate for a lot must show the following:

(i) The term cracked corn, corn screenings or mixed grain screenings.

- (ii) The approximate weight of the lot.
 - (iii) In the case of cracked corn or corn screenings, the percentage of admixture.
 - (iv) In the case of mixed grain screenings, the percentage of other foreign material.
 - (v) The presence of sour, musty, or commercially objectionable foreign odors, an unknown foreign substance, live weevils or other live insects injurious to stored grain, glass, rodent pellets or the presence of other factors likely to adversely affect the quality of the cracked corn, corn screenings, or mixed grain screenings shall be noted in remarks on the certificate.
- (c) At the request of the applicant, the certificate for a lot may show the following:
- (i) In the case of cracked corn, the terms yellow or white.
 - (ii) The percentage of moisture.
 - (iii) The test weight per bushel.
 - (iv) In remarks, "We certify that cracked corn (or corn screenings) is not residue or waste from food industries. It is corn cracked during transportation or handling."

[Statutory Authority: Chapter 22.09 RCW. 00-08-041, § 16-213-270, filed 3/30/00, effective 4/30/00; 87-08-030 (Order 1919), § 16-213-270, filed 3/26/87.]

Chapter 16-218 WAC

HOPS—CERTIFICATION ANALYSES—FEES

WAC

- 16-218-015 What fees does the department charge for the certification of hops?
- 16-218-025 What does the department charge for chemical analysis regarding brewing values and additional constituents in raw hops, hop extract, hop pellets and hop powder?
- 16-218-035 What does the department charge for issuing export certificates for hops and hop products?
- 16-218-040 When are the fees and charges required by this chapter due to the department?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-218-001 Promulgation. [Statutory Authority: RCW 22.09.830 (2), 93-15-069, § 16-218-001, filed 7/16/93, effective 8/16/93; Order 1156, § 16-218-001, filed 7/1/70; Order 1095, Promulgation, § 16-218-001, filed 6/28/68, effective 8/1/68; Emergency Order 1093, § 16-218-001, filed 6/28/68; Order 995, filed 12/8/65; Order 815, effective 7/1/60.] Repealed by 99-23-073, filed 11/16/99, effective 12/17/99. Statutory Authority: RCW 22.09.790.
- 16-218-002 Promulgation. [Order 1372, § 16-218-002, filed 7/5/74.] Repealed by 78-07-074 (Order 1580), filed 6/30/78. Statutory Authority: Chapter 22.09 RCW.
- 16-218-010 Schedule of fees for physical grading. [Statutory Authority: RCW 22.09.790. 99-23-073, § 16-218-010, filed 11/16/99, effective 12/17/99. Statutory Authority: RCW 22.09.830(2). 93-15-069, § 16-218-010, filed 7/16/93, effective 8/16/93. Statutory Authority: Chapter 22.09 RCW. 86-17-032 (Order 1905), § 16-218-010, filed 8/15/86; 80-08-048 (Order 1710), § 16-218-010, filed 6/30/80; 79-04-077 (Order 1596), § 16-218-010, filed 3/30/79; 78-07-074 (Order 1580), § 16-218-010, filed 6/30/78; Order 1372, § 16-218-010, filed 7/5/74; Order 1156, § 16-218-010, filed 7/1/70, effective 8/1/70; Order 1095, § 16-218-010, filed 6/28/68, effective 8/1/68; Emergency Order 1093, § 16-218-010, filed 6/28/68; Order 995, Regulation 1, filed 12/8/65; Order 815, Regulations 1 and 2, effective 7/1/60.] Repealed by 05-07-150, filed 3/23/05, effective 4/23/05. Statutory Authority: Chapters 22.09 and 34.05 RCW, 2003 1st sp.s. c 25 § 309(2).

- 16-218-020 Accessibility for sampling—Checks—Holidays. [Order 815, Regulation 2, effective 7/1/60.] Later promulgation, see WAC 16-218-010.
- 16-218-02001 Schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder. [Statutory Authority: RCW 22.09.790. 99-23-073, § 16-218-02001, filed 11/16/99, effective 12/17/99; 97-05-003, § 16-218-02001, filed 2/5/97, effective 3/8/97. Statutory Authority: RCW 22.09.830(2). 93-15-069, § 16-218-02001, filed 7/16/93, effective 8/16/93. Statutory Authority: Chapter 22.09 RCW. 86-17-032 (Order 1905), § 16-218-02001, filed 8/15/86; 79-04-077 (Order 1596), § 16-218-02001, filed 3/30/79; 78-07-074 (Order 1580), § 16-218-020 (codified as WAC 16-218-02001), filed 6/30/78.] Repealed by 05-07-150, filed 3/23/05, effective 4/23/05. Statutory Authority: Chapters 22.09 and 34.05 RCW, 2003 1st sp.s. c 25 § 309(2).
- 16-218-030 Schedule of fees for certificates. [Statutory Authority: RCW 22.09.830(2). 93-15-069, § 16-218-030, filed 7/16/93, effective 8/16/93.] Repealed by 05-07-150, filed 3/23/05, effective 4/23/05. Statutory Authority: Chapters 22.09 and 34.05 RCW, 2003 1st sp.s. c 25 § 309(2).

WAC 16-218-015 What fees does the department charge for the certification of hops? (1) Based upon standards established by the Federal Grain Inspection Service of the United States Department of Agriculture, the Washington state department of agriculture's (department) fees for the certification of hops are:

Type of Inspection and Other Service	Fee Charged for Inspection and Other Service
(a) Official lot inspections and certification for baled hops.	One dollar and twenty-five cents per bale with a minimum charge of thirty dollars per lot for official inspection and grading with certification.
(b) Official lot inspection and/or certification for alternative methods of packaging hops, or other services for which no fee has been established.	A contract fee may be negotiated, based on the agency's costs to furnish the services.
(c) Submitted sample inspections and certification.	One hundred fifty dollars for an unofficial sample submitted for grading with certification of a quantity not to exceed 100,000 lbs. of dried hops.
(d) Appeal inspections.	The Federal Grain Inspection Service in Portland, Oregon establishes the charges for appeal inspections, and payments for such inspections must be made to them. Department time for sampling, handling and administration regarding appeal inspections will be assessed at the sampler hourly rate.

(2)(a) Before official sampling of baled hops takes place, each and every bale in a lot of hops must be readily accessible so that:

- (i) Each bale can be properly stenciled; and
- (ii) Samples can be drawn from the bales selected by the inspector.

(b) Official samples drawn from baled hops must be brought back to the laboratory by the inspector for grading analysis.

(3) The department may perform official lot inspection and/or certification of hops packaged by alternative methods (e.g., hops not baled prior to processing) subject to conditions specified in a written agreement between the department and the person(s) requesting the service.

(4)(a) Submitted samples provided by a grower or dealer for grading analysis must be representative of the lot(s) and the hop material.

(b) Submitted samples are delivered to the laboratory.

[Statutory Authority: Chapters 22.09 and 34.05 RCW, 2003 1st sp.s. c 25 § 309(2). 05-07-150, § 16-218-015, filed 3/23/05, effective 4/23/05.]

WAC 16-218-025 What does the department charge for chemical analysis regarding brewing values and additional constituents in raw hops, hop extract, hop pellets and hop powder? (1) Before official sampling of baled hops takes place, each and every bale in a lot of hops must be readily accessible so that:

- (a) Each bale can be properly stenciled (not done for brewing value only sampling); and
- (b) Samples can be drawn from the bales selected by the inspector.

(2) Official samples drawn from baled hops must be brought back to the laboratory by the inspector for chemical analysis, simultaneous with grading analysis.

(3) Brewing value samples are obtained from a representative composite of the official samples drawn for grade analysis.

(4) Brewing value samples not sampled simultaneously for grade analysis will be charged at the same fee per bale.

(5) When department personnel officially sample hops, a brewing value certificate will be issued when the chemical analysis is done.

(6)(a) Submitted brewing value samples provided by a grower or dealer for chemical analysis must be representative of the lot(s).

(b) Submitted samples are delivered to the laboratory.

(7) Submitted brewing value certificates will be issued for submitted samples when the chemical analysis is done.

(8) Department fees for the chemical analyses of officially sampled raw hops are:

Type of Analyses	Fee	Minimum Fee
(a) ASBC spectrophotometric with moisture	\$0.35 per bale	\$30.00 per sample
(b) ASBC spectrophotometric/conductometric or EBC conductometric without moisture	\$0.30 per bale	\$30.00 per sample

Type of Analyses	Fee	Minimum Fee
(c) Mebak, Zurich, Verzele, Ganzlin, or conductometric	\$0.60 per bale	\$60.00 per sample

(9) Department fees for chemical analyses of submitted raw hops, hop extract, hop pellets or hop powders are:

Type of Analyses	Fee
(a) ASBC spectrophotometric	\$30.00
(b) ASBC conductometric	\$30.00
(c) EBC conductometric	\$30.00
(d) EBC conductometric (Wollmer, Zurich, Mebak, Verzele, Ganzlin, or Resins (hard or soft))	\$60.00
(e) H ₂ O	\$10.00
(f) Total oil	\$25.00
(g) Wort test, particle size	\$10.00

(10)(a) The department will assess hourly charges for analytical chemistry work if no other fee has been established.

(b) Hourly charges are set by written agreement and shall be based on the costs incurred to conduct the analysis, such as:

- Labor
- Laboratory equipment
- Chemicals and materials
- Administration and overhead.

[Statutory Authority: Chapters 22.09 and 34.05 RCW. 08-17-024, § 16-218-025, filed 8/12/08, effective 9/12/08. Statutory Authority: Chapters 22.09 and 34.05 RCW, 2003 1st sp.s. c 25 § 309(2). 05-07-150, § 16-218-025, filed 3/23/05, effective 4/23/05.]

WAC 16-218-035 What does the department charge for issuing export certificates for hops and hop products? The department charges the following fees for issuing certificates related to hops and hop products:

Type of Certificate	Fee for Each Certificate
(1) State phytosanitary certificates	\$25.00
(2) Other certificates attesting to origin, compliance with standards of other states or nations or specifications of contracts, or conditions of production or processing	\$20.00

[Statutory Authority: Chapters 22.09 and 34.05 RCW, 2003 1st sp.s. c 25 § 309(2). 05-07-150, § 16-218-035, filed 3/23/05, effective 4/23/05.]

WAC 16-218-040 When are the fees and charges required by this chapter due to the department? (1) The department will bill you for the services it renders.

(2) The fees and charges billed to you are due to the department within thirty days of the statement date.

(3) If the department does not receive your payment within thirty days of the statement date, the department may:

- (a) Withhold its services from you until your delinquent account is paid; and
- (b) Accept only cash payments from you for future services rendered.

(4) The department assesses a penalty of twelve percent per annum on all delinquent account balances.

[Statutory Authority: Chapters 22.09 and 34.05 RCW, 2003 1st sp.s. c 25 § 309(2). 05-07-150, § 16-218-040, filed 3/23/05, effective 4/23/05.]

Chapter 16-228 WAC

GENERAL PESTICIDE RULES

WAC

- 16-228-1010 What are the definitions that apply to this chapter?
- 16-228-1020 What are the rights of complainants?
- 16-228-1030 What are the rights of person aggrieved?
- 16-228-1040 How soon must the department respond to a complaint?
- 16-228-1100 What is the basis for penalties?
- 16-228-1110 What are the definitions specific to penalties?
- 16-228-1115 When can the department issue a civil penalty without first issuing a notice of correction?
- 16-228-1120 How are penalties calculated?
- 16-228-1125 When can the department revoke or deny a license?
- 16-228-1130 What is the penalty assignment schedule?
- 16-228-1150 What are the other dispositions of alleged violations that the department may choose?
- 16-228-1200 What are the restrictions on pesticide distribution, transportation, application, storage and disposal?
- 16-228-1220 What are the restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers?
- 16-228-1225 What are exceptions to label requirements?
- 16-228-1231 What are state restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only?
- 16-228-1235 When are pesticides containing the active ingredient clopyralid state restricted use pesticides?
- 16-228-12351 Who can distribute pesticides containing the active ingredient clopyralid?
- 16-228-12352 Who can sell pesticides containing the active ingredient clopyralid?
- 16-228-1237 What are the restrictions on the use of pesticides containing the active ingredient clopyralid when labeled for use on lawns and turf including golf courses?
- 16-228-12371 What requirements affect the use of pesticides containing the active ingredient clopyralid on golf courses?
- 16-228-1238 What are the restrictions on application of ziram to Bosc pears?
- 16-228-1250 What are the restrictions on phenoxy herbicides?
- 16-228-1260 What are the restrictions on the distribution of tributyltin products?
- 16-228-1262 When are pesticides containing the active ingredient thiamethoxam use restricted pesticides?
- 16-228-1264 What are the restrictions on the use of pesticides containing the active ingredient thiamethoxam when labeled for use on pome fruits, including apples and pears?
- 16-228-1266 What requirements must I comply with before making an application of a pesticide containing the active ingredient thiamethoxam to pome fruits, including apples and pears?
- 16-228-1270 What are the restrictions on the use of pesticides on small seeded vegetable seed crops, seed alfalfa and seed clover?
- 16-228-1300 What are the recordkeeping requirements for pesticide dealers?
- 16-228-1320 What are the recordkeeping requirements for pesticide applicators?
- 16-228-1322 What are the requirements for removal of landscape markers and notification of restricted entry?
- 16-228-1330 What are the pilot and aircraft requirements for pesticide applicators?
- 16-228-1370 What are the department requirements for a waste pesticide disposal program?
- 16-228-1380 What are the regulations for application of vertebrate control pesticides?

GENERAL PESTICIDE RULES—REGISTRATION

- 16-228-1400 What are the requirements for pesticide labels?
- 16-228-1410 What pesticides are considered home and garden use only pesticides?
- 16-228-1420 What are the requirements for complete pesticide formula?

- 16-228-1430 What is an adequate pesticide container?
- 16-228-1440 What pesticides must be artificially colored or have an odor added?
- 16-228-1450 What are the requirements for pesticide-fertilizer registration and labeling?
- 16-228-1455 What are the requirements on dry pesticide-fertilizer mixes?
- 16-228-1460 What are the requirements for experimental use permits?

GENERAL PESTICIDE RULES—LICENSING

- 16-228-1500 When can a pesticide license be denied, revoked or suspended?
- 16-228-1520 What are the requirements for the commercial applicator's financial responsibility insurance certificate (FRIC)?
- 16-228-1530 What are the requirements for pesticide license renewals and penalties?
- 16-228-1540 What are the requirements for pesticide examinations?
- 16-228-1545 What are the pesticide licensing requirements?
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- 16-228-1547 What are the requirements for a dealer manager license?
- 16-228-1550 What are the requirements for apparatus display signs?
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- 16-228-1570 What are the circumstances when certification permits are used?
- 16-228-1585 Are ground maintenance persons exempt from licensing?
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GENERAL PESTICIDE REGULATIONS—WOOD DESTROYING ORGANISMS

- 16-228-2005 Wood destroying organism inspections and reporting criteria.
- 16-228-2015 Wood destroying organisms.
- 16-228-2025 Conducive conditions.
- 16-228-2035 Complete wood destroying organism inspections.
- 16-228-2045 Complete wood destroying organism inspection reports.
- 16-228-2050 Specific wood destroying organism inspections.
- 16-228-2060 Specific wood destroying organism inspection reports.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-228-001 Promulgation. [Order 1470, § 16-228-001, filed 5/14/76.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77.
- 16-228-003 Promulgation. [Order 1481, § 16-228-003, filed 7/15/76.] Repealed by 88-14-074 (Order 1981), filed 7/1/88. Statutory Authority: Chapter 17.21 and 15.58 RCW.
- 16-228-010 Definitions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-077 (Order 5060), § 16-228-010, filed 12/16/94, effective 1/16/95. Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-010, filed 3/17/92, effective 4/17/92. Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-010, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-010, filed 7/1/88. Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-010, filed 8/16/85. Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-010, filed 4/10/84; Order 1538, § 16-228-010, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-010, filed 5/14/76. Formerly WAC 16-220-200 (part).] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-020 Pesticide licenses—Renewal dates—Penalties. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.222, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-228-020, filed 7/25/91, effective 8/25/91.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.

16-228-115	Pesticide labeling requirements. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-115, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-115, filed 4/10/84; Order 1470, § 16-228-115, filed 5/14/76. Formerly WAC 16-222-030.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-160	Restriction on distribution, transportation, storage and disposal. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-160, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-160, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-160, filed 4/10/84; Order 1538, § 16-228-160, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-160, filed 5/14/76. Formerly WAC 16-222-150.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-116	Complete pesticide formula. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-116, filed 11/30/89, effective 12/31/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-161	Distribution records. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-161, filed 4/10/84.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-117	Home and garden products—Definition—Registration fee. [Statutory Authority: Chapter 15.58 RCW. 89-22-074 (Order 2019), § 16-228-117, filed 10/31/89, effective 12/1/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-162	Phenoxy herbicide restrictions. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-07-006 (Order 1996), § 16-228-162, filed 3/3/89; 84-09-011 (Order 1817), § 16-228-162, filed 4/10/84; 80-03-040 (Order 1679), § 16-228-162, filed 2/20/80.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-120	Artificial coloring. [Order 1470, § 16-228-120, filed 5/14/76. Formerly WAC 16-222-040.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-164	State restricted use pesticides for use by certified applicators only. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 91-06-019 (Order 2073), § 16-228-164, filed 2/26/91, effective 3/29/91; 89-24-029 (Order 2022), § 16-228-164, filed 11/30/89, effective 12/31/89; 89-07-006 (Order 1996), § 16-228-164, filed 3/3/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-125	Experimental use permits. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-125, filed 4/10/84; Order 1470, § 16-228-125, filed 5/14/76. Formerly WAC 16-220-070.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-165	State restricted use pesticides for use by certified applicators only. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-165, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-165, filed 4/10/84; 80-03-040 (Order 1679), § 16-228-165, filed 2/20/80; 79-05-003 (Order 1597), § 16-228-165, filed 4/10/79; Order 1538, § 16-228-165, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-165, filed 5/14/76. Formerly WAC 16-222-160 and 16-223-230.] Repealed by 89-07-006 (Order 1996), filed 3/3/89. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-228-130	Pesticide-fertilizer registration and labeling. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-130, filed 4/10/84; Order 1470, § 16-228-130, filed 5/14/76. Formerly WAC 16-222-090.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-166	Aquatic pesticides. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-07-006 (Order 1996), § 16-228-166, filed 3/3/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-140	Pesticide-fertilizer mix restrictions. [Order 1470, § 16-228-140, filed 5/14/76. Formerly WAC 16-222-100.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-168	Change of exemptions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-168, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-168, filed 4/10/84; Order 1538, § 16-228-168, filed 7/29/77, effective 9/1/77.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-143	Pirt surcharge. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-143, filed 11/30/89, effective 12/31/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-170	Pesticide dealer and dealer manager licenses. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-170, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-170, filed 4/10/84; Order 1470, § 16-228-170, filed 5/14/76. Formerly WAC 16-222-170.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-145	Adequate containers. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-145, filed 11/30/89, effective 12/31/89; Order 1470, § 16-228-145, filed 5/14/76. Formerly WAC 16-222-110.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-172	Permits. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-172, filed 4/10/84; Order 1538, § 16-228-172, filed 7/29/77, effective 9/1/77.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-14501	Sale or possession of sodium fluoracetate, fluoracetamide, and phosphorus pastes. [Order 1470, § 16-228-145 (codified as WAC 16-228-14501), filed 5/14/76. Formerly WAC 16-222-120.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-174	Private commercial applicator license. [Order 1538, § 16-228-174, filed 7/29/77, effective 9/1/77.] Repealed by 84-09-011 (Order 1817), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-228-150	Responsibilities of pesticide applicators, operators, pesticide dealers and pest control consultants in sales of pesticides and in recommendations and application of pesticides. [Order 1481, § 16-228-150, filed 7/15/76; Order 1470, § 16-228-150, filed 5/14/76. Formerly WAC 16-220-205 and 16-222-130.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77.	16-228-175	Distribution requirements for growth regulating herbicides to be used in counties located east of the crest of the Cascade Mountains. [Order 1470, § 16-228-175, filed 5/14/76. Formerly WAC 16-222-190.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77.
16-228-155	Pesticides—Not for distribution to home and garden users. [Statutory Authority: RCW 15.58.040 (2)(h). 98-15-026, § 16-228-155, filed 7/7/98, effective 8/7/98. Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-155, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-155, filed 4/10/84; Order 1538, § 16-228-155, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-155, filed 5/14/76. Formerly WAC 16-222-145.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-176	Private applicator certification. [Order 1538, § 16-228-176, filed 7/29/77, effective 9/1/77.] Repealed by 84-09-011 (Order 1817), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-228-157	Waste pesticide disposal. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-157, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-157, filed 7/1/88.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-178	Demonstration and research applicator certification. [Order 1538, § 16-228-178, filed 7/29/77, effective 9/1/77.]

- 9/1/77.] Repealed by 84-09-011 (Order 1817), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-228-180 License denied, revoked or suspended. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-180, filed 3/17/92, effective 4/17/92. Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-180, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-180, filed 4/10/84; Order 1538, § 16-228-180, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-180, filed 5/14/76.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-185 Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-185, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-185, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-185, filed 4/10/84; Order 1538, § 16-228-185, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-185, filed 5/14/76. Formerly WAC 16-222-180.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-190 Applicator requirements. [Statutory Authority: RCW 17.21.030 and 17.21.100. 90-22-022 (Order 2057), § 16-228-190, filed 10/30/90, effective 11/30/90. Statutory Authority: Chapters 17.21 and 15.58 RCW. 90-11-024, § 16-228-190, filed 5/9/90, effective 6/9/90; 88-14-074 (Order 1981), § 16-228-190, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-190, filed 4/10/84; Order 1538, § 16-228-190, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-190, filed 5/14/76. Formerly chapter 16-222 WAC.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-195 Compliance with federal requirements. [Order 1470, § 16-228-195, filed 5/14/76.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-200 Low flying prohibitions. [Order 1470, § 16-228-200, filed 5/14/76.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77.
- 16-228-210 Financial responsibility insurance certificate (FRIC). [Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-210, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-210, filed 4/10/84; Order 1470, § 16-228-210, filed 5/14/76.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-213 Requirements on placement of commercial applicator apparatus license plates and windshield identification. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-213, filed 11/30/89, effective 12/31/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-214 Apparatus display signs. [Statutory Authority: Chapter 17.21 RCW. 92-15-001, § 16-228-214, filed 7/1/92, effective 8/1/92.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-215 Application fee and FAA certificate. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-215, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-215, filed 7/1/88; Order 1470, § 16-228-215, filed 5/14/76.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-220 Examination requirements. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-220, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-220, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-220, filed 4/10/84; Order 1470, § 16-228-220, filed 5/14/76.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-223 Ground maintenance on an occasional basis—Exempt from licensing requirements. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-223, filed 11/30/89, effective 12/31/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-225 Regulation of application of vertebrate control pesticides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-225, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-225, filed 4/10/84; Order 1538, § 16-228-225, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-225, filed 5/14/76. Formerly WAC 16-220-210.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-227 Tributyltin. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-227, filed 7/1/88.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-230 Special restrictions on the use of Compounds 1080, 1081 and phosphorus paste. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-230, filed 4/10/84; Order 1470, § 16-228-230, filed 5/14/76. Formerly WAC 16-220-215.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-232 Chemigation. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-232, filed 7/1/88.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-233 Investigative response time. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-233, filed 11/30/89, effective 12/31/89.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
- 16-228-235 Purpose of rules—Endrin use. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-235, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-235, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.
- 16-228-240 Endrin use in orchards—1983 to 1984. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-240, filed 8/1/83.] Repealed by 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.
- 16-228-245 Endrin application—Criteria for determining crisis use on orchards. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-245, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-245, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.
- 16-228-250 Endrin—Written recommendation—Licensed consultant—Game representative. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-250, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-250, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.
- 16-228-255 Endrin—Distribution—Dealer records. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-255, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-255, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.
- 16-228-260 Endrin—Application restrictions. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-260, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-260, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.
- 16-228-265 Endrin—Posting requirements. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-265, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-265, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.
- 16-228-270 Permit. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-270, filed 8/1/83.] Repealed by 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.

16-228-275	Endrin—Applicator records. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-275, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-275, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.	RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-900, filed 8/1/83.] Repealed by 93-10-047, filed 4/29/93, effective 5/30/93. Statutory Authority: RCW 15.58.260 and 17.21.315.
16-228-280	Endrin advisory committee. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-280, filed 8/1/83.] Repealed by 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.	Statement of purpose—Penalty assignment. [Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-905, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-285	Endrin use in orchards after December 31, 1984—Crisis permits—Permit requirements. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-285, filed 8/1/83.] Repealed by 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.	16-228-910 Definitions—Penalty assignment. [Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-910, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-320	Heptachlor treated grain seed—Definition. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-090 (Order 1641), § 16-228-320, filed 6/29/79.] Repealed by 99-07-113, filed 3/24/99, effective 4/24/99. Statutory Authority: Chapters 15.58 and 17.21 RCW.	16-228-915 Calculation of penalty. [Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-915, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-330	Use and distribution. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-090 (Order 1641), § 16-228-330, filed 6/29/79.] Repealed by 99-07-113, filed 3/24/99, effective 4/24/99. Statutory Authority: Chapters 15.58 and 17.21 RCW.	16-228-920 Penalty assignment schedule—Table A. [Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-920, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-340	Establishing tolerances for the chemical ethylene dibromide (EDB). [Statutory Authority: Chapters 17.21 and 69.04 RCW. 84-12-034 (Order 1827), § 16-228-340, filed 5/30/84.] Repealed by 99-07-112, filed 3/24/99, effective 4/24/99. Statutory Authority: Chapters 15.58 and 17.21 RCW.	16-228-925 Penalty assignment schedule—Table B. [Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-925, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-400	Inspection and reporting criteria for complete wood destroying organism inspections. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-400, filed 3/17/92, effective 4/17/92.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-930 Other dispositions of alleged violations. [Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-930, filed 4/29/93, effective 5/30/93.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.
16-228-410	Inspection and report prerequisite to wood destroying organism treatment. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-410, filed 3/17/92, effective 4/17/92.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-1140 Penalty assignment schedule—Table B. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1140, filed 10/20/99, effective 11/20/99.] Repealed by 01-01-058, filed 12/12/00, effective 1/12/01. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-228-420	Limited wood destroying organism inspections. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-420, filed 3/17/92, effective 4/17/92.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-1230 State restricted use pesticides for use by certified applicators only. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1230, filed 10/20/99, effective 11/20/99.] Repealed by 00-22-073, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.58, 17.21 RCW.
16-228-430	Reporting criteria for limited wood destroying organism inspections. [Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-430, filed 3/17/92, effective 4/17/92.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-1240 Aquatic pesticides. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1240, filed 10/20/99, effective 11/20/99.] Repealed by 00-22-073, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.58, 17.21 RCW.
16-228-600	Use of pesticides on small seeded vegetable seed crops and seed alfalfa. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-019 (Order 5064), § 16-228-600, filed 12/9/94, effective 1/9/95; 88-21-098 (Order 1989), § 16-228-600, filed 10/19/88.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-1385 Special restrictions on the use of Compounds 1080, 1081 and phosphorus paste. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1385, filed 10/20/99, effective 11/20/99.] Repealed by 00-22-007, filed 10/20/00, effective 11/20/00. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-228-650	Declaration of an agricultural emergency. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-077 (Order 5060), § 16-228-650, filed 12/16/94, effective 1/16/95.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-1580 Change of exemptions. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1580, filed 10/20/99, effective 11/20/99.] Repealed by 00-22-073, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.58, 17.21 RCW.
16-228-655	Agricultural activities permitted under an agricultural emergency. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-077 (Order 5060), § 16-228-655, filed 12/16/94, effective 1/16/95.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-2000 Inspection and reporting criteria for complete wood destroying organism inspections. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-2000, filed 10/20/99, effective 11/20/99.] Repealed by 02-24-025, filed 11/27/02, effective 12/28/02. Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW.
16-228-660	Record keeping required for agricultural emergencies. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-077 (Order 5060), § 16-228-660, filed 12/16/94, effective 1/16/95.] Repealed by 99-22-002, filed 10/20/99, effective 11/20/99. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW.	16-228-2020 Inspection and report prerequisite to wood destroying organism treatment. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-2020, filed 10/20/99, effective 11/20/99.] Repealed by 02-24-025, filed 11/27/02, effective 12/28/02. Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW.
16-228-900	Penalties. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-900, filed 11/30/89, effective 12/31/89. Statutory Authority:	16-228-2030 Limited wood destroying organism inspections. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-2030, filed 10/20/99, effective 11/20/99.] Repealed by 02-24-025, filed 11/27/02,

16-228-2040 effective 12/28/02. Statutory Authority: RCW 15.58-040 and chapter 34.05 RCW.
 Reporting criteria for limited wood destroying organism inspections. [Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-2040, filed 10/20/99, effective 11/20/99.] Repealed by 02-24-025, filed 11/27/02, effective 12/28/02. Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW.

WAC 16-228-1010 What are the definitions that apply to this chapter? The definitions in this section apply throughout this chapter, unless the context requires otherwise:

(1) "Agricultural commodity" means any plant, or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.

(2) "Authorized agent" is any individual who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

(3) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized individuals and nonpest domestic animals from gaining access to the bait. Baits placed in industrial, commercial or other areas that are accessible to the public shall be contained in tamper resistant bait boxes. Fragile materials are unacceptable.

(4) "Bait station" may be any location where baits are placed to allow target pests to gain access to the bait.

(5) "Blossoming plants" means:

(a) When there are five or more open blooms per square yard on average in a given field; or

(b) When there are one or more open blooms per tree or vine in an orchard or vineyard; or

(c) When there are five or more open weed blooms per square yard on average for the area being measured for groundcover in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges. This definition shall not apply to plants that are not attractive to bees (e.g., lentils, hops, peas (*Pisum sp.*), pears (second bloom) and potatoes). For the purposes of this definition, "bloom" means a flower head, raceme or spike with one or more open flowers.

(6) "Bulk fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

(7) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only.

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

(9) "Commercial vineyard" means a parcel of land from which the grape crop is intended to be sold to a processor or for the commercial fresh market.

(10) A "complainant" is defined as a person who has requested an inspection of an area in which a pesticide violation is believed to have occurred.

(11) "Complete wood destroying organism inspection" means inspection for the purpose of determining evidence of infestation, damage, or conducive conditions as part of the transfer, exchange, or refinancing of any structure in Washington state. Complete wood destroying organism inspections must also include any wood destroying organism inspection that is conducted as the result of telephone solicitation by an inspector, pest control, or other business, even if the inspection would fall within the definition of a specific wood destroying organism inspection.

(12) "Controlled disposal site" means any place where solid or liquid waste is disposed of: Provided that the area has been designated as a disposal site for waste materials by the appropriate jurisdictional agency. The site must be fenced, barricaded or otherwise enclosed or attended by some person in charge to control the access of domestic animals, pets, and unauthorized persons.

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

(14) "Diluent" means a material, liquid or solid, serving to dilute the pesticide product to the application rate for adequate coverage (such as water).

(15) "Director" means the director of the department or a duly authorized representative.

(16) "Dry pesticide" is any granular, pelleted, dust or wettable powder pesticide.

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

(18) "EPA restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA.

(19) "Fertilizer" as included in this chapter means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

(20) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended (61 stat. 163, 7 U.S.C. Sec. 136 et seq.).

(21) "Floor level" means the floor upon which people normally walk—not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

(22) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(23) "Fumigant" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

(24) "High volatile esters" are phenoxy hormone-type herbicides with five or less carbon atoms in the ester group, such as, but not limited to, methyl, ethyl, isopropyl, n-butyl, isobutyl and n-pentyl.

(25) "Highly toxic pesticide" for the purpose of this chapter, means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 156.10 for toxicity Category I due to oral, inhalation or dermal toxicity.

(26) "Landscape application" means an application by a certified applicator of any EPA registered pesticide to any exterior landscape plants found around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, or cemeteries or similar areas. This definition shall not apply to: (a) Applications made by certified private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs sponsored by governmental entities; and (c) commercial pesticide applicators making structural applications.

(27) "Low volatile esters" are phenoxy hormone-type herbicides with more than five carbon atoms in the ester group.

(28) "Person" is defined as any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(29) A "person aggrieved" by a violation is defined as a person who has reasonable grounds to believe that he or she has been subjected to harm or an unreasonable risk by such a violation.

(30) "Pollen shedding corn" means that stage of growth when ten percent or more of the corn plants in any one quarter portion of the field are showing spike anthers.

(31) "Positive identification" means a photo identification document issued by a U.S. government agency or affiliated jurisdiction (states, tribes, territories). Acceptable photo identification documents are: A driver's license, a passport, a military ID card or an immigration green card. Exception: Nonphoto identification documents may be allowed for religious groups that prohibit members from having their picture taken. In this case, two forms of identification are required, one of which must be a government issued document with a signature (e.g., Social Security card). Other nonphoto identification must identify the holder by name and address (e.g., utility bill).

(32) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of any pesticide classified by the EPA or the director as a restricted use pesticide for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the private applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(33) "Private-commercial applicator" means a certified applicator who uses or supervises the use of any pesticide classified by the EPA or the director as a restricted use pesticide for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

(34) "Specific wood destroying organism inspection" means an inspection of a structure for purposes of identifying

or verifying evidence of an infestation of wood destroying organisms prior to pest management activities.

(35) "State restricted use pesticide" means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW.

(36) "Structural pest inspector" means any individual who performs the service of conducting a complete wood destroying organism inspection or a specific wood destroying organism inspection.

(37) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(38) "Use restricted pesticide" means any pesticide determined by the director to need further state restrictions on use under the authority of chapters 17.21 and 15.58 RCW. This designation does not change federal or state restricted use classifications.

(39) "Waste pesticide" is any pesticide formulation which cannot be used according to label directions in Washington state because of cancellation or suspension of its federal or state registration, or deterioration of the product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1010, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1010, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. 00-22-073, § 16-228-1010, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1010, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1020 What are the rights of complainants? If an inspection is conducted by the department of an area in which a pesticide violation is believed to have occurred, a complainant shall:

(1) Be promptly provided by the department, with the department's decision, as set forth in the "notice of intent to assess civil penalty and/or deny, suspend, or revoke a license," or in any document issuing a warning or determination of no action. The department will endeavor to provide notice concurrently with the department's service of the document on the alleged violator.

(2) Be entitled, upon written request to the department, to have his or her name protected from disclosure in any communication with persons outside the department and in any record published, released, or made available pursuant to chapter 17.21 RCW: Provided that in any adjudicative proceeding under chapter 34.05 RCW the identity of complainant shall be disclosed to the alleged violator upon written request of the alleged violator.

(3) Be otherwise entitled to those rights of persons aggrieved as set forth in WAC 16-228-1030 except that the complainant shall be provided, automatically without request, a copy of the final department decision.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1020, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1020, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1030 What are the rights of person aggrieved? A person aggrieved shall:

(1) Be entitled to be notified promptly of any final action taken by the department concerning an investigation under chapter 17.21 RCW. The department will provide notice at the same time as a service of notice on the violator: Provided that such person has made timely written application to the department requesting such notice. Written application to the department requesting such notice shall be received no later than the date of service of a final order.

(2) Within thirteen calendar days of the date of mailing of a final order to a person aggrieved, the person aggrieved may request in writing that the director reconsider the matter, shall specify in writing why they believe the penalty decision is inappropriate, and the department will serve the request on the violator.

(3) Following the request in writing, the director will reconsider the entire matter including any written statement submitted by any party, and may adjust the penalty decision set forth in the final order if the director finds that the penalty was inappropriate.

(4) If such person is aggrieved by the director's order on reconsiderations, within twenty calendar days of service of the order he or she may request in writing an adjudicative proceeding under chapter 34.05 RCW, shall specify in writing why he or she believes the penalty decision is inappropriate, and the department shall serve the request on the alleged violator. The subject of such proceeding shall be limited to the appropriateness of the penalty decision of the director on reconsideration based on a review of the record as supplemented by any new evidence received by the presiding officer. The alleged violator shall be given notice and an opportunity to participate in the proceeding by the department. The proceeding shall be heard by a presiding officer who has not heard the adjudicative proceeding on the merits against the alleged violator. Chapter 34.05 RCW and chapter 16-08 WAC shall govern the conduct of such proceeding and any review.

(5) Upon the filing of any request for proceeding pursuant to subsection (2) of this section, any final order of the director shall be automatically stayed pending resolution of such request and expiration of any time period for pursuing additional relief. The director shall provide written notice to the alleged violator of any such resolution, thereby reinstating the rights of the alleged violator to seek further relief.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1030, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1030, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1040 How soon must the department respond to a complaint? Upon receipt of a verified report of loss as set forth in RCW 17.21.190 or alleged violation of chapters 17.21 or 15.58 RCW or the accompanying rules, the department shall initiate an investigation. Investigation of a complaint concerning immediate acute pesticide exposure to humans or animals shall be initiated immediately. Other complaint investigations shall be initiated no later than forty-eight hours after receipt of the verified report of loss.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1040, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters

(2009 Ed.)

15.58, 17.21 RCW. 00-22-073, § 16-228-1040, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1040, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1100 What is the basis for penalties?

For the purpose of fair, uniform determination of penalty as set forth in WAC 16-228-1110 through 16-228-1150, the director hereby declares:

(1) Regulatory action is necessary to deter violations of the pesticide laws and rules, and to educate persons about the consequences of such violation(s); and

(2) Any regulatory action taken by the department against any person who violates the provisions of chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder shall be commensurate with the seriousness of the violation under the circumstances; and

(3) Each person shall be treated fairly in accordance with the rules set forth in this chapter.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1100, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1100, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1110 What are the definitions specific to penalties? In addition to the definitions set forth in RCW 17.21.020, 15.58.030, and WAC 16-228-1010, the following shall apply to WAC 16-228-1100 through 16-228-1150:

(1) "Adverse effect(s)" means that the alleged activity actually causes, or creates the possibility of damage, injury or public health threat, to humans, animals, plants, property or the environment. In those situations involving a wood destroying organism inspection, adverse effects exist when the inspection has been performed in a faulty, careless or negligent manner.

(2) "Level of violation" means that the alleged violation is a first, second, third, fourth, or more violation(s).

(a) First violation. This means the alleged violator has committed no prior incident(s) which resulted in a violation or violations within three years of committing the current alleged violation.

(b) Second violation. This means the alleged violator committed one prior incident which resulted in a violation or violations within three years of committing the current alleged violation.

(c) Third violation. This means the alleged violator committed two prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(d) Fourth violation. This means the alleged violator committed three prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(e) For purposes of calculating the level of violation, prior incidents will be measured from the date that a final order or stipulated order resolved the prior violation(s), and not from the date that the incident(s) occurred.

(3) "Not probable" means that the alleged violator's conduct more likely than not would not have an adverse effect.

(4) "Probable" means that the alleged violator's conduct more likely than not would have an adverse effect.

(5) "Violation" means commission of an act or acts prohibited by chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder.

(6) "Civil penalty" means a monetary penalty administratively issued by a regulatory agency for noncompliance with state or federal law, or rules. The term does not include any criminal penalty, damage assessment, wages, premiums, or taxes owed, or interest or late fees on any existing obligation.

(7) "Notice of Correction" means a document issued by the department that describes a condition or conduct that is not in compliance with chapter 15.58 or 17.21 RCW, or the rules adopted under the authority of chapter 15.58 or 17.21 RCW and is not subject to civil penalties as provided for in RCW 43.05.110. A notice of correction is not a formal enforcement action, is not subject to appeal and is a public record.

(8) "Notice of intent" means a document issued by the department that alleges specific violations of chapter 15.58 or 17.21 RCW, or any rules adopted under the authority of those chapters. A notice of intent is a formal enforcement document issued with the intent to assess civil penalties to the alleged violator and/or to suspend, deny or revoke the alleged violator's pesticide license.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1110, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. 01-01-058, § 16-228-1110, filed 12/12/00, effective 1/12/01. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1110, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1115 When can the department issue a civil penalty without first issuing a notice of correction?

(1) Pursuant to RCW 43.05.100 a notice of correction may be issued by the department when they become aware of conditions and/or conduct that are not in compliance with the applicable laws and rules enforced by the department. The issuance of a notice of correction by the department shall not constitute a previous violation for purposes of WAC 16-228-1110(2), but may, at the discretion of the department, be considered as an aggravating factor for the purposes of WAC 16-228-1120(2).

(2) Prior to issuing a civil penalty for a violation of chapter 15.58 or 17.21 RCW, and the rules adopted under the authority of chapter 15.58 or 17.21 RCW the department shall comply with the requirements of RCW 43.05.110. RCW 43.05.110 provides that the department of agriculture may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars; or (4) the violation was committed by a business that

employed fifty or more employees on at least one day in each of the preceding twelve months.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1115, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. 01-01-058, § 16-228-1115, filed 12/12/00, effective 1/12/01.]

WAC 16-228-1120 How are penalties calculated? (1)

Median penalty selection. In the disposition of administrative cases, the department shall use the penalty assignment schedule listed in WAC 16-228-1130 to determine appropriate penalties. The department shall calculate the appropriate penalty based on the level of violation and the adverse effect(s) or potential adverse effects at the time of the incident(s) giving rise to the violation. The median penalty shall be assessed unless a proportionate adjustment is warranted and/or there are aggravating or mitigating factors present. The median penalty as listed in WAC 16-228-1130 may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation in the penalty assignment schedule table. The median penalty under the penalty assignment schedule may not be proportionately adjusted and/or mitigated to a level less than the minimum penalty listed for the violation.

(2) Proportionate adjustment of median penalty.

(a) The department reserves the right to proportionately increase the civil penalty and proportionately decrease the licensing action under certain circumstances. Such circumstances include situations where licensing action(s) as a deterrent are ineffective and include, but are not limited to:

(i) Violations by persons who are not licensed; and

(ii) Situations where the civil penalty assessed is not substantially equivalent to the violator's economic benefit derived from the violation.

(b) The department also reserves the right to proportionately decrease the civil penalty and increase the licensing action in circumstances that demonstrate the ineffectiveness of a civil penalty as a deterrent. Nothing shall prevent the department from proportionally adjusting a licensing action to a level greater than the maximum licensing action listed in the penalty assignment schedule.

(3) Aggravating factors. The department may consider circumstances enhancing the penalty based on the seriousness of the violation. Aggravating factors include, but are not limited to, the following:

(a) The number of separate alleged violations contained within a single notice of intent.

(b) The high magnitude of the harm, or potential harm, including quantity and/or degree, to humans, animals, plants, property or the environment caused by the violation(s).

(c) The similarity of the current alleged violation to previous violations committed within the last three years.

(d) The extent to which the alleged violation is part of a pattern of the same or substantially similar conduct.

(4) When the department determines that one or more aggravating factors are present, the department may assess the maximum penalty as listed within the level of violation or may, in its discretion, increase the penalty to a level greater than the maximum penalty, including but not limited to revocation of the license.

(5) Mitigating factors. The department may consider circumstances reducing the penalty based upon the seriousness of the violation. Mitigating factors include but are not limited to, the following:

- (a) Voluntary disclosure of a violation.
- (b) The low magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation.
- (c) Voluntary taking of remedial measures that will result in increased public protection, or that will result in a decreased likelihood that the violation will be repeated.

(6) When the department determines that one or more mitigating factors are present, the department may assess the minimum penalty for the violation from the penalty schedule.

(7) The department considers each violation to be a separate and distinct event. When a person has committed multiple violations, the violations are cumulative for purposes of calculating the appropriate penalty. Penalties are added together.

(8) Violation(s) committed during the period when an individual's license is suspended or revoked shall be subject to the maximum civil penalty of seven thousand five hundred dollars and/or revocation of the license for a period of up to five years. Violation(s) committed by unlicensed individuals are subject to the provisions of this chapter, including the penalty provision.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1120, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. 01-01-058, § 16-228-1120, filed 12/12/00, effective 1/12/01. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1120, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1125 When can the department revoke or deny a license? (1) The department retains the sole discretion to determine when an individual license should be revoked rather than suspended. Revocation of a license shall be an option for the department in those circumstances where:

- (a) The penalty schedule allows for revocation; and/or
- (b) One or more aggravating factors are present; and/or
- (c) The duration of the licensure action exceeds six months.

In circumstances where the department determines revocation to be appropriate, the period of revocation shall be determined at the discretion of the department, but in no instance shall the revocation exceed five years.

(2) The department may deny an applicant a license when the applicant has committed a violation(s) of chapters 15.58 and 17.21 RCW and/or the rules adopted under those chapters. The duration of denial shall be determined based upon the penalty provisions of this chapter. In circumstances where the department determines denial to be appropriate, the period of denial shall not exceed five years.

(3) Nothing shall prevent the department from denying an applicant a license when the applicant has an outstanding civil penalty owed to the department from a previous violation(s).

(4) The department may, at its discretion, suspend a license without also seeking a civil penalty. Such circumstances include, but are not limited to, those incidents where a civil penalty is not available as an appropriate penalty pursuant to RCW 43.05.110. The appropriate period of suspension shall be determined from the penalty schedule.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1125, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1125, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. 01-01-058, § 16-228-1125, filed 12/12/00, effective 1/12/01.]

WAC 16-228-1130 What is the penalty assignment schedule? This assignment schedule shall be used for violations of chapter 17.21 or 15.58 RCW or chapter 16-228 WAC. (See WAC 16-228-1150 for other dispositions of alleged violations, including Notice of Corrections.)

LEVEL OF VIOLATION	ADVERSE EFFECTS NOT PROBABLE			ADVERSE EFFECTS PROBABLE		
	MINIMUM	MEDIAN	MAXIMUM	MINIMUM	MEDIAN	MAXIMUM
FIRST	\$200 and or 2 days license suspension	\$300 and or 3 days license suspension	\$500 and or 6 days license suspension	\$350 and or 5 days license suspension	\$450 and or 7 days license suspension	\$550 and or 9 days license suspension
SECOND	\$350 and or 3 days license suspension	\$500 and or 6 days license suspension	\$1000 and or 9 days license suspension	\$600 and 10 days license suspension denial or revocation	\$1300 and 20 days license suspension denial or revocation	\$2000 and 30 days license suspension denial or revocation
THIRD	\$700 and or 4 days license suspension	\$1000 and or 9 days license suspension	\$2000 and or 12 days license suspension	\$800 and 30 days license suspension denial or revocation	\$2400 and 40 days license suspension denial or revocation	\$4000 and 50 days license suspension denial or revocation
FOURTH OR MORE	\$900 and or 5 days license suspension denial or revocation	\$2000 and or 12 days license suspension denial or revocation	\$3000 and or 15 days license suspension denial or revocation	\$1000 and 50 days license suspension denial or revocation	\$4250 and 70 days license suspension denial or revocation	\$7500 and 90 days license suspension denial or revocation

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1130, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. 01-01-058, § 16-228-1130, filed 12/12/00, effective 1/12/01. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1130, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1150 What are the other dispositions of alleged violations that the department may choose? Nothing herein shall prevent the department from:

- (1) Choosing not to pursue a civil penalty, license suspension or license revocation.
- (2) Issuing a notice of correction in lieu of pursuing a civil penalty, license suspension or license revocation.

(3) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate. Prior violation(s) covered by a prior settlement agreement may be used by the department for the purpose of determining the appropriate penalty for the current alleged violation(s) if not prohibited by the agreement.

(4) Referring violations or alleged violations, to any federal, state or county authority with jurisdiction over the activities in question, including but not limited to the Environmental Protection Agency (EPA) and the Federal Aviation Administration (FAA).

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1150, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. 01-01-058, § 16-228-1150, filed 12/12/00, effective 1/12/01. Statutory Authority: Chapters 15.58, 17.21 RCW. 00-22-073, § 16-228-1150, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1150, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1200 What are the restrictions on pesticide distribution, transportation, application, storage and disposal?

(1) No person shall handle, transport, store, display, apply, dispose of or distribute pesticides in such a manner as to endanger humans and their environment or to endanger food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. Toxicities of pesticides shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for consumption by humans or animals. Any vehicle or other equipment shall be inspected by the owner or authorized agent for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated shall not be returned to service until the contamination has been removed.

(3) Pesticide containers shall be secured during transit by use of side or end racks, bracing, chocks, tiedowns, or other means to prevent their sliding, falling, tipping, rolling, or falling off the vehicle with normal vehicle acceleration, deceleration, or change in direction.

(4) Valves shall be tightly closed and manhole covers shall be secured on cargo, portable and permanent tanks used for transporting, storage and application of pesticides, whether tanks are full or empty.

(5) Portable tanks shall be secured to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies shall not be relied upon for securement.

(6) Pesticides shall not be delivered to a pesticide consignee unless the consignee or authorized agent is present to accept delivery of the pesticides and signs a delivery slip or the pesticides are secured in a proper storage. Signed delivery slips shall be maintained as required by WAC 16-228-1300 for records.

(7) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(8) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where

food for human consumption is displayed or sold. The same "checkstand" or food packaging area may not be used for the distribution of highly toxic pesticides and food for human consumption.

(9) All pesticide incidents involving undesirable impacts on human health shall be reported to the Washington state department of health by the department.

(10) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause injury to humans and/or animals. Pesticides with obscured, illegible or damaged labels shall not be displayed or offered for sale.

(11) No person shall distribute or sell any pesticide unless it is in the registrant's or the manufacturer's unbroken, immediate container and the registered pesticide label is affixed to the container.

(12) A user of a pesticide may distribute a properly labelled pesticide to another user who is legally entitled to use that pesticide without obtaining a pesticide dealer's license if the exclusive purpose of distributing the pesticide is keeping it from becoming a hazardous waste as defined in chapter 70.105 RCW.

(13) The distribution and use of DDT and DDD shall be prohibited in this state except for uses allowed by the Environmental Protection Agency or the Center for Disease Control of the United States Department of Health and Human Services.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1200, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1200, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. 00-22-073, § 16-228-1200, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1200, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1220 What are the restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers?

(1) Any person handling, applying, or disposing of pesticides or pesticide containers shall do so in such a manner to minimize hazard to commercially important pollinating insect species. Due care shall be taken to regulate the timing and technique of pesticide applications to or around blossoming plants and pollen shedding corn. The use or application of microencapsulated methyl parathion, either directly or through drift, shall be prohibited on all blossoming plants and on pollen shedding corn.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner as to pollute water supplies or waterways, or cause damage or injury to land, humans, desirable plants and animals, or wildlife. Provided that a pesticide labeled for aquatic use and used as directed shall not be considered a violation of this subsection: Disposing of pesticides at disposal sites approved by the appropriate agency complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

(3) No person shall pollute streams, lakes, and other water supplies in pesticide loading, mixing, and application.

Adequate, functioning devices and procedures to prevent backsiphoning shall be used.

(4) No pesticides shall be applied by aircraft or airblast sprayers to property abutting and adjacent to occupied schools in session, hospitals, nursing homes or other similar establishments under conditions that may result in contamination of these establishments or their premises.

(5) No person shall apply pesticides if weather conditions are such that physical drift or volatilization may cause damage to adjacent land, humans, desirable plants or animals.

(6) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices shall be maintained for all pesticides and their containers.

(b) The provisions of (d) and (e) of this subsection and subsection (7) of this section shall not apply to empty pesticide containers when adequately decontaminated (e.g., a minimum of three successive rinsings); and shall not apply to categories 2, 3, and 4 pesticide formulations labeled for home and garden use only.

(c) For the purposes of (d) and (e) of this subsection and subsection (7) of this section, pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Pesticides labeled with the signal word "danger/poison" and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except (v) below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry.

(i) Closed vehicle.

(ii) Closed trailer.

(iii) Building or room or fenced area with a fence at least six feet high.

(iv) Foot locker or other container which can be locked.

(v) Unattended trucks or trailers which have solid side-acks and secured tailgate at least six feet above ground, ramp or platform level.

(vi) Bulk storage containers fifty gallons and larger with tight screw-type bungs and/or secured or locked valves.

(e) Pesticides labeled with the signal word "danger" when not accompanied by the signal word "poison," pesticides labeled with the signal word "warning" and pesticides labeled with the signal word "caution" and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in (d) of this subsection: Provided that metal containers, twenty-eight gallons and larger, with tight screw-type bungs and/or secured or locked valves shall be considered secured storage.

(7) Requirements for posting of storage area for pesticides and their containers labeled with the signal words "danger/poison":

(a) For purposes of this subsection, warning signs shall show the skull and crossbones symbol and the words: "Danger/Poison (or Pesticide or Chemical) Storage Area/Keep Out" in letters large enough to be legible at a distance of thirty feet.

(b) Warning signs shall be posted:

(i) On enclosures specified in subsection (6)(d) of this section, when such enclosures are unattended;

(ii) At each entrance or exit from a storage area and on each exterior wall, so that a sign is visible from any direction;

(iii) If the pesticide storage area is contained in a larger, multipurpose structure, warning signs shall be clearly visible on each exterior wall of the structure within thirty feet of the pesticide storage area and from the main entrance to the larger structure: Provided that posting of the main entrance shall not be required, if a sign is visible from the entrance which clearly identifies the possibility that pesticides may be stored on the premises, (i.e., XYZ Pest Control or XYZ Wood Treatment, Inc.);

(8) No person shall disperse a pesticide or pesticide rinse-water from any aircraft while in flight except over the target field and at the customary application height for that crop: Provided that emergency dumping shall not be considered a violation of this section.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1220, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-22-074, § 16-228-1220, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1220, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1225 What are exceptions to label requirements? The term "to use any registered pesticide in a manner inconsistent with its labeling" means to use any registered pesticide in a manner not permitted by the labeling, except that the term shall not include:

(1) Applying a pesticide at any dosage, concentration or frequency less than that specified on the labeling unless the labeling specifically prohibits deviation from the specified dosage, concentration or frequency;

(2) Applying a pesticide against any target pest not specified on the labeling if the application is to the crop, animal or site specified on the labeling, unless the department or EPA has required that the labeling specifically state that the pesticide may be used only for the pests specified on the labeling;

(3) Employing any method of application not prohibited by the labeling unless the labeling specifically states that the product may only be applied only by the methods specified on the labeling, (chemigation applications are prohibited unless the label has chemigation use directions); and

(4) Mixing a pesticide or pesticides with a fertilizer when such mixture is not prohibited by the labeling.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1225, filed 10/28/03, effective 11/28/03.]

WAC 16-228-1231 What are state restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only? (1) Pesticides defined by the following categories or active ingredients are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or to their duly authorized agents. The certified applicator must have a valid certification, license or permit to use or purchase the kind and quantity of such pesticide sold or delivered. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.

(a) Any EPA restricted use pesticide.

(b) All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba when distributed in counties located east of the crest of the Cascade Mountains except as listed below:

(i) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(ii) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

(c) Strychnine and its salts.

(d) Aquatic pesticides. All pesticides formulations labeled for application onto or into water to control pests on or in water except as provided in subsection (2) of this section.

(2) Pesticides which are not classified as EPA restricted use pesticides and which are labeled and intended only for the following aquatic uses shall be exempt from the requirements of this section:

(a) Swimming pools

(b) Wholly impounded ornamental pools or fountains

(c) Aquariums

(d) Closed plumbing and sewage systems

(e) Enclosed food processing systems

(f) Air conditioners, humidifiers, and cooling towers

(g) Industrial heat exchange, air washing and similar industrial systems

(h) Disinfectants

(i) Aquatic environments in states other than Washington

(j) Animal pets

(k) Use within wholly enclosed structures (with floors) or fumigation chambers.

Greenhouses are not considered as wholly enclosed structures for the purposes of this section

(l) Home and garden control of mosquito larvae.

(3) Pesticides containing the following active ingredients and their isomers are declared state restricted use pesticides for the protection of ground water except when labeled and intended only for home and garden use.

atrazine

bromacil

dcpa

disulfoton

diuron

hexazinone

metolachlor

metribuzin

picloram

prometon

simazine

tebuthiuron

(4) Distribution of pesticides bearing combined labeling of uses onto or into water plus nonaquatic general uses, may be made by licensed pesticide dealers to noncertified applicators if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it will not be applied into or onto water. If requested by the department, dealers shall furnish records on the sales of pesticides labeled for application onto or into water, whether sold for that use or

not. Records shall include the name and address of the purchaser, the complete product name and EPA registration number of the pesticide and the amount purchased. Records shall be kept for seven years from the date of distribution.

(5) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization by the certified applicator to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license number and positive identification of the authorized agent.

(6) Pesticide dealers must positively identify unknown purchasers of restricted use pesticides. Positive identification may be annually at the time of verification of the certified applicator's license number or for each individual purchase if the applicator is unknown to the dealer. Dealers must verify the identification of unknown purchasers of restricted use pesticides for telephone or electronic purchases either by fax (photo identification) or at the time of delivery.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1231, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1231, filed 10/28/03, effective 11/28/03. Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. 03-05-034, § 16-228-1231, filed 2/11/03, effective 3/14/03. Statutory Authority: Chapters 15.58 and 34.05 RCW. 02-04-041, § 16-228-1231, filed 1/29/02, effective 3/1/02. Statutory Authority: Chapters 15.58, 17.21 RCW. 00-22-073, § 16-228-1231, filed 10/30/00, effective 11/30/00.]

WAC 16-228-1235 When are pesticides containing the active ingredient clopyralid state restricted use pesticides? Pesticides containing the active ingredient clopyralid are declared to be state restricted use pesticides when labeled for use on cereal grains, grass used for hay, lawns and turf including golf courses.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. 02-12-017, § 16-228-1235, filed 5/28/02, effective 6/28/02.]

WAC 16-228-12351 Who can distribute pesticides containing the active ingredient clopyralid? Only licensed pesticide dealers can distribute pesticides containing the active ingredient clopyralid.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. 02-12-017, § 16-228-12351, filed 5/28/02, effective 6/28/02.]

WAC 16-228-12352 Who can sell pesticides containing the active ingredient clopyralid? (1) Pesticides containing the active ingredient clopyralid that are labeled for use on cereal grains, grass used for hay, lawns and turf including golf courses can only be sold by licensed dealers to certified applicators or their duly authorized agents. In order to purchase such pesticides, certified applicators or their agents must have a valid certification, license or permit allowing them to use or purchase such pesticides.

(2) Pesticides containing clopyralid and labeled for uses on sites/crops in addition to cereal grains, grass used for hay, lawns and turf including golf courses may be sold by licensed dealers to noncertified applicators if the noncertified applicator signs the sales invoice or sales slip indicating that the pesticide will not be applied to cereal grains, grass used for hay, lawns and turf including golf courses.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. 02-12-017, § 16-228-12352, filed 5/28/02, effective 6/28/02.]

WAC 16-228-1237 What are the restrictions on the use of pesticides containing the active ingredient clopyralid when labeled for use on lawns and turf including golf courses? In addition to the restrictions placed on the product label, pesticides containing the active ingredient clopyralid cannot be applied to lawns and turf including golf courses without complying with the requirements in WAC 16-228-12371.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. 02-12-017, § 16-228-1237, filed 5/28/02, effective 6/28/02.]

WAC 16-228-12371 What requirements affect the use of pesticides containing the active ingredient clopyralid on golf courses? (1) When labeled for use on lawns and turf including golf courses, pesticides containing the active ingredient clopyralid may be applied on golf courses if no grass clippings, leaves or other vegetation are removed from the site and placed in composting facilities that provide product to the public.

(2) Before applying pesticides containing the active ingredient clopyralid on a golf course, the commercial applicator must give written notification to the appropriate grounds keeping personnel that no grass clippings, leaves or other vegetation may be removed from the site and placed in composting facilities that provide product to the public.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. 02-12-017, § 16-228-12371, filed 5/28/02, effective 6/28/02.]

WAC 16-228-1238 What are the restrictions on application of ziram to Bosc pears? All dry formulations (such as wettable powders or water dispersible granules) of ziram labeled for use on pears are hereby declared state restricted use pesticides because of dermal effects to persons exposed while working in Bosc pear orchards.

(1) Growers shall observe the Environmental Protection Agency restricted entry interval label requirements following any treatment with dry wettable formulations of ziram before entering or allowing persons to enter pear orchards without personal protective clothing.

(2) Any entry during the restricted entry interval shall follow chapter 16-233 WAC, Worker protection standards, regarding handler, farm worker safety, and early-entry handler requirements.

(3) Growers shall observe an additional fourteen days after an application before entering or allowing workers to enter Bosc pear orchards without personal protective clothing as defined below.

(4) For the purposes of this section, minimum personal protective clothing shall consist of: A long-sleeved shirt; long-legged pants; socks; and chemical resistant gloves.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1238, filed 10/28/03, effective 11/28/03.]

WAC 16-228-1250 What are the restrictions on phenoxy herbicides? (1) The distribution, use and application of all high volatile ester and dust formulations of phenoxy herbicides shall be prohibited throughout the state.

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(2) In the areas under order, pesticide dealers shall make available to the purchaser a copy of the rules pertaining to the use of dicamba and/or phenoxy hormone-type herbicides, including 2,4-D and MCPA, in the area in which the material will be applied.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1250, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1250, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1260 What are the restrictions on the distribution of tributyltin products? (1) The distribution for use in Washington state of paint, stain, paint additives, or similar products containing any chemical form of tributyltin for use in interiors of inhabited structures (i.e., residences, office buildings, institutions, recreational vehicles, and retail stores) shall be prohibited: Provided that this section shall not apply to specialty products, such as tile grout additives or cooling tower biocides.

(2) No tributyltin-containing paint, stain, paint additives, or similar products as specified in subsection (1) of this section may be registered for distribution unless its label clearly indicates that it shall not be used on interior surfaces of inhabited structures or that it shall be used on exterior surfaces only.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1260, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1260, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1262 When are pesticides containing the active ingredient thiamethoxam use restricted pesticides? Pesticides containing the active ingredient thiamethoxam are declared to be use restricted pesticides when labeled for use on pome fruits, including apples and pears.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1262, filed 5/9/07, effective 6/9/07. Statutory Authority: RCW 15.58.040, 17.21.030, and chapter 34.05 RCW. 03-05-033, § 16-228-1262, filed 2/11/03, effective 3/14/03.]

WAC 16-228-1264 What are the restrictions on the use of pesticides containing the active ingredient thiamethoxam when labeled for use on pome fruits, including apples and pears? In addition to the restrictions placed on the product label, pesticides containing the active ingredient thiamethoxam cannot be applied to pome fruits, including apples and pears, without complying with the requirements in WAC 16-228-1266.

[Statutory Authority: RCW 15.58.040, 17.21.030, and chapter 34.05 RCW. 03-05-033, § 16-228-1264, filed 2/11/03, effective 3/14/03.]

WAC 16-228-1266 What requirements must I comply with before making an application of a pesticide containing the active ingredient thiamethoxam to pome fruits, including apples and pears? Before applying thiamethoxam to pome fruits, including apples and pears, you must comply with the following requirements:

(1) For product labeled for use on **apples**, apply thiamethoxam prior to prebloom (prepink or tight cluster growth stage) or after post bloom (petal fall). Do not apply thiamethoxam between prebloom and petal fall.

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(2) For **pears**, apply thiamethoxam prior to prebloom (green cluster or cluster bud stage) or after post bloom (petal fall). Do not apply thiamethoxam between prebloom and petal fall.

(3) Do not apply thiamethoxam to blooming plants or allow it to drift onto blooming plants. This is especially critical if there are adjacent orchards that are blooming. (Refer to recommendations to avoid spray drift on the product label for additional information.)

(4) After an application of thiamethoxam, wait at least five days before placing the beehives in the treated orchard.

(5) If bees are foraging in the orchard ground cover and it contains any blooming plants or weeds, always remove flowers before making an application of thiamethoxam. This may be accomplished by mowing, disking, mulching, flailing or applying a labeled herbicide.

[Statutory Authority: RCW 15.58.040, 17.21.030, and chapter 34.05 RCW. 03-05-033, § 16-228-1266, filed 2/11/03, effective 3/14/03.]

WAC 16-228-1270 What are the restrictions on the use of pesticides on small seeded vegetable seed crops, seed alfalfa and seed clover? (1) For purposes of pesticide registration, the following crops, when grown to produce seed specifically for crop reproduction purposes, are considered nonfood and nonfeed sites of pesticide use:

Common Name	Synonyms
alfalfa	
arugula	Mediterranean salad, rucola, roquette, Ghargir
beet	garden and sugar
broccoli	
broccoli raab	Rapani, Choy Sum, Chinese flowering cabbage
Brussels sprouts	
cabbage	
carrot	
cauliflower	
Chinese cabbage (Bok Choy)	Pak Choi (Choy), Bok Choi (Choy), Taisai, celery mustard, spoon cabbage
Chinese cabbage (napa)	Pe-tsai
Chinese broccoli	Chinese kale, Gailon
clover	
collard	
coriander	cilantro
dill	
endive	escarole
kale	bore kale
kohlrabi	
leek	
lettuce	
mizuna	
mustard (including Chinese and Indian)	
onion (bulb)	
onion (bunching)	
parsley	
parsnip	
radish (other than daikon)	
rape	

Common Name	Synonyms
rutabaga	
spinach	
spinach mustard	
swiss chard	spinach beet
turnip	

(2) For the seed crops listed in subsection (1) of this section, the following conditions shall be met:

(a) All seed screenings shall be disposed of in such a way that they cannot be distributed or used for human food or animal feed. The seed conditioner shall keep records of screening disposal for three years from the date of disposal and shall furnish the records to the director immediately upon request. Conditioner disposal records shall consist of documentation of on-farm disposal, disposal at a controlled dump site, incinerator, composter, or other equivalent disposal site and shall include the lot numbers, amount of material disposed of, the grower(s), and the date of disposal.

(b) No portion of the seed plant, including but not limited to green chop, hay, pellets, meal, whole seed, cracked seed, roots, bulbs, leaves and seed screenings may be used or distributed for food or feed purposes.

(c) All seed from the crops listed in subsection (1) of this section grown or conditioned in this state shall bear a tag or container label which forbids use of the seed for human consumption or animal feed.

(d) No seed from the crops listed in subsection (1) of this section grown or conditioned in this state may be distributed for human consumption or animal feed.

(3) Violation of any condition listed in subsection (2) of this section is declared to be a violation of chapters 17.21 and 15.58 RCW.

(4) Any seed crop certified under provisions of RCW 15.86.070, the Organic Food Products Act, shall be exempt from the requirements of this section.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1270, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. 00-22-073, § 16-228-1270, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1270, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1300 What are the recordkeeping requirements for pesticide dealers? Pesticide dealers shall keep and furnish records to the director immediately upon request on the distribution of any pesticide except those determined by the department to be "home and garden use only" products. Records shall be kept for a period of seven years from the date of distribution. General use distribution requests shall be limited to records necessary for investigations of suspected violations, damage complaints, inspections, monitoring distribution and use under provisions of special local needs registrations, emergency exemptions from federal registration and experimental use permits, and monitoring of any pesticide suspected of unreasonable adverse effects on the environment. The records shall contain the following information:

(1) Full name and address of purchaser;

(2) Full name and address of certified applicator (if different from subsection (1) of this section for restricted use pesticides);

- (3) Certified applicator's pesticide license number (for restricted use pesticides);
- (4) Full name of authorized agent for restricted use pesticides;
- (5) Brand and specific pesticide name and EPA registration number;
- (6) Number of pounds or gallons of the pesticide distributed;
- (7) Date of distribution;
- (8) Crop and/or site to which pesticide will be applied (for restricted use pesticides).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1300, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1300, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-22-074, § 16-228-1300, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1300, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1320 What are the recordkeeping requirements for pesticide applicators?

(1) Certified applicators and all persons applying pesticides to more than one acre of agricultural land in a calendar year including public entities engaged in roadside spraying, and all persons making landscape applications of pesticides to types of property listed in RCW 17.21.410 (1), (b), (c), (d) and (e) shall keep records for each application which shall include the following:

- (a) The full name and full address of the person for whom the pesticide was applied.
- (b) The address or exact location of the land where the pesticide was applied. If the application is made to one acre or more of agricultural land, the field must be located on the map on the adopted form. Location of agricultural land shall be made using section, township and range, geographical positioning system coordinates, or by irrigation block and farm unit numbers.
- (c) The year, month, day and start and stop time the pesticide was applied.
- (d) The product name used on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide which was applied.
- (e) The direction from which the wind is blowing and estimated velocity of the wind in miles per hour (mph) and the temperature in degrees Fahrenheit at the time the pesticide was applied: Provided that this subsection (e) shall not apply to applications of baits in bait stations, pesticide applications within structures and drip or subsurface irrigation applications. Wind and temperature readings shall be obtained in close proximity to the application site.
- (f) The total amount of pesticide applied such as pounds, gallons, ounces, etc.
- (g) The amount of pesticide applied per acre or one thousand square feet or other appropriate measure.
- (i) For PCO classification or residential ornamental applications, the amount shall be recorded to the nearest ounce of product or to the nearest gallon of liquid spray per site.
- (ii) Fumigation records shall include the pounds of gas released per one thousand cubic feet of space, the temperature, and the duration of the exposure period.

(h) The concentration of pesticide that was applied. Liquid applications may be recorded as, but are not limited to, amount of product per one hundred gallons of liquid spray, gallons per acre of output volume, ppm, percent product in tank mix (e.g., 1%). For chemigation applications record "inches of water applied" or other appropriate measure.

- (i) The pests to be controlled (for PCO classification only).
- (j) Specific crop or site to which pesticide was applied.
- (k) Apparatus license plate number.
- (l) The licensed applicator's full name, certified pesticide applicator license number, complete address, telephone number, and the full name of the individual or individuals making the application.

(m) The number of acres or other appropriate measure to which the pesticide was applied.

(n) For commercial applications, the full name and complete address of the commercial firm.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept for a period of seven years from the date of the application of the pesticide to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records immediately by the licensee.

(4) Upon written request, the applicator shall provide the customer with a record of each application of pesticides to his/her land, for the current season, which shall contain the information listed in WAC 16-228-1320(1).

(5) Except as stated in subsection (6) of this section, the information required in subsection (1) of this section shall be provided upon request on the appropriate page of the pesticide record form (figures 1-8): Provided that computerized records may be maintained as long as the records can be produced in the form and format prescribed by the department.

(6) The department may allow by written permit the information required in subsection (1) of this section to be kept in a different form and format than that described in figures 1-8: Provided that the following criteria are met:

- (a) The pesticide application recordkeeping system is computerized;
- (b) The pesticide application recordkeeping system contains all the information required by subsection (1) of this section, and can be produced in a form and format acceptable to the department.

(7) All apparatus shall be kept in good repair and only that apparatus capable of performing all functions necessary to ensure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to land, humans, desirable plants and animals, from subsequent applications.

(8) On demand of the director, the applicator shall make immediately available for inspection the pesticides being applied and the apparatus used for the application: Provided that this inspection is made at the site of application or where the apparatus is located.

(9) The applicator shall make available necessary safety equipment in proper working order and advise employees on its use to meet the safety requirements of the pesticide label.

(10) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(11) All containers used for pesticide mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate restrictions and precautions.

State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 1)

NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

- 1. Date of Application - Year: Month: Day: Start Time: Stop Time:
2. Name of person for whom the pesticide was applied: Firm Name (if applicable): Street Address: City: State: Zip:
3. Licensed Applicator's Name (if different from #2 above): Firm Name (if applicable): Street Address: City: State: Zip:
4. Name of person(s) who applied the pesticide (if different from #3 above): License No(s). If applicable:
5. Application Crop or Site:
6. Total Area Treated (acre, sq. ft., etc.):
7. Was this application made as a result of a WSDA Permit?
8. Pesticide Information (please list all information for each pesticide, including adjuvants (buffer, surfactant, etc.), in the tank mix):

Table with 5 columns: a) Full Product Name, b) EPA Reg. No., c) Total Amount of Pesticide Applied in Area Treated, d) Pesticide Applied/Acre (or other measure), e) Concentration Applied

- 9. Address or exact location of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.
10. Wind direction and estimated velocity (mph) during the application:
11. Temperature during the application:
12. Apparatus license plate number (if applicable):
13. Air Ground Chemigation
14. Miscellaneous Information:

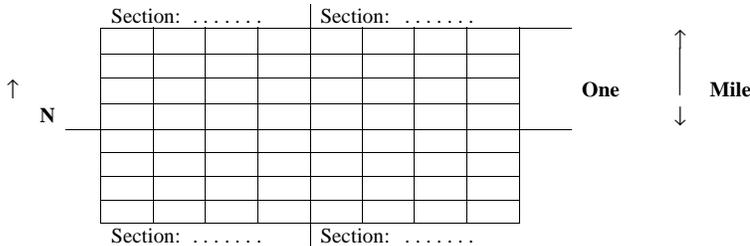
AGR 4226 (Rev. 4/07)

Location of Application: If the application covers more than one township or range, please indicate the township & range for the top left section of the map only:

Township: N
Range: E OR W (please indicate:)
Section(s):
Block: Farm Unit:
or GPS:
County:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

INSTRUCTIONS

Pesticide Application Record (Version 1) AGR 4226 (Rev. 4/07)

1. Date may be spelled out or indicated numerically. Time must be indicated as start and stop times.
2. Include first and last name.
3. If the person's name is the same as No. 2, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
4. Include first and last name(s).
5. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
6. May also be stated in terms such as linear feet, cubic feet, etc. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
7. If the application was made under permit, but no permit number was issued, indicate the date the permit was issued.
- 8.a) Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, etc.).
b) This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray adjuvant (buffer, spreader, sticker, surfactant, etc.) write "adjuvant" in this space and add the state registration number.
- c) Indicate the amount of pesticide formulation (product) applied to the total area listed on line 6.

INSTRUCTIONS

- d) Other measures may include amount/sq. ft., amount/cu. ft., amount/linear ft., etc.
 - e) This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.
 9. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights of way.
 10. Indicate the direction from which the wind is blowing. Measure wind velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Wind readings shall be obtained in close proximity to the application site.
 11. Indicate temperature in degrees Fahrenheit. (It may be indicated as the range encountered during application.) Temperature readings shall be obtained in close proximity to the application site.
 12. This does not apply to private applicators or public agencies.
 13. Check one.
 14. Depth of application/inches of water (chemigation).
 15. This space is available for any additional information you may wish to include.
- Form AGR 4226 (Rev. 4/07) Pg. 2

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Olympia, Washington 98504

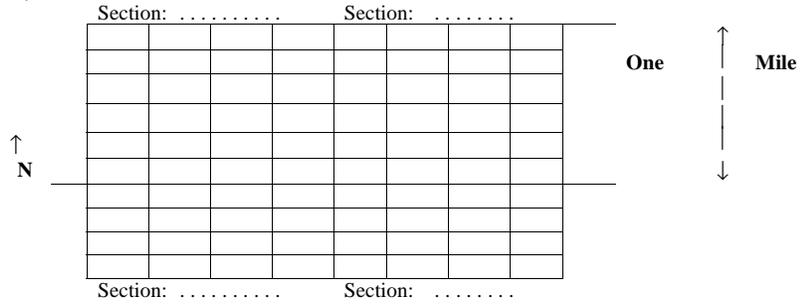
PESTICIDE APPLICATION RECORD (Version 2)

NOTE: Application information must be completed same day as the application and must be retained for seven years (Ref. chapter 17.21 RCW)

1. Name & Address of Person for Whom Pesticide was Applied				2. Applicator Name and Address (if different from # 1) Tel. No. Lic. No.				
3. Full, complete address or exact location of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form)				4. Misc. Info:				
5. Date and Time of Application (Start and Stop)	6. Crop or Site Treated	7. Acres Treated (or other measure)	8. FULL PRODUCT NAME	9. EPA Registration Number	10. Amount of Product Applied		11. Concentration	12. Weather Conditions (wind direction, velocity, temperature). Apparatus License Plate No. and Name and License No. of person(s) who applied pesticide
					Rate per acre (or other measure)	Total Product Applied		
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation		.....	.....	.....	.....	.....	.....

AGR 4235 (Rev. 4/07)

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only:
 Township: N
 Range: E OR W (please indicate) ..
 Section(s):
 Block: Farm Unit: ...
 or GPS:
 County:



PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.

INSTRUCTIONS

Pesticide Application Record (Version 2) AGR 4235 (Rev. 4/07)

1. Include first and last name.
2. If the person's name is the same as No. 1, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
3. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights of way.
4. This space is available for any additional information you may wish to include.
5. Date may be spelled out or indicated numerically. Application start and stop times must be indicated.
6. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
7. May also be stated in terms such as linear feet, cubic feet, etc. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
8. Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, etc.).
9. This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray

INSTRUCTIONS

- adjuvant (buffer, spreader, sticker, surfactant, etc.) write "adjuvant" in this space and add the state registration number.
10. Rate per acre: Other measures may include amount/sq. ft., amount/linear ft., etc. Specify the term to which the number refers. Total product applied is the total product applied between start and stop times.
 11. This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.
 12. Weather conditions must include the direction from which the wind is blowing, measure velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Temperature must also be indicated in degrees Fahrenheit and may be listed as the range encountered during the application. Wind and temperature readings shall be obtained in close proximity to the application site. The apparatus license plate number does not apply to private applicators or public agencies. Include first and last name(s) of person(s) who applied the pesticide. Include license number(s) if applicable.

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PESTICIDE APPLICATION RECORD (Version 3)

NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

1.	Date of Application - Year:	Month:	Day(s):
2.	Name of person for whom the pesticide was applied:		
	Firm Name (if applicable):		
	Street Address:	City:	State: Zip:
3.	Licensed Applicator's Name (if different from #2 above):		
	Firm Name (if applicable):	Tel. No.:	License No.:
	Street Address:	City:	State: Zip:
4.	<input type="checkbox"/> Air	<input type="checkbox"/> Ground	<input type="checkbox"/> Chemigation
5.	Application Crop or Site:		
6.	Total Area Treated (acre, sq. ft., etc.)		
7.	Was this application made as a result of a WSDA Permit? <input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, give Permit No.) #		
8.	Pesticide Information (list all information for each pesticide including adjuvants in the tank mix):		

General Pesticide Rules

16-228-1320

a) Full Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied	f) Depth of Application (Chemigation)
			/		
			/		
			/		
			/		

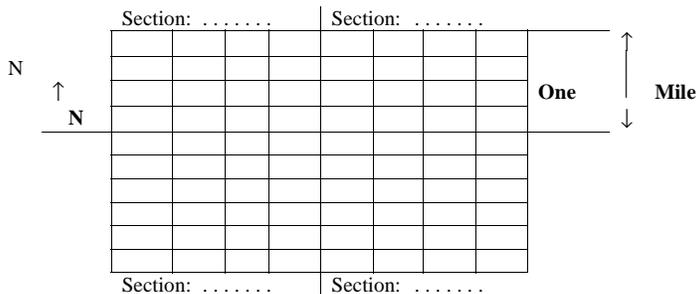
9. Address *or exact location* of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10. Date	11. Name of person(s) making the application	12. License No.	13. Apparatus Lic. Plate No.	14. Time		15. Acres Completed	16. Wind		17. Temp
				Start	Stop		Dir.	Vel. (mph)	

AGR 4236 (Rev. 4/07)

10. Date	11. Name of person(s) making the application	12. License No.	13. Apparatus Lic. Plate No.	14. Time		15. Acres Completed	16. Wind		17. Temp
				Start	Stop		Dir.	Vel. (mph)	

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only.)
 Township:
 Range: E OR W (please indicate):
 Section(s):
 Block: Farm Unit:
 or GPS:
 County:



PLEASE NOTE:
 The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.

Miscellaneous Information:

- INSTRUCTIONS
- Pesticide Application Record (Version 3) AGR 4236 (Rev. 4/07)
1. Date may be spelled out or indicated numerically.
 2. Include first and last name.
 3. If the person's name is the same as No. 2, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
 4. Check one.

- INSTRUCTIONS
5. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
 6. May also be stated in terms such as linear feet or cubic feet. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
 7. If the application was made under permit, but no permit number was issued, indicate the date the permit was issued.

INSTRUCTIONS

- 8.a) Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, etc.).
 - b) This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray adjuvant (buffer, spreader, sticker, surfactant, etc.) write "adjuvant" in this space and add the state registration number.
 - c) Indicate the amount of pesticide formulation (product/adjuvant) applied to the total area listed on line 6.
 - d) Other measures may include amount/sq. ft., amount/cu. ft., amount/linear ft., etc.
 - e) This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.
 - f) Depth of application (chemigation).
9. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights of way.

INSTRUCTIONS

- 10. List the date of application.
- 11. Indicate first and last name(s).
- 12. List license number(s) if applicable.
- 13. This does not apply to private applicators or public agencies.
- 14. Application start and stop times must be indicated. Indicate a.m. or p.m.
- 15. The total of all entries in this column should equal the total listed on line 6.
- 16. Indicate the direction from which the wind is blowing. Measure wind velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Wind readings shall be obtained in close proximity to the application site.
- 17. Indicate temperature in degrees Fahrenheit. (It may be indicated as the range encountered during the application.) Temperature readings shall be obtained in close proximity to the application site.

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PESTICIDE APPLICATION RECORD (Version 4)
NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

A. Date of Application - Year: Month: Day:

B. Firm Name: Telephone No.:

Commercial Applicator's Name: License No.:

Street Address: City: State: Zip:

C. Name of person(s) who applied the pesticide:

License No(s):

D. Pesticide Information (list all information for each pesticide including spray adjuvants (buffer, surfactant, dye, etc.) in the tank mix):

<u>Full Product Name</u>	<u>EPA Reg. No.</u>	<u>Concentration</u>
		Amount: (Lbs., Qts., etc.) of brand per 100 gallons of tank mix. Amount and unit must be specified.

E. Application crop or site: F. Apparatus License Plate No.

G. Record the following information for the specific conditions during each application:

<u>CUSTOMER</u>	<u>AMOUNT APPLIED</u>	<u>AREA TREATED</u>	<u>START AND STOP TIME</u>	<u>TEMP</u>	<u>WIND</u>
(a) full name (b) complete address	(gals. of mix)	(sq. ft., etc.)		F°	DIR VEL (mph)
1. a) _____	_____	_____	_____	_____	_____
b) _____	_____	_____	_____	_____	_____
2. a) _____	_____	_____	_____	_____	_____
b) _____	_____	_____	_____	_____	_____
3. a) _____	_____	_____	_____	_____	_____
b) _____	_____	_____	_____	_____	_____
4. a) _____	_____	_____	_____	_____	_____
b) _____	_____	_____	_____	_____	_____
5. a) _____	_____	_____	_____	_____	_____
b) _____	_____	_____	_____	_____	_____
6. a) _____	_____	_____	_____	_____	_____
b) _____	_____	_____	_____	_____	_____
7. a) _____	_____	_____	_____	_____	_____
b) _____	_____	_____	_____	_____	_____
8. a) _____	_____	_____	_____	_____	_____
b) _____	_____	_____	_____	_____	_____
9. a) _____	_____	_____	_____	_____	_____
b) _____	_____	_____	_____	_____	_____

INSTRUCTIONS

Pesticide Application Record (Version 4) AGR 4234 (Rev. 4/07)

This form may only be used for commercial residential ornamental and lawn applications. It may not be used to satisfy the application record requirements for agricultural employers.

- A. Date may be spelled out or indicated numerically.
- B. Include first and last name of the commercial applicator.
- C. Include first and last name(s).
- D. Product name: Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, etc.).

INSTRUCTIONS

E. Indicate type of land treated, not location. Examples: Rights of way, lawn, trees and shrubs, driveways, etc.

F. List the number of the license plate affixed to the apparatus.

G. Customer's name and application information should be listed on line A. Street address should be listed on line B, including city. Additional pages may be added for additional customers on the same day, so long as the information in A through F remains the same.

**DAILY PESTICIDE APPLICATION RECORD (Version 5)
For Commercial Pest Control Operators Only**

NOTE: This form must be completed same day as the application and retained for seven years (Ref. chapter 17.21 RCW)

- A. FIRM NAME AND ADDRESS:
- B. APPLICATOR NAME:
- C. PERSON MAKING APPLICATION:
- D. DATE:
- TELEPHONE NUMBER:
- LICENSE NO.
- LICENSE NO.
- E. APPARATUS LICENSE NO:

CUSTOMER (a) FULL NAME (b) FULL ADDRESS OR LOCATION OF APPLICATION (c) TARGET PEST	(a) EPA REG. NO./FULL PRODUCT NAME(S) (b) CONCENTRATION (c) TOTAL AMOUNT USED	(a) TIME (IN/OUT) (b) TEMP. (c) WIND DIR./ VELOCITY	APPLICATION SITE (C&C, SPOT, VOID, INJECTIONS, ETC.)	PESTICIDE APPLIED/ACRE OR OTHER MEASURE
1. a) _____ b) _____ c) _____	_____	_____	_____	_____/_____ _____/_____ _____/_____
2. a) _____ b) _____ c) _____	_____	_____	_____	_____/_____ _____/_____ _____/_____
3. a) _____ b) _____ c) _____	_____	_____	_____	_____/_____ _____/_____ _____/_____
4. a) _____ b) _____ c) _____	_____	_____	_____	_____/_____ _____/_____ _____/_____
5. a) _____ b) _____ c) _____	_____	_____	_____	_____/_____ _____/_____ _____/_____
6. a) _____ b) _____ c) _____	_____	_____	_____	_____/_____ _____/_____ _____/_____
7. a) _____ b) _____ c) _____	_____	_____	_____	_____/_____ _____/_____ _____/_____

AGR 4237 (Rev. 4/07) **OPTIONAL:** MILEAGE START MILEAGE END

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1320, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1320, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-22-074, § 16-228-1320, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1320, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1322 What are the requirements for removal of landscape markers and notification of restricted entry? (1) The marker shall remain in place for a minimum of twenty-four hours from the time the landscape application is originally posted as required by RCW 17.21.410.

(2) In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the certified applicator shall provide the property owner or tenant with the restricted entry interval times consistent with the label requirements. Markers shall remain in place consistent with the restricted entry interval times as required by the label.

(3) The property owner or tenant shall remove the marker of any landscape posted under the requirements of RCW 17.21.410 consistent with this schedule.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1322, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-22-074, § 16-228-1322, filed 10/30/00, effective 11/30/00.]

WAC 16-228-1330 What are the pilot and aircraft requirements for pesticide applicators? (1) All pilots and aircraft, used for or engaged in the commercial application of pesticides shall comply fully with the appropriate rules and regulations of the Federal Aviation Administration.

(2) All applicants for an aerial applicators license shall comply with FAA certification requirements. The department may require a current copy of the FAA operating certificate prior to issuance of a license.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1330, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1330, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1370 What are the department requirements for a waste pesticide disposal program?

Under authority of chapter 15.58 RCW, the department may establish a waste pesticide disposal program for farmers, or other parties regulated under chapter 17.21 RCW or licensed under chapter 15.58 RCW.

(1) Upon review and determination that a pesticide is no longer useable, the department may declare a pesticide to be a "waste pesticide."

(2) The department may take possession of a waste pesticide with the owner's written consent for the purpose of disposal.

(3) For the purpose of waste pesticide disposal, the department may:

- (a) Become identified as a hazardous waste generator;
- (b) Enter into contracts or cooperative agreements to carry out portions of or all of the waste pesticide disposal program. The department may also enter into cooperative agreements to carry out portions of or all of the development of education programs relating to waste pesticide disposal and programs for dissemination of information concerning the department's disposal program.

(4) The department may accept pesticides whose active ingredients are not clearly identifiable for disposal. These pesticides may be analyzed by either the department or a private laboratory. If upon analysis the material is not a pesticide, not identified or not acceptable for disposal, it shall be returned to the owner and/or not accepted for disposal.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1370, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1370, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1380 What are the regulations for application of vertebrate control pesticides? Vertebrate control pesticides shall be used only under the following conditions:

(1) Vertebrate control pesticides shall be placed only in locations that are not readily accessible to nonpest animals, children, and unauthorized persons, and in a manner that shall preclude contamination of food, feed, drugs, and other consumer commodities. Exposure of rodenticides baits within buildings shall not be above floor levels.

(2) Baits shall be colored or otherwise formulated so that they will be identifiable from foods common to the establishment in which the bait is placed.

(3) When the use of bait boxes is necessary to ensure that baits are not readily accessible to nonpest animals, children, and unauthorized persons, the bait boxes shall be of sturdy construction and tamper resistant. Baits placed in industrial, commercial or other areas that are accessible to the public shall be contained in tamper resistant bait boxes and such bait

boxes shall be secured in such a way that nonpest animals, children and unauthorized persons cannot displace or remove the baits out of such bait boxes. Bait boxes shall be labeled clearly with letters on contrasting background showing the following information:

(a) Any information required by the EPA or Washington state registered label for the bait or the concentrate from which it was formulated.

(b) The name of the active ingredient(s).

(c) The name of the firm and/or certified applicator, address, and the telephone number.

(4) Containers used for exposing vertebrate control baits to pests shall be composed of tough, nonabsorbent, corrosion resistant materials and designed so they cannot be readily overturned or carried off by pest animals. Those containers that are used for exposing vertebrate control pesticides outside of bait boxes shall bear a legible warning label with wording not less restrictive than requirements on bait boxes being used as per WAC 16-228-1380(3), (except for the size of lettering). Food containers, such as "meat boats" and "souffle cups" are unacceptable. Containers used for liquid bait exposure shall be water and/or liquid impervious.

(5) All vertebrate control pesticide stocks, when not in use or when unattended, shall be kept in locked storage or locked service vehicles.

(6) All containers used for storing or transporting vertebrate control pesticides shall bear an EPA or department registered label.

(7) Applicator's kits which contain vertebrate control pesticides shall be handled with extra caution and shall not be left where children or other unauthorized persons or nontarget animals might remove contents.

(8) Upon completion of a baiting operation, all bait boxes, containers, and/or throw bags, if they may become readily accessible to the public, shall be recovered for disposal in an approved manner.

(9) Wherever poisoned carcasses jeopardize public sanitation, or create a health hazard to wildlife, domestic animals, or the public, they shall be recovered and disposed of by burning, burying not less than three feet below the soil surface, or placed in proper waste containers and delivered to an approved disposal site.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1380, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. 00-22-073, § 16-228-1380, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1380, filed 10/20/99, effective 11/20/99.]

GENERAL PESTICIDE RULES—REGISTRATION

WAC 16-228-1400 What are the requirements for pesticide labels? (1) In addition to the requirements set forth in (2) through (5) below, pesticide labeling shall meet the standards or criteria of FIFRA.

(2) Any pesticide exempted from registration under the provisions of section 18 of FIFRA must be labeled as follows:

(a) Pesticides distributed under section 18 of FIFRA must be accompanied by a label approved by the department prior to distribution. All conditions set forth in the document granting the emergency exemption and all other requirements

determined to be necessary by the department must be included on the label.

(b) In situations where a label cannot be developed and approved prior to the intended use period, the department may allow the use of the document granting the emergency exemption in lieu of labeling. Conditions set forth as part of the granting document, and any attached or associated documentation from the department shall be considered labeling for purposes of enforcement.

(3) Labels for spray adjuvants must include the following:

(a) The product brand name.

(b) The type or function of principal functioning agents. Terms used to describe adjuvant functions must be consistent with ASTM International Standards E 1519 and/or E 609, unless ASTM International has not defined a term. In the absence of an ASTM International definition, the department will determine the appropriate term(s). Functions claimed must be consistent with the principal functioning agents. If two or more functions are claimed, then the functions must be listed in descending order (starting with the primary function).

(c) An ingredient statement that shall include the following:

(i) "Principal functioning agents." The principal functioning agents must be listed by chemical name in descending order of composition with either individual or total percentage(s). If more than 3 functioning agents are present, only the 3 principal agents need to be listed;

(ii) The percentage of "Constituents ineffective as spray adjuvants," and

(iii) The total percentage of all ingredients which must equal 100%.

(d) Directions for use that must include a description of intended uses and recommended use rates.

(e) Precautionary statements adequate to protect people and the environment that shall include the following:

(i) The statement "Keep Out Of Reach Of Children."

(ii) A signal word (danger, warning or caution) and precautionary statements (including requirements for personal protective equipment, if applicable) consistent with product toxicity data; and

(iii) A statement prohibiting aquatic use, unless the registrant provides data to demonstrate that the proposed use will not cause unreasonable adverse effects to fish and aquatic invertebrates.

(f) An appropriate storage and disposal statement.

(g) The name and address of the registrant or manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, then the name must be qualified by appropriate wording such as "Packaged for" or "Distributed by."

(h) The weight or measure of the contents.

(i) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(j) Optional information: The spray adjuvant label may also include an exemption from tolerance statement (if applicable), an unsulfonated residue (UR) value (if applicable), the Washington registration number and a label identification code (such as the revision date).

(4) Special local need (SLN) labels issued under section 24c of FIFRA must include the following:

(a) A federal or state Restricted Use Pesticide (RUP) designation statement (when applicable).

(b) The statement "FOR DISTRIBUTION AND USE ONLY WITHIN THE STATE OF WASHINGTON."

(c) The product brand name.

(d) The EPA and SLN registration numbers of the product.

(e) The statement: "It is a violation of federal law to use this product in a manner inconsistent with its labeling."

(f) The statement: "This labeling must be in the possession of the user at the time of application."

(g) One of the following statements:

(i) For agricultural use SLN labels the statement: "Follow all applicable directions, restrictions, worker protection standard requirements, and precautions on the EPA registered label"; or

(ii) For nonagricultural use SLN labels the statement: "Follow all applicable directions, restrictions, and precautions on the EPA registered label."

(h) Directions for use that must include the following: crop or site to be treated, pest(s) to be controlled, application rate and concentration, method of application, frequency and timing of application, and pre-harvest interval.

(i) All restriction or precaution statements (e.g. pollinator protection, herbicide drift, aquatic toxicity, chemigation, seed crop requirements) applicable to the use.

(j) An expiration date statement such as: "This label for (Product name) expires and must not be distributed or used in accordance with this SLN registration after December 31, (Fifth year)." Fifth year means the fifth year after issuance of the SLN label.

(k) The name and address of the SLN registrant.

(l) A label identification code (such as the revision date).

(m) Any other applicable information required by the EPA or the department.

(n) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(o) Optional information: The SLN label may also include a waiver of liability statement (if applicable). The waiver of liability statement must be consistent with EPA requirements.

(5) Labels for minimum risk pesticides exempted from federal registration under section 25(b) of FIFRA must include the following:

(a) The product brand name.

(b) The product function. The function(s) claimed must be consistent with product ingredients.

(c) An ingredient statement that shall include the following:

(i) "Active ingredients." These ingredients must be listed by name (in descending order of composition) with individual percentage(s). Only active ingredients listed in 40 CFR 152.25(g) are permitted;

(ii) "Inert ingredients" or "Other ingredients." These ingredients must be listed by name with the cumulative percentage of all inert ingredients stated on the label. Only inert ingredients on EPA Inerts List 4A (40 CFR 180.950) are permitted; and

(iii) The total percentage of all ingredients which must equal 100%.

(d) Directions for use that must include a description of intended uses and use rates. The label must not bear claims either to control or mitigate microorganisms that pose a threat to human health.

(e) Precautionary statements adequate to protect people and the environment that shall include the following:

(i) The statement "Keep Out Of Reach Of Children," and

(ii) A signal word (danger, warning or caution) and precautionary statements (including requirements for personal protective equipment, if applicable) consistent with product toxicity data.

(f) An appropriate storage and disposal statement.

(g) The name and address of the registrant or manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, then the name must be qualified by appropriate wording such as "Packaged for" or "Distributed by."

(h) The weight or measure of the contents.

(i) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(j) Optional information: The minimum risk pesticide label may also include the Washington registration number and a label identification code (such as the revision date).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1400, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1400, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-22-074, § 16-228-1400, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1400, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1410 What pesticides are considered home and garden use only pesticides? For purposes of this section, "home and garden use only" means any pesticide determined by the department to be packaged, labeled and marketed in a manner that clearly indicates the product is intended for personal use by the general public in and around a residence. In making this determination, the department will consider, but not be limited to, the following criteria:

- (a) Packaging;
- (b) Package size;
- (c) Label instructions;
- (d) Application method;
- (e) Equipment to be used;
- (f) Rates of application.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1410, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1410, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1410, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1420 What are the requirements for complete pesticide formula? The complete pesticide formula shall include a listing of each active and inert ingredient and the percentage of each ingredient. This information will be kept confidential and is exempt from disclosure as a public record as provided by RCW 15.58.065 except for names of inert ingredients of pesticides exempt under section 25b of FIFRA which according to CFR 152.25 (g)(3)(i) must have this information on the label. Information required by this

section may be submitted on company letterhead marked "confidential" in red ink on each sheet or each "EPA confidential statement of formula" information sheet.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1420, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-22-074, § 16-228-1420, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1420, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1430 What is an adequate pesticide container? Containers, i.e., packages, cartons, bags, cans, barrels, bins, etc., in which pesticides are sold, offered for sale, or transported within the state of Washington shall be of sufficient strength and of such construction as to alleviate danger of spillage or breakage. Pesticides found to be packaged in unsafe containers shall be placed under "stop sale" order. Containers shall meet the minimum federal specifications.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1430, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1430, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1440 What pesticides must be artificially colored or have an odor added? (1) No highly toxic pesticide in powdered or granular form or highly toxic pesticide baits having a label recommendation for use in any building, ship, or similar enclosure shall be sold within the state of Washington unless it is distinctly colored or discolored in such a way that it does not resemble any food.

(2) A pesticide in liquid form with colors resembling a beverage or liquid food, which does not have a distinctive odor, shall have an odorous substance added that is distinctly different from any beverage or liquid food.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1440, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1440, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1450 What are the requirements for pesticide-fertilizer registration and labeling? (1) Each pesticide-fertilizer mix containing different pesticide active ingredients and/or percentages must be registered with the director: Provided that the fertilizer portion shall be considered an inert ingredient for the purpose of this order. Such registrations may be to the nearest one-tenth of one percent by weight of all active ingredient/s, except for nitrification inhibitor-pesticide mixes as stated in (4) below.

(2) A specimen pesticide-fertilizer label shall be registered with the director before distribution or sale. These labels shall bear the following items:

(a) A pesticide ingredient statement identifying the active ingredient(s) and showing the percent by weight of each active ingredient;

(b) EPA registration number of each pesticide used to formulate the pesticide-fertilizer mix;

(c) Crop(s) on which the pesticide-fertilizer mix may be used and the amount of pesticide-fertilizer mix to be applied per acre;

(d) Timing of application (for instance, preplant) and the preharvest interval;

(e) Net weight of the shipment;

- (f) Name and address of the registrant or manufacturer;
- (g) Any other information required by the director.

(3) Labeling bearing all of the information specified in (2) above and a complete specimen label for each pesticide product used to formulate the pesticide-fertilizer mix shall accompany each pesticide-fertilizer mix shipment. All or portions of the information required in (2) above may occur on the invoice of a custom mix: Provided that an appropriate specimen invoice has been registered by the director as pesticide labeling.

(4) Pesticide-fertilizer mixes containing nitrification inhibitors or agents intended for nitrogen stabilization only, and no other pesticide active ingredients, may be registered without specifying the percentage of active ingredient. The amount of active ingredient in the mix must be stated on the label that accompanies each shipment.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1450, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1450, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1455 What are the requirements on dry pesticide-fertilizer mixes? No person shall distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1455, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1455, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1460 What are the requirements for experimental use permits? (1) Pesticides shall not be distributed or used for experimental purposes unless a written permit has been obtained from the director. All distribution and use of pesticides for experimental purposes shall be subject to restrictions and conditions described in the experimental use permit. Applications for experimental use permits shall be submitted on forms prescribed by the director.

(2) For individual experimental use permits that are product and site specific, the application shall include the following (when applicable):

- (a) Name of the active ingredient and/or product name and/or EPA registration number of the product to be used;
- (b) Person responsible for carrying out provisions of the experimental use permit and means of locating this person in case of emergency;
- (c) Target pest(s);
- (d) Crop or site and location(s) to which the pesticide is to be applied;
- (e) Disposition of any treated food or feed and of subsequent crops from treated sites;
- (f) Rate of application of formulation or active ingredient and number of applications;
- (g) Timing and duration of the proposed program;
- (h) Area (acres, sq. ft., etc.) to which the pesticide is to be applied;
- (i) Total amount of pesticide to be applied;
- (j) Federal experimental use permit number and text;
- (k) Labeling to accompany the pesticide in the field;
- (l) Any other information required by the director.

(3) An individual experimental use permit shall not be issued for use of a pesticide on a food or feed unless a tolerance greater than residues anticipated from the treatment or exemption from the requirement of a tolerance has been obtained from the Environmental Protection Agency, provisions for destruction of the treated food or feed and any crop residue have been made, or adequate demonstration has been made to the department that no detectable pesticide residue from the experimental program will be present in food or feed. The director may require evidence to substantiate any of the above.

(4) Collective experimental use permits may be issued by the director for experimental programs conducted on terrestrial sites by recognized research institutions, organizations, pesticide registrants, or persons licensed by the department to conduct demonstration and research activities on land they own or control. For the purposes of this section, "control" means:

(a) The person responsible for carrying out the provisions of the experimental use permit owns or leases the land on which the pesticide is being applied; or

(b) The person responsible for carrying out the provisions of the experimental use permit has received documented permission from the landowner or manager to conduct such activities.

(5) An application for a collective experimental use permit shall include the following:

(a) The name, address and phone number of the person responsible for carrying out the provisions of the collective experimental use permit, and means of locating the person in case of emergency;

(b) A signed statement that:

(i) Use will not exceed one acre per active ingredient per year;

(ii) No applications will be made to aquatic sites (experimental applications to aquatic sites must be performed under an individual experimental use permit);

(iii) No applications will be made to residential sites (experimental applications to residential sites must be performed under an individual experimental use permit);

(iv) All treated food and feed crops will be destroyed after harvest unless a tolerance greater than the residues anticipated from the treatment or exemption from the requirement of a tolerance has been obtained from the Environmental Protection Agency. "Destroyed" means rendered unusable for food or feed or used for research purposes only;

(v) Any adverse environmental effects will be immediately reported to the department;

(vi) All applicable use directions and restrictions on the federal, state or experimental use pesticide label will be followed.

(6) The director may monitor the implementation of any experimental use permit. This may include collection of samples, inspection of premises, records and equipment, and any other related activities specified by the director. The conditions of any experimental use permit may require notification of a designated department office prior to application and/or presence of a departmental representative at the application. Experimental use permits shall be considered labeling for purposes of enforcement. Violations of these permits shall be considered use inconsistent with the label.

(7) Summaries of experimental results, date and method of disposal of treated food or feed crop (if applicable), and any adverse environmental effects resulting from the application shall be retained by the holder of the permit for three years and shall be submitted to the department upon request of the director.

(8) Pesticides intended for experimental use must be contained in secure containers, the labeling of which must present such precautions as are known to be necessary to protect the health of persons who may come in contact with the pesticide and to prevent unreasonable adverse effects on the environment. Any unused experimental use pesticide that does not have a registered use in the state must be returned to the manufacturer or disposed of properly. Individual experimental use permits shall be considered labeling for the purposes of enforcement. Violations of these permits shall be considered use inconsistent with the label.

(9) The director may limit the amount of pesticide, acres or areas to be treated, licensing, or qualifications of persons exercising the permit, or any other condition of an experimental use permit. The director may deny, amend, suspend or revoke any experimental use permit if it is found to be in violation of applicable federal regulations, in violation of chapters 15.58 and 17.21 RCW or rules adopted thereunder, or if the director deems such action necessary to protect public health and the environment.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1460, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1460, filed 10/20/99, effective 11/20/99.]

GENERAL PESTICIDE RULES—LICENSING

WAC 16-228-1500 When can a pesticide license be denied, revoked or suspended? (1) The director may deny, suspend, or revoke any provision of a license, registration, permit or certification issued under chapters 17.21 and 15.58 RCW if it is found that the applicant or the holder of the license, permit, or certification has committed any of the following acts each of which is declared to be a violation:

(a) Made false or fraudulent claims through any media misrepresenting the effect of materials or methods to be utilized;

(b) Made a pesticide recommendation or gave advice or used a pesticide inconsistent with the labeling, the EPA or Washington state registration for that pesticide, an EPA or Washington state experimental use permit for that pesticide, an exemption from registration under provisions of section 18 of FIFRA, or in violation of the EPA or Washington state restrictions on the use of that pesticide;

(c) Applied known ineffective or improper pesticides or materials;

(d) Operated a faulty or unsafe apparatus;

(e) Operated in a faulty, careless or negligent manner;

(f) Refused or neglected to comply with the provisions of the applicable sections of chapters 15.58 and 17.21 RCW, the rules adopted thereunder, or of any lawful order of the director;

(g) Refused or neglected to keep and maintain records required by chapters 15.58, 17.21 RCW, and rules adopted thereunder, or to make reports when and as required;

(h) Made false or fraudulent records, invoices, reports, and/or recommendations;

(i) Caused the application of a pesticide without having a licensed or certified applicator or operator in direct supervision as applicable;

(j) Operated an unlicensed apparatus or an apparatus without a license plate issued for that particular apparatus as provided for in chapter 17.21 RCW or failed to locate the apparatus license plate on the apparatus in a manner required by the department;

(k) Failed to properly display, when required, a department issued certified commercial ground applicator vehicle sticker;

(l) Used, or supervised the use of a pesticide which is restricted to use by certified applicators without having qualified as a certified applicator;

(m) Used fraud or misrepresentation in making an application for a license, permit, or certification or renewal of a license, permit or certification;

(n) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit or certification;

(o) Aided or abetted a certified applicator, or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW, conspired with such a certified applicator or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW or allowed one's license, permit, or certification to be used by another person;

(p) Made false, misleading or erroneous statements or reports during or after an inspection concerning any infestation or infection of pests found on land or in connection with any pesticide complaint or department investigation;

(q) Impersonated any state, county, or city inspector or official;

(r) Is not qualified to perform as a pest control consultant or pesticide dealer manager or certified applicator in the classifications in which he/she is licensed to operate or has operated, regardless of whether or not he/she has previously passed an examination provided for in chapter 15.58 RCW;

(s) To have in his/her possession a department pesticide licensing examination or to remove or cause to remove any said examination or its contents from the department without expressed consent from the department;

(t) To violate the testing policies set forth by department representatives prior to the start of an examination session; or

(u) Made or failed to make an inspection, statement, or report in violation of WAC 16-228-2005 through 16-228-2060.

(2) A penalty fee assessed as a result of a late license or registration renewal does not prevent the department from taking additional regulatory action against the violator.

(3) No pesticide dealer or dealer manager license shall be denied, suspended, or revoked, simply because a pesticide purchased from that dealer was applied in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder, unless the department finds the dealer or dealer manager in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1500, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-24-013, § 16-228-1500, filed 11/27/00, effective

12/28/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1500, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1520 What are the requirements for the commercial applicator's financial responsibility insurance certificate (FRIC)? (1) A commercial pesticide applicator's license shall not be issued until a financial responsibility insurance certificate is filed with the department which shall certify: (Forms to be supplied by the department).

(a) Name of insured (identical to name on application form)

(b) Address of insured

(c) Policy number

(d) Aircraft number(s) covered by the insurance (if applicable)

(e) Effective period

(f) Amount of insurance. Minimum requirements are:

(i) Public liability (personal injury) fifty thousand dollars; and property damage fifty thousand dollars; or

(ii) Alternately providing both public liability (personal injury), and property damage liability coverage within the same limit, providing such policy is issued in an amount of not less than one hundred thousand dollars.

(iii) Amount of deductible (if applicable): Maximum deductible, five thousand for all applicators.

(g) List of any pesticides or group of pesticides not covered by the policy.

(h) Acknowledgement of provisions for ten days' prior written notice of cancellation or reduction of the insurance coverage.

(2) The department may waive the requirements of this section, wholly or in part, if a surety bond in a form prescribed by the director is offered as evidence of financial responsibility, as provided for in RCW 17.21.160 and 17.21-170.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-228-1520, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1520, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1520, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1530 What are the requirements for pesticide license renewals and penalties? (1) Except for the pesticide dealer license required under RCW 15-58-180, all pesticide licenses shall expire on the December 31st following their issuance:

(2) Pesticide renewal applications for licenses issued under the authority of chapter 17.21 RCW shall be filed on or before January 1st of the appropriate year.

(3) If an application for renewal of any pesticide license issued under the authority of chapter 17.21 RCW is not filed on or prior to January 1st following the expiration date of the license, a penalty shall be assessed as provided in RCW 17.21.140 and added to the original fee, and shall be paid by the applicant before the renewal license is issued.

(4) If an application for renewal of a pesticide dealer license issued under the authority of chapter 15.58 RCW is not filed on or before the master license expiration date, the master license delinquency fee shall be assessed under chapter 19.02 RCW and shall be paid by the applicant before the renewal license is issued.

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(5) If an application for renewal of any license issued under the authority of chapter 15.58 RCW, other than the pesticide dealer license, is not filed on or before the expiration date of the license, penalty equivalent to the license fee shall be assessed and added to the original fee, and shall be paid by the applicant before the renewal license is issued.

(6) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1530, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1530, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1540 What are the requirements for pesticide examinations? (1) An examination fee of ten dollars shall be paid prior to administration of any pesticide license examination at other than a regularly scheduled examination session. Scheduled exam sessions occur every Tuesday at the Olympia and Yakima pesticide management division offices and at other offices as scheduled. The department reserves the right to restrict the number of applicants examining at any given time.

(2) Any individual who fails any pesticide licensing examination twice shall be required to wait at least fourteen days before retaking that examination a third time. Subsequent testing shall be at the director's discretion.

(3) An applicant shall complete the application form for a pesticide license and pay the required license application fee prior to being given pesticide examinations, unless prior arrangements have been made.

(4) Pesticide examination scores shall not be released by the department until the license application fee has been paid.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1540, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. 00-22-073, § 16-228-1540, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1540, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1545 What are the pesticide licensing requirements? (1) All individuals licensed or required to be licensed as commercial pesticide applicators, commercial pesticide operators, private-commercial applicators, demonstration and research applicators, public operators, structural pest inspectors, pest control consultants and public pest control consultants must be certified, through examination, in all pest control classifications defined in subsection (3)(a) through (x) of this section in which they operate, inspect or consult. Additionally, commercial pesticide applicators must be licensed in all classifications that the business operates. Licensed applicators may directly supervise unlicensed applicators only in those classifications in which they have a valid certification.

(2) To qualify for any pesticide license listed in subsection (1) of this section, applicants, except the structural pest inspector, must pass a "laws and safety" examination or equivalent, that includes, but is not limited to, the following: The state and federal laws governing pesticide use and the regulating agencies; general pesticide uses and application techniques; safe use of pesticides; general pesticide labeling comprehension; environmental fate of pesticides, and appro-

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ropriate storage and disposal of pesticides and their containers. Individuals holding valid, passing scores on the private applicator or dealer manager exam are exempt from this examination requirement. Structural pest inspectors conducting complete wood destroying organism inspections must pass a "structural pest inspector laws and standards" examination or equivalent that includes, but is not limited to, the legal requirements governing structural pest inspectors and the standards for conducting complete wood destroying organism inspections.

(3) License classifications.

(a) Agricultural weed: The control of weeds, except with soil fumigants, in all agricultural crops including forest environments, and in former agricultural lands now in a noncrop status.

(b) Rights of way weed: The control of weeds, including cut stumps, on, but not limited to, terrestrial rights of way locations such as roads and/or highways, railroads, power lines and irrigation ditches and to industrial sites, including, but not limited to, airports, industrial parks, and large parking areas.

(c) Turf and ornamental weed: The control of weeds (and moss), including cut stumps, in ornamental and turf situations, which includes, but is not limited to, golf courses, parks, schools, lawns, yards, gardens, hospitals, vacant lots and open noncrop waste areas.

(d) Structural and turf demossing: The control of moss on structures and turf.

(e) Stump treatment: The use of herbicides on cut stumps to control resprouting.

(f) Soil fumigation: The use of soil-applied fumigants on agricultural crops and noncrop land to control pests including weeds, insects and diseases.

(g) Sewer root: Control of roots in sewer lines.

(h) Agricultural insect and disease: The control of insects and diseases, except with soil fumigants, in agricultural crops including forest environments.

(i) Ornamental insect and disease: The control of insects and diseases in ornamental, turf and rights of way situations including, but not limited to, golf courses, parks, schools, lawns, yards, gardens, greenhouses, hospitals and rest homes. This includes, but is not limited to, the use of insecticides, miticides, fungicides, bacteriocides, molluscides and nematocides.

(j) Interior plantscaping: The control of insects and diseases in interior plantscapes.

(k) PCO general: The control of insects, spiders, birds, rodents and animal pests in and around, but not limited to, the following situations: Residences, public buildings and grounds, commercial buildings and grounds, disposal sites, animal feed lots and farmsteads, including buildings and transportation equipment.

(l) PCO structural: The control of structurally destructive pests including, but not limited to, fungus, termites, carpenter ants, carpenter bees and wood-boring beetles. This classification allows a licensee to perform specific wood destroying organism inspections.

(m) Structural pest inspector: Allows for the commercial inspection of buildings for structurally destructive pests, their damage and conditions conducive to their development. This

classification is required to perform complete wood destroying organism inspections.

(n) Stored grain: The use of pesticides (including fumigants and rodenticides) in grain storing facilities and railcars.

(o) Fumigant: The use of fumigants only (such as methyl bromide and aluminum phosphide) on stored commodities.

(p) Seed treatment: The application of pesticides to seeds to control destructive insects and diseases.

(q) Sprout inhibitor: Use of a pesticide to control sprouting in stored potatoes.

(r) Livestock pest: The control of external and internal pests of animals, with the exception of viruses, including, but not limited to, beef cattle, dairy cattle, swine, sheep, horses, goats and poultry, and also treatment of livestock premises.

(s) Pest animal: The control of pest animals in agricultural situations.

(t) Aquatic: The control of aquatic pests in water areas including, but not limited to, canals, rivers, streams, lakes, ponds, marshes and pipe lines.

(u) Aquatic irrigation: Limited to the control of aquatic pests in irrigation district water delivery systems where the pesticide is applied directly into the water or enters the water due to the application of the pesticide. Pests include, but are not limited to, moss, algae, cattails, pond weeds and other emersed and submersed aquatic weeds.

(v) Public health: Application of pesticides by governmental employees and certain others in public health programs such as, but not limited to, mosquito control, rodent control and insect control in situations having medical and public health importance.

(w) Aquatic antifouling: Use of antifouling paints to control fouling organisms on marine vessels.

(x) Wood treatment: Use of wood preservatives for the control of wood damaging pests.

(4) All examinations required under this section shall be written and taken without the aid of any materials that contain information relevant to the exam content. Reading of exams by an individual other than the applicant is not permitted.

(5) A passing score of seventy percent is established for all the examinations required under this section. The department may establish separate passing scores for the examinations if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

(6) The department may waive any of the examination requirements contained in this section for any person holding a valid certification with similar classifications from an EPA or Canadian approved federal, state or provincial certification program with comparable examination and recertification standards.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1545, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-24-013, § 16-228-1545, filed 11/27/00, effective 12/28/00.]

WAC 16-228-1546 What are the requirements for a private applicator license? (1) To qualify for a private applicator license, an individual must pass a private applicator examination. The examination shall be written and taken without the aid of any materials that contain information rel-

evant to the exam content. Reading of exams by an individual other than the applicant is not permitted. Individuals holding valid, passing scores on the laws and safety examination, or equivalent, or the dealer manager exam, and one of the classifications in WAC 16-228-1545 (3)(a) or (h) or the now retired statewide classification, are exempt from this examination requirement.

(2) Private applicators making aquatic applications to water that moves off their own or their employer's agricultural land must obtain the aquatic classification described in WAC 16-228-1545 (3)(t).

(3) A passing score of seventy percent is established for the examinations required under this section. The department may establish separate passing scores for the examinations if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

(4) The department may waive the examination requirements contained in this section for any person holding a valid certification with similar classifications from an EPA or Canadian approved federal, state or provincial certification program with comparable examination and recertification standards.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1546, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-24-013, § 16-228-1546, filed 11/27/00, effective 12/28/00.]

WAC 16-228-1547 What are the requirements for a dealer manager license? (1) To qualify for a dealer manager license, an individual must pass a dealer manager examination. The examination shall be written and taken without the aid of any materials that contain information relevant to the exam content. Reading of exams by an individual other than the applicant is not permitted.

(2) A passing score of seventy percent is established for the examination required under this section. The department may establish a separate passing score for the examination if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1547, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-24-013, § 16-228-1547, filed 11/27/00, effective 12/28/00.]

WAC 16-228-1550 What are the requirements for apparatus display signs? (1) A certified applicator making a landscape application shall display the name and telephone number of the applicator or applicator's employer on any power equipment.

(2) A certified applicator making a right of way application shall display the name and telephone number of the applicator or the applicator's employer and the words "VEGETATION MANAGEMENT APPLICATION."

(3) Apparatus display signs shall be attached to and prominently displayed on the application apparatus and shall be clearly visible.

(4) Lettering of the apparatus display signs shall be, at a minimum, two inches in height and shall be printed in color contrasting to the background.

(2009 Ed.)

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1550, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1550, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1555 Where must commercial applicator apparatus license plates and windshield identification be placed? (1) Apparatus license plates, as provided for in chapter 17.21 RCW, shall be attached to and prominently displayed on the apparatus for which they have been issued: Provided that an apparatus license plate may be affixed to a vehicle which contains the particular apparatus. Attached plates shall be clearly visible and in a location easily accessible for inspection by the department.

(2) Each vehicle involved in the operations of a certified commercial ground application business, which does not prominently display a department issued apparatus license plate on its exterior or on the specific apparatus when that apparatus is exteriorly visible, shall be required to have a department issued sticker affixed to the lower left side of the windshield.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1555, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1555, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1570 What are the circumstances when certification permits are used? (1) Private applicator certification, demonstration and research applicator certification, user permits and private-commercial applicator licenses shall be considered as certified applicator permits as provided for in RCW 17.21.030 and 15.58.040 (2)(h).

(2) User permits may be issued by the director as temporary applicator certification in emergency situations. User permits will be issued in a form prescribed by the director, which shall include the following:

- (a) Permit number
- (b) Date of issuance
- (c) Expiration date, which shall be not longer than one year from the date of issuance
- (d) Name and address of certified applicator
- (e) Crop or site and area to which the pesticide will be applied
- (f) Amount of pesticide obtained
- (g) Any other information prescribed by the director.

(3) Pesticide dealers shall keep user permits for a period of one year from the date of issuance, and the director shall have access to these records upon request.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1570, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1570, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1585 Are ground maintenance persons exempt from licensing? Grounds maintenance persons are exempt from licensing requirements as a commercial pesticide applicator, as provided under chapter 17.21 RCW, only if they perform ground maintenance on an occasional basis not amounting to a regular occupation. Exempted persons shall only perform pesticide applications to the grounds of residential dwellings and shall only use home and garden products.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1585, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1585, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1590 What are the licensing requirements for pesticide dealers and dealer-manager businesses? (1) When more than one pesticide dealer is engaged in the business from the same outlet or location, each pesticide dealer shall obtain a license for said outlet or location.

(2) A licensed pesticide dealer manager shall be available to the staff, customers, and department representatives at all times that an outlet or location distributes pesticides. A dealer manager may be the designated dealer manager of more than one outlet or location only if the dealer manager can be physically present at both outlets or locations during all times of pesticide distribution and handling.

[Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. 03-22-029, § 16-228-1590, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1590, filed 10/20/99, effective 11/20/99.]

GENERAL PESTICIDE REGULATIONS—WOOD DESTROYING ORGANISMS

WAC 16-228-2005 Wood destroying organism inspections and reporting criteria. All persons required to be licensed to conduct wood destroying organism (WDO) inspections must comply with the rules set forth in this chapter.

(1) **Purpose:** This section will define terms associated with WDO inspections, identify the types of and specify the uses for WDO inspections and reports, and establish minimum rules under which WDO inspections must be conducted and reports written in the state of Washington.

(2) **Definitions:** The definitions set forth in this section must apply throughout unless the context otherwise requires. Definitions contained in this section are nonexclusive to other uses in expanded or contracted form found elsewhere in the RCW or the Washington Administrative Code (WAC).

(a) **Accessible areas:** Areas typically and routinely visible by normal access.

(b) **Conductive debris:** Cellulose or noncellulose material that provides no structural support but can be a source of food or provide a habitat for WDOs. This definition includes, but is not limited to, tree roots, stumps, formboards, scrap wood, paper, wood product, paper product, or other natural or manufactured product.

(c) **Complete wood destroying organism inspection:** Inspection for the purpose of determining evidence of infestation, damage, or conducive conditions as part of the transfer, exchange, or refinancing of any structure in Washington state. Complete WDO inspections must also include any WDO inspection that is conducted as the result of telephone solicitation by an inspection, pest control, or other business, even if the inspection would fall within the definition of a specific WDO inspection.

(d) **Conductive conditions:** Conditions that may lead to or enhance an infestation of WDOs.

(e) **Detached structure:** Separate structure that is not physically connected to the subject structure by a foundation or roof system.

(f) **Earth:** Includes, but is not limited to, soil, decorative bark, gravel, rock, or other landscape materials.

(g) **Excluded area:** Area not inspected and therefore, not included in a WDO inspection.

(h) **Frass:** Specifically, solid larval insect excrement, but can include by-products of insect feeding or tunneling activity in wood or insulation materials.

(i) **Inaccessible areas:** Parts of a structure that cannot be inspected without excavation or the physical removal of objects are inaccessible and may be subject to infestation by WDOs. Such areas include, but are not limited to, wall voids, spaces between floors, areas concealed by insulation, substructures with clearances less than eighteen inches between unimproved ground and wood joists or the bottom of wood structural floors without joists or, less than twelve inches between unimproved ground and wood girders, substructures with insufficient clearance between structural members and/or ducts and piping and the finished grade to permit passage by an inspector for the purposes of a WDO inspection, floors beneath coverings, sleeper floors, areas concealed by furniture, appliances, and/or personal possessions, exterior wood decks with less than a five-foot clearance, locked rooms, or areas that imperil the health or safety of the inspector. These rules will not require inspectors to make extraordinary efforts to gain access to areas deemed inaccessible by the inspector. Inaccessible areas are, by their nature, excluded from the inspection.

(j) **Inadequate ventilation:** Condition promoting the retention of excessive moisture in substructures or other confined spaces and identified by, but not limited to, the presence of metal rust, condensation, mold, mildew, or fungal growth.

(k) **Specific wood destroying organism inspection:** Inspection of a structure for purposes of identifying or verifying evidence of an infestation of WDOs prior to pest management activities.

(l) **Person** is defined as any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(m) **Structure:** A single building that includes any exterior attached decks, walks, stairways, or porches. For the purposes of this definition, entry and exit decks to manufactured homes are considered to be a part of the structure.

(n) **Wood:** Any material used in a structure that can be damaged by WDOs.

(o) **Wood destroying organism:** Insects or fungi that will consume, excavate, develop in, or otherwise modify the integrity of wood or wood products. For the purposes of this section, WDOs include, but are not limited to, carpenter ants, moisture ants, subterranean termites, dampwood termites, beetles in the family Anobiidae, and wood decay fungi (wood rot).

(p) **Wood destroying organism inspection:** The service of inspecting a building for the presence of WDOs, their damage, or conducive conditions leading to their development. For purposes of these rules, a WDO inspection must be defined as either a "complete WDO inspection" or a "specific WDO inspection."

(q) **Wood destroying organism inspection report:** The written opinion of an inspector licensed by the WSDA and based upon what was visible and evident at the time of an inspection.

(r) WSDA: Washington state department of agriculture.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. 02-24-025, § 16-228-2005, filed 11/27/02, effective 12/28/02.]

WAC 16-228-2015 Wood destroying organisms. (1)

Evidence of WDOs found during an inspection must be described in all complete and specific WDO inspection reports. Report terminology must include, but is not limited to, the following:

(a) Carpenter ants: Carpenter ants must be reported as carpenter ants or carpenter ant activity when one or more of the following are found on or in any accessible area of the inspected structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of carpenter ants includes, but is not limited to:

- (i) Live carpenter ants or carpenter ant carcasses.
- (ii) An accumulation of frass unique to carpenter ants.
- (iii) Excavation or tunneling unique to carpenter ants.

(b) Moisture ants: Moisture ants must be reported as moisture ants or moisture ant activity when one or more of the following are found on or in any accessible area of the inspected structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of moisture ants includes, but is not limited to:

- (i) Live moisture ants or moisture ant carcasses.
- (ii) An accumulation of frass unique to moisture ants.
- (iii) Excavation or tunneling unique to moisture ants.

(c) Subterranean termites: Subterranean termites must be reported as subterranean termites or subterranean termite activity when one or more of the following are found on or in any accessible area of the inspected structure or, within three feet of the structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of subterranean termites includes, but is not limited to:

- (i) Live subterranean termites, including winged reproductive forms.
- (ii) Galleries or fecal material, unique to subterranean termites, in structural members.
- (iii) Mud tubes, unique to subterranean termites, on or in the structure.

(iv) Evidence of subterranean termite activity found on or in form wood, other nonstructural materials, or wood products in landscape materials.

(d) Dampwood termites: Dampwood termites must be reported as dampwood termites or dampwood termite activity when one or more of the following are found on or in any accessible area of the inspected structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of dampwood termites includes, but is not limited to:

- (i) Live dampwood termites, including winged reproductive forms.
- (ii) Galleries or fecal material unique to dampwood termites.
- (iii) Evidence of dampwood termite activity found on or in form wood, cellulose debris, other nonstructural materials, or wood products.

(e) Anobiid beetles: Anobiid beetles must be reported as anobiid beetles or anobiid beetle activity when one or more of the following are found on or in any accessible area of the

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inspected structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of anobiid beetles includes, but is not limited to:

(i) Circular, 1/16th to 1/8th inch (1.5 to 3 mm) emergence holes made by adult beetles in structural timbers.

(ii) An accumulation of frass, unique to anobiid beetles, in and around adult beetle emergence holes or beneath the wood where emergence holes are present.

(iii) Wood displaying the characteristic tunnels formed by anobiid beetle larvae.

(f) Wood decay fungi: Wood decay fungi must be reported as wood decay fungi or wood rot. The report must identify approximate location and type of evidence found. Conditions indicating that wood decay fungi, or damage attributable to these fungi, must be reported when one or more of the following are found on or in any accessible area of the structure subject to inspection. Evidence indicating the presence of wood decay fungi includes, but is not limited to:

(i) Wood or wood products containing visible damage unique to wood decay fungi.

(ii) Wood or wood products in which fungal bodies are developing.

(2) Adult beetle emergence holes, unique to wood infesting species in the families Buprestidae, Cerambycidae, and Lyctidae, may be reported for clarification purposes at the discretion of the inspector.

(3) Signs of wood decay fungi, such as brown pocket rot, and the marine mollusk (*Teredo*, shipworm) that may have occurred prior to the manufacturing or processing of lumber must, when observed, be reported as a nonreinfesting species or condition.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. 02-24-025, § 16-228-2015, filed 11/27/02, effective 12/28/02.]

WAC 16-228-2025 Conductive conditions. (1) Conducive conditions found during a complete WDO inspection must be noted in the complete WDO inspection report.

(2) Conducive conditions include, but are not limited to, the following:

(a) Earth in direct contact with wood or inadequate clearance between earth and any wood or material subject to damage from moisture.

(b) Vegetation, in direct contact with the exterior of a structure, which may contribute to moisture or damage by WDOs.

(c) Restricted or nonfunctioning gutter systems.

(d) Conducive debris in substructures.

(e) Bare or unimproved ground in substructures.

(f) Standing water or evidence of seasonal standing water in a substructure.

(g) Failed or missing caulk or grout at water splash areas.

(h) Moisture from plumbing leaks, lack of ventilation, or other sources that may contribute to damage by WDOs.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. 02-24-025, § 16-228-2025, filed 11/27/02, effective 12/28/02.]

WAC 16-228-2035 Complete wood destroying organism inspections. (1) Any WDO inspection conducted by any person pursuant to the sale, exchange, or refinancing of real property or, as a result of telephone solicitation by an inspection, pest control, or other business, must be a complete

WDO inspection and must be performed by individuals required to be licensed. Such inspections will be conducted in accordance with the rules established by this chapter.

(2) Inspectors must make a thorough inspection of accessible areas that are not specifically excluded in the report. Inspectors will not be required to place themselves into a position or gain access to any portion of a structure that may cause physical injury or otherwise imperil their health and safety. Access to structures should be restricted to the use of accepted methods and practices.

(3) Substructure crawl areas must be inspected when accessible. Inaccessibility of substructure crawl areas due to inadequate clearance, the presence of ducting or piping, foundation walls, partitions or other such conditions that block access must be explained in the inspection report and annotated on the report diagram. The report findings must state that inaccessible substructure crawl areas may be vulnerable to infestation by WDOs and should be made accessible for inspection.

(4) Limits of inspections: Complete WDO inspections will identify conditions present at a subject property at the time of an inspection. Inspectors are not required to report on any WDO infestation or other condition that might be subject to seasonal constraints or environmental conditions if evidence of those constraints or conditions is not visible at the time of the inspection.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. 02-24-025, § 16-228-2035, filed 11/27/02, effective 12/28/02.]

WAC 16-228-2045 Complete wood destroying organism inspection reports. (1) Any report that identifies damage or infestation by WDOs or, conditions conducive to damage or infestation by WDOs pursuant to the sale, exchange, or refinancing of any structure or, as a result of telephone solicitation by an inspection, pest control, or other business, must be a complete WDO inspection report and must comply with this section. The terms "Report" or "report" as used in this section will mean a complete WDO inspection report.

(2) Report form: A written report may take any form in presentation, provided that all elements of this section are included and identifiable.

(3) A complete WDO inspection report must be issued to the person paying for and/or otherwise requesting the inspection.

(4) Report contents: Reports must contain the information identified in this section, when and where applicable.

(a) Washington state department of agriculture inspection control number (WSDA ICN): A WSDA ICN must be obtained in accordance with the provisions of RCW 15.58.-450 and be prominently displayed in the upper third of the front page of each report. This number must be unique to the structure(s) subject to the report. The assigned WSDA ICN must follow the original report and supplemental reports (if any) pertaining to the sale, exchange, or refinancing activity on a property for a specific client. A new WSDA ICN must be issued for any subsequent sale, exchange, or refinancing activity.

(b) Date: The date the inspection was conducted must be provided on the first page of the report.

(c) Parties involved in the real estate transaction: The name of the property owner, their designated representative,

or purchaser of the inspection report must be identified on the first page of the report.

(d) Address of structure inspected: The complete address will include, but is not limited to, building number, street name, city, and state and must be identified on the first page of the report. Where multiple structures at a property may have the same basic address, a building letter, unit number, or other recognizable method must be used to identify the specific building inspected.

(e) Inspector: The name of the inspector and WSDA license number must be provided on the first page of the report.

(5) Report of findings: A complete WDO inspection report must detail the findings of the inspector. The following minimum conditions, where applicable, must be in the body of the report.

(a) Damage and/or infestation by WDOs: The report must identify any damage or infestation by WDOs on or in the structure.

(b) Conditions conducive to damage and/or infestation by WDOs must be explained in narrative form in accordance with the provisions of WAC 16-228-2025. When evidence of moisture ants, dampwood termites, wood infesting anobiids, or wood decay fungi is detected during a complete WDO inspection, the inspector must identify and report the condition(s) conducive to such infestations. It must be stated in the report that such infestations may be eliminated by removal of all infested wood and correction of any contributing conducive conditions.

(c) When reporting conducive conditions, the inspector must describe the condition and annotate the diagram with an approximate location of that condition. Provided that; if conducive conditions within the interior of the structure can be clearly described in the report findings, diagrammed representation of such conditions is not required.

(d) Inaccessible areas will be fully identified in narrative form where such areas are annotated on the report diagram.

(e) Excluded areas: The report must list all excluded areas not already defined in WAC 16-228-2005 (2)(i) as inaccessible.

(6) Diagrams: A diagram must be prepared for each inspection report. Upon request, a copy must be provided to the person paying for and/or otherwise requesting the inspection.

(a) A diagram is not required when there are no findings as described in WAC 16-228-2015 and 16-228-2025.

(b) Scaled diagrams are not required; however, diagrams must reasonably resemble the perimeter or footprint of the building being inspected and legibly convey any information that is a required part of the diagram.

(c) Diagrams must identify the approximate location of inaccessible areas.

(d) Diagrams must identify the approximate location of WDOs, damage, and/or conducive conditions leading to an infestation of WDOs.

(e) Where abbreviations are used on a diagram, a legend must be provided to explain the abbreviations.

(f) When a diagram is not provided as part of the report, the following statement must appear in a prominent location. "WAC 16-228-2045 requires that a diagram be prepared for WDO inspection reports. A copy is available upon request."

(g) Locations for this statement include, but are not limited to, the following:

(i) Above or beneath the WSDA ICN;

(ii) On written documents such as preinspection agreements or attachments to the report.

(h) This statement must stand out by having larger print than the main body of the report, be highlighted, or be in bold print.

(7) Excluded areas must be annotated on the diagram.

(8) A record of all complete WDO inspection reports prepared for real estate transactions or resulting from telephone solicitation must be maintained on file by the inspecting firm for a period of four years. Upon written request, these records must be made available to the WSDA.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. 02-24-025, § 16-228-2045, filed 11/27/02, effective 12/28/02.]

WAC 16-228-2050 Specific wood destroying organism inspections. (1) Specific WDO inspections must only be conducted by individuals in the category E (pest control operator structural) or PI (structural pest inspector). Such inspections will be conducted in accordance with the rules established by this section.

(2) A specific WDO inspection must be conducted in conjunction with any proposal or estimate for prevention or control of WDOs.

(3) When no evidence of infestation is observed and any proposed treatment is for preventative purposes only, a statement explaining such a situation must stand out by having larger print than the main body of the report, be highlighted, underlined, or be in bold print and be signed by the property owner or their designated representative.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. 02-24-025, § 16-228-2050, filed 11/27/02, effective 12/28/02.]

WAC 16-228-2060 Specific wood destroying organism inspection reports. (1) A specific WDO inspection report must be completed in conjunction with any proposal or estimate for prevention or control of WDOs. Pest management activities performed under an existing warranty will not require the preparation of a specific WDO inspection report.

(2) A specific WDO inspection report must not be construed as a complete WDO inspection report or, in any case, be used in lieu of a complete WDO inspection report for the sale, exchange, or refinancing of real property. A statement explaining the restriction against use in real estate transactions must stand out by having larger print than the main body of the report, be highlighted, underlined, or be in bold print on all specific WDO inspection reports.

(3) Report form: A specific WDO inspection report may take any written form in presentation, provided that all elements of this section are identifiable.

(4) A specific WDO inspection report must be issued to the person requesting the inspection.

(5) Report contents: Specific WDO inspection reports will contain the information identified in this section, when and where applicable.

(a) The name of the owner (or their representative) requesting the inspection or estimate for pest management of WDOs must be provided on the first page of the report.

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(b) Date: The date the inspection was conducted must be provided on the first page of the report.

(c) Address of structure inspected: The complete address will include, but is not limited to, building number, street name, city, and state and must be identified on the first page of the report. Where multiple buildings at a property may have the same basic address, a building letter, unit number, or other recognizable method must be used to identify the specific building inspected.

(d) Inspector: The name of the inspector and WSDA license number must be provided on the first page of the report.

(6) Report of findings: A specific WDO inspection report must detail the findings of the inspector. The following minimum conditions, where applicable, must be in the body of the report.

(a) The report must include a statement describing the presence of, or signs of, infestation by WDOs that were identified and resulted in the proposal or estimate. Approximate location(s) of the WDOs or signs of infestation(s) reported on or in the structure must be clearly identified on a diagram. If the proposed treatment is for preventative purposes only, the report must so state. All WDOs must be identified by their proper name as described in WAC 16-228-2005.

(b) When a proposal or estimate is prepared for the treatment of moisture ants, dampwood termites, wood infesting beetles, or wood decay fungi the inspector must, where possible, identify and report the condition(s) conducive to such infestations. It must be stated in the report that infestations of such WDOs may be eliminated by removal of all infested wood and correction of any contributing conducive conditions.

(7) Diagrams: A diagram must be prepared for each inspection report and must accompany that report.

(a) A diagram is not required when there are no findings as described in WAC 16-228-2015 and 16-228-2025.

(b) Scaled diagrams are not required however, diagrams must reasonably resemble the perimeter or footprint of the building being inspected and legibly convey any information that is a required part of the diagram.

(c) A diagram must identify the approximate location of WDOs and/or signs of infestation(s) by WDOs.

(d) Where abbreviations are used on a diagram, a legend must be provided to explain the abbreviations.

(8) A record of all specific WDO inspection reports must be maintained on file by the inspecting firm for a period of one year. Upon request, these records must be made available to the WSDA.

[Statutory Authority: RCW 15.58.040 and chapter 34.05 RCW. 02-24-025, § 16-228-2060, filed 11/27/02, effective 12/28/02.]

Chapter 16-229 WAC

SECONDARY AND OPERATIONAL AREA CONTAINMENT FOR BULK PESTICIDES

WAC

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DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

16-229-300	Compliance schedule. [Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-300, filed 11/2/93, effective 3/1/94.] Repealed by 00-23-074, filed 11/17/00, effective 12/18/00. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-229-470	Compliance. [Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-470, filed 11/2/93, effective 3/1/94.] Repealed by 00-23-074, filed 11/17/00, effective 12/18/00. Statutory Authority: Chapters 15.58 and 17.21 RCW.

PART 1
GENERAL PROVISIONS

WAC 16-229-010 Definitions. The definitions set forth in this section shall apply throughout this chapter unless the context otherwise requires:

(1) "**Approved air gap**" means a physical separation between the free-flowing end of a water supply pipeline and the overflow rim of an open or nonpressurized receiving vessel. To be an approved air gap, the separation must be at least:

(a) Twice the diameter of the supply piping measured vertically from the overflow rim of the receiving vessel, and in no case be less than one inch, when unaffected by vertical surfaces (sidewalls); or

(b) Three times the diameter of the supply piping, if the horizontal distance between the supply pipe and a vertical surface (sidewall) is less than or equal to three times the diameter of the supply pipe, or if the horizontal distance between the supply pipe and intersecting vertical surfaces (sidewalls) is less than or equal to four times the diameter of the supply pipe and in no case less than one and one-half inches.

(2) "**Approved reduced pressure principle backflow prevention assembly (RPBA)**" means an RPBA of a make, model and size that is approved by the Washington state department of health.

(3) "**Appurtenances**" means all valves, pumps, fittings, pipes, hoses, metering devices, and mechanical devices which are connected to a storage container, or which are used to transfer a material into or out of such container.

(4) "**Bulk pesticide**" means any registered pesticide which is transported or held in an individual container in undivided quantities of greater than fifty-five U.S. gallons liquid measure or one hundred pounds net dry weight.

(5) "**Certified engineer**" means a licensed professional engineer, registered in the state of Washington in the discipline in which he/she is practicing.

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

(7) "**Discharge**" means a spill, leak, or release, accidental or otherwise, from a storage container, container or appurtenance. It does not include a fully contained transfer of pesticide which is made pursuant to sale, storage, distribution or use.

(8) "**Dry pesticide**" means pesticide which is in solid form prior to any application or mixing for application, and includes formulations such as dusts, wettable powders, dry flowable powders, granules, and water dispersible granules.

(9) "**Liquid pesticide**" means pesticide in liquid form, and includes solutions, emulsions, suspensions, slurries, and pesticide rinsates.

(10) "**Mini bulk pesticide**" means an amount of liquid pesticide greater than fifty-five gallons but not exceeding five hundred gallons which is held in a single container designed for ready handling and transport, which has been filled by the original pesticide manufacturer or repackager, and to which no substance has been added by any person.

(11) "**Not technically feasible**" means compliance is not physically or technically possible or feasible, and/or compliance cannot be achieved without compromising operational safety, and/or significantly compromising operational

access. Monetary cost of compliance alone shall not be sufficient for the department to determine that compliance is not technically feasible.

(12) **"Operational area"** means an area or areas where pesticides are transferred, loaded, unloaded, mixed, repackaged, refilled or where pesticides are cleaned, or rinsed from containers or application, handling, storage or transportation equipment.

(13) **"Operational area containment"** means any structure or system designed and constructed to intercept and contain discharges, including storage container or equipment wash water, rinsates, and rainwater from the operational area(s).

(14) **"Permanent mixing/loading site"** means a site (location) at which more than three hundred gallons of liquid pesticide (formulated product) or three thousand pounds of dry pesticide or at which a total of fifteen hundred pounds of pesticides as active ingredients are being mixed, repackaged or transferred from one container to another within a calendar year: Provided, That wood preservative application systems already regulated by 40 CFR, Parts 264.570-575 and Parts 265.440-445 shall be exempt.

(15) **"Permanent storage facility"** means a location at which liquid bulk pesticide in a single container or aggregate quantities in excess of five hundred U.S. gallons or dry bulk pesticide in undivided quantities in excess of two thousand pounds is held in storage: Provided, That mini-bulk pesticide containers are exempt from this chapter.

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

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

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

(c) Any spray adjuvant.

(d) For the purpose of establishing permanent mixing/loading site threshold values petroleum oils and products containing only Kaolin clay as the active ingredient are exempt from this chapter.

(17) **"Primary containment"** means the storage of liquid or dry bulk pesticide in storage containers at a permanent storage facility.

(18) **"Rinsate"** means the liquid generated from the rinsing of any equipment or container that has come in direct contact with any pesticide, including: Recovered sedimentation, washwater, contaminated precipitation, or other contaminated debris.

(19) **"Secondary containment"** means a device or structure designed, constructed, and maintained to hold or confine a discharge of a liquid pesticide from a permanent storage facility.

(20) **"Storage container"** means a container, including a rail car, nurse tank or other mobile container, that is used or intended for the storage of bulk liquid or dry pesticide. It does not include a mobile container at a storage facility for less than fifteen days if this storage is incidental to the loading or unloading of a storage container at the bulk pesticide storage facility. Storage container does not include underground stor-

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age containers or surface impoundments such as lined ponds or pits.

(21) **"Substantially similar protection"** means alternative containment and management practices that prevent or control releases to the environment to the same or similar degree as the protections afforded by full compliance with this chapter.

(22) **"Temporary field storage"** means a storage container with the capacity to store two thousand five hundred gallons or less of bulk liquid pesticide that remains in the same location for no more than fourteen consecutive days in any six-month period. Provided, That temporary field storage containers used to store soil fumigants shall be allowed a maximum capacity of ten thousand gallons or less. Containers must be chemically compatible with the material, which is being stored. Such containers can remain in the same location for no more than fourteen consecutive days in any six-month period. Liquid bulk pesticide application tanks directly attached to an apparatus for the purpose of chemigation are exempt from this chapter.

(23) **"Washwater"** means the liquid generated from the rinsing of the exterior of any equipment, containers or secondary containment or operational areas which have or may have come in direct contact with any pesticide.

[Statutory Authority: RCW 17.21.030 (1)(a) and chapter 34.05 RCW. 05-05-036, § 16-229-010, filed 2/11/05, effective 3/14/05. Statutory Authority: RCW 15.58.040, 17.21.030, chapter 34.05 RCW. 03-09-034, § 16-229-010, filed 4/8/03, effective 5/9/03. Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-010, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-010, filed 11/2/93, effective 3/1/94.]

WAC 16-229-015 Penalties. Any person who fails to comply with any provisions of this chapter shall be subject to denial, suspension, or revocation of any license, registration, or permit provided for in chapters 15.58 and 17.21 RCW and/or imposition of a civil penalty as provided therein.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-015, filed 11/2/93, effective 3/1/94.]

PART 2 PERMANENT STORAGE FACILITIES

WAC 16-229-020 Secondary containment of liquid bulk pesticides—General requirements. Primary storage of bulk liquid pesticides at a permanent storage facility shall be located within secondary containment designed to prevent the release of discharged pesticides. Secondary containment shall consist of:

(1) A wall and liner with a sloped floor as provided in WAC 16-229-030 and 16-229-040; or

(2) A prefabricated facility as provided in WAC 16-229-050.

(3) Secondary containment in operation prior to March 1, 1994, which does not have sloped floors shall be exempt from this section: Provided, That upon alteration to the secondary containment or increase of storage volume, the secondary containment shall be brought into full compliance with this section.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-020, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-

800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-020, filed 11/2/93, effective 3/1/94.]

WAC 16-229-025 Secondary containment of liquid bulk pesticides—Capacity. (1) Secondary containment shall contain at least one hundred twenty five percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the containment area.

(2) If the secondary containment is located indoors or under a roof to prevent accumulation of rainfall, the area shall contain at least one hundred ten percent of the volume of the largest storage container plus the displacement of all other tanks, appurtenances and other items within the containment area.

(3) Secondary containment in operation prior to March 1, 1994, having a minimum capacity of one hundred ten percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances and other items within the containment area shall be considered to be in compliance with this section: Provided, That upon alteration to the containment or increase of storage container volume the secondary containment shall be brought into full compliance with the specific capacity requirements of this section.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-025, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-025, filed 11/2/93, effective 3/1/94.]

WAC 16-229-030 Secondary containment of liquid bulk pesticides—Walls and floors. (1) The secondary containment floor shall slope to one or more liquid tight collection points or sumps that allows spilled or deposited materials to be easily removed.

(2) The walls and floor of secondary containment shall be constructed of steel, poured reinforced concrete, precast concrete modules, solid masonry, or other materials or combination of materials that:

(a) [Shall be designed to withstand a full hydrostatic head of any discharged liquid]

(b) Shall have sufficient thickness and chemical resistance to contain a release until it is recovered.

(c) Shall be constructed and maintained to a permeability standard of 1×10^{-6} cm/sec as determined by ASTM test method D-5084 Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeameter or other test method approved by the department;

(d) Shall have sufficient structural strength to maintain the containment's integrity under normally anticipated loadings;

(e) Shall be chemically compatible with the materials being stored; and

(f) Shall be properly sealed to prevent leakage.

(3) Any piping through the outside walls of secondary containment shall be installed and maintained such that the structural integrity of the wall is preserved and in such a manner as to prevent leaks.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-030, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-030, filed 11/2/93, effective 3/1/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-229-040 Secondary containment of liquid bulk pesticides—Synthetic liners. (1) A synthetic liner may be used to meet the applicable standards set forth in WAC 16-229-030.

(2) Synthetic liners shall be chemically compatible with the materials being stored within the permanent storage facility and have a minimum thickness of 30 mils +/- 1 mil. A written confirmation of compatibility and a written estimate of the life of the liner from the manufacturer shall be kept on file at the permanent storage facility or the nearest local office from which the permanent storage facility is administered.

(3) Synthetic liners shall be installed under the supervision of a qualified representative of the manufacturer, a contractor certified by the manufacturer, or a certified engineer. All field constructed seams shall be tested, and repaired if necessary, in accordance with the manufacturer['s] recommendations.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-040, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-040, filed 11/2/93, effective 3/1/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-229-050 Secondary containment of liquid bulk pesticides—Prefabricated facilities. (1) Prefabricated secondary containment shall be composed of a rigid prefabricated basin having both a base and walls constructed of steel or synthetic materials which are resistant to corrosion, puncture or cracking. Materials used in the secondary containment shall be chemically compatible with the products being stored within the secondary containment. A written confirmation of compatibility from the basin manufacturer shall be kept on file at the permanent storage facility or at the nearest local office from which the permanent storage facility is administered.

(2) The prefabricated secondary containment shall be designed and installed to withstand all foreseeable loading conditions, including the tank load and a full hydrostatic head of any discharged liquid. Multiple basins connected to provide the capacity required in WAC 16-229-025 shall be connected in a manner which assures an adequate transfer of discharged liquid between basins.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-050, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-050, filed 11/2/93, effective 3/1/94.]

WAC 16-229-060 Secondary containment of liquid bulk pesticides—Discharge outlets or valves. Secondary containment including prefabricated secondary containment, shall not have discharge outlets or valves. Discharge outlets or valves on existing secondary containment shall be sealed. Secondary containments may be interconnected.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-060, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-060, filed 11/2/93, effective 3/1/94.]

WAC 16-229-070 Secondary containment of liquid bulk pesticides—Storage with other material. (1) No material may be stored within pesticide secondary containment unless the material is compatible with all other material stored within the secondary containment. For the purposes of this section, compatible means that the materials, when mixed together, will not react in a manner that will cause a human health or environmental hazard.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-070, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-070, filed 11/2/93, effective 3/1/94.]

WAC 16-229-080 Secondary containment of liquid bulk pesticides—Precipitation accumulations. Precipitation may not be allowed to accumulate in secondary containment to the point where it:

- (1) Reduces the capacity of the secondary containment below one hundred ten percent of the volume of the largest storage container within the area plus the displacement of all other storage containers, appurtenances and other items within the containment area;
- (2) Increases corrosion of storage containers or appurtenances; or
- (3) Impairs the stability of storage containers.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-080, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-080, filed 11/2/93, effective 3/1/94.]

WAC 16-229-090 Secondary containment of liquid bulk pesticides—Recovery of discharges. Discharges within secondary containment shall be immediately recovered.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-090, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-090, filed 11/2/93, effective 3/1/94.]

WAC 16-229-100 Primary containment of bulk liquid pesticides—Permanent storage facility. Permanent storage facility general requirements:

- (1) Storage containers and appurtenances shall be constructed, installed and maintained so as to prevent the discharge of liquid pesticide.
- (2) Storage containers and appurtenances shall be constructed of materials which are resistant to corrosion, puncture or cracking.
- (3) Materials used in the construction or repair of storage containers and appurtenances may not be of a type which react chemically or electrolytically with stored liquid pesticide in a way which may weaken the storage container or appurtenances, or create a risk of discharge.
- (4) Metals used for valves, fittings and repairs on metal containers shall be compatible with the metals used in the construction of the storage container, so that the combination of metals does not cause or increase corrosion which may

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weaken the storage container or its appurtenances, or create a risk of discharge.

(5) Storage containers and appurtenances shall be designed to handle all operating stresses, taking into account static head, pressure build up from pumps and compressors, and any other mechanical stresses to which the storage containers and appurtenances may be subject in the foreseeable course of operations.

(6) Every pesticide storage container connection, except a safety relief valve connection, shall be equipped with a manual shut-off valve located on the storage container or at a distance from the storage container dictated by standard engineering practice.

(7) Appurtenances shall be adequately supported to prevent sagging and possible breakage because of gravity and other forces encountered in the ordinary course of operation.

(8) Pesticide storage containers and appurtenances shall be protected against reasonably foreseeable risks of damage by trucks and other moving vehicles or objects.

(9) Tanks designed as underground storage tanks shall not be used as above ground storage tanks for pesticide unless they are designed and approved for above ground use or have been inspected and approved by a certified engineer. A record of the inspection and approval shall be maintained as a permanent record.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-100, filed 11/2/93, effective 3/1/94.]

WAC 16-229-110 Primary containment of bulk liquid pesticides—Prohibition against underground storage. No person shall store liquid bulk pesticide, pesticide spills or rinsates in an underground storage container or surface impoundment, such as a lined pond or pit. A watertight catch basin or sump used for the temporary collection of rinsate or runoff from transfer and loading areas is exempt from this section.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-110, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-110, filed 11/2/93, effective 3/1/94.]

WAC 16-229-120 Primary containment of bulk liquid pesticides—Abandoned storage containers. (1) Storage containers used at a permanent storage facility, or used for temporary field storage to hold liquid bulk pesticide or pesticide rinsate are considered abandoned if they have been out of service for more than six consecutive months because of a weakness or leak, or have been out of service for any reason for more than two years without an integrity test having been performed.

(2) Abandoned underground storage containers containing pesticides which meet the definition of hazardous substance underground storage tank system in chapter 173-360 WAC are subject to the applicable requirements in that chapter.

(3) Abandoned above ground storage containers shall be thoroughly cleaned. All hatches on the storage containers shall be secured and all valves or connections shall be severed or plugged with vents being left functional.

(4) Abandoned above ground storage containers shall be posted with a clearly legible tag with the words "Out of Service."

(5) Abandoned storage containers shall not be allowed to be put back in service on the same site without first installing secondary containment protection.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-120, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-120, filed 11/2/93, effective 3/1/94.]

WAC 16-229-130 Primary containment of bulk liquid pesticides—Anchoring of storage containers. Storage containers shall be secured, if necessary, to prevent flotation or instability which might occur as a result of liquid accumulations within a secondary containment facility.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-130, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-130, filed 11/2/93, effective 3/1/94.]

WAC 16-229-140 Primary containment of bulk liquid pesticides—Filling storage containers. Storage containers may not be filled beyond the capacity for which they are designed, taking into account the density of the liquid being stored and thermal expansion during storage.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-140, filed 11/2/93, effective 3/1/94.]

WAC 16-229-150 Primary containment of bulk liquid pesticides—Liquid level gauging device. (1) Every storage container shall be equipped with a liquid level gauging device by which the level of liquid in the storage container can be readily and safely determined.

(2) A liquid level gauging device is not required if the level of liquid in a storage container can be reliably measured by other means.

(3) Liquid level gauging devices shall be secured, in a safe manner, to protect against breakage or vandalism which may result in a discharge.

(4) External sight gauges are prohibited unless they are equipped with an automatic shut-off valve.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-150, filed 11/2/93, effective 3/1/94.]

WAC 16-229-160 Primary containment of bulk liquid pesticides—Venting requirements. Storage containers used for liquid bulk pesticide shall be equipped with a conservation vent which opens and closes within the designed pressure limits of the container.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-160, filed 11/2/93, effective 3/1/94.]

WAC 16-229-170 Primary containment of bulk liquid pesticides—Security. All bulk pesticide storage containers and appurtenances shall be fenced or otherwise secured to provide reasonable protection against vandalism or unauthorized access. Valves on storage containers shall be closed and locked or otherwise secured when left unattended. Locks on end valves shall be considered adequate security for containers and appurtenances. For purposes of this section, unat-

tended means there is no employee on the property for a period of twelve hours or longer.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-170, filed 11/2/93, effective 3/1/94.]

WAC 16-229-180 Primary containment of bulk pesticides—Labeling. (1) All bulk pesticide storage containers shall be labeled in accordance with the Washington Pesticide Control Act (chapter 15.58 RCW) and the Federal Insecticide, Fungicide and Rodenticide Act. The registered product label shall be attached to the bulk storage container in a prominent location. The label shall be designed to remain intact and legible through active use of the container.

(2) All bulk pesticide storage containers shall bear a label or placard in accordance with Uniform Fire Code Standard No. 79-3, identifying the materials therein.

(3) All bulk pesticide storage containers used for temporary field storage shall be labeled with the owner's name, the capacity of the tank, and an identifying number. Lettering shall be a minimum of two inches in height and in a color contrasting to the background.

(4) All bulk pesticide storage containers used for temporary field storage shall have attached, in a weather-proof enclosure, a record of the date the storage container was put in place.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-180, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-180, filed 11/2/93, effective 3/1/94.]

WAC 16-229-200 Primary containment of bulk liquid pesticides—Temporary field storage. (1) Containers used for temporary field storage of liquid bulk pesticide shall comply with the following sections: WAC 16-229-100, 16-229-110, 16-229-120, 16-229-140, 16-229-150, 16-229-160, and 16-229-180.

(2) All bulk pesticide storage containers and appurtenances used for field storage shall be inspected for leakage and soundness daily when in use.

(3) Valves on storage containers shall be closed and locked or otherwise secured when left unattended.

(4) The physical location and identifying number of all temporary field storage shall be provided to the department upon request.

(5) The department may issue a permit to extend the time temporary field storage may be in one place during any six-month period due to weather related conditions upon written request. No advisory group review, pursuant to WAC 16-229-310(2) is required for this type of permit.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-200, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-200, filed 11/2/93, effective 3/1/94.]

WAC 16-229-210 Operational area containment of liquid pesticides—Permanent storage facility. (1) All operational area activities shall take place on or within operational area containment: Provided, That during the unloading or loading of railcars, marine vessels, or manned trucks when product is unloaded from direct shipments from manufacturers, individual basins or portable storage containers

shall be used to recover spillage and leakage from transfer connections and pumps.

(2) Operational area containment shall be designed and constructed to contain pesticides, rinsates, washwater and other materials spilled or deposited during mixing, loading, unloading, draining, [and] rinsing [and washing] activities.

(3) The walls and floor of operational area containment shall be constructed of steel, poured reinforced concrete, pre-cast concrete modules, solid masonry, or other materials or combination of materials that:

(a) Are designed to withstand a full hydrostatic head of any discharged liquid;

(b) Have sufficient thickness and chemical resistance to contain a release until it is recovered.

(c) Are constructed and maintained to a permeability standard of 1×10^{-6} cm/sec as determined by ASTM test method D-5084 Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeameter or other test method approved by the department.

(4) If synthetic materials are used in construction they shall be chemically compatible with the products handled at the site. A written confirmation of compatibility from the manufacturer shall be kept on file at the site or the nearest location from which the site is administered.

(5) Operational area containment shall be constructed to withstand the weight of any vehicles or storage containers which will be on it.

(6) Operational area containment shall be constructed with sufficient surface area, using curbs or other means, to prevent any discharge from leaving the containment area.

(7) Operational area containment shall have a capacity of at least fifteen hundred gallons of containment. If no storage container or mobile storage container used at the operational area containment to transfer liquid bulk pesticides has a capacity of more than one thousand gallons, the operational area containment shall be of adequate size and design to contain one hundred twenty-five percent the capacity of the largest storage container, or mobile storage container used.

(8) Operational area containment shall slope to one or more liquid tight collection points or sumps that allows spilled or deposited materials to be easily recovered. An above ground storage container may be used in conjunction with the operational area containment to meet the capacity requirement. If an above ground storage container is used for temporary storage[,] the storage container shall be located within secondary containment. The storage container shall be clearly and conspicuously labeled "pesticide rinsate" followed by the major category of pesticide such as insecticide, herbicide, fungicide.

(9) Any pump used for recovering material from the operational area containment shall be manually activated.

(10) The operational area containment shall not have a discharge outlet or valve. Discharge outlets or valves on existing operational areas shall be sealed. Operational area containments may be interconnected.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-210, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-210, filed 11/2/93, effective 3/1/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffec-

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tual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-229-220 Operational area containment of liquid pesticides—Temporary field storage. (1) During loading and unloading of liquid bulk pesticide at temporary field storage locations individual basins or portable storage containers shall be used to recover spillage and leakage from transfer connections and pumps.

(2) Liquid bulk pesticide storage containers used for temporary field storage shall be located at least one hundred feet from wells and surface water, except, for purposes of this section, irrigation water flowing directly to a field, or on a field, is not considered surface water unless the water could be carried beyond the field being irrigated.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-220, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-220, filed 11/2/93, effective 3/1/94.]

WAC 16-229-230 Dry bulk pesticide storage and handling. (1) Dry bulk pesticides shall be stored in storage containers designed and constructed to hold dry bulk pesticide and shall be compatible with the stored pesticide. Storage containers shall be constructed of materials which are resistant to corrosion, puncture or cracking and shall be properly maintained.

(2) Dry bulk pesticide storage containers shall be placed on pallets or a raised platform which is drained.

(3) Stored dry bulk pesticide shall be covered by a roof or tarpaulin except during loading or unloading operations.

(4) All loading, unloading, mixing and handling of dry bulk pesticide at the storage facility shall be done on a paved surface of a size and design that will contain the pesticide and allow for collection of spilled materials.

(5) Any spills of dry bulk pesticide onto the containment area shall be promptly cleaned up and recovered.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-230, filed 11/2/93, effective 3/1/94.]

WAC 16-229-240 Backflow prevention. (1) When piping within secondary containment or an operational area is directly connected to a water source such as a well or public water system, an approved air gap or an approved reduced pressure principle backflow prevention assembly (RPBA) shall be installed to protect the water source. Approved air gaps and approved RPBA's shall be installed, operated, inspected and/or tested and maintained per WAC 246-290-490.

(2) Approved RPBA's shall be inspected and tested by a Washington state department of health certified backflow assembly tester, and approved air gaps shall be inspected by a Washington state department of health certified backflow assembly tester or cross-connection control specialist[:]

[(a)] At the time of installation, alteration or relocation, and at least on an annual schedule thereafter.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-240, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-240, filed 11/2/93, effective 3/1/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffec-

tual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-229-250 Rinsate management. (1) Pesticide products, or rinsates spilled, or accumulated within a secondary or operational area facility, shall be immediately recovered. Any use of these materials shall be at labeled rates consistent with labeled end uses for the product(s). The materials may be stored for later use or as make-up water for pesticide applications.

(2) Any liquid that accumulates at a collection point or in a sump shall be removed within twenty-four hours when the facility is in operation.

(3) Recovered spills, sedimentation, rinsates, contaminated precipitation or other contaminated debris shall be contained and used per product label or properly disposed of. Pesticide containing materials shall not be released to the environment unless the release is an application per product label direction. Any disposal of these materials or captured washwater shall be consistent with the Hazardous Waste Management Act, chapter 70.105 RCW and the Water Pollution Control Act, chapter 90.48 RCW and shall be enforced by the Washington state department of ecology accordingly.

(4) If storage tanks are used to store rinsate, washwater or contaminated precipitation for later use the following records shall be kept.

(a) The date and amount of water put into the tank.

(b) The brand name(s) or active ingredient(s) of the pesticides contained in the water.

(c) A method to identify the specific application(s) it was used for.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-250, filed 11/2/93, effective 3/1/94.]

WAC 16-229-260 Maintenance and inspection. (1) The operator of a pesticide bulk storage facility shall inspect and maintain storage containers, appurtenances, secondary containment and operational area containment to minimize the risk of a pesticide release. The inspection shall include a visual observation for any evidence of leaks, spills, cracks, solar decay or wear.

(2) Maintenance of the pesticide bulk storage facilities shall be performed as needed to ensure that the integrity of the bulk pesticide storage containers, secondary containment and operational area containment is maintained.

(3) Bulk pesticide storage containers and appurtenances shall be inspected at least once per month when in use. Secondary containment and operational area containment shall be inspected at least once per month when in use.

(4) All secondary and operational area containment shall be maintained free of debris and foreign matter.

(5) A written record of all inspections and maintenance shall be made on the day of the inspection or maintenance and kept at the storage site or at the nearest local office from which the storage site is administered.

(6) Inspection records shall contain the name of the person making the inspection, the date of the inspection, conditions noted and maintenance performed.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-260, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-

800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-260, filed 11/2/93, effective 3/1/94.]

WAC 16-229-270 Recordkeeping requirements. The following records shall be maintained at permanent storage facilities or at the nearest local office from which the permanent storage facility is administered:

(1) A record of construction materials and methods of construction to show compliance with WAC 16-229-025, 16-229-030, 16-229-040, 16-229-050, 16-229-060, and 16-229-210. These records shall be maintained as permanent records.

(2) A record of the method(s) used to use or dispose of product or contaminated materials recovered from discharges outside secondary or operational area containment. This record applies only to discharges required to be reported to the Washington state department of ecology by the Washington state Dangerous waste regulations, chapter 173-303 WAC. These records shall be maintained for a period of at least three years.

(3) A monthly inventory reconciliation showing the amount of liquid bulk pesticide from each storage container which is lost or unaccounted for at the end of each monthly period during which pesticide is stored in the container. These records shall be maintained for a period of at least three years.

(4) Inspection and maintenance records required by WAC 16-229-260. These records shall be maintained for a period of at least three years.

(5) Manufacturer's compatibility statements required by WAC 16-229-040 and 16-229-050. These records shall be maintained as permanent records.

(6) A copy of the [permanent storage] facility's spill response plan required by WAC 16-229-280. This record shall be maintained as a permanent document.

(7) Records required in WAC 16-229-250 for use or disposal of rinsate, washwater and contaminated precipitation. These records shall be maintained for a period of at least three years.

(8) Inspection records required by WAC 16-229-100(9). These records shall be maintained as permanent records.

(9) Records required by WAC 16-229-240, Backflow prevention.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-270, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-270, filed 11/2/93, effective 3/1/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-229-280 Spill response plan. (1) The operator of a permanent storage facility shall prepare a written spill response plan for the permanent storage facility. If all or portions of the information required by the spill response plan have been prepared for plans required by other government agencies, they need not be prepared for this plan: Provided, That the information is readily accessible to emergency responders and department personnel. However, when copies of the plan are distributed all the required information must be provided.

The plan shall include the following elements:

(a) The identity and telephone numbers of the persons and agencies who are to be contacted in the event of a spill including persons responsible for the stored pesticide.

(b) For each pesticide stored at the permanent storage facility a complete copy of the storage container labeling required in WAC 16-229-180 and the labeling required to accompany sale of the pesticide under the Washington Pesticide Control Act, chapter 15.58 RCW.

(c) A material safety data sheet for each pesticide stored at the permanent storage facility.

(d) The procedures to be used for controlling and recovering, or otherwise responding to a spill for each type of bulk pesticide stored at the permanent storage facility.

(e) The procedures to be followed in using or disposing of a recovered spill.

(2) The spill response plan shall be kept current at all times.

(3) A copy of the spill response plan shall be kept readily available for inspection and use at the permanent storage facility or at the nearest local office from which the storage facility is administered and shall be available for inspection and copying by the department.

(4) A copy of the spill response plan shall be provided to the local fire department.

(5) Persons employed at permanent storage facilities shall be trained in spill response procedures pursuant to the spill response plan.

(6) Emergency equipment and supplies: Every permanent storage facility shall have access to pumps and recovery containers which can be used to control and recover spills. Pumps, recovery containers and persons capable of deploying and operating them shall be readily available in an emergency. Pumps and recovery containers may include those operated by a local fire department or other persons: Provided, That the use and availability of the pumps and recovery containers is arranged in advance as part of the spill response plan. Absorbent materials and other equipment suitable for the control and cleanup of smaller spills shall be available at the storage facility. The permanent storage facility shall maintain a list showing the types and locations of clean-up supplies and equipment. The list shall be maintained at the permanent storage facility or the nearest local office from which the facility is administered.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-280, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-280, filed 11/2/93, effective 3/1/94.]

WAC 16-229-310 Permits. (1) The department may issue a permit exempting any person from a requirement under Part 2 of this chapter if compliance is not technically feasible in the judgment of the department and the department finds that alternative measures provide substantially similar protection. All information required to prove that substantially similar protection is possible shall be provided to the department by the person requesting the permit.

(2) At the request of the department, advisory group, or permittee an advisory group appointed by the director shall evaluate and advise the department on any requests for permits from the rule.

(2009 Ed.)

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-310, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-310, filed 11/2/93, effective 3/1/94.]

PART 3 PERMANENT MIXING/LOADING SITES

WAC 16-229-400 Operational area containment at permanent mixing/loading sites. (1) All operational area activities shall take place on or within operational area containment[:]

(2) Operational area containment shall be designed and constructed to contain pesticides, rinsates, washwater and other materials spilled or deposited during mixing, loading, unloading, draining, [and] rinsing and washing activities.

(3) The walls and floor of operational area containment shall be constructed of steel, poured reinforced concrete, pre-cast concrete modules, solid masonry, or other materials or combination of materials that:

(a) Are designed to withstand a full hydrostatic head of any discharged liquid;

(b) Have sufficient thickness and chemical resistance to contain a release until it is recovered.

(c) Are constructed and maintained to a permeability standard of 1×10^{-6} cm/sec as determined by ASTM test method D-5084 Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeameter or other test method approved by the department.

(4) If synthetic materials are used in construction they shall be chemically compatible with the products handled at the site. A written confirmation of compatibility from the manufacturer shall be kept on file at the site or the nearest location from which the site is administered.

(5) Operational area containment shall be constructed to withstand the weight of any vehicles or storage containers which will be on it.

(6) Operational area containment shall be constructed with sufficient surface area, using curbs or other means, to prevent any discharge from leaving the containment area.

(7) Operational area containment shall be of adequate size and design to contain one hundred twenty-five percent the capacity of the largest storage container, or application equipment used at the facility up to a maximum of fifteen hundred gallons.

(8) Operational area containment constructed prior to March 1, 1994, and which have been constructed to contain one hundred ten percent of the capacity of the largest storage container or application equipment used at the facility shall be considered to be in compliance with this chapter.

(9) Operational area containment shall slope to one or more liquid tight collection points or sumps that allows spilled or deposited materials to be easily recovered. An above ground storage container may be used in conjunction with the operational area containment to meet the capacity requirement. If an above ground storage container(s) are used for temporary storage, the storage containers shall be located within operational area or secondary containment. The storage container shall be clearly and conspicuously labeled "pesticide rinsate" followed by the major category of pesticide such as insecticide, herbicide, fungicide.

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(10) Any pump used for recovering material from the operational area containment shall be manually activated.

(11) The operational area containment shall not have a discharge outlet or valve. Discharge outlets or valves on existing operational areas shall be sealed. Operational area containments may be interconnected.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-400, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-400, filed 11/2/93, effective 3/1/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-229-410 Backflow prevention. (1) When piping within a permanent mixing/loading site is directly connected to a water source such as a well or public water system, an approved air gap or an approved reduced pressure principle backflow prevention assembly (RPBA) shall be installed to protect the water source. Approved air gaps and approved RPBA's shall be installed, operated, inspected and/or tested and maintained per WAC 246-290-490.

(2) Approved RPBA's shall be inspected and tested once per year by a Washington state department of health certified backflow assembly tester, and approved air gaps shall be inspected by a Washington state department of health certified backflow assembly tester or cross-connection control specialist[:]

(a) At the time of installation, alteration or relocation, and at least on an annual schedule thereafter.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-410, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-410, filed 11/2/93, effective 3/1/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-229-420 Rinsate management. (1) Pesticide products or rinsates spilled or accumulated within an operational area containment facility shall be immediately recovered. Any use of these materials must be at labeled rates consistent with labeled end uses for the product(s). The materials may be stored for later use or as make-up water for pesticide applications.

(2) Any liquid that accumulates at a collection point or in a sump shall be removed within twenty-four hours when the facility is in operation.

(3) Recovered spills, sedimentation, rinsates, contaminated precipitation or other contaminated debris shall be contained and used per product label or properly disposed of. Pesticide containing materials shall not be released to the environment unless the release is an application per product label direction. Any disposal of these materials or captured washwater shall be consistent with the Hazardous Waste Management Act, chapter 70.105 RCW and the Water Pollution Control Act, chapter 90.48 RCW and shall be enforced by the Washington state department of ecology accordingly.

(4) If storage tanks are used to store rinsate, washwater or contaminated precipitation for later use the following records shall be kept.

(a) The date and amount of water put into the tank.

(b) The brand name(s) or active ingredient(s) of the pesticides contained in the water.

(c) A method to identify the specific application it was used for.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-420, filed 11/2/93, effective 3/1/94.]

WAC 16-229-430 Maintenance and inspection. (1)

The operator of a permanent mixing/loading site shall inspect and maintain storage containers, appurtenances, and operational area facilities to minimize the risk of a pesticide release. The inspection shall include a visual observation for any evidence of leaks, spills, cracks, solar decay or wear.

(2) Maintenance of the facilities shall be performed as needed to ensure that the integrity of the operational area containment facilities is maintained.

(3) Operational area facilities shall be inspected at least once per month when in use.

(4) Operational area facilities shall be maintained free of debris and foreign matter.

(5) A written record of all inspections and maintenance or repairs shall be made on the day of the inspection or maintenance and kept at the site or at the nearest local office from which the site is administered.

(6) Inspection records shall contain the name of the person making the inspection, the date of the inspection, conditions noted and maintenance performed.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-430, filed 11/2/93, effective 3/1/94.]

WAC 16-229-440 Recordkeeping requirements. The following records shall be maintained at the permanent mixing/loading site or at the nearest local office from which the site is administered:

(1) A record of construction materials and methods of construction to show compliance with WAC 16-229-400. These records shall be maintained as permanent records.

(2) A record of the method(s) used to use or dispose of product or contaminated materials recovered from discharges outside the operational area containment facility. This record applies only to discharges required to be reported to the Washington state department of ecology by the Washington state dangerous waste regulations, chapter 173-303 WAC. These records shall be maintained for a period of at least three years.

(3) Inspection and maintenance records required by WAC 16-229-430. These records shall be maintained for a period of at least three years.

(4) Manufacturer's compatibility statements required by WAC 16-229-400 if synthetic materials are used in the construction of the facility. These records shall be maintained as permanent records.

(5) A copy of the spill response plan required in WAC 16-229-450. This record shall be maintained as a permanent document.

(6) Records required by WAC 16-229-420 for use or disposal of rinsate and contaminated precipitation. These records shall be maintained for a period of at least three years.

(7) Records required by WAC 16-229-240, Backflow prevention.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-440, filed 11/2/93, effective 3/1/94.]

WAC 16-229-450 Spill response plan. (1) The operator of a permanent mixing/loading site shall prepare a written spill response plan for the facility. If all or portions of the information required by the spill response plan have been prepared for plans required by other government agencies they need not be prepared for this plan: Provided, That the information is readily accessible to emergency responders and department personnel. However, when copies of the plan are distributed all the required information shall be provided.

The plan shall include the following elements:

(a) The identity and telephone numbers of the persons and agencies who are to be contacted in the event of a spill.

(b) For each pesticide stored at the facility a complete copy of the storage container labeling required under this rule and the labeling required to accompany sale of the pesticide under the Washington Pesticide Control Act, chapter 15.58 RCW.

(c) A material safety data sheet for each pesticide stored at the facility.

(d) The procedures to be used for controlling and recovering, or otherwise responding to a spill for each type of pesticide stored at the facility.

(e) The procedures to be followed in using or disposing of a recovered spill.

(2) The spill response plan shall be kept current at all times.

(3) A copy of the spill response plan shall be kept readily available for inspection and use at the facility or at the nearest local office from which the facility is administered and shall be available for inspection and copying by the department.

(4) Persons employed at permanent mixing/loading sites shall be trained in spill response procedures pursuant to the spill response plan.

(5) Emergency equipment and supplies: Absorbent materials and other equipment suitable for the control and cleanup of smaller spills shall be available at the facility. A list showing the types and locations of clean-up supplies and equipment shall be maintained at the permanent mixing/loading site or the nearest local office from which the site is administered.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-450, filed 11/2/93, effective 3/1/94.]

WAC 16-229-480 Permits. (1) The department may issue a permit exempting any person from a requirement under Part 3 of this chapter if compliance is not technically feasible in the judgment of the department and the department finds that alternative measures provide substantially similar protection. All information required to prove that substantially similar protection is possible shall be provided to the department by the person requesting the permit.

(2) At the request of the department, advisory group, or permittee an advisory group appointed by the director shall evaluate and advise the department on any requests for permits from this chapter.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 00-23-074, § 16-229-480, filed 11/17/00, effective 12/18/00. Statutory Authority: RCW 15.54.-

(2009 Ed.)

800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-480, filed 11/2/93, effective 3/1/94.]

Chapter 16-230 WAC

USE OF CHEMICALS AND CHEMICALLY TREATED MATERIALS IN CERTAIN COUNTIES

WAC

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16-230-673	Use restricted herbicides—Eastern Washington—Application through irrigation systems.
16-230-675	Use restricted herbicides—Eastern Washington—Minimum nozzle orifice and core plate sizes for aircraft application.

16-230-800	What is the area under order for Benton County?	16-230-090	Restrictions in certain areas. [Order 1041, Regulation 12, filed 2/15/67, effective 3/20/67.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-810	What are the restrictions on the application of certain pesticides in Benton County?	16-230-100	Regulations pertaining to the collection of special program fees on sales of 2,4-D—Promulgation. [Order 1424, § 16-230-100, filed 10/2/75.] Repealed by 84-09-013, (Order 1819), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-813	When are oil-type carriers prohibited in Benton County?	16-230-101	Promulgation. [Order 1469, § 16-230-101, filed 5/14/76.] Repealed by 84-09-013, (Order 1819), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-815	Can Paraquat and Diquat be applied by air in Benton County?	16-230-110	Regulations pertaining to the collection of special program fees on sales of 2,4-D—Definitions. [Order 1469, § 16-230-110, filed 5/14/76; Order 1424, Regulation 1 (codified as WAC 16-230-110), filed 10/2/75.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-820	Can sulfonyleurea herbicides be applied by air in Benton County?	16-230-115	Procedure for collecting special program fees. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-016 (Order 1637), § 16-230-115, filed 6/12/79; 78-06-076 (Order 1576), § 16-230-115, filed 5/31/78; Order 1534, § 16-230-115, filed 7/1/77; Order 1469, § 16-230-115, filed 5/14/76; Order 1424, Regulation 2 (codified as WAC 16-230-115), filed 10/2/75.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-825	What are the conditions applying to permits in Benton County?	16-230-120	Procedure for submitting reports. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-016 (Order 1637), § 16-230-120, filed 6/12/79; 78-06-076 (Order 1576), § 16-230-120, filed 5/31/78; Order 1534, § 16-230-120, filed 7/1/77; Order 1469, § 16-230-120, filed 5/14/76; Order 1424, Regulation 3 (codified as WAC 16-230-120), filed 10/2/75.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-830	Can use restricted pesticides be applied in an emergency?	16-230-200	Walla Walla County Area 2. [Order 1545, § 16-230-200, filed 11/30/77.] Repealed by 79-02-046 (Order 1591), filed 1/29/79. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-835	What are the boundaries and restrictions for Area 1?	16-230-250	Microencapsulated methyl parathion—Area under order. [Statutory Authority: Chapter 17.21 RCW. 93-17-041 (Order 5002), § 16-230-250, filed 8/11/93, effective 9/11/93. Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-250, filed 4/21/78.] Repealed by 04-18-023A, filed 8/24/04, effective 9/24/04. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. Later promulgation, see WAC 16-228-1220.
16-230-836	What are the boundaries and restrictions in Area 1A?	16-230-260	Microencapsulated methyl parathion—Definitions. [Statutory Authority: Chapter 17.21 RCW. 93-17-041 (Order 5002), § 16-230-260, filed 8/11/93, effective 9/11/93. Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-260, filed 4/21/78.] Repealed by 04-18-023A, filed 8/24/04, effective 9/24/04. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. Later promulgation, see WAC 16-228-1220.
16-230-840	What are the boundaries and restrictions for Area 2?	16-230-270	Microencapsulated methyl parathion—Restrictions. [Statutory Authority: Chapter 17.21 RCW. 93-17-041 (Order 5002), § 16-230-270, filed 8/11/93, effective 9/11/93. Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-04-018 (Order 1595), § 16-230-270, filed 3/16/79; 78-05-042 (Order 1573), § 16-230-270, filed 4/21/78.] Repealed by 04-18-023A, filed 8/24/04, effective 9/24/04. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. Later promulgation, see WAC 16-228-1220.
16-230-845	What are the boundaries and restrictions for Area 3?	16-230-280	Six-mile radius. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-280, filed 4/21/78.] Repealed by 93-17-041 (Order 5002), filed 8/11/93, effective 9/11/93. Statutory Authority: Chapter 17.21 RCW.
16-230-850	What are the boundaries and restrictions for Area 4?	16-230-281	Microencapsulated methyl parathion—Emergency clause—Permits. [Statutory Authority: Chapter 17.21 RCW. 93-17-041 (Order 5002), § 16-230-281, filed 8/11/93, effective 9/11/93.] Repealed by 04-18-023A, filed 8/24/04, effective 9/24/04. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. Later promulgation, see WAC 16-228-1220.
16-230-855	What are the boundaries and restrictions for Area 5?	16-230-290	Microencapsulated methyl parathion—Distribution. [Statutory Authority: Chapter 17.21 RCW. 93-17-041
16-230-860	What are the boundaries and restrictions for Area 6?		
16-230-861	What are the restrictions on applications due to wind conditions?		
16-230-863	Application of pesticides in Benton County—Use restricted herbicides ground apparatus nozzle requirements.		
16-230-864	Application of pesticides in Benton County—Use restricted herbicides, aircraft boom length, pressure, and nozzle requirements.		
16-230-866	Application of pesticides in Benton County—Use restricted herbicides—Temperature conditions.		
16-230-868	What are the restrictions due to weather?		
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
16-230-001	Promulgation. [Order 1041, Promulgation, filed 2/15/67, effective 3/20/67; Order 980, Promulgation, filed 4/6/65; Order 945, filed 3/30/64; Order 916, filed 4/22/63; Order 887, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.		
16-230-020	Nonuse on blossoming alfalfa and clover crops. [Order 1041, Regulation 4, filed 2/15/67, effective 3/20/67; Order 980, Regulation 4, filed 4/6/65; Order 945, Regulation 4, filed 3/30/64; Order 916, Regulation 2, filed 4/22/63; Order 887, Regulation 2, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.		
16-230-040	Spray chemicals—Time when. [Order 1041, Regulation 6, filed 2/15/67, effective 3/20/67; Order 980, Regulation 6, filed 4/6/65; Order 945, Regulation 6, filed 3/30/64; Order 916, Regulation 4, filed 4/22/63; Order 887, Regulation 4, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.		
16-230-050	Endrin spray or dust—Time when. [Order 1041, Regulation 7, filed 2/15/67, effective 3/20/67; Order 980, Regulation 7, filed 4/6/65; Order 945, Regulation 7, filed 3/30/64; Order 916, Regulation 5, filed 4/22/63; Order 887, Regulation 5, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.		
16-230-060	Dieldrin Sevin—Spray or dust—Time when. [Order 1041, Regulation 8, filed 2/15/67, effective 3/20/67; Order 980, Regulation 8, filed 4/6/65; Order 945, Regulation 8, filed 3/30/64; Order 916, Regulation 6, filed 4/22/63; Order 887, Regulation 6, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.		
16-230-070	Parathion, metacide and methyl parathion—Use when. [Order 916, Regulation 7, filed 4/22/63; Order 887, Regulation 7, filed 4/17/62.] Omitted from Orders 945 and 980 which superseded Orders 916 and 887.		
16-230-080	Time of sunrise and sunset. [Order 1041, Regulation 10, filed 2/15/67, effective 3/20/67; Order 980 (part), filed 4/6/65; Order 945 (part), filed 3/30/64; Order 916 (part), filed 4/22/63; Order 887, Regulation 7, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.		
16-230-085	Aircraft carrying restricted use pesticides—Permission required. [Order 1041, Regulation 11, filed 2/15/67, effective 3/20/67.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.		

- (Order 5002), § 16-230-290, filed 8/11/93, effective 9/11/93. Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-290, filed 4/21/78.] Repealed by 04-18-023A, filed 8/24/04, effective 9/24/04. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. Later promulgation, see WAC 16-228-1220.
- 16-230-300 Supersedure. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-300, filed 4/21/78.] Repealed by 93-17-041 (Order 5002), filed 8/11/93, effective 9/11/93. Statutory Authority: Chapter 17.21 RCW.
- 16-230-475 Restricted use herbicides—Distribution, use, and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-230-475, filed 4/12/88.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-620 Low volatile. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-620, filed 2/20/80.] Repealed by 07-11-041A, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW.
- 16-230-805 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Recordkeeping. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-16-073 (Order 2014), § 16-230-805, filed 7/31/89, effective 8/31/89.] Repealed by 90-14-034 (Order 2046), filed 6/29/90, effective 7/30/90. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-230-862 Application of pesticides in Benton County—Area 1A. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-862, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-862, filed 6/10/92, effective 7/11/92.] Repealed by 07-11-041A, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW.
- 16-230-865 Other rules. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 90-14-034 (Order 2046), § 16-230-865, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-865, filed 7/31/89, effective 8/31/89.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-230-870 Other rules. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-870, filed 6/10/92, effective 7/11/92.] Repealed by 00-24-002, filed 11/22/00, effective 12/23/00. Statutory Authority: Chapters 17.21 and 15.58 RCW.

WAC 16-230-010 What are the restrictions on insecticides used on blossoming alfalfa, clover and mint? For the purposes of WAC 16-230-010 through 16-230-079, the following pesticides have additional statewide use restrictions when applied to blossoming alfalfa, clover and mint.

COMMON CHEMICAL NAME	ALSO KNOWN AS*
acephate	Orthene
azinphos-methyl	Guthion
carbaryl	Sevin
carbofuran	Furadan
chlorpyrifos	Lorsban
diazinon	
dimethoate	Cygon
disulfoton	Di-Syston
endosulfan	Thiodan
fluvalinate	Spur
formetanate hydrochloride	Carzol
malathion	Fyfanon
methidathion	Supracide
methomyl	Lannate, Nudrin
methoxychlor	Marlate
methyl parathion	
naled	Dibrom
oxamyl	Vydate

(2009 Ed.)

COMMON CHEMICAL NAME	ALSO KNOWN AS*
oxydemeton-methyl	Metasystox-R
phorate	Thimet
phosmet	Imidan
trichlorfon	Dylox

* This column is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-010, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-010, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-010, filed 4/10/84; Order 1041, Regulations 2 and 3, filed 2/15/67, effective 3/20/67; Order 980, Regulations 2 and 3, filed 2/30/64; Order 916, Regulation 1, filed 4/22/63; Order 887, Regulation 1, filed 4/17/62.]

WAC 16-230-015 What definitions apply to this section? (1) The term "blossoming alfalfa, mint or clover" as used in WAC 16-230-010 through 16-230-083 shall apply when there are five or more blooms per square yard on the average in a given field: Provided, That following the first cutting the bloom count shall be taken only on the current crop. For the purpose of this rule, a "bloom" on clover or alfalfa is defined as any alfalfa raceme or clover head containing one or more open flowers. A "bloom" on mint is defined as any head or spike with one or more open (florets) flowers.

(2) The time of sunrise and sunset shall be that of the official tables, U.S. Weather Bureau, Yakima, Washington.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-015, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-012 (Order 1818), § 16-230-015, filed 4/10/84; Order 1041, Regulation 1, filed 2/15/67, effective 3/20/67; Order 980, Regulation 1, filed 4/6/65; Order 945, Regulation 1, filed 3/30/64.]

WAC 16-230-030 What are the use restrictions for alfalfa and clover pesticide applications? (1) The use or application of any formulation (except where the formulation is specified) of the following listed pesticides is prohibited on blossoming alfalfa and clover crops within seven days to blossoming: Provided, That methidathion (Supracide) when used in Kittitas County on timothy hay mixed with alfalfa and/or clover shall only be prohibited within three days to blossoming. See WAC 16-230-076 and 16-230-078 for additional restrictions in certain areas of Walla Walla County.

- (a) Azinphos-methyl (Guthion)
- (b) Carbaryl (Sevin)
- (c) Carbofuran (Furadan)
- (d) Dimethoate (Cygon)
- (e) Methidathion (Supracide)

(2) The use or application of liquid formulations of chlorpyrifos (Lorsban), wettable powder formulations of naled (Dibrom), and liquid or wettable powder formulations of malathion (Fyfanon) and phorate (Thimet) applied as sprays on blossoming alfalfa or clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight of the same day.

(3) The use or application of any formulation (except where the formulation is specified) of the following pesticides is prohibited on blossoming alfalfa and clover crops:

- (a) Carbaryl (Sevin) see number (1) above
- (b) Diazinon
- (c) Fenthion (Baytex)

- (d) Malathion (Fyfanon) ULV and dust
- (e) Methyl parathion
- (f) Naled (Dibrom) dust
- (g) Phosmet (Imidan)

(4) The use or application of the following listed pesticides or any formulation thereof (except where the formulation is specified) on blossoming alfalfa and clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning: Provided, That methomyl (Lannate or Nudrin) shall only be applied to blossoming clover crops pursuant to this rule, and its application to blossoming alfalfa is further restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight the same day: Provided further, That the application of the following use restricted pesticides on blossoming alfalfa in Walla Walla County is further restricted to applications only within the period beginning at sunset and ending at two hours after midnight the following morning:

- (a) Formetanate hydrochloride (Carzol)
- (b) Naled (Dibrom) emulsifiable concentrate
- (c) Disulfoton (Di-Syston)
- (d) Endosulfan (Thiodan)
- (e) Oxydemeton-methyl (Metasystox-R)
- (f) Methomyl (Lannate or Nudrin)
- (g) Methoxychlor (Marlate)
- (h) Phorate (Thimet) granular
- (i) Trichlorfon (Dylox)
- (j) Oxamyl (Vydate)
- (k) Fluvalinate (Spur)

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-030, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-030, filed 10/19/88; 88-08-050 (Order 1971), § 16-230-030, filed 4/4/88; 84-09-012 (Order 1818), § 16-230-030, filed 4/10/84; Order 1041, Regulation 5, filed 2/15/67, effective 3/20/67; Order 980, Regulation 5, filed 4/6/65; Order 945, Regulation 5, filed 3/30/64; Order 916, Regulation 3, filed 4/22/63; Order 887, Regulation 3, filed 4/17/62.]

WAC 16-230-075 What are the restrictions for blossoming mint pesticide applications? The use or application of malathion dust on blossoming mint is prohibited. The use or application of malathion (Fyfanon) liquid, oxydemeton-methyl (Metasystox-R), and methomyl (Lannate or Nudrin) liquid on blossoming mint is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning. The use or application of any formulation of acephate (Orthene) on blossoming mint is restricted to applications only within the period beginning at two and one-half hours prior to sunset and ending at midnight of the same day.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-075, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-075, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-075, filed 4/10/84; Order 1041, Regulation 9, filed 2/15/67, effective 3/20/67; Order 980, Regulation 9, filed 4/6/65; Order 945, Regulation 9, filed 3/30/64.]

WAC 16-230-076 What are the boundaries and restrictions for Area 1? (1) Area 1 description. South central Walla Walla County - all lands lying within a line starting at the junction of the Washington-Oregon border and the Rainville Road; thence north along the Rainville Road to the

Frog Hollow Road; thence west along the Frog Hollow Road to the McDonald Road; thence north along the McDonald and Bridge Road to State Highway 12; thence west along Highway 12 to the Woodward Canyon Road; thence north and west along the Woodward Canyon Road to the northeast corner of Section 24, T7N, R33E; thence west along the section lines to the northwest corner of Section 23, T7N, R32E; thence south along the section lines to the Walla Walla River; thence southerly along the Walla Walla River to its intersection with the west section line of Section 7, T6N, R33E; thence south along the section lines to the Washington-Oregon border; thence east along the border to the point of beginning.

(2) Area 1 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of azinphos-methyl (Guthion), carbofuran (Furadan), phosmet (Imidan), chlorpyrifos (Lorsban), and methidathion (Supracide) on alfalfa and clover crops, is prohibited after May 23 of each year, and the use or application of dimethoate (Cygon) on alfalfa and clover crops is prohibited after May 30 of each year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-076, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-076, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-076, filed 4/10/84.]

WAC 16-230-078 What are the boundaries and restrictions for Area 2? (1) Area 2 description. South central Walla Walla County - all lands lying within a line starting at the junction of the Rainville Road and the Washington-Oregon border; thence north to the Frog Hollow Road; thence east along the Frog Hollow Road to the Valley Chapel Road; thence south along the Valley Chapel Road to the Washington-Oregon border; thence west along the border to the point of beginning.

(2) Area 2 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of azinphos-methyl (Guthion), carbofuran (Furadan), phosmet (Imidan), chlorpyrifos (Lorsban), and methidathion (Supracide) on alfalfa and clover crops, is prohibited after May 30 of each year, and the use or application of dimethoate (Cygon) on alfalfa and clover crops is prohibited after June 6 of each year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-078, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-078, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-078, filed 4/10/84.]

WAC 16-230-079 Can the department issue special permits? The department may issue a permit upon receipt of a written request to apply use restricted pesticides listed in WAC 16-230-010 in variation of any restrictions listed in WAC 16-230-015, 16-230-030, and 16-230-075 through 16-230-078. The department will consider the hazard to pollinating insects before a permit is issued.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-079, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-08-050 (Order 1971), § 16-230-079, filed 4/4/88.]

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-079, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-08-050 (Order 1971), § 16-230-079, filed 4/4/88.]

WAC 16-230-082 What are the use restrictions on pesticides used on pollen shedding corn? (1) The term "pollen shedding corn" as used in WAC 16-230-082 through 16-230-088 shall be that stage of growth when ten percent or

more of the corn plants in any one quarter portion of a field are showing spike anthers.

(2) The insecticides* carbaryl (Sevin), diazinon, endosulfan (Thiodan), fenvalerate (Pydrin), malathion (Fyfanon), methomyl (Lannate or Nudrin), methyl parathion, parathion, and permethrin (Ambush or Pounce) are by this order declared to be use restricted insecticides. Such insecticides are restricted in their use in Areas 1, 2 and 3 in eastern Washington.

(3) Area under order. Area 1 - Yakima County; Area 2 - Franklin, Adams and Grant counties; Area 3 - Area within Area 2 in Grant County.

* Listed trade names are to be used as a guide and may not include all the trade or brand names under which the chemicals are distributed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW, 07-11-041A, § 16-230-082, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW, 84-09-013 (Order 1819), § 16-230-082, filed 4/10/84.]

WAC 16-230-084 What are the restrictions in Areas 1 and 2? (1) Area 1 description - Yakima County. This area includes all of the irrigable lands encompassed by a line beginning at the southwest corner of Section 18, T8N, R21E; thence north nine miles more or less to the southeast corner of Section 36, T10N, R20E; thence fifteen miles west more or less to the southwest corner of Section 34, T10N, R18E; thence north fifteen miles more or less to the northwest corner of Section 22, T12N, R18E; thence east four miles more or less to the Northern Pacific Railroad tracks; thence following the tracks southeast to the Oldenway Road; thence north along the Oldenway Road and section lines to the Yakima River; thence southeast along the Yakima River to Highway 22 north of Toppenish; thence north along Highway 22 to Highway 12 at Buena; thence southeasterly along Highway 12 to the southern section line of Section 31, T11N, R21E; thence south one-quarter mile more or less to the Yakima River; thence southeast along the Yakima River to the Sunnyside-Mabton Road; thence south one mile to the Boundary Road; thence southwest along the Boundary Road and the Yakima Indian reservation boundary to the northern section line of Section 22, T8N, R22E; thence west nine miles more or less to the point of beginning.

(2) Area 2 description - Franklin, Adams and Grant counties. This area includes all of the irrigable lands encompassed by a line beginning at Highway 12 and the Columbia River; thence north and west following the river the length of Franklin County and into Grant County to the junction of Grant-Douglas County line; thence north on Grant-Douglas County line to the fifth standard parallel north; thence east twenty-five miles more or less to Highway 17; thence southeast seventeen miles more or less on Highway 17 to Highway 90; thence east twelve miles more or less to Grant-Adams County line; thence south on county line twelve miles more or less to the southeast corner of Section 36, T17N, R30E (southeast corner of Grant County); thence south twelve miles more or less (in Adams County) along east boundary of Section 1, 12, 13, 24, 25, 36, T16N, R30E; thence south along east boundary of Sections 1, 12, 13, 24, 25, 36, T15N, R30E continuing south into Franklin County along east boundary of Section 1 and 12, T14N, R30E to southeast corner of said Section 12; thence west one mile to Highway 17 (Franklin

County); thence south on Highway 17 seventeen miles more or less to junction with Highway 395; thence south on Highway 395 fifteen miles more or less to Highway 12; thence west and south four miles more or less to Columbia River to the point of beginning.

(3) Area 1 and 2 restrictions.

(a) On and after August 1 to October 1 of any given year, application of carbaryl (Sevin) (except Sevin XLR), methyl parathion and malathion dust in any combination on pollen shedding corn is prohibited.

(b) On and after August 1 to August 15 of any given year, application of diazinon, fenvalerate (Pydrin), endosulfan (Thiodan), Sevin XLR, methomyl (Lannate or Nudrin), malathion liquid, and permethrin (Ambush or Pounce) on pollen shedding corn is prohibited between the hours of 7:00 a.m. and 2:00 p.m.

(c) On and after August 15 to September 1 of any given year, application of diazinon, fenvalerate (Pydrin), endosulfan (Thiodan), Sevin XLR, methomyl (Lannate or Nudrin), malathion (Fyfanon) liquid, and permethrin (Ambush or Pounce) on pollen shedding corn is prohibited between the hours of 8:30 a.m. and 3:30 p.m.

(d) On and after September 1 to October 1 of any given year, application of diazinon, fenvalerate (Pydrin), endosulfan (Thiodan), Sevin XLR, methomyl (Lannate or Nudrin), malathion (Fyfanon) liquid, and permethrin (Ambush or Pounce) on pollen shedding corn is prohibited between the hours of 10:00 a.m. and 4:00 p.m.

(e) The application of microencapsulated methyl parathion shall be prohibited on all pollen shedding corn when properly marked honey bee apiaries occur within a six-mile radius of the pollen shedding corn to be treated.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW, 07-11-041A, § 16-230-084, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW, 84-09-013 (Order 1819), § 16-230-084, filed 4/10/84.]

WAC 16-230-086 What are the restrictions in Area 3? (1) Area 3 description - area within Area 2 in Grant County. This area includes all of the irrigable lands encompassed by a line beginning at the junction of West 645 wasteway and White Trail Road and proceeding east four miles more or less on White Trail Road to Winchester wasteway; thence southeast four miles more or less along Winchester wasteway to I-90; thence east on I-90 nine miles more or less to Potholes Reservoir; thence following the west shoreline southeast to the Frenchmen Hills wasteway; thence west along Frenchmen Hills wasteway fourteen miles more or less to its junction with West 645 wasteway; thence northwest and north fourteen miles more or less along West 645 wasteway to junction with White Trail Road, the point of beginning.

(2) Area 3 restriction. This area is unrestricted as to the use of carbaryl (Sevin), diazinon, endosulfan (Thiodan), fenvalerate (Pydrin), malathion (Fyfanon), methomyl (Lannate or Nudrin), methyl parathion, and permethrin (Ambush or Pounce) on pollen shedding corn: Provided, That the application of microencapsulated methyl parathion shall be prohibited on all pollen shedding corn when properly marked honey bee apiaries occur within a six-mile radius of the pollen shedding corn to be treated.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-086, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-013 (Order 1819), § 16-230-086, filed 4/10/84.]

WAC 16-230-088 May a permit be issued for a variance from restrictions? Upon receipt of a written request and justification for a variance, the director of the Washington state department of agriculture may issue a permit granting a variance from restrictions pertaining to pollen shedding corn.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-088, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-013 (Order 1819), § 16-230-088, filed 4/10/84.]

WAC 16-230-150 What areas are under order for use restricted desiccants and defoliants? (1) Area under order: All counties located east of the crest of the Cascade Mountains.

(2) Use restricted desiccants and defoliants: The following desiccants and defoliants are declared to be use restricted desiccants and defoliants in the area under order: Diquat; Paraquat; and Endothall.

(3) Additional restrictions apply for certain areas of Walla Walla County (see WAC 16-230-190).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-150, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-150, filed 4/2/91, effective 5/3/91; 79-05-043 (Order 1598), § 16-230-150, filed 4/26/79; 79-02-046 (Order 1591), § 16-230-150, filed 1/29/79; Order 1545, § 16-230-150, filed 11/30/77.]

WAC 16-230-160 Desiccants and defoliants—Ground equipment—Nozzle and pressure requirements for the entire area under order. The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Nozzle requirements - a minimum orifice diameter of .052 inches shall be used for application of all use restricted desiccants and defoliants: Provided, That a RD-2 Raindrop nozzle shall be allowed.

(2) Pressure requirements - maximum pressure at the nozzles for all applications of use restricted desiccants and defoliants shall be 30 psi.

(3) The Washington state department of agriculture may issue a permit upon receipt of a written request to apply use restricted desiccants and defoliants within the area as described in WAC 16-230-150 with nozzles, nozzle type, drift control additives, and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued.

(4) Diesel and other fuel oils are prohibited in all tank mixes with desiccants and defoliants.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-160, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-160, filed 4/2/91, effective 5/3/91; 87-15-001 (Order 1938), § 16-230-160, filed 7/2/87; 80-05-005 (Order 1682), § 16-230-160, filed 4/4/80; 79-02-046 (Order 1591), § 16-230-160, filed 1/29/79; Order 1545, § 16-230-160, filed 11/30/77.]

WAC 16-230-170 Desiccants and defoliants—Aerial equipment—Boom length, pressure, nozzle requirement, nozzle height of discharge and smoke device requirements for the entire area under order. The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Boom length restrictions:

(a) Fixed wing: The working boom length shall not exceed 3/4 of the distance from the center of aircraft to wing tip on each side of aircraft.

(b) Helicopters: The working boom length shall not exceed 6/7 of the distance from the center of rotor to rotor tip on each side of the aircraft for rotors 40 feet or under or 3/4 of the distance from the center of rotor to rotor tip on each side of the aircraft where the rotor exceeds 40 feet while applying use restricted desiccants and defoliants.

(2) Pressure restrictions: Maximum pressure at the nozzles for all aerial applications of use restricted desiccants and defoliants shall be 25 psi.

(3) Nozzle requirements for applications of use restricted desiccants and defoliants:

(a) Fixed wing:

(i) Aircraft shall not be equipped with core plates or any device or mechanism which would cause a sheet, cone, fan or other dispersion of the discharged material. Nozzle orifices shall not be less than 0.094 inches: Provided, That the RD8-46 Raindrop® nozzles may be used with a minimum orifice diameter of 0.156 inches;

(ii) Nozzles shall be directed downward and backward 135 degrees from the direction of flight.

(b) Helicopter:

(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;

(ii) Straight stream jet nozzles with a minimum orifice diameter of 0.125 inches with No. 46 core plates or larger;

(iii) RD8-46 Raindrop® nozzles may be used with a minimum orifice diameter of .075 inches;

(iv) Nozzles shall be directed downward and backward 135 degrees from the direction of flight for applications over 50 miles per hour and 90 degrees downward and backward for applications under 50 miles per hour.

(4) Height of discharge requirements by aircraft of use restricted desiccants and defoliants: The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet.

(5) Smoke device requirements: All aircraft applying use restricted desiccants and defoliants shall utilize a smoke device to determine wind directions and temperature inversion situations.

(6) The Washington state department of agriculture may issue a permit upon receipt of a written request to apply use restricted desiccants and defoliants within the area under order as described in WAC 16-230-150 with nozzles, nozzle type, drift control additives and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued.

(7) Diesel and other fuel oils are prohibited in all tank mixes with desiccants and defoliants.

(8) Aerial applications of desiccants and defoliant are prohibited within a distance of one mile of the city limits of any incorporated city or town and the same distance from the center of any unincorporated city or town comprised of ten or more inhabited, closely grouped residences.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-170, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-170, filed 4/2/91, effective 5/3/91. Statutory Authority: RCW 17.21.030. 82-14-081 (Order 1767), § 16-230-170, filed 7/6/82. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-05-005 (Order 1682), § 16-230-170, filed 4/4/80; 79-02-046 (Order 1591), § 16-230-170, filed 1/29/79; 78-02-053 (Order 1548), § 16-230-170, filed 1/19/78; Order 1545, § 16-230-170, filed 11/30/77.]

WAC 16-230-180 What are the weather and evening cutoff requirements for desiccants and defoliant? The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Weather conditions: Use restricted desiccants and defoliant shall not be applied when there is a temperature inversion, or if wind or weather conditions are such that damage could result to susceptible crops or ornamentals: Provided, That aircraft applications of Paraquat shall be prohibited until the temperature inversion ceiling at the site of application is 1,000 feet or greater. Aircraft must be equipped with thermometers to detect the height of the inversion.

(2) Evening cutoff: All applications of use restricted desiccants and defoliant are prohibited from three hours prior to sunset to one hour after sunrise the following morning: Provided, That ground applications in Area 2 of Walla Walla County may begin at sunrise: Provided further, That ground applications may be allowed at other times by obtaining a written permit from the department.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-180, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-180, filed 4/2/91, effective 5/3/91; 80-05-005 (Order 1682), § 16-230-180, filed 4/4/80; 79-02-046 (Order 1591), § 16-230-180, filed 1/29/79; Order 1545, § 16-230-180, filed 11/30/77.]

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

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

(2) Area 1 restrictions:

During the period of February 15 through November 1 of any year, any aerial application of use restricted desiccants and defoliant must have prior approval by obtaining a written permit from the Washington state department of agriculture.

(3) Area 2 description - southern portion of Walla Walla County: This area includes all lands lying within an area

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encompassed by a line beginning at the Washington-Oregon border and the west section line of Section 18, T6N, R33E; thence north along section lines approximately eight miles to the northwest corner of Section 7, T7N, R33E; thence west along section lines approximately nine miles to the southeast corner of Section 4, T7N, R34E; thence south along section lines approximately eight miles to the Washington-Oregon border; thence west along the border approximately nine miles to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

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

(b) Diquat restrictions:

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

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-190, filed 5/9/07, effective 6/9/07. Statutory Authority: RCW 17.21.030 (b)(c) and 15.58.040(h). 95-14-093 (Order 5071), § 16-230-190, filed 6/30/95, effective 7/31/95. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-190, filed 4/2/91, effective 5/3/91; 87-15-001 (Order 1938), § 16-230-190, filed 7/2/87; 85-17-066 (Order 1871), § 16-230-190, filed 8/21/85; 85-12-012 (Order 1858), § 16-230-190, filed 5/24/85; 80-05-005 (Order 1682), § 16-230-190, filed 4/4/80; 79-05-043 (Order 1598), § 16-230-190, filed 4/26/79; 79-02-046 (Order 1591), § 16-230-190, filed 1/29/79; Order 1545, § 16-230-190, filed 11/30/77.]

WAC 16-230-400 What is the area under order for use restricted herbicides in Spokane County? (1) The area under order includes all lands lying within the borders of Spokane County. WAC 16-230-410 through 16-230-470 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-400, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-400, filed 2/26/91, effective 3/29/91; 79-01-038 (Order 1585), § 16-230-400, filed 12/20/78.]

WAC 16-230-410 What are use herbicides in Spokane County? All formulations of phenoxy hormone-type herbicides, (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba are declared as use restricted herbicides except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-410, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-410, filed 2/26/91, effective 3/29/91; 79-01-038 (Order 1585), § 16-230-410, filed 12/20/78.]

WAC 16-230-420 What are the boundaries and restrictions for Area 2? (1) This area includes all lands lying within a boundary line starting at the intersection of state Highway 2 and Christianson Road; thence north two miles more or less to the northwest corner of Section 17, T25N, R41E; thence east five miles more or less to Hayford Road; thence north eight miles more or less to the northwest corner of Section 6, T26N, R41E; thence east ten miles more or less to the northeast corner of Section 3, T26N, R43E; thence south five miles more or less to the northeast corner of Section 34, T26N, R43E; thence east fourteen miles more or less to the Idaho-Washington border; thence south seven miles more or less to the common boundary line between T24N and 25N; thence west six miles more or less to Chapman Road; thence south one mile more or less along Chapman Road to the common boundary line between Sections 1 and 12, T24N, R44E; thence east thirteen miles more or less to the Cheney-Spokane Road; thence southwesterly along the Cheney-Spokane Road two miles more or less to the common boundary line between Sections 14 and 15, T24N, R42E; thence south one and one-half miles more or less to the southeast corner of Section 22, T24N, R42E; thence west one and one-half miles more or less to the Cheney-Spokane Highway; thence southerly one mile more or less along the Cheney-Spokane Highway to the common boundary line between Section 28 and 33, T24N, R42E; thence east six miles more or less to Interstate 90; thence southerly three miles more or less to the intersection of Interstate 90 and Salnave Road; thence northwesterly along the Salnave Road three miles more or less to its intersection with the Medical Lake-Tyler Road; thence north four miles more or less to the intersection of Hallet and Richey Road; thence east one mile more or less along Hallet Road to the intersection of Hallet Road and Brooks Road; thence north three miles more or less on Brooks Road to the intersection of Brooks Road and Highway 2; thence east one mile more or less along Highway 2 to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 1 through October 15, ground applications of use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.036 inches.

(b) For roadside and right of way application drift reduction type systems such as directo-spray, raindrop or invert systems must be used.

(c) The use or application of low volatile ester formulations of use restricted herbicides is prohibited from May 1 through October 15: Provided, That the department, upon written request, may issue a permit for the use of low volatile formulations for special weed control.

(d) The application of use restricted herbicides is prohibited from three hours prior to sunset to sunrise the next day: Provided, That lawn and turf residential weed control, using nonvolatile formulations are exempt from the evening cutoff.

(e) The aerial application of use restricted herbicides is prohibited within Area 2: Provided, That the department may issue a special permit, upon written request, for special weed control.

(f) Use restricted herbicides shall not be applied on or after May 1 through October 15 when the temperature is 85° or above at the point of application.

(g) Ground applications of use restricted herbicides are allowed when using No. 2RD or 2RA Raindrop nozzles: Pro-

vided, That the mean sustained wind velocity is fifteen miles per hour or less.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-420, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-039 (Order 1678), § 16-230-420, filed 2/20/80; 79-01-038 (Order 1585), § 16-230-420, filed 12/20/78.]

WAC 16-230-430 What are the boundaries and restrictions for Area 3? (1) An area within a distance of two-thirds of a mile of the city limits of incorporated cities and towns and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Area 4 exclusive of Area 2.

(2) Area 3 restrictions.

(a) The aerial application of use restricted herbicides is prohibited within Area 3: Provided, That the department, upon written request, may issue a permit to allow aerial applications of nonvolatile formulations of use restricted herbicides up to one-half mile of the city limits of incorporated towns and cities and up to one-half mile of the center of any unincorporated towns comprised of ten or more inhabited closely grouped residences.

(b) On and after May 1 through October 15, aerial applications shall be made using the danger area restrictions (see WAC 16-230-675).

(c) Ground applications of use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(d) Ground applications of use restricted herbicides shall be allowed when using No. 2RD or 2RA Raindrop nozzles: Provided, That the mean sustained wind velocity is fifteen miles per hour or less.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-430, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-039 (Order 1678), § 16-230-430, filed 2/20/80; 79-01-038 (Order 1585), § 16-230-430, filed 12/20/78.]

WAC 16-230-440 What are the boundaries and restrictions for Area 4? (1) Area 4 description. All remaining lands in Spokane County not included in WAC 16-230-420 and 16-230-430.

(2) Area 4 restrictions.

(a) On and after May 1 through October 15, ground applications of use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 15, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(c) Ground applications of use restricted herbicides shall be allowed when using No. 2RD or 2RA Raindrop nozzles: Provided, That the mean sustained wind velocity is fifteen miles per hour or less.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-440, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-440, filed 2/26/91, effective 3/29/91; 80-03-039 (Order 1678), § 16-230-440, filed 2/20/80; 79-01-038 (Order 1585), § 16-230-440, filed 12/20/78.]

WAC 16-230-450 What information does an aerial applicator need from the landowner? The landowner or person in charge of the farming operation shall notify the aerial applicator he/she hires of any susceptible crops planted

or to be planted bordering the field to which use restricted herbicides are to be applied in the area under order (see WAC 16-230-400).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-450, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-450, filed 2/26/91, effective 3/29/91; 79-01-038 (Order 1585), § 16-230-450, filed 12/20/78.]

WAC 16-230-460 Does a commercial greenhouse need to be notified? The owners of commercial greenhouses located in the area under order shall be notified in person or by certified mail by aerial applicators and public operators at least forty-eight hours prior to the application of allowable use restricted herbicides to be applied within one-half mile of the above greenhouses.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-460, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-460, filed 2/26/91, effective 3/29/91; 79-01-038 (Order 1585), § 16-230-460, filed 12/20/78.]

WAC 16-230-470 When is the application of use restricted herbicides prohibited due to wind conditions? The use or application of use restricted herbicides shall be prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That applications of use restricted herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-470, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-470, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-230-470, filed 4/6/87; 79-01-038 (Order 1585), § 16-230-470, filed 12/20/78.]

WAC 16-230-510 Definition. Picloram means all registered pesticide products containing 4-amino-3,5,6-trichloropicolinic acid as the potassium salt. This formulation may be known as Tordon.

[Statutory Authority: Chapters 15.57 and 17.21 RCW. 79-07-091 (Order 1633), § 16-230-510, filed 6/29/79.]

WAC 16-230-520 Use and application. Picloram (Tordon) is hereby declared to be a restricted use pesticide and the use or application of any formulation of picloram shall be prohibited in the following portion of Spokane County: An area beginning at the intersection of Brooks Road and state Highway 902; thence northerly along the Brooks Road four miles more or less to state Highway 2; thence easterly along state Highway 2 four miles more or less to the Craig Road; thence northerly on Craig Road for 1/2 mile more or less to the Airway Heights city limits; thence easterly one mile more or less along the north boundary of the Airway Heights city limits; thence southerly 1/2 mile more or less along the east boundary of the Airway Heights city limits to state Highway 2; thence easterly one mile along state Highway 2 to the Hayford Road; thence southerly three miles more or less along

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the Hayford Road to state Highway 902; thence westerly along state Highway 902 to the point of beginning.

[Statutory Authority: Chapters 15.57 and 17.21 RCW. 79-07-091 (Order 1633), § 16-230-520, filed 6/29/79.]

WAC 16-230-600 Can high volatile ester and dust formulations be used in Washington and what are the areas under order for use restricted herbicides? (1) The distribution, use and application of all high volatile ester and dust formulations of restricted use herbicides are prohibited throughout the state.

(2) WAC 16-230-605 through 16-230-675 apply to all counties located east of the crest of the Cascade Mountains.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-600, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-600, filed 2/20/80.]

WAC 16-230-605 Can additional county rules be applied to herbicides? The rules in WAC 16-230-600 through 16-230-675 shall not preclude any additional restrictions on the application of use restricted herbicides provided for in the rules for specific counties located east of the Cascade Mountains.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-605, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-605, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-605, filed 2/20/80.]

WAC 16-230-610 What are use restricted herbicides in Eastern Washington? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below are use restricted herbicides.

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-610, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-610, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-610, filed 2/20/80.]

WAC 16-230-615 What are the restrictions on sale and distribution of use restricted phenoxy-hormone type herbicides and dicamba in Eastern Washington? Phenoxy-hormone type herbicides and dicamba shall be sold and distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives except those listed in WAC 16-230-610 (1) and (2).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-615, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-22-045, § 16-230-615, filed 10/26/00, effective 11/26/00; 91-06-019 (Order 2073), § 16-230-615, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-230-615, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-615, filed 2/20/80.]

WAC 16-230-625 What are the restrictions on mixing and loading use restricted herbicides? The mixing of

use restricted herbicides, the loading and decontamination of equipment used to apply use restricted herbicides, and aircraft entering on to and exiting from landing sites shall be done in a manner as not to cause possible damage to susceptible crops.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-625, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-625, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-625, filed 2/20/80.]

WAC 16-230-630 What are the restrictions for storage of use restricted herbicides? Use restricted herbicides shall not be stored in areas where their use is prohibited unless they are in a sealed container (tight screw-type bungs, tightly closed lids or packages), and the outside of the containers not contaminated with the use restricted herbicide.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-630, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-630, filed 2/20/80.]

WAC 16-230-635 What are the restrictions on petroleum and vegetable oil carriers and spray adjuvants? Petroleum and vegetable oil carriers and spray adjuvants may be used when not in excess of one pint per acre: Provided, That oil-type carriers in excess of one pint per acre may be used with invert systems: Provided further, That invert systems may be used on aircraft by written permit only.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-635, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-635, filed 2/20/80.]

WAC 16-230-640 Use restricted herbicides—Eastern Washington—Weather and temperature conditions. Use restricted herbicides shall not be applied on and after April 1 through October 31 of each year when there is a temperature inversion; or throughout the year if weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization, or the temperature is 85°F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the 85°F. temperature cutoff requirement: Provided further, That when using the invert system, applications may continue up to 95°F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-640, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-230-640, filed 2/12/88; 87-09-015 (Order 1923), § 16-230-640, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-640, filed 2/20/80.]

WAC 16-230-645 What is the evening cutoff for use restricted herbicides? On and after May 1 through October 31 of each year, the application of use restricted herbicides is prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That if there is a mean sustained legal wind velocity of not less than five miles per hour

the application of use restricted herbicides is allowed in Areas 3 and 4 up to one hour prior to sunset in all counties as restricted by rule except Benton, Franklin, Yakima, and Walla Walla counties.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-645, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-230-645, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-645, filed 2/20/80.]

WAC 16-230-650 Can a permit be issued for the application of certain use restricted herbicides? The Washington state department of agriculture may issue a permit, upon receipt of a written request, to mix, load and apply certain use restricted herbicides for purposes of critical weed control when such activities are restricted by rule. The director may consider recommendations of the 2,4-D committee for the county in question: Provided, That the 2,4-D committee is kept current for each county.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-650, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-230-650, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-650, filed 2/20/80.]

WAC 16-230-655 Use restricted herbicides—Eastern Washington—Ground equipment pressure requirements. Pressure shall not exceed twenty-five pounds per square inch at the nozzles: Provided, That pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns, up to ninety pounds per square inch at the nozzle manifold for an invert system: Provided further, That when using a LP 8002 nozzle instead of a regular 8004 or equivalent, the maximum pressure shall be fifteen pounds per square inch at the nozzle.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-655, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-230-655, filed 2/12/88; 87-09-015 (Order 1923), § 16-230-655, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-655, filed 2/20/80.]

WAC 16-230-660 Can an aircraft turn or fly low over cities and towns? Aircraft carrying use restricted herbicides are prohibited from turning and/or low flying during spraying operations over cities and towns unless authorized by the city or town in question pursuant to an agreement for pesticide applications; or residences, windbreaks, orchards or susceptible crops belonging to any person other than the owner of the property being treated, except by permission of the person whose residence, windbreak, orchard or susceptible crop is involved.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-660, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-660, filed 2/20/80.]

WAC 16-230-665 What are the restrictions on aerial applications near vineyards? Aerial application of use restricted herbicides is prohibited within one mile of any commercial vineyard: Provided, That the Washington state department of agriculture may approve written requests and issue permit for aerial application of use restricted herbicides that may be applied to lands located one-half to one mile from commercial vineyards: Provided further, That no dis-

tance restrictions shall apply to aerial applications of use restricted herbicides near vineyards during the grape dormant season if written permission of the vineyard owner/manager is obtained. EXCEPTIONS are found in Franklin and Grant County restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-665, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-230-665, filed 9/1/87; 80-03-041 (Order 1680), § 16-230-665, filed 2/20/80.]

WAC 16-230-670 Use restricted herbicides—Eastern Washington—Aircraft boom length and pressure requirements. In all Areas 1 and 2, of all counties restricted by rule the working boom length on fixed wing aircraft shall not exceed 3/4 of the wing span and the working boom length on helicopters shall not exceed 6/7 of the total rotor length or 3/4 of the total rotor length where the rotor length exceeds forty feet.

Pressure for aerial equipment shall not exceed 25 psi at the nozzles: Provided, That helicopters shall be allowed to use up to 35 psi in Areas 3 and 4 of all counties restricted by rule: Provided further, That pressure up to 50 psi at the nozzle may be used with invert systems which are allowed by written permit only.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-670, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-670, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-670, filed 2/20/80.]

WAC 16-230-673 Use restricted herbicides—Eastern Washington—Application through irrigation systems. Use restricted herbicides applied through irrigation systems are subject to the same requirements as ground applications of use restricted herbicides except for nozzle size and pressure requirements.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-673, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-230-673, filed 9/1/87.]

WAC 16-230-675 Use restricted herbicides—Eastern Washington—Minimum nozzle orifice and core plate sizes for aircraft application. Minimum nozzle orifice and core plate sizes shall be as listed in the dormant season, caution, warning, and danger area restrictions.

(1) DORMANT SEASON AREA. (Dormant season only - refer to specific county regulations.)

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.063 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.075 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(b) Helicopter -

Minimum nozzle orifice of 0.047 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 90 degrees or more from the direction of flight. Pressure over 35 psi is prohibited.

(2) CAUTION AREA.

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.075 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(b) Helicopter -

(i) Area 2 of all counties restricted by rule -

Minimum nozzle orifice of 0.063 inches (may use No. 46 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Areas 3 and 4 of all counties restricted by rule -

Minimum nozzle orifice of 0.063 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(3) WARNING AREA

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.075 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight: Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from direction of flight.

(iii) No flat fan nozzles shall be allowed.

(b) Helicopter -

(i) Minimum nozzle orifice of 0.047 inches for applications made under sixty miles per hour (no core plate) and minimum orifice of 0.063 for applications made over sixty miles per hour (no core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight: Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used.

(iii) No flat fan nozzles shall be allowed.

(4) DANGER AREA

(a) Fixed wing - minimum nozzle or

(i) Minimum nozzle orifice of 0.075 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter -

(i) Minimum nozzle orifice of 0.063 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-675, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters

15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-675, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-675, filed 2/20/80.]

WAC 16-230-800 What is the area under order for Benton County? The area under order includes: All lands lying within the boundaries of Benton County.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-800, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-800, filed 11/22/00, effective 12/23/00; 89-16-073 (Order 2014), § 16-230-800, filed 7/31/89, effective 8/31/89.]

WAC 16-230-810 What are the restrictions on the application of certain pesticides in Benton County? For the purposes of WAC 16-230-800 through 16-230-870, the following pesticides are declared to be use restricted pesticides:

- (1) Use restricted herbicides:*
 - (a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort)
 - (b) Desiccants and defoliant (such as Paraquat, Diquat, Endothall)
 - (c) Glyphosate (such as Roundup, Landmaster)
 - (d) Phenoxy hormone-type herbicides (such as 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop))
 - (e) Dicamba (such as Banvel)
 - (f) Bromoxynil except that the cutoff date of April 5 does not apply.
- (2) Use restricted insecticides:
 - (a) Aerial applications of category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations;
 - (b) Aerial applications of category I insecticides, except granular and pellet formulations in Area 1 and Area 1A.

*Listed trade names are to be used as a guide and may not include all the trade or brand names under which the chemicals are distributed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-810, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-810, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-810, filed 6/10/92, effective 7/11/92; 89-16-073 (Order 2014), § 16-230-810, filed 7/31/89, effective 8/31/89.]

WAC 16-230-813 When are oil-type carriers prohibited in Benton County? On and after April 5 through October 31, oil-type carriers are prohibited for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-813, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-813, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-813, filed 6/10/92, effective 7/11/92.]

WAC 16-230-815 Can Paraquat and Diquat be applied by air in Benton County? Aerial application of Paraquat or Diquat is prohibited in the entire area under order listed in WAC 16-230-800.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-815, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-815, filed 11/22/00, effective

12/23/00; 89-16-073 (Order 2014), § 16-230-815, filed 7/31/89, effective 8/31/89.]

WAC 16-230-820 Can sulfonylurea herbicides be applied by air in Benton County? Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-820, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-820, filed 11/22/00, effective 12/23/00; 89-16-073 (Order 2014), § 16-230-820, filed 7/31/89, effective 8/31/89.]

WAC 16-230-825 What are the conditions applying to permits in Benton County? The following conditions will apply to all permits issued under the authority of WAC 16-230-800 through 16-230-870.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 21 N. First Avenue Suite 236, Yakima, Washington 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-825, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-825, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-825, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-825, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-825, filed 7/31/89, effective 8/31/89.]

WAC 16-230-830 Can use restricted pesticides be applied in an emergency? In the event of an emergency, as declared by the director, the department may issue permits for the use of use restricted pesticides in variation of any restrictions contained in the area under order as defined in WAC 16-230-800. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-830, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-830, filed 11/22/00, effective 12/23/00; 89-16-073 (Order 2014), § 16-230-830, filed 7/31/89, effective 8/31/89.]

WAC 16-230-835 What are the boundaries and restrictions for Area 1? (1) Area 1 description (North Horse Heaven Hills). An area including all lands lying within a

boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E; thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N, R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of Section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River in Section 29, T7N, R31E; thence south approximately two miles along the Columbia River to the south section line of Section 5, T6N, R31E; thence west approximately eight miles along section lines to the southwest corner of Section 1, T6N, R29E; thence north two miles along section lines to the southwest corner of Section 25, T7N, R29E; thence west thirteen miles along section lines to the southeast corner of Section 27, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 27, T7N, R27E; thence west one mile along the section line to the northwest corner of Section 27, T7N, R27E; thence north two miles along section lines to the northeast corner of Section 16, T7N, R27E; thence west one mile along the section line to the southeast corner of Section 8, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 8, T7N, R27E; thence west approximately twenty miles along section lines to the Benton-Yakima County line at the southwest corner of Section 6, T7N, R24E; thence north two miles along the county line to the point of beginning.

(2) Area 1 restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-230-810 is prohibited: Provided, That the department may issue written permits for application of insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of use restricted herbicides are prohibited daily from three hours prior to sunset to sunrise the following

morning: Provided, That applications of use restricted herbicides are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-835, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-835, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-835, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-835, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-835, filed 7/31/89, effective 8/31/89.]

WAC 16-230-836 What are the boundaries and restrictions in Area 1A? (1) Area 1A description. All lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E; thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N, R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of Section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River in Section 29, T7N, R31E; thence north approximately three miles to the Kennewick Irrigation District (K.I.D.) Division Four Canal in Section 8, T7N, R31E; thence westerly along the K.I.D. Division Four Canal to the intersection with the K.I.D. Main Irrigation Canal at the Amon Pumping Station located in Section 7, T8N, R29E; thence westerly along the K.I.D. Main Irrigation Canal to its intersection with the east section line of Section 14, T9N, R26E; thence south approximately one mile along the section line to the northwest corner of Section 25, T9N, R26E; thence northwest approximately one and four tenths miles diagonally across Section 23 to the northwest corner of Section 23, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 21, T9N, R26E; thence southwest approximately one and four tenths miles diagonally across Section 20 to the northwest corner of Section 29, T9N,

R26E; thence west one mile along section lines to the northwest corner of Section 30, T9N, R26E; thence south one mile along section lines to the northwest corner of Section 31, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 35, T9N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 34 to the northwest corner of Section 3, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 4, T8N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 5 to the northwest corner of Section 8, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 7, T8N, R25E; thence south one mile along section lines to the northwest corner of Section 18, T8N, R25E; thence west two miles along section lines to the northwest corner of Section 14, T8N, R24E; thence south one mile along section lines to the northwest corner of Section 23, T8N, R24E; thence west four miles to the northwest corner of Section 19, T8N, R24E; thence south two miles along the county line to the point of beginning.

(2) Area 1A restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-230-810 is prohibited: Provided, That the department may issue written permits for application of insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited on and after April 5 through October 31 of each year: Provided, That phenoxy hormone-type sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-836, filed 5/9/07, effective 6/9/07.]

WAC 16-230-840 What are the boundaries and restrictions for Area 2? (1) Area 2 description. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence south approximately five miles along section lines to the intersection with the Kennewick Irrigation District (K.I.D.) main canal; thence easterly along the K.I.D. main canal to the Amon pumping station located in Section 7, T8N, R29E; thence southeasterly along the K.I.D. Division Four Canal to the Columbia River in Section 8, T7N, R31E; thence northwesterly along the Columbia River until its intersection with the United States Department of Energy Hanford Site south boundary line; thence west approximately one mile and south approximately two and one-half miles along the south bound-

ary line to the southeast corner of Section 27, T10N, R28E; thence west seven miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(2) Area 2 restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-840, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-840, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-840, filed 6/10/92, effective 7/11/92; 89-16-073 (Order 2014), § 16-230-840, filed 7/31/89, effective 8/31/89.]

WAC 16-230-845 What are the boundaries and restrictions for Area 3? (1) Area 3 description.

(a) Eastern Yakima Valley. An area including all lands lying within a boundary line beginning at the northwest corner of Section 19, T8N, R24E; thence east four miles along section lines to the southwest corner of Section 14, T8N, R24E; thence north one mile along the section line to the northwest corner of Section 14, T8N, R24E; thence east two miles along section lines to the southwest corner of Section 7, T8N, R25E; thence north one mile along the section line to the northwest corner of Section 7, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 5, T8N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 5 to the northeast corner of Section 5, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 34, T9N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 34 to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southwest corner of Section 30, T9N, R26E; thence north one mile along the section line to the northwest corner of Section 30, T9N, R26E; thence east one mile along the section line to the southwest corner of Section 20, T9N, R26E; thence northeast approximately one and four-tenths of a mile diagonally across Section 20 to the northeast corner of Section 20, T9N, R26E; thence east two miles along section lines to the northwest corner of Section 23, T9N, R26E; thence southeast approximately one and four-tenths of a mile diagonally across Section 23 to the

southeast corner of Section 23, T9N, R26E; thence north six miles along section lines to the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence south approximately eleven miles along the Benton-Yakima county line to the point of beginning.

(b) Cold Creek Area. An area including all lands lying within a boundary line beginning at the intersection of the Benton-Yakima County line and the Columbia River in Section 7, T13N, R24E; thence south approximately six and one-half miles along the Benton-Yakima County line to the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence west approximately five miles along the Columbia River to the point of beginning.

(c) Horse Heaven Hills southwest buffer zone. An area near Patterson starting at the southeast corner of Section 7, T5N, R26E following section lines north five miles to the northeast corner of Section 19, T6N, R26E; thence west two miles to the northwest corner of Section 24, T6N, R25E; thence south one-half mile along section line; thence west two miles to the common boundary of Sections 21 and 22, T6N, R25E; thence north one-half mile to the northeast corner of Section 21, T6N, R25E; thence west three miles to the northwest corner of Section 19, T6N, R25E; thence south three miles to the southwest corner of Section 31, T6N, R25E; thence east three miles to the southeast corner of Section 33, T6N, R25E; thence south three miles to the southeast corner of Section 16, T5N, R25E; thence west one mile to the northwest corner of Section 21, T5N, R25E; thence south one mile to the southwest corner of Section 21, T5N, R25E; thence east two miles to the southeast corner of Section 22, T5N, R25E; thence north one mile to the northeast corner of Section 22, T5N, R25E; thence east two miles to the southeast corner of Section 13, T5N, R25E; thence north one mile to the northeast corner of Section 13, T5N, R25E; thence east one mile to the point of origin.

(2) Area 3 restrictions.

(a) Application by air of use restricted herbicides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of

pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of the use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-845, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-845, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-845, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-845, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-845, filed 7/31/89, effective 8/31/89.]

WAC 16-230-850 What are the boundaries and restrictions for Area 4? (1) Area 4 description.

(a) Tri-cities northwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence north two miles along section lines to the northwest corner of Section 13, T10N, R26E; thence east one mile along the section line to the northeast corner of Section 13, T10N, R26E; thence north approximately one-half mile along the section line to the United States Department of Energy Hanford Site south boundary line; thence easterly approximately ten miles and south approximately two and one-half miles along the south boundary line to the south section line of Section 27, T10N, R28E; thence west approximately six and three-fourths miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(b) Tri-cities northeast buffer zone. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly approximately seven miles along the power line to its intersection with SR 124 in Section 32, T9N, R31E; thence easterly approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E near the intersection of SR 124 and the Union Pacific Railroad; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad to its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along I-182 to the west shoreline of the Columbia River; thence northerly approximately six and one-half miles along the Columbia River to the U.S. Department of Energy Hanford Site south boundary line in Section 14, T10N, R28E; thence east

approximately one-half mile across the Columbia River to its east shoreline; thence northerly approximately one-half mile to the point of beginning.

(2) Area 4 restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year all applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of the use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-850, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-850, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-850, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-850, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-850, filed 7/31/89, effective 8/31/89.]

WAC 16-230-855 What are the boundaries and restrictions for Area 5? (1) Area 5 description.

(a) Cold Creek buffer zone. An area including all lands lying within a boundary line beginning at the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence easterly approximately two miles along the Columbia River to the east section line of Section 6, T13N, R25E, near the Vernita Bridge; thence south approximately eight and one-half miles along section lines to the southeast corner of Section 18, T12N, R25E; thence west seven miles along section lines to the Benton-Yakima County line at the southwest corner of Section 18, T12N, R24E; thence north one mile along the county line to the point of beginning.

(b) Roza buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence north two miles along the county line to the

northwest corner of Section 18, T10N, R24E; thence east four miles along section lines to the northeast corner of Section 15, T10N, R24E; thence south one mile along the section line to the southeast corner of Section 15, T10, R24E; thence east seven miles along section lines to the southwest corner of Section 13, T10N, R25E; thence north one mile along the section line to the northwest corner of Section 13, T10N, R25E; thence east six miles along section lines to the northwest corner of Section 13, T10N, R26E; thence south two miles along section lines to the point of beginning.

(c) Horse Heaven Hill southwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 13, T6N, R24E; thence south five miles along section lines to the southwest corner of Section 1, T5N, R24E; thence east three miles along the section lines to the northeast corner of Section 8, T5N, R25E; thence south one mile along the section line to the southeast corner of Section 8, T5N, R25E; thence west one mile along the section line to the southwest corner of Section 8, T5N, R25E; thence south approximately five miles to the Washington Oregon border; thence northeasterly along the Washington Oregon border until its intersection with the eastern section line of Section 8, T5N, R26E; thence north approximately six miles along section lines to the northeast corner of Section 17, T6N, R26E; thence west nine miles to the point of beginning.

(2) Area 5 restrictions.

(a) Application by air of use restricted herbicides as defined by WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year all applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of the use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-855, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-855, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-855, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-855, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-855, filed 7/31/89, effective 8/31/89.]

WAC 16-230-860 What are the boundaries and restrictions for Area 6? (1) Area 6 description. All remaining lands in the area under order.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of use restricted herbicides is prohibited on and after April 5 through October 31 of each year: Provided, That phenoxy hormone-type sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year all applications of use restricted herbicides are prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-860, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-860, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-860, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-860, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-860, filed 7/31/89, effective 8/31/89.]

WAC 16-230-861 What are the restrictions on applications due to wind conditions? The use or application of all herbicides and class 1 and 2 insecticides are prohibited in the area under order listed in WAC 16-230-800 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications shall be allowed in higher velocity winds when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: Provided further, That applications of granular and pellet formulations of use restricted pesticides defined in WAC 16-230-810 as well as applications made to structures are exempt from the wind restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-861, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-861, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-861, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-861, filed 6/29/90, effective 7/30/90.]

WAC 16-230-863 Application of pesticides in Benton County—Use restricted herbicides ground apparatus nozzle requirements. Ground applications of use restricted herbicides in the area under order listed in WAC 16-230-800 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: Provided, That the department may issue a permit for other noz-

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zles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: Provided further, That when Glyphosate is the only use restricted herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that deliver at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: Provided further, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: Provided further, That pressurized handsized household devices used to apply use restricted herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-863, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-863, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-863, filed 6/10/92, effective 7/11/92.]

WAC 16-230-864 Application of pesticides in Benton County—Use restricted herbicides, aircraft boom length, pressure, and nozzle requirements. The aerial application of use restricted herbicides in the area under order listed in WAC 16-230-800 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate) provided, that RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate) provided, that RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-864, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-864, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-864, filed 6/10/92, effective 7/11/92.]

WAC 16-230-866 Application of pesticides in Benton County—Use restricted herbicides—Temperature conditions. All phenoxy compounds and dicamba shall not be applied when the temperature is above eighty-five degrees F. or above at the point of application: Provided, That applica-

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tion at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the eighty-five degrees F. temperature requirement: Provided further, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-866, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-866, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-866, filed 6/10/92, effective 7/11/92.]

WAC 16-230-868 What are the restrictions due to weather? Use restricted herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: Provided, That applications of use restricted herbicides are exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-230-868, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-230-868, filed 11/22/00, effective 12/23/00; 92-13-035, § 16-230-868, filed 6/10/92, effective 7/11/92.]

Chapter 16-231 WAC RESTRICTED USE HERBICIDES

WAC

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16-231-835	What are restrictions for aerial applications near vineyards?		filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-231-840	What are restrictions due to wind conditions?		
16-231-900	What are restrictions for herbicide use in Grant County?	16-231-150	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-150, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-231-905	What are use restricted herbicides in Grant County?		
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16-231-920	What are the boundaries and restrictions for Grant County Area 3?		
16-231-925	What are the boundaries and restrictions for Grant County Area 4?		
16-231-930	What are the restrictions on mixing and loading aircraft?	16-231-240	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-240, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-231-935	What are restrictions due to wind conditions?		

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-231-001	Restricted use herbicides—Benton County—Area under order. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-001, filed 2/26/91, effective 3/29/91; 80-03-038 (Order 1677), § 16-231-001, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW.	16-231-343	Restricted use herbicides—Application records—Adams County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-343, filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-231-005	Restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-005, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW.	16-231-345	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-345, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-231-010	Oil-type carriers. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-010, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW.	16-231-430	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-034 (Order 1673), § 16-231-430, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-231-015	Restricted use herbicides—Benton County—Area 1. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-015, filed 2/12/88; 87-18-060 (Order 1950), § 16-231-015, filed 9/1/87; 80-03-038 (Order 1677), § 16-231-015, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW.	16-231-535	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-535, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-231-020	Restricted use herbicides—Benton County—Area 2. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-020, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-020, filed 4/6/87; 80-03-038 (Order 1677), § 16-231-020, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW.	16-231-625	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-029 (Order 1668), § 16-231-625, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-231-025	Area 3. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-025, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW.	16-231-730	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-730, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-231-030	Restricted use herbicides—Benton County—Wind conditions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-231-030, filed 4/6/87; 80-03-038 (Order 1677), § 16-231-030, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW.	16-231-845	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-845, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-231-033	Restricted use herbicides—Application records—Benton County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-033, filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.	16-231-938	Restricted use herbicides—Application records—Grant County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-938, filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-231-035	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-035, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.	16-231-940	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-940, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-231-120	Area 1A. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 81-07-044 (Order 1726), § 16-231-120, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-120, filed 2/20/80.] Repealed by 87-18-060 (Order 1950), filed 9/1/87. Statutory Authority: Chapters 17.21 and 15.58 RCW.	16-231-950	Restricted use herbicides—Distribution, use, and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-231-950, filed 4/12/88.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-231-148	Restricted use herbicides—Application records—Franklin County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-148,		

WAC 16-231-100 What are the restrictions for pesticide use in Franklin County? (1) The area under order includes all lands lying within the boundaries of Franklin County. WAC 16-231-110 through 16-231-183 applies to the area under order.

(2) The distribution, use, and application of use restricted pesticides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and

rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-680.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-100, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-100, filed 11/22/00, effective 12/23/00; 91-06-019 (Order 2073), § 16-231-100, filed 2/26/91, effective 3/29/91; 80-03-037 (Order 1676), § 16-231-100, filed 2/20/80.]

WAC 16-231-105 What are use restricted herbicides in Franklin County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-105, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-105, filed 11/22/00, effective 12/23/00; 80-03-037 (Order 1676), § 16-231-105, filed 2/20/80.]

WAC 16-231-107 What are use restricted pesticides in certain areas of Franklin County? The following pesticides are declared to be use restricted pesticides in Areas 2A, 4A, and 6:

(1) Use restricted herbicides*:

(a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort);

(b) Desiccants and defoliant (such as Paraquat, Diquat, Endothal);

(c) Glyphosate (such as Roundup, Landmaster);

(d) Phenoxy hormone-type herbicides (such as 2,4-D, MCPA);

(e) Dicamba (such as Banvel);

(f) Bromoxynil except that the cutoff dates of April 5, April 15 and May 16 do not apply.

* This is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) All aerial applications of Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-107, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 34.05 RCW. 03-11-097, § 16-231-107, filed 5/21/03, effective 6/21/03. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-107, filed 11/22/00, effective 12/23/00.]

WAC 16-231-110 When are oil-type carriers prohibited? On and after April 5 through October 31, oil-type carriers are prohibited for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-110, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-110, filed 2/20/80.]

WAC 16-231-115 What are the boundaries and restrictions for use restricted herbicides—Franklin County—Area 1? (1) Area 1 description.

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(a) This area includes all lands lying within a boundary line starting at the northwest corner of Section 6, T14N, R28E; thence east along the Adams-Franklin County line thirteen miles more or less to the intersection with State Route 17; thence southeasterly along State Route 17, including the right of way, to the intersection with Highway 395 at the town of Mesa; thence southerly along Highway 395, including the right of way, seven miles more or less to the intersection with the common boundary between Sections 2 and 11, T11N, R30E at the town of Eltopia; thence east along the section line, one mile more or less to the northeast corner of Section 12, T11N, R30E; thence south along the section lines twelve miles more or less to the southeast corner of Section 1, T10N, R30E; thence west two miles along section lines to the southeast corner of Section 3, T9N, R30E; thence north one mile along section lines to the northeast corner of Section 3, T9N, R30E; thence west along section lines three miles to the southeast corner of Section 31, T10N, R30E; thence north two miles along Highway 395 to the intersection with the Selph Landing Road near the northeast corner of Section 30, T10N, R30E; thence seven miles west along Selph Landing Road to the northwest corner of Section 30, T10N, R29E; thence north along section lines and portions of Fraser Drive until the intersection with Road 68, thence northwesterly along Road 68 until its intersection with the Esquatzel Channel; thence west along the Esquatzel Channel until its intersection with the Columbia River; thence northwesterly along the Columbia River to the Grant-Franklin County line at the north section line of Section 29, T14N, R27E; thence east along the Grant-Franklin County line four miles more or less to the northwest corner of Section 30, T14N, R28E; thence north along the Grant-Franklin County line four miles to the point of beginning.

(b) Also including Levey (Ice Harbor Dam area): This area includes all lands lying within a two-mile radius of Levey within Franklin County.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 5 through October 31 of each year: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of use restricted herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April 5 through October 31, aircraft applications of use restricted herbicides are prohibited except by written permit issued by the department: Provided, That on and after November 1 through April 4 of the following year, aircraft applications of use restricted herbicides are allowed using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 5 through October 31, aircraft applications of use restricted herbicides are prohibited within one mile of any commercial vineyard: Provided, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from

commercial vineyards will be considered: Provided further, That on and after April 5 through April 30 written requests to apply 2,4 DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-115, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-115, filed 11/22/00, effective 12/23/00; 88-05-033 (Order 1965), § 16-231-115, filed 2/12/88; 87-18-060 (Order 1950), § 16-231-115, filed 9/1/87; 87-09-015 (Order 1923), § 16-231-115, filed 4/6/87; 81-07-044 (Order 1726), § 16-231-115, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-115, filed 2/20/80.]

WAC 16-231-119 What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 1A? (1) Area 1A description. This area includes all lands lying within a boundary line starting at the intersection of State Route 17 and the Adams-Franklin County line at the north section line of Section 5, T14N, R30E; thence east along the Adams-Franklin County line five miles more or less to the Burlington Northern Railroad; thence southeasterly along the railroad, including the right of way, four miles more or less to the intersection with Moon Road; thence southerly along Moon Road, including the right of way, two miles more or less to the intersection with State Route 260 at the southeast corner of Section 27, T14N, R31E; thence west along State Route 260, including the right of way, five miles more or less to the intersection with State Route 17; thence northwesterly along State Route 17, excluding the right of way, to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of use restricted herbicides on asparagus shall be made using nozzles having minimum orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-119, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-119, filed 2/12/88.]

WAC 16-231-125 What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 2? (1) Area 2 description. This area includes all of the lands lying inside a boundary line starting at the intersection of State Routes 17 and 260 located at the northwest corner of Section 36, T14N, R30E; thence east along State Route 260, excluding the right of way, five miles more

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or less to the northeast corner of Section 34, T14N, R31E; thence south along the section lines fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road, including the right of way, to the Brass Road; thence easterly along the Brass Road, including the right of way, to the Bannenburg Road; thence southeasterly along the Bannenburg Road, including the right of way, to the northwest corner of Section 6, T10N, R33E; thence south along the section line one mile more or less to the Snake River; thence southwesterly along the Snake River to the east section line of Section 23, T9N, R31E; thence northerly along section lines approximately two miles until the intersection with the Pasco Kahlotus Road at the northeast corner of Section 11, T9N, R31E; thence west approximately five miles along section lines and a portion of the Pasco Kahlotus Road to the intersection of the southeast corner of Section 1, T9N, R30E; thence north along the section lines twelve miles more or less to the southeast corner of Section 1, T11N, R30E; thence west along the section line one mile more or less to Highway 395; thence northerly along Highway 395, excluding the right of way, seven miles more or less to its intersection with State Route 17 at the town of Mesa; thence northerly along State Route 17, excluding the right of way, seven miles more or less to the point of beginning, excluding lands in Franklin County within a two-mile radius of the town of Levey.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 5 through October 31 of each year.

(b) On and after April 5 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 5 through October 31, aircraft applications of use restricted herbicides are prohibited except by written permit issued by the Washington state department of agriculture.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-125, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-125, filed 11/22/00, effective 12/23/00; 88-05-033 (Order 1965), § 16-231-125, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-125, filed 4/6/87; 81-07-044 (Order 1726), § 16-231-125, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-125, filed 2/20/80.]

WAC 16-231-130 What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 3? (1) Area 3 description. (Dry land area south and east of Connell.) An area beginning at the northeast corner of Section 3, T14N, R33E and the Reeder Road; thence south along the Reeder Road to and along the Black Road to the Swanson Road; thence east and south along the Swanson Road to state Highway 260; thence southerly along state Highway 260 to the Munt Road; thence south along the Munt Road to the Largent Road; thence east along the Largent Road to the Pasco-Kahlotus Highway to the Walker Road; thence southerly along the Walker Road to the Snake River; thence southerly along the Snake River to the east boundary line of Area 2; thence northerly along the east boundary line of Area 2 and Area 1A to the Franklin-Adams County line; thence east fifteen miles more or less along the county line to the point of beginning.

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(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after May 16 through October 31 of each year.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-130, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-231-130, filed 4/12/88; 80-03-037 (Order 1676), § 16-231-130, filed 2/20/80.]

WAC 16-231-135 What are the boundaries and restrictions on use restricted herbicides in Area 4? (1) Area 4 description. (Dry land area.) All of the remaining lands in Franklin County lying east of Area 3.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-135, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-135, filed 2/20/80.]

WAC 16-231-140 What are the restrictions on mixing or loading aircraft? The loading and/or mixing of use restricted herbicides in Areas 1, 1A, 2, 3, and 4 is restricted to those formulations which may be applied in the area in which the airstrip is located.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-140, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-140, filed 11/22/00, effective 12/23/00; 80-03-037 (Order 1676), § 16-231-140, filed 2/20/80.]

WAC 16-231-145 What are the wind restrictions for use restricted herbicides—Franklin County? The use or application of use restricted herbicides shall be prohibited in Areas 1, 1A, 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications shall be prohibited in Area 1 on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: Provided further, That applications of use restricted herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used and allowed by the label. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-145, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-231-145, filed 4/12/88; 87-18-060 (Order 1950), § 16-231-145, filed 9/1/87; 87-09-015

(Order 1923), § 16-231-145, filed 4/6/87; 80-03-037 (Order 1676), § 16-231-145, filed 2/20/80.]

WAC 16-231-149 What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 2A? (1) Area 2A description. An area including all lands lying in a boundary line beginning at the Columbia River and Interstate 182 near the east section line of Section 13, T9N, R28E; thence along Interstate 182 until its intersection with U.S. Highway 12; thence southeasterly along Highway 12 until its intersection with the Snake River in Section 35, T9N, R30E; thence southwesterly along the Snake River until its intersection with the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 2A restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-231-107 is prohibited.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-149, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-149, filed 11/22/00, effective 12/23/00.]

WAC 16-231-153 What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 4A? (1) Area 4A description. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly along the power line until its intersection with the Snake River near the east line of Section 25, T9N, R30E; thence southwesterly along the Snake River until its intersection with U.S. Highway 12 in Section 35, T9N, R30E; thence northwesterly along Highway 12 until its intersection with Interstate 182; thence westerly along Interstate

182 until its intersection with the Columbia River along the east section line of Section 13, T9N, R28E; thence northerly along the Columbia River to the point of beginning.

(2) Area 4A restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-231-107 may be made by written permit only.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of the use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-153, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-153, filed 11/22/00, effective 12/23/00.]

WAC 16-231-156 What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 6?

(1) Area 6 description. An area including all lands lying within a boundary line beginning at the north-west corner of Section 30, T10N, R29E; thence east seven miles along Selph Landing Road until its intersection with Highway 395 near the northeast corner of Section 30, T10N, R30E; thence south two miles along Highway 395 to the southeast corner of Section 31, T10N, R30E; thence east three miles along section lines to the northeast corner of Section 3, T9N, R30E; thence south one mile along section lines to the southeast corner of Section 3, T9N, R30E; thence east seven miles along section lines and a portion of the Pasco-Kahlotus Road until its intersection with the Ice Harbor Dam Road at the northeast corner of Section 11, T9N, R31E; thence southerly approximately two miles along section lines until the intersection with the Snake River; thence southwesterly along the Snake River until its intersection with the Bonneville Power Administration power line in Section 25, T9N, R30E; thence northwesterly along the power line until its intersection with Foster Wells Road in Section 4, T9N, R30E; thence west approximately eight and one-half miles along section lines and portions of the Foster Wells Road to the southwest corner of Section 6, T9N, R29E; thence north along section lines approximately three miles to the point of beginning.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of use restricted herbicides are prohibited on and after April 5 through October 31 of each year: Provided, That hor-

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mone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year, all applications of use restricted herbicides are prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-156, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-156, filed 11/22/00, effective 12/23/00.]

WAC 16-231-159 Can Paraquat or Diquat be applied by air in Franklin County? Aerial application of Paraquat and Diquat is prohibited in Areas 2A, 4A, and 6.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-159, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-159, filed 11/22/00, effective 12/23/00.]

WAC 16-231-162 Can sulfonylurea herbicides be applied in Franklin County?

Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited in Areas 2A, 4A, and 6.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-162, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-162, filed 11/22/00, effective 12/23/00.]

WAC 16-231-165 What are conditions applying to permits in Franklin County? The following conditions will apply to all permits issued in Areas 2A, 4A, and 6.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 21 N. 1st Avenue Suite 236, Yakima, Washington 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

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(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-165, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-165, filed 11/22/00, effective 12/23/00.]

WAC 16-231-168 Can use restricted pesticides be applied in an emergency clause? In the event of an emergency, as declared by the director, the department may issue permits for the use of use restricted pesticides in variation of any restrictions contained in Areas 2A, 4A, and 6. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-168, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-168, filed 11/22/00, effective 12/23/00.]

WAC 16-231-171 What are the restrictions on applications in Franklin County due to wind? The use or application of all herbicides and class 1 and 2 insecticides are prohibited in Areas 2A, 4A, and 6 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications shall be allowed in higher velocity winds when an approved ground apparatus is used. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: Provided further, That applications of granular and pellet formulations of use restricted pesticides defined in WAC 16-231-107 as well as applications made to structures are exempt from the wind restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-171, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-171, filed 11/22/00, effective 12/23/00.]

WAC 16-231-174 Application of pesticides in Franklin County—Areas 2A, 4A, and 6—Use restricted herbicides ground apparatus nozzle requirements. Ground applications of use restricted herbicides in Areas 2A, 4A, and 6 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: Provided, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: Provided further, That when Glyphosate is the only use restricted herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds

per square inch at the nozzle: Provided further, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: Provided further, That pressurized handsized household devices used to apply use restricted herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-174, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-174, filed 11/22/00, effective 12/23/00.]

WAC 16-231-177 Application of pesticides in Franklin County—Areas 2A, 4A, and 6—Use restricted herbicides, aircraft boom length, pressure, and nozzle requirements. The aerial application of use restricted herbicides in Areas 2A, 4A, and 6 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate): Provided, That RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-177, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-177, filed 11/22/00, effective 12/23/00.]

WAC 16-231-180 What are the restrictions on applications of pesticides in Franklin County—Areas 2A, 4A, and 6—Use restricted herbicides due to temperature conditions? All phenoxy compounds and dicamba must not be applied when the temperature is above eighty-five degrees F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches is exempt from the eighty-five degrees F. temperature requirement: Provided further, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-180, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-180, filed 11/22/00, effective 12/23/00.]

WAC 16-231-183 What are the restrictions on application of pesticides in Franklin County due to weather conditions? Use restricted herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: Provided, That applications of use restricted herbicides are exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-183, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-231-183, filed 11/22/00, effective 12/23/00.]

WAC 16-231-200 What are the restrictions for herbicide use in Yakima County? (1) The area under order includes all lands lying within the boundaries of Yakima County. WAC 16-231-205 through 16-231-235 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-200, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-200, filed 2/26/91, effective 3/29/91; 80-03-036 (Order 1675), § 16-231-200, filed 2/20/80.]

WAC 16-231-205 What are use restricted herbicides in Yakima County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-205, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-205, filed 2/26/91, effective 3/29/91; 80-03-036 (Order 1675), § 16-231-205, filed 2/20/80.]

WAC 16-231-210 When are oil-type carriers prohibited in Yakima County? On and after April 5 through October 31, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-210, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-210, filed

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2/26/91, effective 3/29/91; 80-03-036 (Order 1675), § 16-231-210, filed 2/20/80.]

WAC 16-231-215 What are the boundaries and restrictions for Area 1 in Yakima County? (1) Area 1 description. (An area south of the Yakima firing center including the upper and lower Yakima Valley.) An area starting at the Yakima-Benton County line and the northeast corner of Section 1, T11N, R23E; thence west along section lines seventeen miles more or less to the southeast corner of Section 31, T12N, R21E; thence north eight miles along section lines to the northeast corner of Section 30, T13N, R21E; thence west along section lines eleven miles to the Yakima River; thence northwesterly along the Yakima River four miles more or less to the junction of the Yakima and Naches Rivers; thence northwesterly along the Naches River for seven miles more or less to the northwest corner of Section 31, T14N, R18E; thence south one mile along the section line to the southwest corner of Section 31, T14N, R18E; thence west along section lines six miles to the northwest corner of Section 6, T13N, R17E; thence south twenty-four miles along section lines to the southwest corner of Section 31, T10N, R17E; thence east twenty-four miles along section lines to the southeast corner of Section 36, T10N, R20E; thence south six miles along section lines to the southwest corner of Section 31, T9N, R21E; thence east six miles along section lines to the northwest corner of Section 6, T8N, R22E; thence south six miles along section lines to the southwest corner of Section 31, T8N, R22E; thence east twelve miles along section lines to the Benton County line; thence north twenty-four miles to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 5 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops at any time.

(b) On and after April 5 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of use restricted herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of use restricted herbicides are allowed only on nonirrigated lands on and after November 1 through April 4 of the following year and shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications of use restricted herbicides are prohibited on and after April 5 through October 31: Provided, That hormone sprays may be applied to orchards to prevent fruit drop: Provided further, That aircraft applications are allowed by written permit issued by the Washington state department of agriculture in those dry land wheat growing areas east of Moxee and on the Rattlesnake Ridge and the area south of Horse Heaven Hills Ridge contained in Sections 25, 26, 27, 28, 32, 33, 34, 35 and 36, T8N, R23E up to within one mile of commercial grape plantings and to within one-quarter mile of other susceptible crops.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-215, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters

15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-231-215, filed 4/6/87; 80-03-036 (Order 1675), § 16-231-215, filed 2/20/80.]

WAC 16-231-220 What are the boundaries and restrictions for Area 1A in Yakima County? (1) Area 1A description. (Tieton-Naches Area.) That portion of T14N, R17E and those portions of Sections 31, 32 and 33, T15N, R17E, lying southwest of the Naches-Selah Canal; and that portion of T14N, R16E, and those portions of Sections 35 and 36 lying southeast of the Tieton and Naches rivers.

(2) Area 1A restrictions. On and after April 15 through October 31, the use and application of low volatile formulations of use restricted herbicides is prohibited. On and after April 15 through October 31, aircraft applications of use restricted herbicides are allowed using the warning area restrictions (see WAC 16-230-675) on dry land wheat up to within one-quarter mile of susceptible crops.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-220, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-220, filed 2/20/80.]

WAC 16-231-225 What are the boundaries and restrictions for Area 2 in Yakima County? (1) Area 2 descriptions. All remaining lands in Yakima County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 5 through October 31, aircraft applications of use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-225, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-225, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-225, filed 4/6/87; 80-03-036 (Order 1675), § 16-231-225, filed 2/20/80.]

WAC 16-231-230 What are the restrictions on mixing or loading for aircraft? The mixing and/or loading of use restricted herbicides is limited to those formulations which may be applied in that area. The loading of aircraft is prohibited in any area where aerial application of use restricted herbicides is prohibited.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-230, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-230, filed 2/20/80.]

WAC 16-231-235 What are the restrictions due to wind conditions? The use or application of use restricted herbicides are prohibited in Areas 1, 1A and 2 when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications are prohibited in Areas 1 and 1A on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is

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used. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-235, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-235, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-235, filed 4/6/87; 80-03-036 (Order 1675), § 16-231-235, filed 2/20/80.]

WAC 16-231-300 What are the restrictions for herbicide use in Adams County? (1) The area under order includes all lands lying within the boundaries of Adams County. WAC 16-231-305 through 16-231-340 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order must comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-300, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-300, filed 2/26/91, effective 3/29/91; 80-03-035 (Order 1674), § 16-231-300, filed 2/20/80.]

WAC 16-231-305 What are use restricted herbicides in Adams County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-305, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-305, filed 2/26/91, effective 3/29/91; 80-03-035 (Order 1674), § 16-231-305, filed 2/20/80.]

WAC 16-231-310 When are oil-type carriers prohibited in Adams County? On and after May 16 through October 31, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-310, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-310, filed 2/26/91, effective 3/29/91; 80-03-035 (Order 1674), § 16-231-310, filed 2/20/80.]

WAC 16-231-315 What are the boundaries and restrictions for Area 1? (1) Area 1 description. (Lands generally lying within the Columbia Basin irrigation project east of Warden and in the Othello area.) An area starting at the intersection of the East Low Canal and Grant-Adams County line in Section 18, T18N, R31E; thence southerly along the East Low Canal to the intersection of the East Low Canal and the Grant-Adams County line near the southwestern corner of Section 17, T17N, R31E; thence north six miles more or less to the point of beginning; and also all lands within a line starting at the intersection of the East Low Canal and the Grant-

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Adams County line near the corner of Section 6, T16N, R30E; thence southeasterly along the East Low Canal to the Adams-Franklin County line and the southwest corner of Section 31, T15N, R28E; thence north along the Grant-Adams County line beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of use restricted herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-315, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-315, filed 2/20/80.]

WAC 16-231-320 What are the boundaries and restrictions for Area 2? (1) Area 2 description. (Buffer area east of Area 1.) Beginning at the Grant-Adams County line Section 6, T18N, R31E; thence east six miles more or less along the Burlington Northern Railroad tracks to Kulm Road; thence south three miles more or less along Kulm Road to Franz Road; thence east one mile along Franz Road to Roxboro Road; thence south fourteen miles along the Roxboro Road to Cunningham Road; thence southeasterly one mile more or less along Cunningham Road to Lind-Hatton Road; thence southerly three miles more or less along Lind-Hatton Road to Roxboro Road; thence southerly three miles more or less to the Adams-Franklin County line; thence west seven miles more or less along Adams-Franklin County line to the East Low Canal; thence northwesterly along the East Low Canal to the Grant-Adams County line; thence east five miles more or less and three miles north more or less along the Grant-Adams County line to the East Low Canal; thence northeasterly along East Low Canal to the Grant-Adams County line; thence north two miles more or less along Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, the use or application of low volatile formulations of use restricted herbicides is prohibited.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

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[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-320, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-320, filed 2/20/80.]

WAC 16-231-325 What are the boundaries and restrictions for Area 3? (1) Area 3 description. An area starting at the northwest corner of Section 6, T20N, R31E, on the Lincoln-Adams County line; thence east twenty-three miles more or less on the Davis Road to Paha-Packard Road; thence south seventeen miles more or less along the Paha-Packard Road to the intersection of Paha-Packard Road and SR 395; thence southwesterly twenty-six miles more or less along SR 395 to the Adams-Franklin County line; thence west one mile more or less along Muse Road to the Roxboro Road; thence northerly and westerly thirty-one miles more or less along the east and north boundary of Area 2 to the Grant-Adams County line; thence north twelve miles more or less along the Grant-Adams County line to the point of beginning.

(2) Area 3 restrictions.

(a) On and after May 16 through October 31, the use and application of low volatile formulations of use restricted herbicides is prohibited.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-325, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-325, filed 2/20/80.]

WAC 16-231-330 What are the boundaries and restrictions for Area 4? (1) Area 4 description. Outlying area east of Area 3.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications or use restricted herbicides shall be made using caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-330, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-330, filed 2/26/91, effective 3/29/91; 80-03-035 (Order 1674), § 16-231-330, filed 2/20/80.]

WAC 16-231-335 What are the restrictions on applications near vineyards? Aerial applications of use restricted herbicides are prohibited within one mile of any commercial vineyard in the area under order: Provided, That aerial application of use restricted herbicides to lands located within one-half mile to one mile from commercial vineyards shall be considered through written request to the Washington state department of agriculture.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-335, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-335, filed 2/20/80.]

WAC 16-231-340 What are the restrictions on applications due to wind conditions? (1) Area 1 and 2.

(a) The use or application of use restricted herbicides shall be prohibited on and after April 16 through October 31 when the mean sustained wind velocity is over ten miles per hour.

(b) The use or application of use restricted herbicides is prohibited on and after November 1 through April 15 of the following year when the mean sustained wind velocity is over twelve miles per hour: Provided, That application of allowable use restricted herbicides is exempt from these wind restrictions when applying fifty gallons or more per acre.

(2) Area 3 and 4. The use or application of use restricted herbicides is prohibited when the mean sustained wind velocity is over twelve miles per hour: Provided, That ground applications of use restricted herbicides are allowed when using No. 2RD or 2RA Raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less: Provided further, That application of allowable use restricted herbicides is exempt from these wind restrictions when applying fifty gallons or more per acre: And provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-340, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-340, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-340, filed 4/6/87; 80-03-035 (Order 1674), § 16-231-340, filed 2/20/80.]

WAC 16-231-400 Use restricted herbicides—Columbia County—Area under order. (1) The area under order includes all lands lying within the boundaries of Columbia County. WAC 16-231-405 through 16-231-425 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-400, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-400, filed 2/26/91, effective 3/29/91; 80-03-034 (Order 1673), § 16-231-400, filed 2/20/80.]

WAC 16-231-405 What are use restricted herbicides in Columbia County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-405, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-405, filed 2/26/91, effective 3/29/91; 80-03-034 (Order 1673), § 16-231-405, filed 2/20/80.]

WAC 16-231-410 When are oil-type carriers prohibited in Columbia County? On and after May 1 through October 31, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-410, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-410, filed 2/26/91, effective 3/29/91; 80-03-034 (Order 1673), § 16-231-410, filed 2/20/80.]

WAC 16-231-413 What are the boundaries and restrictions for Area 1 in Columbia County? (1) Area 1 description. That area within a distance of one-half mile of the city limits of Dayton.

(2) Area 1 restrictions. Aircraft applications of use restricted herbicides are prohibited on and after April 5 through October 31: Provided, That upon written request to the Washington state department of agriculture, aircraft applications by permit shall be considered for purposes of critical weed control.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-413, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 85-07-029 (Order 1849), § 16-231-413, filed 3/15/85.]

WAC 16-231-415 What are the boundaries and restrictions for Area 2 in Columbia County? (1) Area 2 description. (Huntsville, Dayton, Baileysburg, and vicinity.) Sections 1 through 12, T9N, R38E; Sections 24, 25, 26 and 30 through 36, T10N, R38E; Sections 19, 20 and 28 through 33, T10N, R39E; Sections 2 through 11, 15 through 17, 21 and 22 and that portion of Section 20 lying east of the Payne Hollow Road in T9N, R39E in Columbia County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches. On and after November 1 through April 30, ground application shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675). On and after November 1 through April 30, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-415, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-034 (Order 1673), § 16-231-415, filed 2/20/80.]

WAC 16-231-420 What are the boundaries and restrictions for Area 4 for Columbia County? (1) Area 4 description. This area includes all remaining lands in Columbia County not included in WAC 16-231-413 and 16-231-415.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-420, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-420, filed 2/26/91, effective 3/29/91; 80-03-034 (Order 1673), § 16-231-420, filed 2/20/80.]

WAC 16-231-425 What are the use restrictions due to wind conditions for Columbia County? The use or application of use restricted herbicides is prohibited in Area 2 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such application is prohibited in Area 2 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-425, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-425, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-425, filed 4/6/87; 80-03-034 (Order 1673), § 16-231-425, filed 2/20/80.]

WAC 16-231-500 What are restrictions for herbicide use in Whitman County? (1) The area under order includes all lands lying within the boundaries of Whitman County. WAC 16-231-505 through 16-231-530 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-500, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-500, filed 2/26/91, effective 3/29/91; 80-03-033 (Order 1672), § 16-231-500, filed 2/20/80.]

WAC 16-231-505 What are use restricted herbicides in Whitman County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-505, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-505, filed 2/26/91, effective 3/29/91; 80-03-033 (Order 1672), § 16-231-505, filed 2/20/80.]

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WAC 16-231-510 What are the boundaries and restrictions for Whitman County—Area 1? (1) Area 1 description. (Cities and/or towns and Pullman vicinity.) The areas within a distance of one mile of the city limits of any incorporated city or town and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Whitman County: Provided, That the area under this section shall also include all of the lands in Section 28 through 33, T15N, R45E; Sections 25, 26, 27, 34, 35, and 36, T15N, R44E; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, T14N, R45E; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T14N, R44E.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of use restricted herbicides is prohibited throughout the year: Provided, That the low volatile formulation of MCPA is allowed on and after November 1 through April 15 of each year.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-510, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-510, filed 2/26/91, effective 3/29/91; 80-03-033 (Order 1672), § 16-231-510, filed 2/20/80.]

WAC 16-231-515 What are the boundaries and restrictions for Whitman County Area 3? (1) Area 3 description. (Eastern portion of Whitman County.) An area east of a north-south line starting at the Whitman-Spokane County line and State Highway 195; thence southerly along Highway 195 to Colfax; thence southerly along County Roads No. 478 and No. 141 to the junction of County Roads No. 141 and No. 451; thence southerly on County Road No. 451 to County Road No. 143; thence southerly along County Road No. 143 to Almota and the Snake River.

(2) Area 3 restrictions.

(a) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-515, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-515, filed 2/20/80.]

WAC 16-231-520 What are the boundaries and restrictions for Whitman County Area 4? (1) Area 4 description. (Outlying area west of Area 3.) All remaining lands in Whitman County west of Area 3.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

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(b) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-520, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-520, filed 2/20/80.]

WAC 16-231-525 What are the notification requirements of farm operators for use restricted herbicides in Whitman County? The landowner or person in charge of farming operations shall notify the aerial applicator he/she hires of any susceptible crops planted or to be planted bordering the field to which use restricted herbicides are to be applied in the area under order.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-525, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-525, filed 2/26/91, effective 3/29/91; 80-03-033 (Order 1672), § 16-231-525, filed 2/20/80.]

WAC 16-231-530 What are restrictions due to wind conditions? (1) Areas 1 and 3.

(a) On and after April 15 through October 31, the use or application of use restricted herbicides is prohibited when the mean sustained wind velocity is over seven miles per hour.

(b) On and after November 1 through April 14 the following year, the use or application of use restricted herbicides is prohibited when the mean sustained wind velocity is over twelve miles per hour.

(2) Area 4. The use or application of use restricted herbicides is prohibited when the mean sustained wind velocity is over twelve miles per hour: Provided, That ground applications of use restricted herbicides are allowed when using No. 2RD or No. 2RA Raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less and allowed by the label.

(3) All areas. Applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-530, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-530, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-530, filed 4/6/87; 80-03-033 (Order 1672), § 16-231-530, filed 2/20/80.]

WAC 16-231-600 What are restrictions for herbicide use in Klickitat County? (1) The area under order includes all lands lying within the boundaries of Klickitat County. WAC 16-231-605 through 16-231-620 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-600, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-600, filed

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2/26/91, effective 3/29/91; 80-03-029 (Order 1668), § 16-231-600, filed 2/20/80.]

WAC 16-231-605 What are use restricted herbicides in Klickitat County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-605, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-605, filed 2/26/91, effective 3/29/91; 80-03-029 (Order 1668), § 16-231-605, filed 2/20/80.]

WAC 16-231-610 When are oil-type carriers prohibited in Klickitat County? On and after May 1 through September 30, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-610, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-610, filed 2/26/91, effective 3/29/91; 80-03-029 (Order 1668), § 16-231-610, filed 2/20/80.]

WAC 16-231-613 What are the boundaries and restrictions for Area 2? (1) Area 2 description. (Southeast corner of Klickitat County.) Sections 13, 14, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, Township 5 north, Range 23 east; Sections 21, 22, south half of Section 23, Sections 26, 27, 28, 33, 34, west half of Section 35, Township 5 north, Range 22 east; Sections 1, 2, 11, 12, Township 4 north, Range 23 east.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That upon written request to the Washington state department of agriculture, a permit may be issued for purposes of critical weed control.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using danger area restrictions (see WAC 16-230-675): Provided, That aircraft applications shall be prohibited within one mile of commercial vineyards and within one-half mile of other susceptible crops: Provided further, That upon written request to the Washington state department of agriculture, aircraft applications from one-half mile to one mile of commercial vineyards and within one-half mile of other susceptible crops by permit shall be considered for purposes of critical weed control. On and after November 1 through April 14 of the following year, aircraft applications shall be made using caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-613, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters

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15.58 and 17.21 RCW. 85-07-029 (Order 1849), § 16-231-613, filed 3/15/85.]

WAC 16-231-615 What are the boundaries and restrictions for Area 3 in Klickitat County? (1) Area 3 description. All remaining lands within the boundaries of Klickitat County not included in WAC 16-231-613.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after May 1 through September 30 of each year: Provided, That on and after May 1 through May 14 of each year, low volatile formulations shall be considered through written request to the department of agriculture.

(b) On and after May 1 through September 30, ground applications of use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through September 30, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-615, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-615, filed 2/26/91, effective 3/29/91; 85-07-029 (Order 1849), § 16-231-615, filed 3/15/85; 80-03-029 (Order 1668), § 16-231-615, filed 2/20/80.]

WAC 16-231-620 What are restrictions due to wind conditions? The use or application of use restricted herbicides is prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-620, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-620, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-620, filed 4/6/87; 80-03-029 (Order 1668), § 16-231-620, filed 2/20/80.]

WAC 16-231-700 What are restrictions for herbicide use in Okanogan County? (1) The area under order includes all lands lying within the boundaries of Okanogan County. WAC 16-231-705 through 16-231-725 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-700, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-700, filed 2/26/91, effective 3/29/91; 80-03-027 (Order 1666), § 16-231-700, filed 2/20/80.]

WAC 16-231-705 What are use restricted herbicides in Okanogan County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-705, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-705, filed 2/26/91, effective 3/29/91; 80-03-027 (Order 1666), § 16-231-705, filed 2/20/80.]

WAC 16-231-710 What are the boundaries and restrictions for Okanogan County Area 1? (1) Area 1 description. (Okanogan County) An area starting at the intersection of the east boundary line of Section 24, T29N, R25E, and the Columbia River; thence north 19 miles more or less to the southwest corner of Section 7, T32N, R26E; thence east three miles to the southeast corner of Section 9; thence north two miles to the northeast corner of Section 4; thence east three miles more or less to the southeast corner of Section 36, T33N, R26E; thence north four miles to the southwest corner of Section 7, T33N, R27E; thence east two miles to the southeast corner of Section 8; thence north six miles to the northeast corner of Section 17, T34N, R27E; thence west eight miles to the northwest corner of Section 18, T34N, R26N; thence south four miles to the southwest corner of Section 31; thence west three miles to the northwest corner of Section 3, T33N, R25E; thence south four miles to the southwest corner of Section 22, T33N, R25E; thence west three miles to the northwest corner of Section 30; thence south two miles to the southwest corner of Section 31; thence west two miles to the northwest corner of Section 2, T32N, R24E; thence south ten miles to the southwest corner of Section 23, T31N, R24E; thence west four miles to the northwest corner of Section 30; thence south seven miles more or less to the north bank of the Columbia River; thence easterly along the north bank of the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31 of each year.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aerial applications of use restricted herbicides shall be made using caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-710, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-710, filed 2/20/80.]

WAC 16-231-715 What are the boundaries and restrictions for Okanogan County Area 4? (1) Area 4 description. This area includes all remaining lands in Okanogan County not included in WAC 16-231-710.

(2) Area 4 restrictions. On and after May 1 through October 31, aerial applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-715, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-715, filed 2/26/91, effective 3/29/91; 80-03-027 (Order 1666), § 16-231-715, filed 2/20/80.]

WAC 16-231-720 What are the restrictions due to wind conditions? The use or application of use restricted herbicides is prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-720, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-720, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-720, filed 4/6/87; 80-03-027 (Order 1666), § 16-231-720, filed 2/20/80.]

WAC 16-231-725 What are the restrictions on mixing or loading aircraft? The loading and/or mixing of use restricted herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-725, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-725, filed 2/20/80.]

WAC 16-231-800 What are restrictions for herbicide use in Douglas and Chelan counties? (1) The area under order includes all lands lying within the boundaries of Douglas and Chelan counties. WAC 16-231-805 through 16-231-840 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-800, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-800, filed 2/26/91, effective 3/29/91; 80-03-028 (Order 1667), § 16-231-800, filed 2/20/80.]

WAC 16-231-805 What are use restricted herbicides in Douglas and Chelan counties? All formulations of phenoxy hormone-type herbicides, (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-805, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-805, filed 2/26/91, effective 3/29/91; 80-03-028 (Order 1667), § 16-231-805, filed 2/20/80.]

WAC 16-231-810 What are the boundaries and restrictions for Area 1? (1) Area 1 description - Chelan County. An area starting at the southeast corner of Section 32, T21N, R22E; thence west one mile to the southwest corner of Section 32; thence north five miles more or less to the right of way of the Malaga Road; thence along and including the Malaga Road right of way to the city limits of Wenatchee; thence east to the Columbia River, and along the west bank of the Columbia River to the point of beginning.

(2) Area 1 description - Douglas County. An area on the east bank of the Columbia River, beginning at the southwest corner of Section 33, T21N, R22E; thence east one mile to the southeast corner of Section 33; thence north one mile to the southwest corner of Section 27; thence east one mile to the southeast corner of Section 27; thence north one mile to the southwest corner of Section 23, thence east one mile to the southeast corner of Section 23; thence north one mile to the northeast corner of Section 23; thence west one mile to the northwest corner of Section 23; thence north one mile to the northeast corner of Section 15; thence west one mile to the northwest corner of Section 15; thence north two miles to the northeast corner of Section 4; thence west one mile more or less to and including the right of way of State Road 28; thence northwest along the highway right of way to the east section line of Section 25, T22N, R21E; thence north five miles more or less to the northeast corner of Section 1, T22N, R21E; thence west eight miles more or less to the east bank of the Columbia River; thence southeasterly along the east bank of the Columbia River to the point of beginning.

(3) Area 1 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aerial applications of use restricted herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-810, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-810, filed 2/20/80.]

WAC 16-231-815 What are the boundaries and restrictions for Area 2? (1) Area 2 description. (Buffer area — a protective area around Azwell, Manson, and the mouth of the Moses-Coulee.)

(a) Chelan County - those areas lying within a one mile radius from the center of the towns of Azwell and Manson. Sections 13, 14, 15 and 16, T28N, R21E.

(b) Douglas County - (Moses-Coulee and Bridgeport area.) Section 1, 2, 3, 10, 11, 12, 13, 14, 24, 25, 26, 34, 35, and 36, N21N, R22E, and Sections 1, 2, 3, 4, 9, 10, 11, 12 and those portions of Sections 13, 14, 15 and 16, T20N, R22E.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-815, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-815, filed 2/20/80.]

WAC 16-231-820 What are the boundaries and restrictions for Area 3? (1) Area 3 description. (Buffer area between Rock Island and Palisades.) An area starting at the northwest corner of Section 6, T22N, R22E; thence east along the township line twelve miles to the Douglas-Grant county line; thence southwesterly along the county line to the east boundary line of Area 2; thence north and west along the Area 2 boundary line to the Area 1 boundary line; thence northerly along the Area 1 boundary line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-820, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-820, filed 2/20/80.]

WAC 16-231-825 What are the boundaries and restrictions for Area 4? (1) Area 4 description. All remaining lands in Douglas County not included in WAC 16-231-810, 16-231-815 and 16-231-820.

(2) Area 4 restrictions. On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-825, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-825, filed 2/26/91, effective 3/29/91; 80-03-028 (Order 1667), § 16-231-825, filed 2/20/80.]

WAC 16-231-830 What are the restrictions on mixing and loading aircraft? The loading and/or mixing of use restricted herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-830, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-830, filed 2/20/80.]

WAC 16-231-835 What are restrictions for aerial applications near vineyards? Aerial application of use restricted herbicides is prohibited within one mile of any

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commercial vineyard in the area under order: Provided, That aerial application of use restricted herbicides to lands located within one-half mile to one mile from commercial vineyards will be considered through written request to the Washington state department of agriculture.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-835, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-835, filed 2/20/80.]

WAC 16-231-840 What are restrictions due to wind conditions? The use or application of use restricted herbicides is prohibited in Areas 2, 3 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through April 15 of the following year, and over seven miles per hour from April 16 through October 31: Provided, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-840, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-840, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-840, filed 4/6/87; 80-03-028 (Order 1667), § 16-231-840, filed 2/20/80.]

WAC 16-231-900 What are restrictions for herbicide use in Grant County? (1) The area under order includes all lands lying within the boundaries of Grant County. WAC 16-231-905 through 16-231-935 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-900, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-900, filed 2/26/91, effective 3/29/91; 80-03-031 (Order 1670), § 16-231-900, filed 2/20/80.]

WAC 16-231-905 What are use restricted herbicides in Grant County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-905, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-905, filed 2/26/91, effective 3/29/91; 80-03-031 (Order 1670), § 16-231-905, filed 2/20/80.]

WAC 16-231-910 What are the boundaries and restrictions for Grant County Area 1? (1) Area 1 descrip-

tion. (Lands generally within the Columbia Basin irrigation project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along the county line four miles more or less to the southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County lines six miles more or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly, and westerly, encompassing Block 70, Soap Lake and Block 701, to the West Main Canal; thence southwesterly along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly along the Columbia River to the south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence south and west along Highway 24 to Vernita Bridge; thence easterly along the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of use restricted herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

(e) On and after April 15 through October 31, aircraft applications of use restricted herbicides are prohibited within one mile of any commercial vineyard: Provided, That on and after April 15 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: Provided further, That on and after April 15 through April 30 written request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-910, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-910, filed 9/1/87;

87-09-015 (Order 1923), § 16-231-910, filed 4/6/87; 80-03-031 (Order 1670), § 16-231-910, filed 2/20/80.]

WAC 16-231-912 What are the boundaries and restrictions for Grant County Area 1A? (1) Area 1A description. Lands generally in the Mattawa area in the southwestern part of the county starting at the west end of the crest of Saddle Mountain at the Columbia River, south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence following Highway 24 to the Vernita Bridge at the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 5 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of use restricted herbicides on asparagus shall be made using nozzles having a minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 4 of the following year, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675.)

(d) On and after April 5 through October 31, aircraft applications of use restricted herbicides are prohibited except by written permit issued by the Washington state department of agriculture.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-912, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-912, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-912, filed 4/6/87.]

WAC 16-231-915 What are the boundaries and restrictions for Grant County Area 2? (1) Area 2 description. (Buffer area.) An area lying north and east of Area 1 starting at the junction of the Grant-Douglas County line and the Columbia River near Trinidad; thence north and easterly along the county line to the southwest corner of Section 35, T23N, R26E; thence east along section lines twelve miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks; thence east fourteen miles more or less to the Grant-Lincoln County line; thence south twenty-five miles more or less along the Grant-Lincoln and Grant-Adams County line to the northern boundary line of Area 1 (East Low Canal); thence northerly and westerly along the northern boundary line of Area 1 to the point of beginning; and also an area near Warden starting at the East Low Canal near the southeast corner of Section 13, T17N, R30E; thence westerly and southerly along the East Low Canal to the Grant-Adams County line near the corner of Section 32, T17N, R30E; thence east

five miles and north three miles along the Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, the use or application of low volatile formulations of use restricted herbicides is prohibited.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-915, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-915, filed 2/20/80.]

WAC 16-231-920 What are the boundaries and restrictions for Grant County Area 3? (1) Area 3 description. (Outlying area.) An area starting at the intersection of the Burlington Northern Railroad tracks near the northeast corner of Section 13, T22N, R30E; thence north nineteen miles more or less along the Grant County line to Highway 2; thence westerly along Highway 2 to the Douglas County line; thence southwesterly along the Douglas County line to the southwest corner of Section 35, T23N, R26E; thence east along section lines twelve miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks near Stratford; thence easterly along the Burlington Northern Railroad tracks fourteen miles more or less to the point of beginning.

(2) Area 3 restrictions.

(a) On and after May 16 through October 31, the use and application of low volatile formulations of use restricted herbicides is prohibited.

(b) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-920, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-920, filed 2/20/80.]

WAC 16-231-925 What are the boundaries and restrictions for Grant County Area 4? (1) Area 4 description. All remaining lands in Grant County lying north of Highway 2.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-925, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-925, filed 2/20/80.]

WAC 16-231-930 What are the restrictions on mixing and loading aircraft? The loading and/or mixing of use

restricted herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-930, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-930, filed 2/20/80.]

WAC 16-231-935 What are restrictions due to wind conditions? The use or application of use restricted herbicides is prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 and 1A when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through March 31 of the following year, and over ten miles per hour from April 1 through October 31: Provided, That applications of allowable use restricted herbicides are exempt from these wind restrictions when applying fifty gallons or more per acre: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-231-935, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-935, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-935, filed 4/6/87; 80-03-031 (Order 1670), § 16-231-935, filed 2/20/80.]

Chapter 16-232 WAC

RESTRICTED USE HERBICIDES IN CERTAIN COUNTIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-232-038	Restricted use herbicides—Application records—Walla Walla County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-038, filed 2/12/88; 87-18-060 (Order 1950), § 16-232-038, filed 9/1/87.] Repealed by 00-24-002, filed 11/22/00, effective 12/23/00. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-232-040	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-040, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-125	Wind conditions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-125, filed 2/20/80.] Repealed by 87-09-015 (Order 1923), filed 4/6/87. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-130	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-130, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-230	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-230, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-320	Distribution, use and application. [Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-320, filed 3/31/82.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-950	Restricted use herbicides—Distribution, use, and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-232-950, filed 4/12/88.] Repealed by 91-06-019 (Order 2073), filed

2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.

WAC 16-232-001 What are restrictions for pesticide use in Walla Walla County? (1) The area under order includes all lands lying within the boundaries of Walla Walla County. WAC 16-232-005 through 16-232-077 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to the use of use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-001, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-001, filed 11/22/00, effective 12/23/00; 91-06-019 (Order 2073), § 16-232-001, filed 2/26/91, effective 3/29/91; 80-03-026 (Order 1665), § 16-232-001, filed 2/20/80.]

WAC 16-232-005 What are use restricted herbicides in Walla Walla County? All formulations of phenoxy hormone-type herbicides, (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPB, MCPB (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPB (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-005, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-005, filed 11/22/00, effective 12/23/00; 80-03-026 (Order 1665), § 16-232-005, filed 2/20/80.]

WAC 16-232-007 What are restricted use pesticides in certain areas of Walla Walla County? The following pesticides are declared to be use restricted pesticides in areas 2B, 4, and 6:

(1) Use restricted herbicides*:

(a) Sulfonyleurea herbicides (such as Glean, Telar, Finesse, Escort);

(b) Desiccants and defoliant (such as Paraquat, Diquat, Endothal);

(c) Glyphosate (such as Roundup, Landmaster);

(d) Phenoxy hormone-type herbicides (such as 2,4-D, MCPA);

(e) Dicamba (such as Banvel);

(f) Bromoxynil except that the cutoff dates of April 5, April 15 and May 15 do not apply.

*This is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) All aerial applications of Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-007, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-007, filed 11/22/00, effective 12/23/00.]

WAC 16-232-010 What are the boundaries and restrictions on use restricted herbicides—Walla Walla

County—Area 1? (1) Area 1 description. (Columbia River Buffer area.) An area starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines ten miles more or less to the southeast corner of Section 22, T8N, R32E; thence east along the section lines two miles to the southeast corner of Section 24, T8N, R32E; thence north along the section lines five miles more or less to the intersection with the Northern Pacific Railroad; thence northeasterly seven miles more or less along the railroad, including the right of way, to the intersection with State Route 124 and C.M. Rice Road at the northeast corner of Section 2, T9N, R33E; thence northerly along C.M. Rice Road, including the right of way, to the Snake River; thence southwesterly along the Snake River to a point near the east section line of Section 23 T9N, R31E; thence south approximately twelve miles to the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence southwesterly along the Columbia River approximately three and one-half miles to the intersection of the Washington-Oregon state line; thence east along the Washington-Oregon state line to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of use restricted herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of .052 inches or a LP8002 or equivalent nozzle.

(c) On and after April 5 through October 31, aerial applications of use restricted herbicides are prohibited except by written permit issued by the department.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-010, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-010, filed 11/22/00, effective 12/23/00; 88-05-033 (Order 1965), § 16-232-010, filed 2/12/88; 87-09-015 (Order 1923), § 16-232-010, filed 4/6/87; 81-07-041 (Order 1724), § 16-232-010, filed 3/13/81; 80-03-026 (Order 1665), § 16-232-010, filed 2/20/80.]

WAC 16-232-015 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 2?

(1) Area 2 description. (Walla Walla and vicinity, Dixie, Waitsburg, and Prescott areas.) Those areas lying within a one mile radius from the center of the town of Dixie and within one mile of the city limits of the towns of Waitsburg and Prescott and an area starting at the intersection of the common boundary line between Sections 15 and 16, T6N, R36E and the Washington-Oregon state line; thence north along the section line one mile more or less to the southwest corner of Section 3, T6N, R36E; thence east along the section lines two miles to the southeast corner of Section 2, T6N, R36E; thence north along the section lines three miles to the southwest corner of Section 24, T7N, R36E; thence east along the section line one mile to the southeast corner of Section 24, T7N, R36E; thence north along the section line one mile to the southwest corner of Section 18, T7N, R37E; thence east along the section line one mile to the southeast corner of Section 18, T7N, R37E; thence north along the section line one mile to the northeast corner of Sec-

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tion 18, T7N, R37E; thence west along the section lines nine miles to the northwest corner of Section 14, T7N, R35E; thence south along the section line one mile to the northeast corner of Section 22, T7N, R35E; thence west along the section line one mile to the northwest corner of Section 22, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, including the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, including the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, including the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, including the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, including the right of way, one mile more or less to the Washington-Oregon state line; thence east along the state line eight miles more or less to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications shall be prohibited on and after April 15 through October 31: Provided, That:

(i) The aerial application of MCPA shall be allowed using warning area restrictions (see WAC 16-230-675).

(ii) Aerial applications of nonvolatile formulations of use restricted herbicides from one-half to one mile of the center of the town of Dixie and from the city limits of Waitsburg, Prescott and Walla Walla shall be considered through written request to the Washington state department of agriculture.

(iii) Those portions of the city of Walla Walla which fall within Sections 13, 14, 22, 23 and 24, T7N, R35E of Walla Walla County are not considered as part of the city limits of Walla Walla for purposes of issuing permits by the department for aerial application of nonvolatile formulations of restricted use pesticides.

(d) Restrictions on the use of airstrips. The loading and/or mixing of use restricted herbicides is prohibited on any airstrip, airfield or any location within Area 2: Provided, That the municipal airport located northeast of Walla Walla shall not be subject to this provision.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-015, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-232-015, filed 10/19/88; 88-05-033 (Order 1965), § 16-232-015, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-015, filed 2/20/80.]

WAC 16-232-020 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 2A?

(1) Area 2A description. (Buffer area surrounding Dixie and Walla Walla.) An area, excluding a one mile radius from the center of the town of Dixie, starting

at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines six miles more or less to the northwest corner of Section 14, T7N, R32E; thence east along the section lines ten miles to the southwest corner of Section 9, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 9, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 2, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 2, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 31, T8N, R35E; thence north along the section lines six miles to the northwest corner of Section 6, T8N, R35E; thence east along the section lines and the Columbia-Walla Walla County line twenty-four miles to the northeast corner of Section 1, T8N, R38E; thence south along the Columbia-Walla Walla County line fourteen miles more or less to the Washington-Oregon state line; thence west along the state line fifteen miles to the common boundary line between Sections 15 and 16, T6N, R36E; thence north along the section line one mile more or less to the northwest corner of Section 10, T6N, R38E; thence east along the section lines two miles to the southwest corner of Section 1, T6N, R36E; thence north along the section lines three miles to the northwest corner of Section 25, T7N, R36E; thence east along the section line one mile to the southwest corner of Section 19, T7N, R37E; thence north along the section line one mile to the northwest corner of Section 19, T7N, R37E; thence east along the section line one mile to the northeast corner of Section 19, T7N, R37E; thence north along the section line one mile to the southwest corner of Section 8, T7N, R37E; thence west along the section lines nine miles to the northeast corner of Section 15, T7N, R35E; thence south along the section line one mile to the southeast corner of Section 15, T7N, R35E; thence west along the section line one mile to the southwest corner of Section 15, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, excluding the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, excluding the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, excluding the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, excluding the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, excluding the right of way, one mile more or less to the Washington-Oregon state line; thence west along the state line fifteen miles more or less to the point of beginning.

(2) Area 2A restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That 2,4-DB is allowed on alfalfa seed crops at any time.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-020, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-020, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-020, filed 2/20/80.]

WAC 16-232-025 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 3? (1) Area 3 description. All of the remaining lands within the border of Walla Walla County.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of use restricted herbicides is prohibited on and after May 15 through October 31.

(b) On and after May 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 15 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-025, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-025, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-025, filed 2/20/80.]

WAC 16-232-027 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 3A? (1) Area 3A description. An area beginning at the southwest corner of Section 11, T7N, R32E; thence east along the section lines six miles more or less to the intersection with the Touchet North Road at the southeast corner of Section 10, T7N, R33E; thence northerly along the Touchet North Road, including the right of way, to the intersection with State Route 124; thence west one-half mile more or less along State Route 124, excluding the right of way, to the intersection with the Northern Pacific Railroad at the northwest corner of Section 1, T9N, R33E; thence southwest-erly seven miles more or less along the railroad, excluding the right of way, to the intersection with the common boundary line between Section 25, T9N, R32E and Section 30, T9N, R33E; thence south along the section lines five miles more or less to the northeast corner of Section 25, T8N, R32E; thence west along the section lines two miles to the northwest corner of Section 26, T8N, R32E; thence south along the section lines four miles to the point of beginning.

(2) Area 3A restrictions.

(a) The use and application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-027, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-027, filed 2/12/88.]

WAC 16-232-030 What are the restrictions on aerial applications near vineyards? Aerial applications of use restricted herbicides are prohibited within one mile of any commercial vineyard: Provided, That aerial application of use restricted herbicides to lands located within one-half to one mile from commercial vineyards will be considered through written request of the Washington state department of agriculture.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-030, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-030, filed 2/20/80.]

WAC 16-232-035 What are the restrictions on use restricted herbicides in Walla Walla County due to wind conditions? The use or application of use restricted herbicides is prohibited in Areas 1, 2, 2A, 3, and 3A when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications are prohibited in Areas 1 and 2 on and after April 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when allowed by the label and when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department will consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-035, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-232-035, filed 4/12/88; 87-09-015 (Order 1923), § 16-232-035, filed 4/6/87; 80-03-026 (Order 1665), § 16-232-035, filed 2/20/80.]

WAC 16-232-041 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 2B? (1) Area 2B description. An area including all lands lying within a boundary line beginning at the intersection of the Union Pacific Railroad and U.S. Highway 12 in Section 10, T7N, R31E; thence southerly along Highway 12 approximately three miles until its intersection with the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence northwesterly along the Columbia River approximately ten miles until its intersection with the Snake River; thence northeasterly along the Snake River until its intersection with Highway 12 in Section 35, T9N, R30E; thence southeasterly along Highway 12 to the point of beginning.

(2) Area 2B restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-232-007 is prohibited.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use

restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-041, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-041, filed 11/22/00, effective 12/23/00.]

WAC 16-232-044 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 4? (1) Area 4 description. An area including all lands lying within a boundary line beginning at the intersection of the Snake River and the Bonneville Power Administration power line near the east section line of Section 25, T9N, R30E; thence southeasterly along the Bonneville Power Administration power line until its intersection with SR 124 in Section 32, T9N, R31E; thence approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad until its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to the point of its intersection with the Snake River in Section 35, T9N, R30E; thence northeasterly along the Snake River to the point of beginning.

(2) Area 4 restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-232-007 may be made by written permit only.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of use restricted herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of the use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-044, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-044, filed 11/22/00, effective 12/23/00.]

WAC 16-232-047 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 6? (1) Area 6 description. An area including all lands lying within a boundary line beginning at the Snake River and the east section line of Section 23, T9N, R31E; thence south approximately twelve miles along section lines to the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence northwesterly along the Columbia River approximately two miles to the southern section line of Section 8, T7N, R31E; thence east approximately two miles along the section line until its intersection with U.S. Highway 12 in Section 10, T7N, R31E; thence northwesterly along U.S. Highway 12, approximately three-quarters of a mile until its intersection with the Union Pacific Railroad; thence northerly approximately four miles along the railroad until its intersection with the southern section line in Section 15, T8N, R31E; thence east approximately one-quarter mile along the section line to the southeast corner of Section 15, T8N, R31E; thence north approximately three miles until its intersection with SR 124; thence west along SR 124 approximately two and one-half miles until its intersection with the Bonneville Power Administration power line in Section 32, T9N, R31E; thence northwesterly along the power line until its intersection with the Snake River in Section 25, T9N, R30E; thence northeasterly along the Snake River to the point of beginning.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of use restricted herbicides shall be prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year, all applications of use restricted herbicides are prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-047, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-047, filed 11/22/00, effective 12/23/00.]

WAC 16-232-050 When are oil-type carriers prohibited in Walla Walla County? On and after April 5 through October 31, oil-type carriers are prohibited for brush control in areas 2B, 4, and 6: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-050, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters

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17.21 and 15.58 RCW. 00-24-002, § 16-232-050, filed 11/22/00, effective 12/23/00.]

WAC 16-232-053 Can Paraquat or Diquat be applied by air in Walla Walla County? Aerial application of Paraquat and Diquat is prohibited in areas 2B, 4, and 6.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-053, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-053, filed 11/22/00, effective 12/23/00.]

WAC 16-232-056 Can sulfonylurea herbicides be applied in Walla Walla County? Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited in areas 2B, 4, and 6.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-056, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-056, filed 11/22/00, effective 12/23/00.]

WAC 16-232-059 What are the conditions applying to permits in Walla Walla County? The following conditions will apply to all permits issued in areas 2B, 4, and 6.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 21 N. 1st Avenue Suite 236 Yakima, Washington 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit will be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-059, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-059, filed 11/22/00, effective 12/23/00.]

WAC 16-232-062 Can use restricted pesticides be applied in an emergency? In the event of an emergency, as declared by the director, the department may issue permits for the use of use restricted pesticides in variation of any restrictions contained in areas 2B, 4, and 6. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-062, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-062, filed 11/22/00, effective 12/23/00.]

WAC 16-232-065 What are the restrictions on applications in Walla Walla County due to wind? The use or application of all herbicides and class 1 and 2 insecticides are prohibited in areas 2B, 4, and 6 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications are allowed in higher velocity winds when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: Provided further, That applications of granular and pellet formulations of use restricted pesticides defined in WAC 16-232-007 as well as applications made to structures are exempt from the wind restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-065, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-065, filed 11/22/00, effective 12/23/00.]

WAC 16-232-068 Application of pesticides in Walla Walla County—Areas 2B, 4, and 6—Use restricted herbicides ground apparatus nozzle requirements. Ground applications of restricted use herbicides in areas 2B, 4, and 6 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: Provided, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: Provided further, That when Glyphosate is the only restricted use herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: Provided further, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: Provided further, That pressurized handsized household devices used to apply restricted use herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-068, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-068, filed 11/22/00, effective 12/23/00.]

WAC 16-232-071 Application of pesticides in Walla Walla County—Areas 2B, 4, and 6—Use restricted herbicides, aircraft boom length, pressure, and nozzle requirements. The aerial application of restricted use herbicides in areas 2B, 4, and 6 shall be made in accordance with the following requirements:

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(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate): Provided, That RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles are allowed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-071, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-071, filed 11/22/00, effective 12/23/00.]

WAC 16-232-074 What are the restrictions on applications in Walla Walla County due to temperature? All phenoxy compounds and dicamba shall not be applied when the temperature is above eighty-five degrees F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches is exempt from the eighty-five degrees F. temperature requirement: Provided further, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-074, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-074, filed 11/22/00, effective 12/23/00.]

WAC 16-232-077 What are the restrictions on applications of pesticides in Walla Walla County due to weather conditions? Use restricted herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: Provided, That applications of use restricted herbicides shall be exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-077, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-077, filed 11/22/00, effective 12/23/00.]

WAC 16-232-100 What are restrictions for herbicide use in Lincoln County? (1) The area under order includes all lands lying within the boundaries of Lincoln County. WAC 16-232-105 through 16-232-120 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-100, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-100, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-100, filed 2/20/80.]

WAC 16-232-105 What are use restricted herbicides in Lincoln County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-105, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-105, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-105, filed 2/20/80.]

WAC 16-232-110 When are oil-type carriers prohibited in Lincoln County? On and after May 15 through October 31, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-110, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-110, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-110, filed 2/20/80.]

WAC 16-232-115 What are the boundaries and restrictions for Area 3? (1) Area 3 description. (Southwestern Lincoln County.) Beginning at the Grant-Lincoln County line and state Highway 2; thence northeasterly two and one-half miles more or less along state Highway 2 to the Almira South Road; thence south seven miles more or less along the Almira South Road to the Monson Road; thence east six miles more or less along the Monson Road to state Highway 21; thence south twenty-seven miles more or less along state Highway 21 to the Lincoln-Adams County line; thence west thirteen and one-half miles more or less along the common boundary line between Lincoln and Adams counties to the Grant County line; thence north twenty-nine and one-half miles more or less along the common boundary line between Grant County and Lincoln County to the point of beginning.

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(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides shall be prohibited on and after May 16 through October 31 of each year.

(b) On and after May 16 through October 31 of each year, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 16 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-115, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-115, filed 2/20/80.]

WAC 16-232-120 What are the boundaries and restrictions for Area 4? (1) Area 4 description. All remaining lands in Lincoln County not included in WAC 16-232-115.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-120, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-120, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-120, filed 2/20/80.]

WAC 16-232-200 What are the restrictions for use restricted herbicides—Garfield County? (1) The area under order includes all lands lying within the boundaries of Garfield County. WAC 16-232-205 through 16-232-225 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-200, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-200, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-200, filed 2/20/80.]

WAC 16-232-205 What are use restricted herbicides in Garfield County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-205, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-205, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-205, filed 2/20/80.]

WAC 16-232-210 What are the boundaries and restrictions for Area 2? (1) Area 2 description. The city of Pomeroy and those sections and partial sections lying within one mile east, one mile south and one mile west of the city limits of Pomeroy.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, ground applications shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) Aerial applications of use restricted herbicides are prohibited.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-210, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-210, filed 2/20/80.]

WAC 16-232-215 What are the boundaries and restrictions for Area 3? (1) Area 3 description. An area starting at the intersection of the Snake River and the west boundary of Section 18, T14N, R43E; thence south to and along the Lambie Grade Road to and along the Casey Creek Road to the southeast corner of Section 8, T13N, R43E; thence east along section lines one and one-half miles more or less to the Snake River; thence northwesterly along the Snake River to the point of beginning.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of use restricted herbicides is prohibited on and after April 16 through August 31.

(b) On and after April 16 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 16 through October 31, aerial applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-215, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-215, filed 2/20/80.]

WAC 16-232-220 What are the boundaries and restrictions for use restricted herbicides—Garfield County—Area 4? (1) Area 4 description. This area includes all remaining lands in Garfield County not included in WAC 16-232-210 and 16-232-215.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-220, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-220, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-220, filed 2/20/80.]

WAC 16-232-225 What are the restrictions on applications of use restricted herbicides in Garfield County due to wind conditions? The use or application of use restricted herbicides are prohibited in Areas 2, 3, and 4 when

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the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications are prohibited in Areas 2 and 3 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-225, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-225, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-232-225, filed 4/6/87; 80-03-032 (Order 1671), § 16-232-225, filed 2/20/80.]

WAC 16-232-300 What are the restrictions for use restricted herbicides in Kittitas County? (1) The area under order includes all lands lying within the boundaries of Kittitas County. WAC 16-232-305 through 16-232-315 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-300, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-300, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-300, filed 3/31/82.]

WAC 16-232-305 What are use restricted herbicides in Kittitas County? All formulations phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-305, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-305, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-305, filed 3/31/82.]

WAC 16-232-310 What are the boundaries and restrictions for Area 1? (1) Area 1 description. An area starting at the intersection of Canyon Road and Thrall Road on the south line of Section 30, T17 N, R19E, thence east along Thrall Road three and one-half miles more or less to Billeter Road; thence south approximately one-half mile; thence east approximately one and one-half miles to Wilson Road; thence south on Wilson Road for one-half mile to intersection of Fourth Parallel Road; thence east on Fourth Parallel Road for approximately three-fourths mile to Anderson Road; thence south on Anderson Road for one-half mile more or less to E. Kern Road; thence east on E. Kern Road for approximately one-half mile; thence south approximately

one and one-half miles to the north boundary of Section 18, T16, R20; thence west for two and one-half miles to intersection of I82; thence northwest for approximately three miles to the northeast corner of Section 5, T16, R19; thence west for two miles more or less to the Canyon Road; thence north for one mile more or less on the Canyon Road to the point of beginning.

(2) Area 1 restrictions.

(a) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using danger area restrictions (see WAC 16-230-675). On and after April 15 through October 31, aircraft applications are prohibited within 500 feet of all orchards: Provided, That aircraft applications may be allowed when written permission is received from the owner of the orchard.

(b) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31 of each year on all lands within 500 feet of all orchards: Provided, That low volatile ester formulations may be used when written permission is received from the owner of the orchard.

(c) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches on all lands within 500 feet of all orchards.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-310, filed 5/9/07, effective 6/9/07. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-310, filed 3/31/82.]

WAC 16-232-315 What are the restrictions on applications of use restricted herbicides in Kittitas County due to wind conditions? The use or application of use restricted herbicides is prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15 through October 31: Provided, That applications of allowable use restricted herbicides are exempt from these wind restrictions when applying fifty gallons or more per acre: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-315, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-315, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-232-315, filed 4/6/87. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-315, filed 3/31/82.]

Chapter 16-233 WAC

WORKER PROTECTION STANDARDS

WAC

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16-233-020	General duties and prohibited actions—Worker protection standards—40 CFR, § 170.7.

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STANDARD FOR WORKERS

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16-233-105	Exceptions—Standards for workers—40 CFR, § 170.103.
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16-233-115	Restrictions associated with pesticide applications—Standards for workers—40 CFR, § 170.110.
16-233-120	Entry restrictions—Standards for workers—40 CFR, § 170.112.
16-233-125	Notice of applications—Standards for workers—40 CFR, § 170.120.
16-233-130	Providing specific information about applications—Standards for workers—40 CFR, § 170.122.
16-233-135	Notice of applications to handler employers—Standards for workers—40 CFR, § 170.124.
16-233-140	Pesticide safety training—Standards for workers—40 CFR, § 170.130.
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16-233-150	Decontamination—Standards for workers—40 CFR, § 170.150.
16-233-155	Emergency assistance—Standards for workers—40 CFR, § 170.160.

STANDARD FOR PESTICIDE HANDLERS

16-233-200	Applicability of this subpart—Standards for pesticide handlers—40 CFR, § 170.202.
16-233-205	Exemptions—Standards for handlers—40 CFR, § 170.204.
16-233-210	Restrictions during applications—Standards for pesticide handlers—40 CFR, § 170.210.
16-233-215	Providing specific information about applications—Standards for pesticide handlers—40 CFR, § 170.222.
16-233-220	Notice of applications to agricultural employers—Standards for pesticide handlers—40 CFR, § 170.224.
16-233-225	Pesticide safety training—Standards for pesticide handlers—40 CFR, § 170.230.
16-233-230	Knowledge of labeling and site-specific information—Standards for pesticide handlers—40 CFR, § 170.232.
16-233-235	Safe operation of equipment—Standards for pesticide handlers—40 CFR, § 170.234.
16-233-240	Posted pesticide safety information—Standards for pesticide handlers—40 CFR, § 170.235.
16-233-245	Personal protective equipment—Standards for pesticide handlers—40 CFR, § 170.240.
16-233-250	Decontamination—Standards for pesticide handlers—40 CFR, § 170.250.
16-233-255	Emergency assistance—Standards for pesticide handlers—40 CFR, § 170.260.

GENERAL PROVISIONS

WAC 16-233-001 Federal worker protection standards—Washington state department of labor and industries. This chapter contains the federal Environmental Protection Agency worker protection standards as listed in 40 CFR, Part 170. Revisions to the federal language have been incorporated into this chapter in order to be consistent with other requirements of Washington state law. These rules are adopted in conjunction with rules adopted by the Washington state department of labor and industries in chapter 296-306A WAC.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-001, filed 10/3/96, effective 11/3/96.]

WAC 16-233-005 Scope and purpose—Worker protection standards—40 CFR, § 170.1. This chapter contains standards designed to reduce the risks of illness or injury resulting from workers' and handlers' occupational exposures

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to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also to reduce the accidental exposure of workers and other persons to such pesticides. It requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-005, filed 10/3/96, effective 11/3/96.]

WAC 16-233-010 Definitions—Worker protection standards—40 CFR, § 170.3. Terms used in this chapter have the same meanings they have in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. In addition, the following terms, when used in this chapter, shall have the following meanings:

(1) "Agricultural emergency" means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a pesticide treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss.

(2) "Agricultural employer" means any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for the management or condition of an agricultural establishment that uses such workers.

(3) "Agricultural establishment" means any farm, forest, nursery, or greenhouse.

(4) "Agricultural plant" means any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers, shrubs; ornamentals; and seedlings.

(5) "Animal premise" means the actual structure used to house, cage, or confine animals such as barns, poultry houses, mink sheds, corrals or structures used for shelter.

(6) "Chemigation" means the application of pesticides through irrigation systems.

(7) "Commercial pesticide handling establishment" means any establishment, other than an agricultural establishment, that:

(a) Employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants.

(b) Employs any person, including a self-employed person, to perform on an agricultural establishment, tasks as a crop advisor.

(8) "Crop advisor" means any person who is assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants and who holds a current Washington state department of agriculture commercial consultant license in the agricultural areas in which they are advising. The term does not include any person who is performing hand labor tasks.

(9) "Early entry" means entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired.

(10) "Farm" means any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants.

(11) "Forest" means any operation engaged in the outdoor production of any agricultural plant to produce wood fiber or timber products.

(12) "Fumigant" means any pesticide product that is a vapor or gas, or forms a vapor or gas on application, and whose method of pesticidal action is through the gaseous state.

(13) "Greenhouse" means any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to, polyhouses, mushroom houses, rhubarb houses, and similar structures. It does not include such structures as malls, atriums, conservatories, arboretums, or office buildings where agricultural plants are present primarily for aesthetic or climatic modification.

(14) "Hand labor" means any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors.

(15) "Handler" means any person, including a self-employed person:

(a) Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which WAC 16-233-200 applies and who is:

(i) Mixing, loading, transferring, or applying pesticides.

(ii) Disposing of pesticides or pesticide containers.

(iii) Handling opened containers of pesticides.

(iv) Acting as a flagger.

(v) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.

(vi) Assisting with the application of pesticides.

(vii) Entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling has been met:

(A) To operate ventilation equipment.

(B) To adjust or remove coverings used in fumigation.

(C) To monitor air levels.

(viii) Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.

(ix) Performing tasks as a crop advisor:

(A) During any pesticide application.

(B) Before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling has been met.

(C) During any restricted-entry interval.

(b) The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.

(16) "Handler employer" means any person who is self-employed as a handler or who employs any handler, for any type of compensation.

(17) "Immediate family" includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.

(18) "Nursery" means any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.

(19) "Owner" means any person who has a present possessory interest (fee, leasehold, rental, or other) in an agricultural establishment covered by this chapter. A person who has both leased such agricultural establishment to another person and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is not an owner for purposes of this chapter.

(20) "Restricted-entry interval" means the time after the end of a pesticide application during which entry into the treated area is restricted.

(21) "Substantial economic loss" means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

(22) "Treated area" means any area to which a pesticide is being directed or has been directed.

(23) "Worker" means any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment to which WAC 16-233-100 applies. While persons employed by a commercial pesticide handling establishment are performing tasks as crop advisors, they are not workers covered by the requirements of WAC 16-233-100.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-010, filed 10/3/96, effective 11/3/96.]

WAC 16-233-020 General duties and prohibited actions—Worker protection standards—40 CFR, § 170.7.

(1) General duties. The agricultural employer or the handler employer, as appropriate, shall:

(a) Assure that each worker subject to WAC 16-233-100 or each handler subject to WAC 16-233-200 receives the protections required by this chapter.

(b) Assure that any pesticide to which WAC 16-233-200 applies is used in a manner consistent with the labeling of the pesticide, including the requirements of this chapter.

(c) Provide, to each person who supervises any worker or handler, information and directions sufficient to assure that each worker or handler receives the protections required by

this chapter. Such information and directions shall specify which persons are responsible for actions required to comply with this chapter.

(d) Require each person who supervises any worker or handler to assure compliance by the worker or handler with the provisions of this chapter and to assure that the worker or handler receives the protections required by this chapter.

(2) Prohibited actions. The agricultural employer or the handler employer shall not take any retaliatory action for attempts to comply with this chapter or any action having the effect of preventing or discouraging any worker or handler from complying or attempting to comply with any requirement of this chapter.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-020, filed 10/3/96, effective 11/3/96.]

WAC 16-233-025 Violations of this chapter—Worker protection standards—40 CFR, § 170.9.

(1) RCW 15.58.150 (2)(c) provides that it is unlawful for any person ". . . to use or cause to be used any pesticide contrary to label directions . . ." When 40 CFR, Part 170 is referenced on a label, users must comply with all of its requirements except those that are inconsistent with product specific instructions on the labeling. For purposes of this chapter, the term "use" is interpreted to include:

(a) Preapplication activities, including, but not limited to:

(i) Arranging for the application of the pesticide;
 (ii) Mixing and loading the pesticide; and
 (iii) Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of handlers, decontamination, use and care of personal protective equipment, emergency information, and heat stress management.

(b) Application of the pesticide.

(c) Post-application activities necessary to reduce the risks of illness and injury resulting from handlers' and workers' occupational exposures to pesticide residues during the restricted-entry interval plus thirty days. These activities include, but are not limited to, responsibilities related to worker training, notification, and decontamination.

(d) Other pesticide-related activities, including, but not limited to, providing emergency assistance, transporting or storing pesticides that have been opened, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

(2) A person who has a duty under this chapter, as referenced on the pesticide product label, and who fails to perform that duty, violates RCW 15.58.330 and 17.21.315, and is subject to civil penalties under RCW 15.58.335, 15.58.260 and 17.21.315.

(3) FIFRA section 14 (b)(4) provides that a person is liable for a penalty under FIFRA if another person employed by or acting for that person violates any provision of FIFRA. The term "acting for" includes both employment and contractual relationships.

(4) The requirements of this chapter, including the decontamination requirements, shall not, for the purposes of section 653 (b)(1) of Title 29 of the U.S. Code, be deemed to be the exercise of statutory authority to prescribe or enforce standards or regulations affecting the general sanitary haz-

ards addressed by the WISHA Field Sanitation Standard, WAC 296-24-120, or other agricultural, nonpesticide hazards.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-025, filed 10/3/96, effective 11/3/96.]

STANDARD FOR WORKERS

WAC 16-233-100 Applicability of this chapter—Standards for workers—40 CFR, § 170.102. Requirement. Except as provided by WAC 16-233-105 and 16-233-110, this section applies when any pesticide product is used on an agricultural establishment in the production of agricultural plants.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-100, filed 10/3/96, effective 11/3/96.]

WAC 16-233-105 Exceptions—Standards for workers—40 CFR, § 170.103. This section does not apply when any pesticide is applied on an agricultural establishment in the following circumstances:

(1) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(2) On livestock or other animals, or in or about animal premises.

(3) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(4) On plants that are in ornamental gardens, parks, and public or private lawns and grounds that are intended only for aesthetic purposes or climatic modification.

(5) By injection directly into agricultural plants. Direct injection does not include "hack and squirt," "frill and spray," chemigation, soil-incorporation, or soil-injection.

(6) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(7) For control of vertebrate pests.

(8) As attractants or repellents in traps.

(9) On the harvested portions of agricultural plants or on harvested timber.

(10) For research uses of unregistered pesticides.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-105, filed 10/3/96, effective 11/3/96.]

WAC 16-233-110 Exemptions—Standards for workers—40 CFR, § 170.104. The workers listed in this section are exempt from the specified provisions of WAC 16-233-100 through 16-233-155.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself/herself or members of his/her immediate family who are performing tasks related to the production of agricultural plants on their own agricultural establishment the protections of:

(i) WAC 16-233-120 (3)(e) through (i);

(ii) WAC 16-233-120 (3)(e) through (i); as referenced in WAC 16-233-120 (4)(b)(iii) and (5);

(iii) WAC 16-233-125;

(iv) WAC 16-233-130;

(v) WAC 16-233-140;

(vi) WAC 16-233-145;

(vii) WAC 16-233-150;

(viii) WAC 16-233-155.

(b) The owner of the agricultural establishment must provide the protections listed in (a)(i) through (viii) of this subsection to other workers and other persons who are not members of his/her immediate family.

(2) Crop advisors.

(a) Provided that the conditions of this subsection are met, a person who is certified or licensed as a crop advisor by the Washington state department of agriculture, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) WAC 16-233-150.

(ii) WAC 16-233-155.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iii) and (iv) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 16-233-225 (3)(d).

(ii) Applies only when performing crop advising tasks in the treated area.

(iii) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his/her direct supervision in a language that the person understands.

(iv) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his/her direct supervision of the pesticide product and active ingredient(s) applied, method of application, time of application, the restricted entry interval, which tasks to undertake, and how to contact the crop advisor.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-110, filed 10/3/96, effective 11/3/96.]

WAC 16-233-115 Restrictions associated with pesticide applications—Standards for workers—40 CFR, § 170.110. (1) Farms and forests. During the application of any pesticide on a farm or in a forest, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the treated area.

(2) Nurseries. In a nursery, during any pesticide application described in column A of Table 1 of this subsection, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 1 of this subsection. After the application is completed, until the end of any restricted-entry interval, the entry-restricted area is the treated area.

Table 1.—Entry-Restricted Areas in Nurseries During Pesticide Applications

A. During Application of a Pesticide:	B. Workers are Prohibited in:
(1)(a) Applied: (i) Aerially, or (ii) In an upward direction, or (iii) Using a spray pressure greater than 150 psi, or	Treated area plus 100 feet in all directions on the nursery
(b) Applied as a: (i) Fumigant, or (ii) Smoke, or (iii) Mist, or (iv) Fog, or (v) Aerosol.	
(2)(a) Applied downward using: (i) A height of greater than 12 inches from the planting medium, or (ii) A fine spray, or (iii) A spray pressure greater than 40 psi and less than 150 psi.	Treated area plus 25 feet in all directions on the nursery
(b) Not as in 1 or 2(a) above but for which a respiratory protection device is required for application by the product labeling	
(3) Applied otherwise.	Treated area
(3) Greenhouses.	
(a) When a pesticide application described in column A of Table 2 under (d) of this subsection takes place in a greenhouse, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 2 until the time specified in column C of Table 2 has expired.	shall continue until the air concentration is measured to be equal to or less than the inhalation exposure level the labeling requires to be achieved. If no inhalation exposure level is listed on the labeling, ventilation shall continue until after:
(b) After the time specified in column C of Table 2 under (d) of this subsection has expired, until the expiration of any restricted-entry interval, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area as specified in column D of Table 2 under (d) of this subsection, except as provided in WAC 16-233-120.	(i) Ten air exchanges are completed; or (ii) Two hours of ventilation using fans or other mechanical ventilating systems; or (iii) Four hours of ventilation using vents, windows or other passive ventilation; or (iv) Eleven hours with no ventilation followed by one hour of mechanical ventilation; or (v) Eleven hours with no ventilation followed by two hours of passive ventilation; or (vi) Twenty-four hours with no ventilation.
(c) When column C of Table 2 under (d) of this subsection specifies that ventilation criteria must be met, ventilation	(d) The following Table 2 applies to (a), (b) and (c) of this subsection.

Table 2.—Greenhouse Entry Restrictions Associated With Pesticide Applications

A. When a Pesticide is Applied:	B. Workers are Prohibited in:	C. Until:	D. After the Expiration of Time in Column C Until the Restricted-Entry Interval Expires, the Entry-Restricted Area is:
(1) As a fumigant	Entire greenhouse plus any adjacent structure that cannot be sealed off from the treated area	The ventilation criteria of (c) of this subsection are met	No entry restrictions after criteria in column C are met
(2) As a:	Entire enclosed area	The ventilation criteria of (c) of this subsection are met	Entire enclosed area is the treated area
(i) Smoke, or (ii) Mist, or (iii) Fog, or (iv) Aerosol			
(3) Not in 1 or 2 above, and for which a respiratory protection device is required for application by the product labeling	Entire enclosed area	The ventilation criteria of (c) of this subsection are met	Treated area
(4) Not in 1, 2, or 3 above, and:	Treated area plus 25 feet in all directions in the enclosed area	Application is complete	Treated area
(i) From a height of greater than 12 in. from the planting medium, or (ii) As a fine spray, or (iii) Using a spray pressure greater than 40 psi			
(5) Otherwise	Treated area	Application is complete	Treated area

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-115, filed 10/3/96, effective 11/3/96.]

WAC 16-233-120 Entry restrictions—Standards for workers—40 CFR, § 170.112. (1) General restrictions.

(a) After the application of any pesticide on an agricultural establishment, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area before the restricted-entry interval specified on the pesticide labeling has expired, except as provided in this section.

(b) Entry-restricted areas in greenhouses are specified in column D in Table 2 under WAC 16-233-115 (3)(d).

(c) When two or more pesticides are applied at the same time, the restricted-entry interval shall be the longest of the applicable intervals.

(d) The agricultural employer shall assure that any worker who enters a treated area under a restricted-entry interval as permitted by subsections (3), (4), and (5) of this section uses the personal protective equipment specified in the product labeling for early entry workers and follows any other requirements on the pesticide labeling regarding early entry.

(2) Exception for activities with no contact. A worker may enter a treated area during a restricted-entry interval if the agricultural employer assures that both of the following are met:

(a) The worker will have no contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants; and

(b) No such entry is allowed until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling have been met.

(3) Exception for short-term activities. A worker may enter a treated area during a restricted-entry interval for short-term activities if the agricultural employer assures that the following requirements are met:

(a) No hand labor activity is performed.

(b) The time in treated areas under a restricted-entry interval for any worker does not exceed one hour in any twenty-four-hour period.

(c) No such entry is allowed for the first four hours following the end of the application, and no such entry is allowed thereafter until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling have been met.

(d) The personal protective equipment specified on the product labeling for early entry is provided to the worker. Such personal protective equipment shall conform to the following standards:

(i) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(ii) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements

of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(iii) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(iv) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(v) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece, chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(vi) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over a layer of clothing. If a chemical-resistant suit is substituted for coveralls, it need not be worn over a layer of clothing.

(vii) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent materials must not be worn for early entry activities unless these materials are listed on the product labeling as acceptable for such use. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable for tasks with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant liners. However, once leather gloves have been worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(viii) When "chemical-resistant footwear" is specified by the product labeling, it shall be one of the following types of footwear: Chemical-resistant shoes, chemical-resistant boots, or chemical-resistant shoe coverings worn over shoes or boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable for workers, then leather boots may be worn in such terrain.

(ix) When "protective eyewear" is specified by the product labeling, it shall be one of the following types of eyewear: Goggles; face shield; safety glasses with front, brow, and temple protection; or a full-face respirator.

(x) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(e) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner that the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use.

(f) The agricultural employer shall assure that:

(i) Workers wear the personal protective equipment correctly for its intended purpose and use personal protective equipment according to manufacturer's instructions.

(ii) Before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(iii) Personal protective equipment that cannot be cleaned properly is disposed of in accordance with any applicable federal, state, and local regulations.

(iv) All personal protective equipment is cleaned according to manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(v) Before being stored, all clean personal protective equipment is dried thoroughly or is put in a well-ventilated place to dry.

(vi) Personal protective equipment contaminated with pesticides is kept separately and washed separately from any other clothing or laundry.

(vii) Any person who cleans or launders personal protective equipment is informed that such equipment may be contaminated with pesticides, of the potentially harmful effects of exposure to pesticides, and of the correct way(s) to handle and clean personal protective equipment and to protect themselves when handling equipment contaminated with pesticides.

(viii) All clean personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(ix) Each worker is instructed how to put on, use, and remove the personal protective equipment and is informed about the importance of washing thoroughly after removing personal protective equipment.

(x) Each worker is instructed in the prevention, recognition, and first-aid treatment of heat-related illness.

(xi) Workers have a clean place(s) away from pesticide-storage and pesticide-use areas for storing personal clothing not in use; putting on personal protective equipment at the start of any exposure period; and removing personal protective equipment at the end of any exposure period.

(g) When personal protective equipment is required by the labeling of any pesticide for early entry, the agricultural employer shall assure that no worker is allowed or directed to perform the early entry activity without implementing, when appropriate, measures to prevent heat-related illness.

(h) During any early entry activity, the agricultural employer shall provide a decontamination site in accordance with WAC 16-233-150.

(i) The agricultural employer shall not allow or direct any worker to wear home or to take home personal protective equipment contaminated with pesticides.

(4) Declaration of an agricultural emergency.

(a) The director may declare the existence of circumstances causing an agricultural emergency on a particular establishment or establishments.

(b) The director may declare an agricultural emergency based on the reasonably expected certainty of circumstances occurring based on weather or other forecasts that would create conditions that would normally be anticipated to cause an agricultural emergency.

(c) The agricultural employer may determine if the establishment under his/her control is subject to the agricultural emergency declared by the director.

(d) Emergency repair of equipment that is in use and sited within a pesticide treated area under a restricted-entry interval, such as frost protection devices, shall be considered to be an agricultural emergency. The conditions in WAC 16-228-655 shall be met.

(e) Activities that require immediate response such as fire suppression, relocation of greenhouse plants due to power failure, and similar conditions, shall be considered to be agricultural emergencies. The conditions in WAC 16-228-655 shall be met.

(5) Agricultural activities permitted under an agricultural emergency.

(a) A worker may enter a pesticide treated area under a restricted-entry interval in an agricultural emergency to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural emergency if the agricultural employer assures that all the following requirements are met:

(i) No entry is permitted for the first four hours after the pesticide application or the minimum reentry interval allowed by EPA for that product, whichever is less;

(ii) The personal protective equipment specified on the product labeling for early entry is provided to the worker;

(iii) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use;

(iv) The agricultural employer shall assure that the worker wears the proper PPE and that the PPE is in operable condition and that the worker has been trained in its proper use;

(v) The agricultural employer shall assure that measures have been taken, when appropriate, to prevent heat-related illness;

(vi) A decontamination site has been provided in accordance with WISHA regulations;

(vii) The agricultural employer shall not allow or direct any worker to wear home or take home personal protective equipment contaminated with pesticides.

(b) If the agricultural emergency is due to equipment failure, then the agricultural employer shall assure that all the requirements in subsection (1) of this section are met plus the following additional requirement. The only permitted activity until the restricted-entry interval has elapsed is equipment repair that would mitigate the effect of the equipment failure.

(6) Recordkeeping required for agricultural emergencies.

(a) If the employer declares that his/her establishment is affected by an agricultural emergency and that activities regulated by the worker protection standard have been performed, the employer shall keep the following records for seven years from the date of the agricultural emergency:

(i) Date of the agricultural emergency;

(ii) Time of the agricultural emergency, start and end;

(iii) Reason for the agricultural emergency, such as frost, fire, equipment failure, etc.;

(iv) Crop/site;

(v) Pesticide(s) - name, EPA number, REI;

(vi) Name, date, time of entry and exit of early entry person(s);

(vii) Estimated potential of economic loss which would have occurred had no early entry been allowed.

(b) Records shall be completed within twenty-four hours of the early entry exposure and be available to the department and/or department of health and/or medical facility or treating physician if requested by the above or the employee.

(7) Exception to entry restrictions requiring EPA approval. EPA may in accordance with 40 CFR, Part 170.112(e) grant an exception from the requirements of this section. A request for an exception must be submitted to the Director, Office of Pesticide Programs (H-7501C), Environmental Protection Agency, 401 "M" Street SW, Washington, DC 20460 and must be accompanied by two copies of the information specified in 40 CFR, Part 170.112(e).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-120, filed 10/3/96, effective 11/3/96.]

WAC 16-233-125 Notice of applications—Standards for workers—40 CFR, § 170.120. (1) Notification to workers of pesticide applications in greenhouses. The agricultural employer shall notify workers of any pesticide application in the greenhouse in accordance with this subsection.

(a) All pesticide applications shall be posted in accordance with subsection (3) of this section.

(b) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall also provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through the greenhouse; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(2) Notification to workers on farms, in nurseries, or in forests of pesticide applications. The agricultural employer shall notify workers of any pesticide application on the farm or in the nursery or forest in accordance with this subsection.

(a) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall post signs in accordance with subsection (3) of this section and shall provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(b) For any pesticide other than those for which the labeling requires both posting and oral notification of applications, the agricultural employer shall give notice of the application to the worker either by the posting of warning signs in accordance with subsection (3) of this section or orally in accordance with subsection (4) of this section, and shall inform the workers as to which method of notification is in effect.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through on foot the treated area or any area within one-quarter mile of the treated area; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(3) Posted warning signs. The agricultural employer shall post warning signs in accordance with the following criteria:

(a) The warning sign shall have a background color that contrasts with red. The words "DANGER" and "PELIGRO," plus "PESTICIDES" and "PESTICIDAS," shall be at the top of the sign, and the words "KEEP OUT" and "NO ENTRE" shall be at the bottom of the sign. Letters for all words must be clearly legible. A circle containing an upraised hand on the left and a stern face on the right must be near the center of the sign. The inside of the circle must be red, except that the hand and a large portion of the face must be in a shade that contrasts with red. The length of the hand must be at least twice the height of the smallest letters. The length of the face must be only slightly smaller than the hand. Additional information such as the name of the pesticide and the date of application may appear on the warning sign if it does not detract from the appearance of the sign or change the meaning of the required information. A black and white example of a warning sign meeting these requirements, other than the size requirements, follows:



(b) The standard sign shall be at least fourteen inches by sixteen inches with letters at least one inch in height. Farms and forests shall use the standard size sign unless a smaller sign is necessary because the treated area is too small to accommodate a sign of this size. In nurseries and green houses, the agricultural employer may, at any time, use a sign smaller than the standard size sign. Whenever a small sign is used on any establishment, there are specific posting distances depending on the size of the lettering and symbol on the sign. If a sign is used with DANGER and PELIGRO in letters at least 7/8 inch in height and the remaining letters at least 1/2 inch in height and a red circle at least three inches in diameter containing an upraised hand and a stern face, the

signs shall be no further than fifty feet apart. If a sign is used with DANGER and PELIGRO in letters at least 7/16 inch in height and the remaining letters at least 1/4 inch in height and a red circle at least 1 1/2 inches in diameter containing an upraised hand and a stern face, the signs shall be no further than twenty-five feet apart. A sign with DANGER and PELIGRO in letters less than 7/16 inch in height or with any words in letters less than 1/4 inch in height or a red circle smaller than 1 1/2 inches in diameter containing an upraised hand and a stern face will not satisfy the requirements of the rule. All signs must meet the requirements of (a) of this subsection.

(c) The employer may replace the Spanish portion of the warning sign with a non-English language read by the largest

group of workers who do not read English. The replacement sign must be in the same format as the original sign and be visible and legible.

(d) On farms and in forests and nurseries, the signs shall be visible from all usual points of worker entry to the treated area, including at least each access road, each border with any labor camp adjacent to the treated area, and each footpath and other walking route that enters the treated area. When there are no usual points of worker entry, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(e) In greenhouses, the signs shall be posted so they are visible from all usual points of worker entry to the treated area including each aisle or other walking route that enters the treated area. When there are no usual points of worker entry to the treated area, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(f) The signs shall:

(i) Be posted no sooner than twenty-four hours before the scheduled application of the pesticide.

(ii) Remain posted throughout the application and any restricted-entry interval.

(iii) Be removed within three days after the end of the application and any restricted-entry interval and before agricultural-worker entry is permitted, other than entry permitted by WAC 16-233-120.

(g) The signs shall remain visible and legible during the time they are posted.

(h) When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. Worker entry, other than entry permitted by WAC 16-233-120, is prohibited for the entire area while the signs are posted.

(4) Oral warnings. The agricultural employer shall provide oral warnings to workers in a manner that the worker can understand. If a worker will be on the premises during the application, the warning shall be given before the application takes place. Otherwise, the warning shall be given at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect. The warning shall consist of:

(a) The location and description of the treated area.

(b) The time during which entry is restricted.

(c) Instructions not to enter the treated area until the restricted-entry interval has expired.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-125, filed 10/3/96, effective 11/3/96.]

WAC 16-233-130 Providing specific information about applications—Standards for workers—40 CFR, § 170.122. When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the location specified for the pesticide safety poster in WAC 16-233-145(4) and shall be acces-

sible and legible, as specified in WAC 16-233-145 (4) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if workers will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any worker's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until workers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

(a) The location and description of the treated area.

(b) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(c) The time and date the pesticide is to be applied.

(d) The restricted-entry interval for the pesticide.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-130, filed 10/3/96, effective 11/3/96.]

WAC 16-233-135 Notice of applications to handler employers—Standards for workers—40 CFR, § 170.124.

Whenever handlers who are employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the agricultural employer shall provide to the handler employer, or assure that the handler employer is aware of, the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

(1) Specific location and description of any such areas; and

(2) Restrictions on entering those areas.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-135, filed 10/3/96, effective 11/3/96.]

WAC 16-233-140 Pesticide safety training—Standards for workers—40 CFR, § 170.130. (1) General requirement.

(a) Agricultural employer assurance. The agricultural employer shall assure that each worker, required by this section to be trained, has been trained according to this section during the last five years, counting from the end of the month in which the training was completed.

(b) Requirement for workers performing early entry activities. Before a worker enters a treated area on the agricultural establishment during a restricted-entry interval to perform early entry activities permitted by WAC 16-233-120 and contacts anything that has been treated with the pesticide to which the restricted-entry interval applies, including but not limited to, soil, water, or surfaces of plants, the agricultural employer shall assure that the worker has been trained.

(c) Requirements for other agricultural workers.

(i) Information before entry. Except as provided in (b) of this subsection, before a worker enters any areas on the agri-

cultural establishment where, within the last thirty days a pesticide to which this chapter applies has been applied or the restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been provided the pesticide safety information specified in subsection (3) of this section, in a manner that agricultural workers can understand, such as by providing written materials or oral communication or by other means. The agricultural employer must be able to verify compliance with this requirement.

(ii) Training before the start of a work period. The agricultural employer shall assure that a worker has been trained before the worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this chapter applies has been applied or a restricted-entry interval for such pesticide has been in effect.

(2) Exceptions. The following persons need not be trained under this section:

(a) A worker who is currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW.

(b) A worker who satisfies the handler training requirements of WAC 16-233-225(3).

(c) A worker who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: Provided, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 16-233-225 (3)(d).

(3) Pesticide safety information. The pesticide safety information required by subsection (1)(c)(i) of this section shall be presented to workers in a manner that the workers can understand. At a minimum, the following information shall be provided:

(a) Pesticides may be on or in plants, soil, irrigation water, or drifting from nearby applications.

(b) Prevent pesticides from entering your body by:

(i) Following directions and/or signs about keeping out of treated or restricted areas.

(ii) Washing before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wearing work clothing that protects the body from pesticide residues.

(iv) Washing/showering with soap and water, shampoo hair, and put on clean clothes after work.

(v) Washing work clothes separately from other clothes before wearing them again.

(vi) Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(c) Other information as required in WISHA, WAC 296-62-054 through 296-62-05427, hazardous communication program.

(4) Training programs.

(a) General pesticide safety information shall be presented to workers either orally from written materials or audiovisually. The information must be presented in a manner that the workers can understand (such as through a translator) using nontechnical terms. The presenter also shall respond to workers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

(iii) Have completed a pesticide safety train-the-trainer program approved by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

(iv) Satisfy the training requirements in WAC 16-233-225(3).

(c) Any person who issues a Washington state department of agriculture-approved worker protection standard worker training card must assure that the worker who receives the training card has been trained in accordance with subsection (4)(d) of this section.

(d) The training materials shall convey, at a minimum, the following information:

(i) Where and in what form pesticides may be encountered during work activities.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes through which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures, including emergency eyeflushing techniques.

(viii) Hazards from chemigation and drift.

(ix) Hazards from pesticide residues on clothing.

(x) Warnings about taking pesticides or pesticide containers home.

(xi) Requirements of this chapter designed to reduce the risks of illness or injury resulting from workers' occupational exposure to pesticides, including application and entry restrictions, the design of the warning sign, posting of warning signs, oral warnings, the availability of specific information about applications, and the protection against retaliatory acts.

(5) Verification of training.

(a) Except as provided in subsection (5)(b) of this section, if the agricultural employer assures that a worker possesses a Washington state department of agriculture-approved worker protection standard worker training card, then the requirements of subsection (1) of this section will have been met. Employers must still comply with the requirements of subsection (3)(c) of this section, hazardous communication program.

(b) If the agricultural employer is aware or has reason to know that a Washington state department of agriculture-approved worker protection standard worker training card has not been issued in accordance with this section, or has not been issued to the worker bearing the card, or the training was completed more than five years before the beginning of the current month, a worker's possession of that card does not meet the requirements of subsection (1) of this section.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-140, filed 10/3/96, effective 11/3/96.]

WAC 16-233-145 Posted pesticide safety information—Standards for workers—40 CFR, § 170.135. (1) Requirement. When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(b) There are federal rules to protect workers and handlers, including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The agricultural employer shall inform workers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by workers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by workers and where workers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Workers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-145, filed 10/3/96, effective 11/3/96.]

WAC 16-233-150 Decontamination—Standards for workers—40 CFR, § 170.150. (1) Requirement. The agricultural employer must provide decontamination supplies for workers in accordance with this section whenever:

(a) Any worker on the agricultural establishment is performing an activity in the area where a pesticide was applied or a restricted-entry interval (REI) was in effect within the last thirty days; and

(b) The worker contacts anything that has been treated with the pesticide, including, but not limited to soil, water, plants, plant surfaces, and plant parts;

(c) *Exception.* The thirty-day time period established in (a) of this subsection shall not apply if the only pesticides used in the treated area are products with an REI of four hours or less on the label (but not a product without an REI on the label). When workers are in such treated areas, the agricultural employer shall provide decontamination supplies for not less than seven days following the expiration of any applicable REI.

(2) General conditions.

(a) The agricultural employer shall provide workers with adequate water for routine washing and emergency eyeflushing. At all times when the water is available to workers, the employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The agricultural employer shall provide soap and single-use towels in quantities sufficient to meet workers' needs.

(d) To provide for emergency eyeflushing, the agricultural employer shall assure that at least one pint of water is immediately available to each worker who is performing early entry activities permitted by WAC 16-233-120 and for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the early entry worker, or shall be on the vehicle the early entry worker is using, or shall be otherwise immediately accessible.

(3) Location.

(a) The decontamination supplies shall be located together and be reasonably accessible to and not more than one-quarter mile from where workers are working.

(b) For worker activities performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, and water may be at the nearest place of vehicular access.

(ii) The agricultural employer may permit workers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.

(c) The decontamination supplies shall not be maintained in an area being treated with pesticides.

(d) The decontamination supplies shall not be maintained in an area that is under a restricted-entry interval, unless the workers for whom the supplies are provided are performing early entry activities permitted by WAC 16-233-120 and involving contact with treated surfaces and the decontamination supplies would otherwise not be reasonably accessible to those workers.

(4) Decontamination after early entry activities. At the end of any exposure period for workers engaged in early entry activities permitted by WAC 16-233-120 and involving contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants, the agricultural employer shall provide, at the site where the workers remove personal protective equipment, soap, clean towels, and a adequate amount of water so that the workers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at early entry sites that do not have running water.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-150, filed 10/3/96, effective 11/3/96.]

WAC 16-233-155 Emergency assistance—Standards for workers—40 CFR, § 170.160. If there is reason to believe that a person who is or has been employed on an agricultural establishment to perform tasks related to the production of agricultural plants has been poisoned or injured by exposure to pesticides used on the agricultural establishment, including, but not limited to, exposures from application, splash, spill, drift, or pesticide residues, the agricultural employer shall:

(1) Make available to that person prompt transportation from the agricultural establishment, including any labor camp on the agricultural establishment, to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(b) Antidote, first-aid, and other medical information from the product labeling.

(c) The circumstances of application or use of the pesticide on the agricultural establishment.

(d) The circumstances of exposure of that person to the pesticide.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-155, filed 10/3/96, effective 11/3/96.]

STANDARD FOR PESTICIDE HANDLERS

WAC 16-233-200 Applicability of this subpart—Standards for pesticide handlers—40 CFR, § 170.202. (1) Requirement. Except as provided by subsection (2) of this section and WAC 16-233-205, this chapter applies when any pesticide is handled for use on an agricultural establishment.

(2) Exceptions. This chapter does not apply when any pesticide is handled for use on an agricultural establishment in the following circumstances:

(a) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(b) On livestock or other animals, or in or about animal premises.

(c) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

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(d) On plants that are in ornamental gardens, parks, and public or private lawns and grounds and that are intended only for aesthetic purposes or climatic modification.

(e) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(f) For control of vertebrate pests.

(g) As attractants or repellents in traps.

(h) On the harvested portions of agricultural plants or on harvested timber.

(i) For research uses of unregistered pesticides.

(j) Exemptions. Except as provided by WAC 16-233-200 and 16-233-205, this chapter applies when a pesticide is handled for an agricultural establishment.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-200, filed 10/3/96, effective 11/3/96.]

WAC 16-233-205 Exemptions—Standards for handlers—40 CFR, § 170.204. The handlers listed in this section are exempt from the specified provisions of this chapter.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself or members of his immediate family who are performing handling tasks on their own agricultural establishment the protections of:

(i) WAC 16-233-210 (2) and (3).

(ii) WAC 16-233-215.

(iii) WAC 16-233-225.

(iv) WAC 16-233-230.

(v) WAC 16-233-235.

(vi) WAC 16-233-240.

(vii) WAC 16-233-245 (5) through (7).

(viii) WAC 16-233-250.

(ix) WAC 16-233-255.

(b) The owner of the agricultural establishment must provide the protections listed in subsection (1)(a)(i) through (ix) of this section to other handlers and other persons who are not members of his immediate family.

(2) Crop advisors.

(a) Provided that the conditions of (b) of this subsection are met, a person who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) WAC 16-233-230.

(ii) WAC 16-233-245.

(iii) WAC 16-233-250.

(iv) WAC 16-233-255.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iv) and (v) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 16-233-225 (3)(d).

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(ii) No entry into the treated area occurs until after application ends.

(iii) Applies only when performing crop advising tasks in the treated area.

(iv) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(v) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his direct supervision of the pesticide products and active ingredient(s) applied, method of application, time of application, the restricted-entry interval, which tasks to undertake, and how to contact the crop advisor.

(c) Applies only when the persons are performing crop advising tasks in the treated area.

(d) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-205, filed 10/3/96, effective 11/3/96.]

WAC 16-233-210 Restrictions during applications—Standards for pesticide handlers—40 CFR, § 170.210. (1) Contact with workers and other persons. The handler employer and the handler shall assure that no pesticide is applied so as to contact, either directly or through drift, any worker or other person, other than an appropriately trained and equipped handler.

(2) Handlers handling highly toxic pesticides. The handler employer shall assure that any handler who is performing any handling activity with a product that has the skull and crossbones symbol on the front panel of the label is monitored visually or by voice communication at least every two hours.

(3) Fumigant applications in greenhouses. The handler employer shall assure:

(a) That any handler who handles a fumigant in a greenhouse, including a handler who enters the greenhouse before the acceptable inhalation exposure level or ventilation criteria have been met to monitor air levels or to initiate ventilation, maintains continuous visual or voice contact with another handler.

(b) That the other handler has immediate access to the personal protective equipment required by the fumigant labeling for handlers in the event entry into the fumigated greenhouse becomes necessary for rescue.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-210, filed 10/3/96, effective 11/3/96.]

WAC 16-233-215 Providing specific information about applications—Standards for pesticide handlers—40 CFR, § 170.222. When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect,

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the handler employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the same location specified for the pesticide safety poster in WAC 16-233-240(4) and shall be accessible and legible, as specified in WAC 16-233-240 (5) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if handlers (except those employed by a commercial pesticide handling establishment) will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any such handler's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until the handlers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

(a) The location and description of the treated area.

(b) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(c) The time and date the pesticide is to be applied.

(d) The restricted-entry interval for the pesticide.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-215, filed 10/3/96, effective 11/3/96.]

WAC 16-233-220 Notice of applications to agricultural employers—Standards for pesticide handlers—40 CFR, § 170.224. Before the application of any pesticide on or in an agricultural establishment, the handler employer shall provide the following information to any agricultural employer for the establishment or shall assure that any agricultural employer is aware of:

(1) Specific location and description of the treated area.

(2) Time and date of application.

(3) Product name, EPA registration number, and active ingredient(s).

(4) Restricted-entry interval.

(5) Whether posting and oral notification are required.

(6) Any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-220, filed 10/3/96, effective 11/3/96.]

WAC 16-233-225 Pesticide safety training—Standards for pesticide handlers—40 CFR, § 170.230. (1) Requirement. Before any handler performs any handling task, the handler employer shall assure that the handler has been trained in accordance with this section during the last five years, counting from the end of the month in which the training was completed.

(2) Exceptions. The following persons need not be trained under this section:

(a) A handler who is currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW.

(b) A handler who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: Provided, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 16-233-225 (3)(d).

(3) Training programs.

(a) General pesticide safety information shall be presented to handlers either orally from written materials or audiovisually. The information must be presented in a manner that the handlers can understand (such as through a translator). The presenter also shall respond to handlers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture under chapters 15.58 or 17.21 RCW; or

(iii) Have completed a pesticide safety train-the-trainer program approved by a state, federal, or tribal agency having jurisdiction.

(c) Any person who issues a Washington state department of agriculture-approved worker protection standard handler training card must assure that the handler who receives the training card has been trained in accordance with (d) of this subsection.

(d) The pesticide safety training materials must convey, at a minimum, the following information:

(i) Format and meaning of information contained on pesticide labels and in labeling, including safety information such as precautionary statements about human health hazards.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes by which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures.

(viii) Need for and appropriate use of personal protective equipment.

(ix) Prevention, recognition, and first-aid treatment of heat-related illness.

(x) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.

(xi) Environmental concerns such as drift, runoff, and wildlife hazards.

(xii) Warnings about taking pesticides or pesticide containers home.

(xiii) Requirements of this chapter that must be followed by handler employers for the protection of handlers and other persons, including the prohibition against applying pesticides in a manner that will cause contact with workers or other persons, the requirement to use personal protective equipment, the provisions for training and decontamination, and the protection against retaliatory acts.

(4) Verification of training.

(a) Except as provided in (b) of this subsection, if the handler employer assures that a handler possesses a Washington state department of agriculture-approved worker protection standard handler training card, then the requirements of subsection (1) of this section will have been met.

(b) If the handler employer is aware or has reason to know that a Washington state department of agriculture-approved worker protection standard handler training card has not been issued in accordance with this section, or has not been issued to the handler bearing the card, or the handler training was completed more than five years before the beginning of the current month, a handler's possession of that card does not meet the requirements of subsection (1) of this section.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-225, filed 10/3/96, effective 11/3/96.]

WAC 16-233-230 Knowledge of labeling and site-specific information—Standards for pesticide handlers—40 CFR, § 170.232. (1) Knowledge of labeling information.

(a) The handler employer shall assure that before the handler performs any handling activity, the handler either has read the product labeling or has been informed in a manner the handler can understand of all labeling requirements related to safe use of the pesticide, such as signal words, human hazard precautions, personal protective equipment requirements, first-aid instructions, environmental precautions, and any additional precautions pertaining to the handling activity to be performed.

(b) The handler employer shall assure that the handler has access to the product labeling information during handling activities.

(2) Knowledge of site-specific information. Whenever a handler who is employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the handler employer shall assure that the handler is aware of the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

(a) Specific location and description of any such areas; and

(b) Restrictions on entering those areas.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-230, filed 10/3/96, effective 11/3/96.]

WAC 16-233-235 Safe operation of equipment—Standards for pesticide handlers—40 CFR, § 170.234. (1) The handler employer shall assure that before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment, including, when relevant, chemigation safety requirements and drift avoidance.

(2) The handler employer shall assure that, before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is inspected for leaks, clogging, and worn or damaged parts, and any damaged equipment is repaired or is replaced.

(3) Before allowing any person to repair, clean, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the handler employer shall assure that pesticide residues have been removed from the equipment, unless the person doing the cleaning, repairing, or adjusting is a handler employed by the agricultural or commercial pesticide handling establishment. If pesticide residue removal is not feasible, the handler employer shall assure that the person who repairs, cleans, or adjusts such equipment is informed:

(a) That such equipment may be contaminated with pesticides.

(b) Of the potentially harmful effects of exposure to pesticides.

(c) Of the correct way to handle such equipment.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-235, filed 10/3/96, effective 11/3/96.]

WAC 16-233-240 Posted pesticide safety information—Standards for pesticide handlers—40 CFR, § 170.235. (1) Requirement. When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(b) There are federal rules to protect workers and handlers including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The handler employer shall inform handlers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by handlers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by handlers and where handlers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Handlers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-240, filed 10/3/96, effective 11/3/96.]

WAC 16-233-245 Personal protective equipment—Standards for pesticide handlers—40 CFR, § 170.240. (1) Requirement. Any person who performs tasks as a pesticide handler shall use the clothing and personal protective equipment specified on the labeling for use of the product.

(2) Definition.

(a) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(b) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(3) Provision. When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the handler employer shall provide the appropriate personal protective equipment in clean and operating condition to the handler.

(a) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(b) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(c) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(d) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over another layer of clothing.

(e) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent material shall not be worn for handling activities unless such materials are listed on the product labeling as acceptable for such use.

(f) When "chemical-resistant footwear" is specified by the product labeling, one of the following types of footwear must be worn:

- (i) Chemical-resistant shoes.
- (ii) Chemical-resistant boots.
- (iii) Chemical-resistant shoe coverings worn over shoes or boots.

(g) When "protective eyewear" is specified by the product labeling, one of the following types of eyewear must be worn:

- (i) Goggles.
- (ii) Face shield.
- (iii) Safety glasses with front, brow, and temple protection.
- (iv) Full-face respirator.

(h) When a "chemical-resistant apron" is specified by the product labeling, an apron that covers the front of the body from mid-chest to the knees shall be worn.

(i) When a respirator is specified by the product labeling, it shall be appropriate for the pesticide product used and for the activity to be performed. The handler employer shall assure that the respirator fits correctly by using the procedures consistent with WAC 296-62-071. If the label does not specify the type of respirator to be used, it shall meet the requirements of WAC 296-62-071. The respiratory protection requirements of the general occupational health standards, WAC 296-62-071, shall apply.

(j) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(4) Exceptions to personal protective equipment specified on product labeling.

(a) Body protection.

(i) A chemical-resistant suit may be substituted for "coveralls," and any requirement for an additional layer of clothing beneath is waived.

(ii) A chemical-resistant suit may be substituted for "coveralls" and a chemical-resistant apron.

(b) Boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.

(c) Gloves. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, then during handling activities with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(d) Closed systems. If handling tasks are performed using properly functioning systems that enclose the pesticide to prevent it from contacting handlers or other persons, and if such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified personal protective equipment for the handling activity are permitted as provided in (d)(i) and (ii) of this subsection.

(i) Persons using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long pants, shoes, socks, chemical-resistant apron, and any protective gloves specified on the

labeling for handlers for the labeling-specified personal protective equipment.

(ii) Persons using a closed system to mix or load pesticides other than those in (d)(i) of this subsection or to perform other handling tasks may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment.

(iii) Persons using a closed system that operates under pressure shall wear protective eyewear.

(iv) Persons using a closed system shall have all labeling-specified personal protective equipment immediately available for use in an emergency.

(e) Enclosed cabs. If handling tasks are performed from inside a cab that has a nonporous barrier which totally surrounds the occupants of the cab and prevents contact with pesticides outside of the cab, exceptions to personal protective equipment specified on the product labeling for that handling activity are permitted as provided in (e)(i) through (iv) of this subsection.

(i) Persons occupying an enclosed cab may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.

(ii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist-filtering respirator is specified on the pesticide product labeling, it must be worn.

(iii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than the vapor-removing or gas-removing respirator specified on pesticide product labeling may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.

(iv) Persons occupying an enclosed cab shall have all labeling-specified personal protective equipment immediately available and stored in a chemical-resistant container, such as a plastic bag. They shall wear such personal protective equipment if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it must be removed before reentering the cab.

(f) Aerial applications.

(i) Use of gloves. Chemical-resistant gloves shall be worn when entering or leaving an aircraft contaminated by pesticide residues. In the cockpit, the gloves shall be kept in

an enclosed container to prevent contamination of the inside of the cockpit.

(ii) Open cockpit. Persons occupying an open cockpit shall use the personal protective equipment specified in the product labeling for use during application, except that chemical-resistant footwear need not be worn. A helmet may be substituted for chemical-resistant headgear. A visor may be substituted for protective eyewear.

(iii) Enclosed cockpit. Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified personal protective equipment.

(g) Crop advisors. Crop advisors entering treated areas while a restricted-entry interval is in effect may wear the personal protective equipment specified on the pesticide labeling for early entry activities instead of the personal protective equipment specified on the pesticide labeling for handling activities, provided:

(i) Application has been completed for at least four hours.

(ii) Any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling have been met.

(5) Use of personal protective equipment.

(a) The handler employer shall assure that personal protective equipment is used correctly for its intended purpose and is used according to the manufacturer's instructions.

(b) The handler employer shall assure that, before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(6) Cleaning and maintenance.

(a) The handler employer shall assure that all personal protective equipment is cleaned according to the manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(b) If any personal protective equipment cannot be cleaned properly, the handler employer shall dispose of the personal protective equipment in accordance with any applicable federal, state, and local regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall be not be reused.

(c) The handler employer shall assure that contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.

(d) The handler employer shall assure that all clean personal protective equipment shall be either dried thoroughly before being stored or shall be put in a well ventilated place to dry.

(e) The handler employer shall assure that all personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(f) The handler employer shall assure that when dust/mist filtering respirators are used, the filters shall be replaced:

(i) When breathing resistance becomes excessive.

(ii) When the filter element has physical damage or tears.

(ii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iv) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(g) The handler employer shall assure that when gas-removing or vapor-removing respirators are used, the gas-removing or vapor-removing canisters or cartridges shall be replaced:

(i) At the first indication of odor, taste, or irritation.

(ii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iii) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(h) The handler employer shall inform any person who cleans or launders personal protective equipment:

(i) That such equipment may be contaminated with pesticides.

(ii) Of the potentially harmful effects of exposure to pesticides.

(iii) Of the correct way(s) to clean personal protective equipment and to protect themselves when handling such equipment.

(i) The handler employer shall assure that handlers have a clean place(s) away from pesticide storage and pesticide use areas where they may:

(i) Store personal clothing not in use.

(ii) Put on personal protective equipment at the start of any exposure period.

(iii) Remove personal protective equipment at the end of any exposure period.

(j) The handler employer shall not allow or direct any handler to wear home or to take home personal protective equipment contaminated with pesticides.

(7) Heat-related illness. When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, the handler employer shall assure that no handler is allowed or directed to perform the handling activity unless appropriate measures are taken, if necessary, to prevent heat-related illness.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-245, filed 10/3/96, effective 11/3/96.]

WAC 16-233-250 Decontamination—Standards for pesticide handlers—40 CFR, § 170.250. (1) Requirement. During any handling activity, the handler employer shall provide for handlers, in accordance with this section, decontamination supplies for washing off pesticides and pesticide residues.

(2) General conditions.

(a) The handler employer shall provide handlers with enough water for routine washing, for emergency eyeflushing, and for washing the entire body in case of an emergency. At all times when the water is available to handlers, the handler employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eye-

flushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The handler employer shall provide soap and single-use towels in quantities sufficient to meet handlers' needs.

(d) The handler employer shall provide one clean change of clothing, such as coveralls, for use in an emergency.

(3) Location. The decontamination supplies shall be located together and be reasonably accessible to and not more than one-quarter mile from each handler during the handling activity.

(a) Exception for mixing sites. For mixing activities, decontamination supplies shall be at the mixing site.

(b) Exception for pilots. Decontamination supplies for a pilot who is applying pesticides aerially shall be in the airplane or at the aircraft loading site.

(c) Exception for handling pesticides in remote areas. When handling activities are performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, clean change of clothing, and water may be at the nearest place of vehicular access.

(ii) The handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.

(d) Decontamination supplies in treated areas. The decontamination supplies shall not be in an area being treated with pesticides or in an area under a restricted-entry interval, unless:

(i) The decontamination supplies are in the area where the handler is performing handling activities;

(ii) The soap, single-use towels, and clean change of clothing are in enclosed containers; and

(iii) The water is running tap water or is enclosed in a container.

(4) Emergency eyeflushing. To provide for emergency eyeflushing, the handler employer shall assure that at least one pint of water is immediately available to each handler who is performing tasks for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.

(5) A plumbed or portable emergency eyewash capable of delivering at least 1.5 liters (0.4 gals.) of water per minute for fifteen minutes shall be provided at all pesticide mixing and loading stations or handler decontamination sites when the label requires protective eyewear for mixing, loading or applying. A plumbed or portable system meeting the above requirements shall be provided at all permanent mixing and loading sites.

(6) Decontamination after handling activities. At the end of any exposure period, the handler employer shall provide at the site where handlers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-250, filed 10/3/96, effective 11/3/96.]

WAC 16-233-255 Emergency assistance—Standards for pesticide handlers—40 CFR, § 170.260. If there is reason to believe that a person who is or has been employed by an agricultural establishment or commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, including, but not limited to, exposures from handling tasks or from application, splash, spill, drift, or pesticide residues, the handler employer shall:

(1) Make available to that person prompt transportation from the place of employment or the handling site to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(b) Antidote, first-aid, and other medical information from the product labeling.

(c) The circumstances of handling of the pesticide.

(d) The circumstances of exposure of that person to the pesticide.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-255, filed 10/3/96, effective 11/3/96.]

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SEPA PROCEDURES**

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WAC 16-236-010 Authority. These rules are promulgated under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA rules).

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-010, filed 11/30/84.]

WAC 16-236-020 Adoption by reference. The department of agriculture adopts the following sections of chapter 197-11 WAC by reference:

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[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-020, filed 11/30/84.]

WAC 16-236-030 Purpose. (1) This chapter implements the statewide rules in chapter 197-11 WAC as they apply to the department of agriculture.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the department to use all practical means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

- (a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- (c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (d) Preserve important historic, cultural, and natural aspects of our national heritage;
- (e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The department recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-030, filed 11/30/84.]

WAC 16-236-040 Additional definition. "Department" means department of agriculture unless otherwise indicated.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-040, filed 11/30/84.]

WAC 16-236-050 Designation of responsible official. Within the department of agriculture the ultimate responsible official is the director. The responsible official for a specific proposal shall be the assistant to the director in charge of environmental affairs or his/her designee.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-050, filed 11/30/84.]

WAC 16-236-060 EIS preparation. (1) Preparation of draft and final EISs and SEISs is the responsibility of the assistant to the director in charge of environmental affairs or his/her designee. The responsible official shall be satisfied that all EISs and SEISs issued by the department are in compliance with these rules and chapter 197-11 WAC.

(2) Any draft or final EIS or SEIS shall be prepared by the department, the applicant, or by a consultant mutually agreed upon by the department and applicant.

(3) Whenever someone other than the department prepares a draft or final EIS or SEIS, the responsible official shall:

(a) Coordinate scoping to ensure that the individual preparing the document receives all substantive information submitted by any agency or person.

(b) Direct the areas of research and study to be undertaken and the content and organization of the document.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the document.

(d) Allow the person preparing the document access to department records relating to the document, as prescribed in chapter 16-06 WAC, Public records.

(4) Nothing herein shall be construed to prohibit the department from charging any fee of an applicant that the department is otherwise authorized to charge (see WAC 197-11-914). A performance bond in amount specified by the department may be required of the applicant to ensure payment of department expenses in preparing, in whole or in part, a draft or final EIS or SEIS.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-060, filed 11/30/84.]

WAC 16-236-070 Environmentally sensitive areas. During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall give all due consideration to "environmentally sensitive area" designations made by local governments under WAC 197-11-908.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-070, filed 11/30/84.]

WAC 16-236-080 Threshold levels adopted by local governments. During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall respect threshold levels adopted by local governments under WAC 197-11-800.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-080, filed 11/30/84.]

WAC 16-236-090 Coordination of combined state-federal action. When the department considers actions which also involve federal actions, it shall coordinate the two governmental processes so that only one EIS, or other environmental document, need be prepared for that proposal.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-090, filed 11/30/84.]

WAC 16-236-100 Public notice requirements. (1) When these rules require notice of environmental document preparation or availability, as a lead agency and taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, the public notice requirements for the permit or approval required from the department, public interest expressed in the proposal, and whether the proposal is a project or regulation, the department shall give public notice by using at least one of the following methods:

- (a) Posting the property, for site-specific proposals;
 - (b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
 - (c) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
 - (d) Notifying the news media; and/or
 - (e) Publishing notice in a department newsletter.
- (2) Whenever possible, the department shall integrate these public notice requirements with existing notice procedures for any department permits or approvals required for the proposal.

(3) The department may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-100, filed 11/30/84.]

WAC 16-236-110 Notice/statute of limitations. (1) The department, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the department, applicant, or proponent pursuant to RCW 43.21C.080.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-110, filed 11/30/84.]

WAC 16-236-120 Policies and procedures for conditioning or denying permits or other approvals. (1) The policies and goals in this section are supplementary to existing authorities of the department.

(2009 Ed.)

(2) It is the policy of the department to avoid or mitigate adverse environmental impacts which may result from the department's decisions.

(3) The department shall ensure that presently unquantified environmental amenities and values will be given appropriate consideration in decision-making along with economic and technical considerations.

(4) When the environmental document for a proposal shows it will cause significant adverse impacts, the responsible official shall consider whether:

(a) The environmental document identified mitigation measures that are reasonable and capable of being accomplished;

(b) Other local, state, or federal requirements and enforcement would mitigate the significant adverse environmental impacts; and

(c) Reasonable mitigation measures are sufficient to mitigate the significant adverse impacts.

(5) When the environmental document for a proposal shows it will cause significant adverse impacts, the responsible official may:

(a) Condition the approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is consistent with the policies in this section; or

(b) Deny the permit or approval for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in this section.

(6) The procedures in WAC 197-11-660 shall also be followed when conditioning or denying permits or other approvals.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-120, filed 11/30/84.]

WAC 16-236-130 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-130, filed 11/30/84.]

Chapter 16-237 WAC

COMMODITY STORAGE WAREHOUSES AND GRAIN DEALERS

WAC

16-237-010	Definitions.
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16-237-200	Printing by private printer—When.
16-237-205	Bond requirements for the use of outside printers.
16-237-210	Completion of printing.

WAC 16-237-010 Definitions. (1) "Permanent enclosed storage space" means that it has a foundation and both rigid walls and roof.

(2) "Warehouse operator" means the same as "warehouseman" which is defined in chapter 22.09 RCW.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-010, filed 10/13/00, effective 11/13/00.]

WAC 16-237-015 Covered commodities. Commodities covered under chapter 22.09 RCW in respect to storage and/or merchandising shall include wheat, barley, oats, field corn, popcorn, rye, triticale, grain sorghum, soybeans, sunflowers, flax, buckwheat, rapeseed, safflower, millet, mustard, dry peas, dry beans, lentils, malt, and the by-products resulting from conditioning the above commodities.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-015, filed 10/13/00, effective 11/13/00.]

WAC 16-237-020 Grades and standards. The grades and standards established by the United States Department of Agriculture as of August 1, 1984, 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 22.09.020(13). 00-21-043, § 16-237-020, filed 10/13/00, effective 11/13/00.]

WAC 16-237-025 Bond requirements. (1) A bond of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars shall be required for each warehouse operator and dealer licensed pursuant to chapter 22.09 RCW, the Washington Warehouse Act. The bond amount shall be computed at the rate of eighteen cents per bushel of licensed storage capacity or six percent of cost of covered commodities purchased from producers, whichever is higher.

(2) For purposes of this section, the cost of covered commodities purchased from producers will include only those commodities purchased during the preceding fiscal year of that dealer.

(3) Grain dealers who purchase less than one hundred thousand dollars annually from producers may petition the director for exemption from the bond requirements. A grain dealer who is granted exemption must:

(a) Pay for the commodity at time of taking possession by:

- (i) Coin or currency; or
- (ii) Cashier's check; or
- (iii) Certified check; or
- (iv) Bank draft.

(b) Dealers must maintain a copy of the contract, scale ticket and payment record. All documents must be complete and show the actual date of the transaction. If paid for in coin

or currency, a receipt must be issued and signed and dated by the producer.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-025, filed 10/13/00, effective 11/13/00.]

WAC 16-237-030 Certificates of deposit, letters of credit, life insurance. A certificate of deposit, irrevocable letter of credit or assignment on a life insurance policy issued to the department in lieu of a bond shall not be released, canceled or discharged until three years after cancellation of the license unless the department determines that no outstanding claims exist for the subject period.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-030, filed 10/13/00, effective 11/13/00.]

WAC 16-237-035 Net worth requirements. A warehouse operator must maintain an allowable net worth of twenty cents per bushel of licensed space, with a minimum of twenty-five thousand dollars. A dealer must maintain an allowable net worth of four percent of sales of commodities purchased from producers, with a minimum of twenty-five thousand dollars. A warehouse operator who is also a dealer must maintain the higher of these two requirements. For a warehouse operator, any deficiency above the twenty-five thousand dollar minimum must be compensated for by increasing the amount of the warehouse operator's bond by the amount of the deficiency, up to the seven hundred fifty thousand dollar maximum. For a dealer, any deficiency above the twenty-five thousand dollar minimum must be compensated for by increasing the amount of the dealer's bond by the amount of the deficiency regardless of the seven hundred fifty thousand dollar maximum. Warehouse operators and grain dealers must maintain a current asset to current liability ratio of at least point nine to one. Deficiencies must be made up by providing additional bonding in the amount of the deficiency.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-035, filed 10/13/00, effective 11/13/00.]

WAC 16-237-040 Financial statement requirements. Each warehouse operator and dealer shall submit to the department an annual financial statement which shall have been audited or reviewed by a certified or licensed public accountant. The statement must be submitted to the department within four months after the conclusion of the warehouse operator's or dealer's fiscal year. The statement shall include:

- (1) A balance sheet.
- (2) An income statement which includes annual gross sales of commodities from producers covered under the act.
- (3) A statement of changes in financial position.
- (4) Footnotes or schedule disclosure of:
 - (a) The total bushels received annually by commodity.
 - (b) The amount of each commodity in storage at end of year.
 - (c) The amount of each commodity held for depositors.

For purposes of this section, commodity refers to those commodities covered under the Washington Warehouse Act, chapter 22.09 RCW.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-040, filed 10/13/00, effective 11/13/00.]

WAC 16-237-140 Warehouse operator recordkeeping requirements. Each warehouse operator shall maintain the following records at a location required by RCW 22.09.-340:

- (1) A printed daily position record showing by commodity:
 - (a) The amount received.
 - (b) The amount shipped.
 - (c) Adjustments.
 - (d) The amount forwarded to other locations.
 - (e) The amount in storage.
 - (f) The amount belonging to depositors.
 - (g) The amount belonging to the warehouse operator.
- (2) A depositor ledger for each depositor showing:
 - (a) The amount deposited each day by scale ticket number.
 - (b) The amount transferred to warehouse receipts with the corresponding warehouse receipt number.
 - (c) The amount transferred to other locations.
 - (d) The amount purchased and purchase report number.
 - (e) The amount contracted to purchase and contract number.
 - (f) The amount delivered back to depositors.
 - (g) The lot numbers and grade.
- (3) Scale tickets. In addition to the requirements in RCW 22.09.010(16), scale tickets must:
 - (a) Show location where the commodity is deposited.
 - (b) Show that the commodity is insured for current market value.
 - (c) Plainly indicate that it is nonnegotiable.
 - (d) Be filed numerically in the main office.
- (4) Shipments out of warehouses must be filed by:
 - (a) Warehouse location; and
 - (b) Intracompany transfers must be on a prenumbered form and filed numerically by warehouse location.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-140, filed 10/13/00, effective 11/13/00.]

WAC 16-237-145 Grain dealer recordkeeping requirements. Each dealer shall maintain the following records at a location as required by RCW 22.09.340:

- (1) Contracts. Contracts issued to producers must:
 - (a) Be serially numbered.
 - (b) Clearly indicate the date title passes.
 - (c) Show the net price due the producer or charges to be deducted from the selling price.
 - (d) Show the date payment is due.
 - (e) Indicate the method of adjustment for over and under deliveries.
 - (f) Show date paid.
 - (g) Be maintained in numerical sequence by month payment is due for outstanding contracts and completed contracts must be filed numerically.
- (2) Delayed price contracts. Delayed price contracts must contain the following information:
 - (a) Indicate in large type the date title will pass.
 - (b) Show the method for setting price.
 - (c) Charges to be assessed.
 - (d) Commodity and quantity contracted.

(2009 Ed.)

(3) Purchase reports. Each dealer who purchases commodity from a producer must issue a purchase report to the producer at the time of payment which shall:

- (a) Be prenumbered.
 - (b) Show commodity and quantity purchased.
 - (c) Show price and basis.
 - (d) Show discounts.
 - (e) Show itemized charges assessed the producer.
 - (f) Show the check number and date paid with one copy filed numerically.
- (4) Producer ledger. Each dealer must maintain a producer ledger showing:
- (a) The name of each producer from whom the dealer has purchased an agricultural commodity.
 - (b) The amount contracted with corresponding contract number.
 - (c) Scale ticket numbers, lot numbers and/or bills of lading to apply against the contract.
 - (d) The purchase voucher number.
- (5) Daily position. All grain dealers shall maintain a daily position by commodity in regard to producer purchases showing:
- (a) The net buy/sell position.
 - (b) The amount in pounds, bushels, tons, or hundred weight of delayed price contracts which the producer has not priced.
 - (c) The amount in pounds, bushels, tons, or hundred weight which the producer has priced but has not received payment.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-145, filed 10/13/00, effective 11/13/00.]

WAC 16-237-150 Recordkeeping requirements for warehouse operators storing seed. Warehouse operators storing treated seed for depositors must maintain, at a minimum, a separate daily position record by class for treated seed that shows the amount in pounds, bushels, or hundred weights owed to depositors.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-150, filed 10/13/00, effective 11/13/00.]

WAC 16-237-155 Rates and charges. Warehouse operators and dealers who receive commodities for storage, handling, or conditioning shall post conspicuously a schedule of all charges, moisture adjustment factors, and disposition and/or ownership of all by-products. A copy of all charges assessed and billed to each depositor shall be itemized and retained in a numerical file.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-155, filed 10/13/00, effective 11/13/00.]

WAC 16-237-160 Scales. All scales used by warehouse operators and dealers must be certified for accuracy annually. Scale testing for certification may be performed by the department or by an approved scale company. When scales are tested by the department a seal shall be placed on the scales. The seal shall be dated and shall indicate approval or rejection. When scales are tested by an approved scale company, a copy of a scale test report shall be forwarded to the

department and a copy shall be maintained in the warehouse operator's file.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-160, filed 10/13/00, effective 11/13/00.]

WAC 16-237-165 Historical depositor. Prior to allocating storage space, each warehouse operator shall file a policy statement with the department of agriculture setting forth the criteria that identifies a person as a historical depositor as defined in RCW 22.09.010. Any subsequent changes in this policy shall be filed with the department.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-165, filed 10/13/00, effective 11/13/00.]

WAC 16-237-170 Emergency storage situation. If the director determines that an emergency storage situation exists, a warehouse operator may forward warehouse receipted grain to other licensed warehouses for storage without canceling the depositor's warehouse receipt under the following conditions:

(1) The warehouse operator must:

(a) Obtain written permission from the depositor and/or the holder of the warehouse receipt before the grain is shipped.

(b) Notify the department before the grain is shipped.

(c) Have a warehouse receipt issued in his/her name from the receiving warehouse.

(d) Be back in compliance with the requirements described in RCW 22.09.250 within one hundred twenty days from the date of the first grain shipment.

(2) An extension of the one hundred twenty-day requirement in subsection (1)(d) of this section may be granted for government owned commodities.

[Statutory Authority: 2003 c 13, RCW 22.09.020(13) and chapter 34.05 RCW. 03-19-013, § 16-237-170, filed 9/5/03, effective 10/6/03. Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-170, filed 10/13/00, effective 11/13/00.]

WAC 16-237-175 Outside storage. (1) Grain may be stored outside the warehouse operator's permanent enclosed storage space only under the following conditions:

(a) The warehouse operator has insufficient permanent enclosed storage space to handle commodities for the current license year.

(b) Outside storage shall be on ground properly crowned and groomed to provide adequate drainage. Prior to its use, the storage space shall be approved by the department.

(c) Outside storage not filled through the warehouse operator's permanent enclosed storage facility shall have a separate letter designation and license fee.

(d) Outside storage must be free of contact with any building or elevator after October 15th of each year.

(e) The warehouse operator shall maintain a net worth of twenty-five cents per bushel in addition to the net worth requirements of WAC 16-237-035.

(2) Uncovered and/or nonaerated outside storage must be moved to a covered licensed storage facility by October 31st. A warehouse operator may submit a written request to the department for a thirty-day extension. The request for extension shall indicate the amount and condition of the commodity for which the extension is requested along with other

information that may be necessary to assist the department in the evaluation of the request. This request must be received by October 15th. The request will be granted upon satisfying the following conditions:

(a) That the amount of outside storage does not exceed fifty-percent of the warehouse operator's license permanent enclosed storage space.

(b) The warehouse operator maintains a total net worth of seventy-five cents per bushel for uncovered outside storage in addition to the net worth requirements of WAC 16-237-035.

(c) There is no unreasonable risk to depositors.

(3) Licensed outside piles that have been covered and aerated prior to November 1 may be relicensed for the next license period provided that the warehouse operator samples each pile and submits the samples for grading.

(a) A sufficient number of samples that is representative of the entire pile shall be drawn, at a minimum, one sample for every ten thousand bushels in each outside pile and submitted for grading by June 1st. Samples are required to be graded using the grades and standards established by the United States Department of Agriculture.

(b) The results of the grading must be made available to the department within ten days of receipt of the grades.

(c) The department may deem that the requirements of this subsection have been met if outside storage samples are drawn and graded under the requirements of a United States Department of Agriculture Uniform Grain and Rice Storage Agreement and those certificates are provided to the department.

(d) If the average of the grades of the samples falls two grades below the average of the grades when the commodity was placed in the outside pile, the pile will not be approved for relicensing. Unless otherwise documented, "average grade" is considered to be U.S. No. 1.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-175, filed 10/13/00, effective 11/13/00.]

WAC 16-237-180 Warehouse license expiration and late renewal penalty. (1) Warehouse licenses issued under RCW 22.09.070 shall expire on June 30th after the date of issuance.

(2) If the application for renewal of a warehouse license(s) is not received by the department prior to June 30th of any year a penalty shall be assessed as provided by RCW 22.09.050.

(3) Subsequent to the expiration of a license, nothing herein shall be construed to limit the department's ability to enforce applicable laws as provided by chapter 22.09 RCW.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-180, filed 10/13/00, effective 11/13/00.]

WAC 16-237-185 Grain dealer license expiration and late renewal penalty. (1) Grain dealer license issued under RCW 22.09.075 shall expire on June 30th after the date of issuance.

(2) If the application for renewal of a grain dealer license is not received by the department prior to June 30th of any year, a penalty shall be assessed as provided by RCW 22.09.-055.

(3) Subsequent to the expiration of a license, nothing herein shall be construed to limit the department's ability to enforce applicable laws as provided by chapter 22.09 RCW.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-185, filed 10/13/00, effective 11/13/00.]

WAC 16-237-190 Inventory requirements. A warehouse not licensed prior to July 1, 1983, must meet the following requirements:

(1) Tanks and stices over two hundred bushels per foot must have inventory holes situated in such a manner as to allow the measurement of the high and low points of the commodity.

(2) Conventional flat storage must have an overhead catwalk with a minimum of five feet of headroom.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-190, filed 10/13/00, effective 11/13/00.]

WAC 16-237-195 Fees for warehouse audit and related services. The following fees apply to the following services:

(1) For year-end inventories requested by a warehouse operator, the department charges the following:

A fee of:	If requested:
(a) 10% of the warehouse license fee	By July 30th of each year
(b) 15% of the warehouse license fee	After July 30 of each year

(2)(a) The hourly rate for all other services performed by the warehouse audit program at the request of warehouse operators, grain dealers and/or other government agencies is \$33.00 per hour.

(b) These services include, but are not limited to, technical assisted audits of records and inventory, observation of sampling of commodities, collection of samples for the Karnal Bunt Survey, and remeasurement of commodities and storage bins.

(3) In addition to the hourly rate established in subsection (2)(a) of this section, the department assesses appropriate charges for overtime, mileage, meals, and lodging expenses incurred by department personnel when providing the types of services identified in subsection (2)(b) of this section.

[Statutory Authority: 2003 1st sp.s. c 25 and chapters 22.09 and 34.05 RCW. 05-07-080, § 16-237-195, filed 3/15/05, effective 4/15/05. Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-195, filed 10/13/00, effective 11/13/00.]

WAC 16-237-200 Printing by private printer—When. The department of agriculture will allow warehouse operators to have their negotiable warehouse receipts printed by a private printer only when the state printer cannot supply said receipts within a reasonable time in the form requested and at a competitive price as determined by the director.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-200, filed 10/13/00, effective 11/13/00.]

WAC 16-237-205 Bond requirements for the use of outside printers. Warehouse operators who require receipts as set forth in WAC 16-234-010 shall apply to the director and furnish the following:

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(1) A bond for one thousand dollars as provided for in RCW 22.09.300.

(2) Complete the department's "requisition for negotiable warehouse receipts" form, and forward to the department for both approval and forwarding to said private printer.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-205, filed 10/13/00, effective 11/13/00.]

WAC 16-237-210 Completion of printing. Upon receipt of a completed "requisition for negotiable warehouse receipts" form, the private printer shall print the authorized negotiable warehouse receipts, and upon completion of printing notify the department, by use of the "affidavit of printer" form, the number of negotiable warehouse receipts printed and the inclusive numbers as specified.

[Statutory Authority: RCW 22.09.020(13). 00-21-043, § 16-237-210, filed 10/13/00, effective 11/13/00.]

Chapter 16-240 WAC

**WSDA GRAIN INSPECTION PROGRAM—
DEFINITIONS, STANDARDS, AND FEES**
(Formerly chapter 16-239 WAC)

WAC

- 16-240-010 Definitions.
- 16-240-020 Washington state grain and commodity service points.
- 16-240-030 Commodities covered by chapter 22.09 RCW.
- 16-240-032 Grades and standards adopted by Washington state.
- 16-240-034 Service requests.
- 16-240-036 Permanent staffing requests.
- 16-240-038 Revenue minimum.
- 16-240-040 Official commercial inspection services.
- 16-240-042 Payment of fees and charges.
- 16-240-044 GIPSA, FGIS scale authorization.
- 16-240-046 Straight time rate.
- 16-240-048 Rates for working outside established business hours (overtime).
- 16-240-050 Calculating travel time, mileage and per diem.
- 16-240-052 Fees for stowage examination.
- 16-240-054 Service cancellation fee.
- 16-240-060 WSDA grain program fees for service.
- 16-240-070 Fees for services under the United States Grain Standards Act.
- 16-240-080 Fees for services under the Agricultural Marketing Act of 1946.
- 16-240-090 Fees for other services performed by WSDA.

WAC 16-240-010 Definitions. "Department" means the Washington state department of agriculture.

"Fee" means any charge made by the department for:

- (1) Inspecting and handling any commodity; or
- (2) Any service related to weighing or storing grains or commodities.

"GIPSA, FGIS" means the Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service.

"Metric ton" means two thousand two hundred four and six-tenths pounds.

"Official commercial inspection services" means a contractual agreement between the applicant and the department for services specified by the applicant that will be provided at an applicant's facility.

"Revenue minimum" means the amount of revenue that must be collected by the department to offset expenses. In order to act as an official inspection agency under the United States Grain Standards Act and the Agricultural Mar-

keting Act of 1946, the program must collect revenue to offset expenses. The grain inspection program is supported entirely by the fees it generates from the services it provides as required by RCW 22.09.790. The circumstances under which charges occur to collect the revenue minimum are stated in WAC 16-240-038.

"**Service point**" means the Washington state department of agriculture offices and surrounding service areas authorized by the Federal Grain Inspection Service to provide sampling, inspecting, weighing, and certification services.

"**USDA**" means the United States Department of Agriculture.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-010, filed 5/17/05, effective 6/17/05.]

WAC 16-240-020 Washington state grain and commodity service points. The offices located in the following cities are service points for providing sampling, inspecting, weighing, and certification services.

(1) Service points:

- (a) Colfax.
- (b) Kalama.
- (c) Olympia.
- (d) Pasco.
- (e) Seattle.
- (f) Spokane.
- (g) Tacoma.
- (h) Vancouver.

(2) Aberdeen has been delegated to Washington state as a service point by the Federal Grain Inspection Service. Services for Aberdeen are as follows:

(a) Services for Aberdeen may be requested through the Tacoma grain inspection office.

(b) Travel time and mileage will be assessed from Tacoma to Aberdeen for all services requested at Aberdeen until a permanent staff is established.

(3) Inspection points may be added or deleted within the department's delegated and designated service area.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-020, filed 5/17/05, effective 6/17/05.]

WAC 16-240-030 Commodities covered by chapter 22.09 RCW. Commodities covered under chapter 22.09 RCW and this chapter with respect to sampling, inspection, weighing, and quality or constituent determinations include all:

- (1) Grains with standards or inspection criteria established under the United States Grain Standards Act;
- (2) Commodities with standards or inspection criteria established under the Agricultural Marketing Act;
- (3) Commodities with standards or inspection criteria established under Washington state standards; and
- (4) By-products resulting from conditioning or processing the grains and commodities listed in this section.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-030, filed 5/17/05, effective 6/17/05.]

WAC 16-240-032 Grades and standards adopted by Washington state. Washington state adopts the following grades and standards:

(1) The grades and standards established by the United States Department of Agriculture from August 1, 1984, to the present that apply to all grains and commodities regulated by this chapter.

(2) 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.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-032, filed 5/17/05, effective 6/17/05.]

WAC 16-240-034 Service requests. An applicant must place a service request in order to ensure staffing:

(1) Service requests must be received by the inspection office by 2:00 p.m. of the last business day before the requested service.

(a) The notification requirement allows the department to secure adequate staffing to supply the requested service and to accommodate leave or adjust staffing for anticipated workloads.

(b) The notification requirement applies even if there is permanent staffing at the location (see WAC 16-240-036).

(c) Failure to meet the notification requirement may result in denial of service.

(2) Service requests beyond the office's usual scope or volume will be provided only if adequate numbers of qualified employees are available.

(3) The department reserves the right to determine the number of personnel necessary to provide the requested service.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-034, filed 5/17/05, effective 6/17/05.]

WAC 16-240-036 Permanent staffing requests. An applicant may request the department to establish permanent staffing on shifts as shown below:

(1) Requests for permanent staffing of day, night, swing, or graveyard shifts must be made in writing at least seven business days prior to the beginning of the month for which the shift(s) are requested.

(a) Requests for permanent staffing of any night, swing or graveyard shift will be deemed to include a request for permanent staffing of the day shift.

(b) The requested shift(s) will be established if the department has an adequate number of trained personnel.

(c) Confirmation of staffing requirements must be received by the inspection office by 2:00 p.m. each day Monday through Friday, for the next service day, and by 2:00 p.m. of the last business day before a Saturday, Sunday, or holiday (see WAC 16-240-034).

(d) Failure to meet the notification requirement may result in denial of service.

(2) When the department is able to staff the permanent night, swing, or graveyard shift(s) requested by the applicant,

the overtime rate established under WAC 16-240-048 will be waived for the requested shift(s).

(3) Once established, permanent shifts will continue for a minimum of one calendar month.

(a) The request for a permanent shift will remain in effect until canceled.

(b) Cancellation requests must be received, in writing, at least fifteen business days prior to the end of the month.

(c) Applicants will be assessed for any shifts established at their request until the cancellation notice period has expired.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-036, filed 5/17/05, effective 6/17/05.]

WAC 16-240-038 Revenue minimum. The circumstances under which charges occur to collect the revenue minimum are as follows:

(1) When the volume of work at the established fees does not generate revenue equivalent to the straight time hourly rate per hour, per employee, the straight time hourly rate will be assessed per hour, per employee.

(2) **Daily** averaging at export locations:

(a) When the **daily** volume of work at the established fees does not generate revenue equivalent to the straight time hourly rate per hour, per employee, including applicable supervisory and clerical employee hours, the department charges a fee to recover expenses.

(b) The straight time hourly rate will be assessed per hour, per employee.

(c) Service cancellation fees, WAC 16-240-054, are not considered to be revenue under daily averaging.

(3) **Monthly** averaging at export locations:

(a) When the applicant has requested the department to establish one or more permanent shifts, the applicant may request, in writing, that the revenue minimum required for staffing at the location be determined based on the completed invoices for the calendar month, instead of paying the fees for daily volumes of work.

(b) When the **monthly** volume of work at the established fees does not generate revenue equivalent to the straight time hourly rate per hour, per employee, including applicable supervisory and clerical employee hours, the department charges a fee to recover expenses.

(c) The straight time hourly rate will be assessed per hour, per employee.

(d) At export locations, the request for monthly averaging stays in effect until canceled.

(e) Requests to establish or cancel monthly averaging for the coming month must be received by 2:00 p.m. of the last business day in the month.

(f) Service cancellation fees, WAC 16-240-054, are not considered to be revenue under monthly averaging.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-038, filed 5/17/05, effective 6/17/05.]

WAC 16-240-040 Official commercial inspection services. The department may provide on-site official commercial

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inspection services, at the applicant's request, when all of the following conditions are met:

(1) Appropriate space, equipment and security must be provided by the applicant.

(2) The applicant must provide a written document fully describing the services requested. The applicant must fully describe the requested services in writing so the department can determine appropriate staffing levels and develop a guarantee of expenses proposal.

(3) The department must be able to provide appropriate licensed personnel to accomplish the service requested.

(4) A guarantee of expenses is negotiated.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-040, filed 5/17/05, effective 6/17/05.]

WAC 16-240-042 Payment of fees and charges. All department fees and charges for services rendered are due within thirty days of the statement date. If the department does not receive payment within thirty days:

(1) Services may be withheld until the delinquent account is paid; or

(2) Cash payment for subsequent services may be required.

The department assesses a penalty of twelve percent per annum on all delinquent account balances.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-042, filed 5/17/05, effective 6/17/05.]

WAC 16-240-044 GIPSA, FGIS scale authorization. The United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service (USDA, GIPSA, FGIS) has delegated official scale testing and scale authorization authority to the department.

(1) The GIPSA, FGIS scale authorization fee established in WAC 16-240-060, per hour, per employee is assessed when GIPSA, FGIS scale authorization services are performed.

(2) In addition to the hourly GIPSA, FGIS scale authorization fee; the department may assess travel time at the scale authorization hourly rate, mileage beyond ten miles, per diem, or overtime, if applicable.

(3) All scales in Washington state under USDA, GIPSA, FGIS jurisdiction must comply with the following testing requirements:

(a) Scales must be tested and certified for accuracy at least twice each year by an authorized Washington state department of agriculture scale specialist or a USDA, GIPSA, FGIS scale specialist.

(b) When tested by the department or by USDA, GIPSA, FGIS, a seal must be placed on the scales. This seal must be dated and must indicate approval or rejection.

(c) When scales are tested, copies of the test report must be:

(i) Forwarded to USDA, GIPSA, FGIS;

(ii) Maintained by the department; and

(iii) Maintained at the facility where the scale is located.

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(4) The scale authorization fee is assessed in one-half hour increments.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-044, filed 5/17/05, effective 6/17/05.]

WAC 16-240-046 Straight time rate. The straight time rate is assessed as cited below.

- (1) An hourly fee is specified in the schedule of fees.
- (2) No other fee is established in the schedule of fees.
- (3) The revenue minimum under WAC 16-240-038 applies.
- (4) The revenue minimum required for staffing at export locations determined on a daily or monthly basis under WAC 16-240-038 applies.
- (5) No contractual agreement supersedes the straight time rate.
- (6) Straight time is assessed in one-half hour increments.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-046, filed 5/17/05, effective 6/17/05.]

WAC 16-240-048 Rates for working outside established business hours (overtime). In addition to regular inspection and weighing fees and any applicable hourly fees, the department will charge the overtime rate per hour, per employee, including applicable supervisory and clerical employee hours, when a service is requested:

- (1) Anytime on Saturdays, Sundays, or holidays.
- (2) Before or after regularly scheduled office hours, Monday through Friday.
- (3) During established meal periods on any shift.
- (4) For services requested at unstaffed export locations.
- (5) Overtime is assessed in one-half hour increments.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-048, filed 5/17/05, effective 6/17/05.]

WAC 16-240-050 Calculating travel time, mileage and per diem. The rules for assessing travel time, mileage, and per diem are as follows:

(1) Travel time: When department personnel perform services at locations other than service points, the applicant, in addition to the fee for the service performed, must pay the department for travel time as follows:

(a) Travel time for each department employee from the established service location to the inspection point and return at the hourly rates in effect at the time the service is performed; except

(b) Travel time for scale authorization is charged from the scale specialist's location to the scale location and return at the hourly scale authorization rate shown in WAC 16-240-060, USGSA—AMA—WSDA Table 1.

(2) Mileage: Mileage will be assessed to inspection locations beyond ten miles from a service point location. Mileage will be assessed from the service point location to the inspection point and return.

(a) For scale authorization services on scales located beyond ten miles from the scale specialist's location, mileage

will be assessed from the scale specialist's location to the scale location and return.

(b) Mileage will be prorated among applicants when multiple service stops can be scheduled during a single service trip.

(c) The mileage rate is assessed according to the state of Washington office of financial management private vehicle mileage reimbursement rate in effect at the time the service is performed.

(3) Per diem: Per diem may be assessed when an employee is required to travel to provide services. The charge will be at the rate established by the state of Washington office of financial management that is in effect at the time the service is performed.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-050, filed 5/17/05, effective 6/17/05.]

WAC 16-240-052 Fees for stowage examination. (1) The following rules apply for fees for stowage examination services on vessels or ocean-going barges.

(a) 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.

(b) The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point.

(c) Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services.

(d) In addition to the fee in USGSA Table 7, the department may assess, as applicable, the following fees:

■ WAC 16-240-048 (rates outside of established business hours);

■ WAC 16-240-050 (travel, mileage beyond ten miles, per diem);

■ WAC 16-240-054 (service cancellation fee).

(2) The following rules apply for fees for other stowage examination services:

(a) Fees for stowage examination services will not be assessed when official sampling and inspection occurs at the time of loading or when official check loading is performed, unless the applicant requests an official stowage examination certificate.

(b) The stowage examination requirement associated with service at the time of loading may be waived in accordance with GIPSA, FGIS Directive 9020.1, available from United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service.

(c) The applicant is responsible for assuring stowage space is readily accessible to inspection personnel.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-052, filed 5/17/05, effective 6/17/05.]

WAC 16-240-054 Service cancellation fee. A service cancellation fee applies when service is requested and then canceled or not performed.

(1) When a service is requested before or after the inspection office's established hours, a cancellation fee would apply as follows:

(a) When a service is requested before or after an office's standard Monday through Friday shifts, or anytime on Saturdays, Sundays, or holidays; and

(b) The requested service is canceled after 2:00 p.m. of the last business day before the requested service; then

(c) A service cancellation fee will be assessed per employee scheduled.

(2) At locations where monthly averaging has been instituted, a cancellation fee would apply as follows:

(a) A request for service must be filed by 2:00 p.m. on the last business day before service to guarantee full staffing at the service location;

(b) When full staff at the location is requested and then canceled or services are not actually performed through no fault of the department; then

(c) The service cancellation fee will be assessed per employee scheduled.

(3) When service is requested for a vessel inspection, a cancellation fee would apply as follows:

(a) When a vessel inspection is requested and then canceled after 2:00 p.m. of the last business day before the requested service, a cancellation fee will apply.

(b) The service cancellation fee will be assessed per employee scheduled to inspect the vessel.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-054, filed 5/17/05, effective 6/17/05.]

WAC 16-240-060 WSDA grain program fees for service. USGSA—AMA—WSDA Table 1 contains fees for GIPSA, FGIS scale authorization, straight-time hourly rate, overtime hourly rate, and service cancellation fees for services performed under the United States Grain Standards Act, the Agricultural Marketing Act of 1946, and Washington state rule.

**USGSA—AMA—WSDA Table 1
WSDA Grain Program Fees for Service**

1. Scale authorization fee, per hour, per employee	\$50.00
2. Straight-time rate, rate per hour, per employee	\$30.00
3. Overtime rate, per hour, per employee	\$15.00
4. Service cancellation fee, per employee	\$150.00

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-060, filed 5/17/05, effective 6/17/05.]

WAC 16-240-070 Fees for services under the United States Grain Standards Act. (1) USGSA Tables 1 through 7 in this section contain fees for official sampling and/or inspection and/or weighing services and fees for other associated services under the United States Grain Standards Act

(USGSA). Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Fees that are not specifically cited in WAC for services under the United States Grain Standards Act are described below.

(a) Fees for other services under the United States Grain Standards Act not specifically cited in WAC 16-240-070 are provided at the rates contained in WAC 16-240-080 or 16-240-090 and/or at the published rates of the laboratory or organization providing the official service or analysis.

(b) An applicant may be required to provide the necessary supplies and equipment when requesting a new or special type of analysis.

**USGSA Table 1
Fees for Combination Inspection and Weighing Services**

1. In, out, or local, per metric ton	\$0.150
2. Vessels (export and domestic ocean-going)	
a. First 2,500,000 metric tons per fiscal year, per metric ton	\$0.200
b. From 2,500,001 to 4,000,000 metric tons per fiscal year, per metric ton	\$0.150
c. From 4,000,001 to 5,500,000 metric tons per fiscal year, per metric ton	\$0.100
d. Over 5,500,000 metric tons per fiscal year, per metric ton	\$0.050

Note: For vessels (export and domestic ocean-going):

■ The vessel 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.

■ The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in USGSA Table 1 are charged at the per factor fee.

■ During vessel loading, assessments for other tests, such as protein analysis, falling number determinations, or mycotoxin analysis will be assessed at the per unit rates included in this fee schedule.

3. Trucks or containers, per truck or container	\$22.00
4. Additional nongrade determining factor analysis, per factor	\$3.00

**USGSA Table 2
Fees for Official Sampling and Inspection Without Weighing Services**

1. Original or new sample reinspection trucks or containers sampled by approved grain probe, including factor only or sampling only services, per truck or container 1	\$17.00
2. Railcars sampled by USDA approved mechanical sampler, including factor only or sampling only services, per railcar 1, 2	\$17.00
3. Original or new sample reinspection railcars sampled by USDA approved grain probe, applicant assisted, including factor only or sampling only services, per railcar 1, 2	\$17.00

4.	Original or new sample reinspection railcars sampled by USDA approved grain probe, including factor only or sampling only services, per railcar 1, 2	\$26.50
1	<ul style="list-style-type: none"> ■ For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 2. ■ Analysis that requires additional equipment or personnel will be provided at the hourly rate. Examples are special grades, such as the determination of waxy corn, or criteria analysis, such as stress cracks in corn or seed sizing in soybeans. 	
2	The per railcar rate applies to each railcar included in a batch grade. A batch grade is two or more cars that are combined, at the applicant's request, for a single grade.	
5.	Additional nongrade determining factor analysis, per factor	\$3.00

**USGSA Table 3
Fees for Official Class X Weighing Services Without an Inspection of Bulk Grain**

1.	In, out, or local, per metric ton	\$0.130
2.	Trucks or containers, per weight lot	\$15.00

**USGSA Table 4
Fees for Inspection of Submitted Samples, Fees for Reinspections Based on Official File Samples and Fees for Additional Factors**

1.	Submitted samples, including factor-only inspections, per inspection 1, 2	\$9.00
2.	Reinspections based on official file sample, including factor-only reinspections, per inspection 1, 2	\$9.00
3.	Additional, nongrade determining factor analysis, per factor 2	\$3.00
1	<ul style="list-style-type: none"> ■ 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 submitted sample rates shown above. ■ For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 4. 	
2	Analysis that requires additional equipment or personnel will be provided at the hourly rate. Examples are special grades, such as the determination of waxy corn, or criteria analysis, such as stress cracks in corn or seed sizing in soybeans.	

**USGSA Table 5
Fees for Official Analysis for Protein, Oil, or Other Official Constituents**

Original or reinspection based on file sample, per test	\$7.00
Note: The following applies to the fee in USGSA Table 5:	
<ul style="list-style-type: none"> ■ When a reinspection service includes a request for a new sample, the appropriate sampling fee will also be assessed. 	

■ Results for multiple criteria achieved in a single testing operation are provided at the single test rate unless certificated separately.

**USGSA Table 6
Fees for Testing for the Presence of Mycotoxins Using USDA Approved Methods**

Original, reinspection based on official file sample, or submitted sample, per test	\$37.50
Note:	
<ul style="list-style-type: none"> ■ When a reinspection service includes a request for a new sample, the appropriate sampling fee to obtain the sample will be assessed in addition to the per test fee shown earlier (see WAC 16-240-070, USGSA Table 2). 	

**USGSA Table 7
Fees for Stowage Examination Services on Vessels or Ocean-Going Barges and Fees for Other Stowage Examination Services**

1.	Vessels or ocean-going barges stowage examination, original or reinspection, per request	\$300.00
2.	Other stowage examinations of railcars, trucks, trailers, or containers, original or reinspection, per inspection	\$9.00

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-070, filed 5/17/05, effective 6/17/05.]

WAC 16-240-080 Fees for services under the Agricultural Marketing Act of 1946. (1) AMA Tables 1 through 5 in this section contain official sampling and/or inspection and/or weighing services and fees for other services under the Agricultural Marketing Act of 1946 (AMA). Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Fees that are not specifically cited in WAC for services under the Agricultural Marketing Act of 1946 are described below.

(a) Fees for other services under the Agricultural Marketing Act of 1946 not contained in WAC 16-240-080 are contained in WAC 16-240-070 or 16-240-090 and/or at the published rates of the laboratory or organization providing the official service or analysis.

(b) An applicant may be required to provide the necessary supplies and/or equipment when requesting a new or special type of analysis.

**AMA Table 1
Fees for Combination Sampling, Inspection and Weighing Services, and Additional Factors**

1.	In, out, or local, per metric ton 1, 2	\$0.150
2.	Vessels (export or domestic), per metric ton 1, 3, 4	\$0.200
3.	Trucks or containers, per truck or container 1, 2	\$30.00
4.	Additional, nongrade determining factor analysis, per factor 1	\$3.00

1	The rates in the above section also apply to services provided under federal criteria inspection instructions, state established standards, and/or other applicant defined criteria.
2	Dockage breakdown is included in the basic inspection fee.
3	The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in AMA Table 1 are charged at the per factor fee.
4	Assessments for other tests, such as mycotoxin analysis, provided during vessel loading will be assessed at the per unit rates included in this fee schedule.

**AMA Table 2
Fees for Official Sampling and Inspection Without Weighing Services, and Additional Factors**

1.	Trucks, containers, or tote lots, sampled by USDA approved grain probe, including factor only or sampling only services, per truck, container, or tote lot	\$30.00
2.	Railcars sampled by USDA approved mechanical samplers, including factor only or sampling only services, per railcar	\$30.00
3.	Railcars sampled by USDA approved grain probe, including factor only or sampling only services, per railcar	\$30.00
4.	Inspection of bagged commodities, including factor only or sampling only services, per hundredweight (cwt)	\$0.080
5.	Additional, nongrade determining factor analysis, per factor	\$3.00
Note: The following applies to all fees in this table:		
<ul style="list-style-type: none"> ■ Dockage breakdown is included in the basic inspection fee. ■ Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate. ■ The rates shown above also apply to services provided under federal criteria inspection instructions. 		

**AMA Table 3
Fees for Official Weighing Services without Inspections**

1.	In, out, or local, per metric ton	\$0.130
2.	Trucks or containers, per weight lot	\$15.00

**AMA Table 4
Fees for Inspecting Submitted Samples**

1.	Submitted sample, thresher run or processed, including factor-only inspections, per sample	\$19.00
2.	Additional, nongrade determining factor analysis, per factor	\$3.00
Note: The following applies to all fees in this table:		
<ul style="list-style-type: none"> ■ Dockage breakdown is included in the basic inspection fee. ■ Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate. 		

<ul style="list-style-type: none"> ■ The rates shown above also apply to inspection services provided under federal criteria inspection instructions. ■ When the size of a submitted sample is insufficient to perform official grade analysis, factor-only analysis is available on request of the applicant.
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**AMA Table 5
Fees for Miscellaneous Services**

1.	Falling number determinations, including liquefaction number on request, per determination	\$15.00
2.	Sampling and handling of processed commodities, per hour, per employee	\$30.00
3.	Laboratory analysis, at cost	At cost
Note:		
<ul style="list-style-type: none"> ■ On request, shipping arrangements billed directly by shipper to the customer's shipping account may be coordinated by the department. 		

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-080, filed 5/17/05, effective 6/17/05.]

WAC 16-240-090 Fees for other services performed by WSDA. (1) WSDA Tables 1 through 3 in this section contain fees for other services performed at the request of the applicant when no USGSA or AMA standards exist. Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Applicant-defined analysis may be available from the department.

(a) Hourly fees for sampling and/or sample preparation may be assessed.

(b) The analysis will be provided at the established hourly rate or may be provided at the cost quoted by the laboratory or organization providing the service or analysis.

(c) Applicant may be required to provide supplies and equipment when requesting a new analysis or special service.

**WSDA Table 1
Fees for Inspecting Miscellaneous Agricultural Commodities under Chapter 16-213 WAC**

1.	Submitted sample, per sample	\$9.00
2.	Railcars, sampled by USDA approved diverter-type mechanical samplers, per car	\$17.00
3.	Railcars, sampled by USDA approved grain probe, per car	\$26.50
4.	Trucks or containers, sampled by USDA approved grain probe, per truck or container	\$17.00
Note: The following applies to all items in WSDA Table 1:		
<ul style="list-style-type: none"> ■ These rates also apply to inspection services provided under applicant-specified criteria or standards other than USGSA, AMA or WSDA. For example: Millet may be inspected under state of Montana standards, upon applicant request. 		

WSDA Table 2
Fees for Phytosanitary Certification

1.	In conjunction with official inspection, per certificate	\$25.00
2.	For phytosanitary certification only, without official inspection, add required sampling time, per hour, per employee	\$30.00

WSDA Table 3
Fees for Miscellaneous Services

1.	Unofficial constituent analysis, per test	\$7.00
2.	Sample pick-up fee, on department established routes, per sample	\$0.85
3.	Laboratory analysis, provided at other than WSDA grain inspection program offices, per analysis	At cost

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. 05-11-058, § 16-240-090, filed 5/17/05, effective 6/17/05.]

Chapter 16-250 WAC

COMMERCIAL FEED RULES

WAC

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16-250-067	Guarantees for commercial feed sold primarily for sugar content.
16-250-068	Guarantees for vitamin/mineral premix and base mix commercial feed.
16-250-069	Expression of guarantees—Expressed as is.
16-250-070	Expression of guarantees—Sliding-scale method prohibited.
16-250-071	Expression of guarantees—Protein, amino acids, fat, and fiber.
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16-250-073	Expression of guarantees—Minimum vitamin content.
16-250-074	Expression of guarantees—Drugs.
16-250-075	Expression of guarantees and special requirements—Commercial feeds containing any added nonprotein nitrogen.
16-250-076	Expression of guarantees—Microorganisms and enzymes.
16-250-080	Substantiating nutritional suitability of commercial feed except for customer-formula feed.
16-250-090	Feed ingredient statement terms and recordkeeping requirements.
16-250-095	Drug and feed additive requirements.
16-250-100	Directions for use and precautionary statement requirements.
16-250-110	Screenings.
16-250-120	Adulteration of feed.
16-250-140	Use of artificial coloring.
16-250-150	Reusing bags, totes, and containers.
16-250-155	Tonnage fee requirements.
16-250-160	Commercial feed license application requirements.
16-250-170	Commercial feed label submission requirements.
16-250-180	Good manufacturing practices adopted.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-250-001	Effective date. [Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-001, filed 11/19/03, effective 7/1/04.] Repealed by 05-18-094, filed 9/7/05, effective 10/8/05. Statutory Authority: Chapters 15.53 and 34.05 RCW.
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WAC 16-250-005 Commercial feed regulated by this chapter. (1) Commercial feed for beef cattle, dairy cattle, equine, goats and sheep, chickens and turkeys, ducks and geese, fish, rabbits, swine, and other animals not specifically regulated under chapter 16-252 WAC are regulated by this chapter.

(2) Chapter 16-252 WAC (Commercial feed rules: Pet food and specialty pet food) regulates pet food and specialty pet food except for customer-formula food.

(a) Where a conflict occurs between the provisions of chapter 16-252 WAC and those of this chapter, the regulations in chapter 16-252 WAC take precedence.

(b) Where a commercial pet food and/or specialty pet food issue arises on which chapter 16-252 WAC is silent and a provision in this chapter addresses the issue, then this chapter must be followed. The department expects such situations will be rare.

Note: Processed animal waste as a commercial feed is regulated under chapter 16-256 WAC.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-005, filed 11/19/03, effective 7/1/04.]

WAC 16-250-007 The Code of Federal Regulation. Throughout these rules where the Code of Federal Regulation is referred to, the reference is to the 2002 edition.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-094, § 16-250-007, filed 9/7/05, effective 10/8/05.]

WAC 16-250-010 Commercial feed terms and definitions. Except for the specific terms and definitions contained

in this section or in RCW 15.53.901, the terms and definitions used in reference to commercial feeds, in this chapter, are the official feed terms adopted by the Association of American Feed Control Officials (AAFCO) and published in the association's official publication. Throughout these rules where the Association of American Feed Control Officials (AAFCO) official publication is referred to, the reference is to the *2003 Official Publication*.

Note: A copy of the official publication is on file with the department. Copies may be purchased from AAFCO Assistant Secretary Treasurer; P.O. Box 478 Oxford, IN 47971.

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

(2) "**Canned**" means feed that has been processed, packaged, sealed, and sterilized for preservation in cans, pouches, or similar containers.

(3) "**Commercial feed**" means all materials or combinations of materials that are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted. The following commodities are exempted and are not considered "commercial feed" if they are not adulterated (see RCW 15.53.902 for a list of conditions that cause commercial feeds to be adulterated):

- Unmixed whole seeds and physically altered entire unmixed seeds when such seeds are not chemically changed.

- Raw meat, hay, loose salt, straw, stover, silage, cobs, husks, and hulls when such commodities are not ground, mixed or intermixed with other materials.

(4) "**Customer-formula feed**" means commercial feed that is a mixture of commercial feeds or feed ingredients, or both, each batch of which is manufactured according to the instructions of the final purchaser.

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

(6) "**Director**" means the director of the Washington state department of agriculture or the director's designee.

(7) "**Distressed pet food**" means pet food (dog and cat) in distribution that is no longer available for retail sale. Examples of distressed pet food include, but are not limited to, dented cans, torn bags, or pet food past its sell-by date.

(8) "**Distressed specialty pet food**" means specialty pet food in distribution that is no longer available for retail sale. Examples of distressed specialty pet food include, but are not limited to, dented cans, torn bags, or specialty pet food past its sell-by date.

(9) "**Distribute**" means to:

- (a) Offer for sale, sell, exchange or barter, commercial feed; or

- (b) Supply, furnish, or otherwise provide commercial feed to a contract feeder.

(10) "**Distributor**" means a person who distributes.

(11) "**Drug**" means:

- (a) Any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man; and

- (b) Articles other than feed intended to affect the structure or any function of the animal body.

(12) "**Enzyme**" means a protein made up of amino acids or their derivatives, which catalyses a defined chemical reac-

tion. Required cofactors should be considered an integral part of the enzyme.

(13) "**Facility**" means any place where a commercial feed is manufactured, repackaged, sold, transloaded, or stored for later distribution.

(14) "**Feed ingredient**" means each of the constituent materials making up a commercial feed.

(15) "**Grain mixture feed**" means mixed or intermixed whole or physically altered grains, that:

- (a) Are not chemically altered;

- (b) May or may not contain molasses; and

- (c) Except for molasses, contain no other additives.

(16) "**Guarantee**" means a listing of specified nutrients or nonnutritive substances contained in a commercial feed that the manufacturer or distributor named on the feed label warrants as specified in these rules.

(17) "**Guaranteed analysis**" means a listing of the minimum, maximum or both minimum and maximum concentrations of specified nutrients contained in a commercial feed that the manufacturer or distributor named on the feed label warrants. Both minimum and maximum concentrations of specified nutrients contained in a commercial feed are stated on an "as is" basis rather than on a "one hundred percent moisture free" basis in units specified by these rules.

(18) "**Initial distributor**" means a person who first distributes a commercial feed in or into Washington state.

(19) "**Ingredient statement**" means a contiguous listing on the label of all ingredients of which the commercial feed is composed.

(20) "**Label**" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a bulk commercial feed is distributed.

(21) "**Labeling**" means all labels and other written, printed, or graphic matter:

- (a) Upon a commercial feed or any of its containers or wrappers; or

- (b) Accompanying such commercial feed.

(22) "**Lot identifier**" means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In the case of bulk feed the lot identifier is on a label, invoice, or shipping document accompanying the feed.

(23) "**Net weight**" means the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Examples of materials, substances, or items not considered to be part of a commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons. (See RCW 19.94.010 (1)(i).)

(24) "**Nutritionally adequate**" means the feed, when fed according to directions on the label, will meet the nutritional requirements of the class of animals for which the feed was manufactured.

(25) "**Nutritionally suitable**" means nutritionally adequate.

(26) **"Person"** means an individual, firm, partnership, corporation, or association.

(27) **"Pet food"** means a commercial feed prepared and distributed for consumption by domesticated dogs or cats.

(28) **"Principal display panel"** means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

(29) **"Prohibited mammalian protein"** means any protein-containing portion of mammalian animals, excluding:

- Blood and blood products;
- Gelatin;
- Inspected meat products that have been cooked and offered for human food and further heat processed for feed (such as plate waste and used cellulose food casings);
- Milk products (milk and milk proteins); and
- Products whose only mammalian protein is porcine or equine protein.

(30) **"Processed,"** as applied to animal waste, means thermally dehydrated, dry-stacked, ensiled, oxidized, chemically treated, microbiologically digested, chemically or physically fractionated, or treated by other processes that enable an animal waste product to comply with the standards established in this chapter.

(31) **"Quantity statement"** means the part of the label expressing net weight (mass), net volume (liquid or dry) or count.

(32) **"Repackage"** means taking commercial feed from packages (no larger than one hundred pounds for dry feed or fifty-five gallons for liquid feed) and placing it into smaller packages for resale.

(33) **"Salvage pet food"** means pet food (dog and cat food) still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelleted pet food, pet food fines, and other products not suitable for packaging for retail sale.

(34) **"Salvage specialty pet food"** means specialty pet food still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelleted specialty pet food, specialty pet food fines, and other products not suitable for packaging for retail sale.

(35) **"Sell"** or **"sale"** includes exchange.

(36) **"Specialty pet"** means a domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.

(37) **"Specialty pet food"** means a commercial feed prepared and distributed for consumption by specialty pets.

(38) **"Transload"** means to transfer commercial feed from one carrier to another carrier without processing or blending the ingredients. For example, transferred from rail cars to trucks or shipping containers.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-094, § 16-250-010, filed 9/7/05, effective 10/8/05; 03-23-128, § 16-250-010, filed 11/19/03, effective 7/1/04.]

WAC 16-250-015 Feed ingredient names and definitions. Except for the specific names and definitions contained in this section, the names and definitions used in reference to

commercial feed ingredients, in this chapter, are the official names and definitions of feed ingredients established by the Association of American Feed Control Officials (AAFCO) and published in the association's official publication.

"Dehydrated grass meal" means the aerial portion of a grass plant that is:

- Cut before the formation of seed;
- That is reasonably free of other crop plants, weeds, and mold;
- Is finely ground; and
- Dried by artificial thermal means.

Note: If a dehydrated grass meal product is identified by a species name, the product must be made from that species.

"Grass seed by-products meal or pellets" means a ground product consisting of light and broken seeds, hulls, chaff, straw, and some weed seeds but excluding sand, dirt, and heavy weed seeds.

"Grass seed screenings meal or pellets" means a product comprised chiefly of hulls obtained from the cleaning of various grass seeds.

"Pea bran" means a product consisting primarily of the various components from a pea splitting operation. Pea bran must contain at least ten percent crude protein and not more than thirty-eight percent crude fiber.

"Pea by-products meal" means a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. Pea by-products meal must contain at least fifteen percent crude protein and not more than thirty percent crude fiber.

"Pea meal" means a pea product resulting from the grinding of whole peas that are reasonably free of other crop seeds, weeds, and mold. Pea meal must contain at least twenty percent crude protein and not more than eight percent crude fiber.

"Pea screenings meal" means a product consisting primarily of the various components from the screening and cleaning of peas. Pea screenings meal must contain at least ten percent crude protein and not more than thirty-eight percent crude fiber.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-015, filed 11/19/03, effective 7/1/04.]

WAC 16-250-018 Customer-formula feed labeling required. There are no label format requirements for customer-formula feed. However, a label, invoice, delivery ticket or other shipping document containing all of the information required in WAC 16-250-020(1) must:

- (1) Accompany all deliveries of bulk or packaged customer-formula feed; and
- (2) Be given to the purchaser; or
- (3) If the purchaser is not present when the customer-formula feed is delivered, the label, invoice, delivery ticket or other shipping document may be left with the delivered feed in a place predetermined by the purchaser.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-018, filed 11/19/03, effective 7/1/04.]

WAC 16-250-020 Label information and record-keeping requirements for customer-formula feed. (1) Using labels, invoices, delivery tickets, or some other type of

shipping document, customer-formula feed must be labeled with the following information:

- (a) Name and address of the manufacturer;
 - (b) Name and address of the purchaser;
 - (c) Date of delivery;
 - (d) Customer-formula feed name and brand name if any;
 - (e) Directions for use and precautionary statements as required by WAC 16-250-100 and 16-250-075(3);
 - (f) If a drug is used, the label must contain information required by WAC 16-250-042; and
 - (g) The quantity statement.
- (2) The product name and net quantity of each commercial feed and each other ingredient used in the customer-formula feed must be on file at the plant producing the product. These records do not have to be delivered with the customer-formula feed, but they must be:

- (a) Kept on file for at least one year after the date of the last distribution;
- (b) Available to the purchaser, the dealer making the distribution, and the department on request; and
- (c) Meet the ingredient statement requirements of WAC 16-250-090.

(3) In addition to the requirements of this chapter, if the term "organic" is used on labels or shipping documents of any customer-formula feed, the feed must be produced under conditions that comply with the 2001 National Organic Program final rule standards for the production and handling of organic crops, livestock and processed food products. The 2001 National Organic Program final rule may be obtained from the department, or on the internet at <http://www.ams.usda.gov/nop/NOP/standards.html>.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-028, filed 11/19/03, effective 7/1/04.]

WAC 16-250-028 Commercial feed labeling required except customer-formula feed. Except for customer-formula feed, a label complying with the requirements in WAC 16-250-030 and 16-250-035 must accompany all commercial feed offered for distribution. This includes both packaged and bulk commercial feeds. (Customer-formula feed must comply with the requirements in WAC 16-250-020.)

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-028, filed 11/19/03, effective 7/1/04.]

WAC 16-250-030 Recordkeeping requirements and label information required on all commercial feed labels except customer-formula feed. All commercial feed labels, except for customer-formula feed, must contain the information described in this section. The information in subsections (1) through (8) of this section must appear on the label of the product in the following order. The information in subsection (9)(a) of this section must be on the label, container, or package, but may be in a different location than the information in subsections (1) through (8) of this section.

- (1) Product name and brand name, if any, consistent with requirements in WAC 16-250-040.
- (2) Drugs used in the feed, if any, consistent with requirements in WAC 16-250-042.
- (3) Purpose of feed statement consistent with requirements in WAC 16-250-045.

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(4) Guarantees consistent with requirements in WAC 16-250-050 through 16-250-076.

(5) Feed ingredient statement consistent with requirements in WAC 16-250-090.

(6) Directions for use and precautionary statements or a reference to their location, if any, required detailed feeding directions and precautionary statements appear elsewhere on the label consistent with requirements in WAC 16-250-100 and 16-250-075(3).

(7) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address must include the street address, city, state, and zip code. Except that the street address may be omitted if it is shown in the current city directory or telephone directory where the manufacturer or person responsible for distributing the feed is located.

(8) Quantity statement.

(9)(a) Lot identifier that is sufficient to allow the manufacturer to accurately trace the complete manufacturing and distribution history of the product.

(b) Records relating the lot identifier to the manufacture, processing, packing, distribution, receipt, or holding of the product must be kept for one year after the last date of distribution.

(10) In addition to the requirements of this chapter, if the term "organic" is used on labels of any commercial feed, the feed must be produced under conditions that comply with the 2001 National Organic Program final rule standards for the production and handling of organic crops, livestock and processed food products. The 2001 National Organic Program final rule may be obtained from the department, or on the internet at <http://www.ams.usda.gov/nop/NOP/standards.html>.

(11) All required label information must be stated in English. In addition, label information may be translated into other languages. However, if the label is translated into another language, then the translation must give the same information as the English version of the label.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-030, filed 11/19/03, effective 7/1/04.]

WAC 16-250-035 Format required for all commercial feed labels except customer-formula feed. (1)(a) The following label information must appear in its entirety, in the following order, on one side of the label or container of all commercial feed except customer-formula feed:

- (i) Product name and brand name, if any;
 - (ii) Drug used, if any drug is used;
 - (iii) Purpose of feed statement;
 - (iv) Guaranteed analysis;
 - (v) Feed ingredients;
 - (vi) Directions for use and precautionary statements or reference to their location if they appear elsewhere on the label;
 - (vii) Name and principal mailing address of the manufacturer or person responsible for distributing the feed; and
 - (viii) Quantity statement.
- (b) A lot identifier must appear on the label of all commercial feed, but may be in a different location than the information required by (a) of this subsection.

(2)(a) If a reference to the location of the directions for use and precautionary statements is made on the principal label, the directions for use and precautionary statements must be displayed in a prominent place on the label or container but not necessarily on the same side as the information required in subsection (1)(a) of this section.

(b) When directions for use or precautionary statements are placed on a different side of the label or container than the information required in subsection (1)(a) of this section, there must be a statement on the same side of the label or container that the information required in subsection (1)(a) of this section is printed such as "see back of label for directions for use."

(3) When the Bovine Spongiform Encephalopathy precautionary statement "do not feed to cattle or other ruminants" is required by 21 CFR, Part 589.2000, it must appear in a prominent place on the label.

Note: A copy of 21 CFR, Part 589.2000 is available from the department. It is also available on the internet at <http://www.gpoaccess.gov/cfr/retrieve.html>.

(4) The information required in WAC 16-250-030 must not be subordinated or obscured by other statements or designs.

(5) Printed or written material or design (for example, pictures of animals or birds) of any kind must not be attached to, appear on, or distributed with commercial feed if the material or design is misleading, incorrect, or at variance in any respect with the information required on the label.

(6)(a) Statements referring to a competitive product or comparing the properties of a packaged feed to those of a competitive product must not appear on a label unless the competitive product is specifically identified.

(b) Negative statements regarding a competitive product must not appear on a label unless the director determines that the information provided by the statements is beneficial to the product's purchaser.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-094, § 16-250-035, filed 9/7/05, effective 10/8/05; 03-23-128, § 16-250-035, filed 11/19/03, effective 7/1/04.]

WAC 16-250-040 Product or brand name label information required for all commercial feeds except customer-formula feed. The following label requirements apply to any commercial feed, except customer-formula feed, distributed under a product or brand name:

(1) The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform to that use. For example, a mixture labeled "dairy feed" must be suitable for dairy animals.

(2) When reviewing product names for single ingredient feeds, the department will be guided by the definitions of feed ingredients and feed terms established by the Association of American Feed Control Officials' official publication unless those definitions and terms are specifically defined in chapter 15.53 RCW or WAC 16-250-010 and 16-250-015.

(3) Except for the circumstances described in subsection (4) of this section, the name of a commercial feed must not be derived from:

(a) One or more ingredients of a mixture to the exclusion of the other ingredients; or

(b) One component of a mixture unless all components are included in the name.

(4) When a commercial feed contains any ingredient or combination of ingredients for the purpose of imparting a distinct characteristic to the product that is significant to the purchaser, the name of that ingredient or combination of ingredients may be used as part of the brand name or product name if the department determines that the:

(a) Ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product;

(b) Product name does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; and

(c) Product name is not otherwise false or misleading.

(5) The word "vitamin" or a contraction of it, or any word suggesting vitamin, can only be used in the name of a feed that is:

(a) Represented to be a vitamin supplement; and

(b) Labeled with the minimum content, as specified in WAC 16-250-073, of each vitamin declared.

(6) The term "mineralized" may only be used in a feed name for "trace mineralized salt" and must not be used in the name of any other feed. "Trace mineralized salt" must contain significant amounts of trace minerals that are recognized as essential for animal nutrition.

(7)(a) If a brand name includes a single percentage value without explanation, the percentage value must signify the feed's crude protein content. For example, "BLUE BIRD FEEDS 18% Dairy Feed" means that the feed contains eighteen percent crude protein.

(b) If a brand name includes a single percentage value and the percentage does not represent crude protein content, the brand name must indicate what the percentage represents. For example, "BLUE BIRD FEEDS 2.0% Selenium Concentrate Premix."

(c) If a brand name includes more than one percentage value, the percentage must be followed by a corresponding description. For example, "BLUE BIRD FEEDS 20% Crude Protein/20% Fat Calf Milk Replacer."

(d) If the brand name contains either a percentage value that signifies crude protein or the word "protein," then the feed must contain no more than one and one-quarter percent nonprotein nitrogen.

(8) Commercial feed must be considered a distinct brand if it differs in guaranteed analysis, trademark name, or any other characteristic method of marking. However, this requirement does not prevent a brand from being distributed in various physical forms.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-040, filed 11/19/03, effective 7/1/04.]

WAC 16-250-042 Label information required when a drug is used in commercial feed. If a drug is used in commercial feed, the label must contain:

(1) The word "medicated" appearing directly after and below the product name in a type size that is at least one-half the type size of the product name.

(2) A purpose of feed statement as required in WAC 16-250-045.

(3) Information stating the purpose of the medication.

(4) An active ingredient statement listing the:

- (a) Active drug ingredients by established name; and
- (b) Amount of active drug ingredient per unit (for example mg/lb, g/ton) consistent with requirements in WAC 16-250-074.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-042, filed 11/19/03, effective 7/1/04.]

WAC 16-250-045 Purpose of feed statement requirements for commercial feed, except grain mixture feeds.

Note: This section applies to:

- (1) Medicated customer-formula feed; and
- (2) All commercial feeds, except feed distributed under WAC 16-250-065, whether medicated or not.

(1) A purpose statement is not required for grain mixture feeds.

(2) The purpose of feed statement must contain the species and animal class or classes for which the feed is intended.

(3) Animal classes for many species are listed in WAC 16-250-052 through 16-250-060. The manufacturer has the flexibility to use more specific and common language to describe these animal classes, species, and purpose of feed, especially when describing such things as the weight range, sex, or age of the animal for which the feed is manufactured.

(4) The purpose of feed statement may contain multiple species and classes, as long as the feed is nutritionally suitable for all of the species and classes of animals listed, and the guaranteed analysis includes all of the nutrients that must be guaranteed for each species.

(5) The purpose of feed statement may be excluded from the label if the product name includes a description of the species and animal class or classes for which the product is intended.

(6) If enzymatic activity related to the product is represented in any manner, the purpose of feed statement must include a statement explaining the purpose of that enzymatic activity.

(7) The purpose of feed statement for a commercial feed intended to provide a specialized nutritional source for use in the manufacture of other feeds such as a premix (see WAC 16-250-068) may replace animal class and species information with the words "for further manufacture of feed" if:

(a) The nutrients contained in the premix are guaranteed and sufficient for formulation into various animal species feeds; and

(b) The final user of the premix provides premix specifications.

(8) The purpose of feed statement of a single purpose ingredient blend, such as a blend of animal protein products, milk products, fat products, roughage products or molasses products may exclude the animal class and species information and state instead "for further manufacture of feed" if the label guarantees of the nutrients contained in the single purpose nutrient blend are sufficient for formulation into various animal species feed. See WAC 16-250-068 for regulations pertaining to single purpose ingredient blends.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-045, filed 11/19/03, effective 7/1/04.]

(2009 Ed.)

WAC 16-250-050 Guarantee requirements that apply to WAC 16-250-052 through 16-250-065.

Note: "Guarantee" means a listing of specified nutrients or non-nutritive substances contained in a commercial feed that the manufacturer or distributor named on the feed label warrants as specified in these rules. See WAC 16-250-010(16).

The requirements in subsections (1) through (4) of this section apply to WAC 16-250-052 through 16-250-065.

(1) Complete feeds and feeds intended to be mixed with grain to produce complete feed for the following animal classes and/or species always require a mineral guarantee:

- (a) Swine;
- (b) Poultry;
- (c) Fish; and
- (d) Veal and herd milk replacers.

(2) When stated on a commercial feed label, nutritional guarantees must be listed in the following order:

- (a) Crude protein;
- (b) Crude protein from nonprotein nitrogen;
- (c) Amino acids;
- (d) Crude fat;
- (e) Crude fiber;
- (f) Acid detergent fiber;
- (g) Calcium;
- (h) Phosphorus;
- (i) Salt;
- (j) Sodium.

(3) Other required and/or voluntary guarantees should follow those listed in subsection (2) of this section grouped by the unit (percentage, parts per million, International Units, etc.) of measure used to express the guarantees. For example, all guarantees measured by parts per million should be grouped together.

(4) The use of commercial, copyrighted brand, or trade names in the guarantees statement is prohibited.

(5) The following requirements apply to WAC 16-250-052 through 16-250-063:

(a) Commercial feed must be labeled for the animal class or classes for which it is intended.

(b) Commercial feed must also be nutritionally suitable for each and every class for which it is labeled.

(c) WAC 16-250-052 through 16-250-063 contains a series of animal class tables. When a manufacturer uses the class terms in the tables, the feed must be suitable for the class as defined in the table.

(d) Instead of the class terms used in the tables, a manufacturer may use more specific and common language to describe animal classes, especially when describing attributes such as the weight range, sex, or age of the animal for which the feed is manufactured.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-094, § 16-250-050, filed 9/7/05, effective 10/8/05; 03-23-128, § 16-250-050, filed 11/19/03, effective 7/1/04.]

WAC 16-250-051 Exemptions from the guarantees required in WAC 16-250-052 through 16-250-063. The following exemptions apply to WAC 16-250-052 through 16-250-063:

(1) Guarantees for crude protein, crude fat, and crude fiber are not required when:

(a) The commercial feed is intended for purposes other than to furnish these substances; or

(b) These substances are insignificant to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(2) A mineral guarantee is not required when the feed or feed ingredient is not intended, represented, or does not serve as a principal source of that mineral to the animal.

(3) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.

(4) Guarantees for microorganisms are not required when:

(a) The commercial feed is intended for a purpose other than to furnish these substances; or

(b) These substances are insignificant to the primary purpose of the product, and no specific label claims are made.

(5) The information on animal class or classes and species is not required on single ingredient products if the ingredient is not intended, represented, or defined for a specific animal class or species.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-051, filed 11/19/03, effective 7/1/04.]

WAC 16-250-052 Guarantees for all swine commercial feed except customer-formula feed.

(1)

Swine	
Classes	Approximate Size
Prestarter	2 to 11 pounds
Starter	11 to 44 pounds
Grower	44 to 110 pounds
Finisher (market)	110 to 242 pounds
Gilts, sows and adult boars	None specified
Lactating gilts and sows	None specified

(2) Guaranteed analysis for all animal classes of swine commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of lysine;
- (c) Minimum percentage of crude fat;
- (d) Maximum percentage of crude fiber;
- (e) Minimum and maximum percentage of calcium;
- (f) Minimum percentage of phosphorus;
- (g) Minimum and maximum percentage of salt (if added);
- (h) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (i) Minimum selenium in parts per million (ppm);
- (j) Minimum zinc in parts per million (ppm).

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-052, filed 11/19/03, effective 7/1/04.]

WAC 16-250-053 Guarantees for all poultry commercial feed (broilers, layers and turkeys) except customer-formula feed.

(1)

Layer - Chickens grown to produce eggs for food, for example, table eggs	
Classes	Approximate Age
Starting/growing	From day hatched to 10 weeks
Finisher	From 10 weeks to the time the first egg is produced (20 weeks)
Laying	From the time the first egg is laid to the end of the chicken's egg production
Breeder (chickens that produce fertile eggs for hatch replacement layers that lay eggs for food such as table eggs)	From the time the first egg is laid to the end of the chicken's productive cycle

Broiler - Chickens grown for human food	
Classes	Approximate Age
Starting/growing	From day hatched to 5 weeks
Finisher	From 5 weeks to market, 42 to 52 days
Breeders - Hybrid strains of chickens, any age and either sex, whose offspring are grown for human food (broilers)	Any age

Broiler-Breeder - Chickens whose offspring are grown for human food	
Classes	Approximate Age
Starting/growing	From day hatched to 10 weeks
Finishing	From 10 weeks to the time the first egg is produced (20 weeks)
Laying (fertile egg producing chickens-broilers/roasters)	From day of first egg to the end of fertile egg production

Turkey		
Classes	Purpose	Approximate Age
Starting/growing	Turkeys grown for human food	Females - From day hatched to 13 weeks
		Males - From day hatched to 16 weeks
Finisher	Turkeys grown for human food	Females - From 13 weeks to 17 weeks

Turkey		
Classes	Purpose	Approximate Age
		Males - From 16 weeks to 20 weeks or the desired market weight
Laying	Female turkeys producing eggs	From the time the first egg is produced to the end of egg production
Breeder	Turkeys grown to produce fertile eggs (both sexes)	From day hatched to time first egg is produced (30 weeks)

(2) Guaranteed analysis for all animal classes of poultry commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of lysine;
- (c) Minimum percentage of methionine;
- (d) Minimum percentage of crude fat;
- (e) Maximum percentage of crude fiber;
- (f) Minimum and maximum percentage of calcium;
- (g) Minimum percentage of phosphorus;
- (h) Minimum and maximum percentage of salt (if added);
- (i) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-053, filed 11/19/03, effective 7/1/04.]

WAC 16-250-054 Guarantees for all beef cattle commercial feed except customer-formula feed.

(1)

Beef Cattle	
Classes	Production Stage
Calves	Birth to weaning
Cattle on pasture	May be stated in terms of specific production stage, for example, stocker, feeder, replacement heifers, brood cows, bulls, etc.
Feedlot cattle	None specified

(2) Guaranteed analysis for all animal classes of beef cattle commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Maximum percentage of crude protein from nonprotein nitrogen (NPN) when added;
- (c) Minimum percentage of crude fat;
- (d) Maximum percentage of crude fiber;
- (e) Minimum and maximum percentage of calcium;
- (f) Minimum percentage of phosphorus;
- (g) Minimum and maximum percentage of salt (if added);

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(h) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;

- (i) Minimum percentage of potassium;
- (j) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(3) Guaranteed analysis for all beef cattle commercial mineral feeds must include the following nutrients (if added) on the label in the order listed below:

- (a) Minimum and maximum percentage of calcium;
- (b) Minimum percentage of phosphorus;
- (c) Minimum and maximum percentage of salt;
- (d) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (e) Minimum percentage of magnesium;
- (f) Minimum percentage of potassium;
- (g) Minimum copper in parts per million (ppm);
- (h) Minimum selenium in parts per million (ppm);
- (i) Minimum zinc in parts per million (ppm);
- (j) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-054, filed 11/19/03, effective 7/1/04.]

WAC 16-250-055 Guarantees for all dairy cattle commercial feed except customer-formula feed.

(1)

Dairy Cattle	
Classes	Production Stage
Veal milk replacer	Milk replacer fed for veal production
Herd milk replacer	Milk replacer fed for herd replacement calves
Starter	From 3 days to 3 months
Growing heifers, bulls and dairy beef	Grower 1 - 3 months to 12 months
	Grower 2 - More than 12 months
Lactating	Cows in milk
Nonlactating	Dry cows

(2) Guaranteed analysis for veal and herd replacement milk replacer commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fiber;
- (d) Minimum and maximum percentage of calcium;
- (e) Minimum percentage of phosphorus;
- (f) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(3) Guaranteed analysis for all animal classes of dairy cattle commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Maximum percentage of crude protein from nonprotein nitrogen (NPN) when added;
- (c) Minimum percentage of crude fat;
- (d) Maximum percentage of crude fiber;
- (e) Maximum percentage of acid detergent fiber (ADF);

- (f) Minimum and maximum percentage of calcium;
- (g) Minimum percentage of phosphorus;
- (h) Minimum selenium in parts per million (ppm);
- (i) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(4) Guaranteed analysis for all dairy cattle mixing and pasture mineral commercial feeds must include the following nutrients (if added) on the label in the order listed below:

- (a) Minimum and maximum percentage of calcium;
- (b) Minimum percentage of phosphorus;
- (c) Minimum and maximum percentage of salt;
- (d) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (e) Minimum percentage of magnesium;
- (f) Minimum percentage of potassium;
- (g) Minimum selenium in parts per million (ppm);
- (h) Minimum vitamin A, other than the precursors of vitamin A, in International Units per pound.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-055, filed 11/19/03, effective 7/1/04.]

WAC 16-250-056 Guarantees for all equine commercial feed except customer-formula feed.

(1)

Equine	
Classes	Approximate Age
Foal	Age ranges are not specified
Mare	
Breeding	
Maintenance	

(2) Guaranteed analysis for all animal classes of equine commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fiber;
- (d) Minimum and maximum percentage of calcium;
- (e) Minimum percentage of phosphorus;
- (f) Minimum copper in parts per million (ppm);
- (g) Minimum selenium in parts per million (ppm);
- (h) Minimum zinc in parts per million (ppm);
- (i) Minimum vitamin A, other than the precursors of vitamin A, in International Units per pound (if added).

(3) Guaranteed analysis for all equine commercial mineral feeds must include the following nutrients (if added) on the label in the order listed below:

- (a) Minimum and maximum percentage of calcium;
- (b) Minimum percentage of phosphorus;
- (c) Minimum and maximum percentage of salt (if added);
- (d) Minimum and maximum percentage of sodium must be guaranteed only when the total sodium exceeds that furnished by the maximum salt guarantee;
- (e) Minimum copper in parts per million (ppm);
- (f) Minimum selenium in parts per million (ppm);
- (g) Minimum zinc in parts per million (ppm);
- (h) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-056, filed 11/19/03, effective 7/1/04.]

WAC 16-250-057 Guarantees for all goat and sheep commercial feed except customer-formula feed.

(1)

Goat and Sheep	
Classes	Approximate Age
Starter	Age ranges are not specified
Grower	
Finisher	
Breeder	
Lactating	

(2) Guaranteed analysis for all animal classes of goat and sheep commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Maximum percentage of crude protein from nonprotein nitrogen (NPN) when added;
- (c) Minimum percentage of crude fat;
- (d) Maximum percentage of crude fiber;
- (e) Minimum and maximum percentage of calcium;
- (f) Minimum percentage of phosphorus;
- (g) Minimum and maximum percentage of salt (if added);
- (h) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (i) Minimum and maximum copper in parts per million (ppm) (if added, or if total copper exceeds 20 ppm);
- (j) Minimum selenium in parts per million (ppm);
- (k) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-057, filed 11/19/03, effective 7/1/04.]

WAC 16-250-058 Guarantees for all duck and goose commercial feed except customer-formula feed.

(1)

Ducks	
Classes	Approximate Age
Starter	0 to 3 weeks
Grower	3 to 6 weeks
Finisher	6 weeks to market
Breeder developer	8 to 19 weeks
Breeder	22 weeks to end of lay

Geese	
Classes	Approximate Age
Starter	0 to 4 weeks
Grower	4 to 8 weeks
Finisher	8 weeks to market
Breeder developer	10 to 22 weeks
Breeder	22 weeks to end of lay

(2) Guaranteed analysis for all animal classes of duck and goose commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;

- (c) Maximum percentage of crude fiber;
- (d) Minimum and maximum percentage of calcium;
- (e) Minimum percentage of phosphorus;
- (f) Minimum and maximum percentage of salt (if added);
- (g) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-058, filed 11/19/03, effective 7/1/04.]

WAC 16-250-059 Guarantees for all fish commercial feed except customer-formula feed and specialty pet food.

(1)

Fish	
Class (Species)	Approximate Age
Trout	Age ranges are not specified
Catfish	
Species other than trout or catfish	

(2) Guaranteed analysis for animal species for fish commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fiber;
- (d) Minimum percentage of phosphorus.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-059, filed 11/19/03, effective 7/1/04.]

WAC 16-250-060 Guarantees for all rabbit commercial feed except customer-formula feed.

(1)

Rabbit	
Classes	Approximate Age
Grower	4 to 12 weeks
Breeder	12 weeks of age and over

(2) Guaranteed analysis for all animal classes of rabbit commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Minimum and maximum percentage of crude fiber (the maximum crude fiber must not exceed the minimum by more than 5.0 units);
- (d) Minimum and maximum percentage of calcium;
- (e) Minimum percentage of phosphorus;
- (f) Minimum and maximum percentage of salt (if added);
- (g) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (h) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-060, filed 11/19/03, effective 7/1/04.]

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WAC 16-250-063 Guarantees for commercial feeds for animal species not specified in WAC 16-250-052 through 16-250-060 or in chapter 16-252 WAC, except customer-formula feed. Except for the following commercial feeds:

- Customer-formula feed; and
- Feeds exempted by WAC 16-250-051; and
- Feeds for animals covered in WAC 16-250-052 through 16-250-060; and
- Feeds for animals covered in chapter 16-252 WAC.

The guaranteed analysis for all commercial feed must include the following nutrients listed in this section on the label in the order below:

- (1) Minimum percentage of crude protein;
- (2) Maximum or minimum percentage of crude protein from nonprotein nitrogen consistent with requirements in WAC 16-250-075;
- (3) Minimum percentage of crude fat;
- (4) Maximum percentage of crude fiber;
- (5) Minimum and maximum percentages of calcium;
- (6) Minimum percentage of phosphorus;
- (7) Minimum and maximum percentage of salt (if added);
- (8) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (9) Other minerals.

Note:

WAC	Animal
16-250-052	Swine
16-250-053	Poultry (broiler, layers, and turkeys)
16-250-054	Beef cattle
16-250-055	Dairy cattle
16-250-056	Equine
16-250-057	Goats and sheep
16-250-058	Ducks and geese
16-250-059	Fish
16-250-060	Rabbits
Chapter 16-252 WAC	Pets and specialty pets

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-063, filed 11/19/03, effective 7/1/04.]

WAC 16-250-065 Guarantees for grain mixture commercial feeds, except customer-formula feed. Guaranteed analysis for all commercial grain mixture feeds must include the following nutrients on the label in the order listed below:

- (1) Minimum percentage of crude protein;
- (2) Minimum percentage of crude fat; and
- (3) Maximum percentage of crude fiber.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-065, filed 11/19/03, effective 7/1/04.]

WAC 16-250-067 Guarantees for commercial feed sold primarily for sugar content. Dried molasses products and other products being distributed primarily for their sugar content must be guaranteed for total sugars as invert (a unit of measurement expressed as a percentage).

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-067, filed 11/19/03, effective 7/1/04.]

WAC 16-250-068 Guarantees for vitamin/mineral premix and base mix commercial feed. (1) Commercial feeds such as vitamin/mineral premix and base mix that are intended as a specialized nutritional source for use in the manufacture of other feeds, must state their intended purpose and guarantee those nutrients relevant to that purpose.

(2) When approved by the department, guarantees may be made for these special feeds even if there are no approved Association of Official Analytical Chemists (AOAC) methods for determining specific nutritional content of these specialized feeds.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-068, filed 11/19/03, effective 7/1/04.]

WAC 16-250-069 Expression of guarantees—Expressed as is. All guarantees must be expressed on an "as is" basis rather than on a "one hundred percent moisture free" basis.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-069, filed 11/19/03, effective 7/1/04.]

WAC 16-250-070 Expression of guarantees—Sliding-scale method prohibited. The sliding-scale method of expressing guarantees (for example, "protein fifteen to eighteen percent") is prohibited.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-070, filed 11/19/03, effective 7/1/04.]

WAC 16-250-071 Expression of guarantees—Protein, amino acids, fat, and fiber. The guarantees for crude protein, crude protein from nonprotein nitrogen, lysine, methionine, other amino acids, crude fat, crude fiber, and acid detergent fiber must be expressed in percentages.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-071, filed 11/19/03, effective 7/1/04.]

WAC 16-250-072 Expression of guarantees—Minerals. (1) Mineral guarantees:

(a) When the calcium, salt, and sodium guarantees are given in the guaranteed analysis, they must be stated and conform to the following:

(i) When the minimum is below 2.5%, the maximum must not exceed the minimum by more than 0.5 percentage points.

(ii) When the minimum is 2.5% but less than 5.0%, the maximum must not exceed the minimum by more than one percentage point.

(iii) When the minimum is 5.0% or greater, the maximum must not exceed the minimum by more than 20% of the minimum and in no case may the maximum exceed the minimum by more than five percentage points.

(b) When stated, certain mineral guarantees must be expressed as follows:

Sodium, Salt, Potassium, Magnesium, Sulfur, Phosphorus, Fluorine, Other	
Mineral Guarantee:	Expresses As:
Minimum and maximum total sodium	Percentage (%)
Minimum and maximum salt	Percentage (%)

Sodium, Salt, Potassium, Magnesium, Sulfur, Phosphorus, Fluorine, Other	
Mineral Guarantee:	Expresses As:
Minimum potassium	Percentage (%)
Minimum magnesium	Percentage (%)
Minimum sulfur	Percentage (%)
Minimum phosphorus	Percentage (%)
Maximum fluorine	Percentage (%)
Other minimum mineral guarantees	Parts per million (ppm) when the concentration is less than 10,000 ppm
Other minimum mineral guarantees	Percentage when the concentration is 10,000 ppm (1%) or greater

(c) Minerals, except salt, when quantitatively guaranteed, must be stated in terms of percentage of the element.

(d) Products labeled with a quantity statement (for example, tablets, capsules, granules, or liquid) may state mineral guarantees in milligrams (mg) per unit (for example, milligrams per tablet or milligrams per capsule) consistent with the quantity statement and the directions for use.

(2) All mineral phosphatic materials used for feeding purposes must be labeled with the guarantee for:

- (a) Minimum and maximum percentage of calcium (when present);
- (b) Minimum percentage of phosphorus; and
- (c) Maximum percentage of fluorine.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-072, filed 11/19/03, effective 7/1/04.]

WAC 16-250-073 Expression of guarantees—Minimum vitamin content. Guarantees of minimum vitamin content for commercial feeds must be listed in the order shown in the following table. The guarantees must be stated in:

- (1) Milligrams per pound; or
- (2) Per unit consistent with the units on the quantity statement; or
- (3) For the vitamins listed in the following table, the units must be consistent with those in the table:

Vitamins	
Type of Vitamin and Listing Order:	Stated in:
Vitamin A, other than precursors of vitamin A	International Units per pound (IU/lb)
Vitamin D-3 in products offered for poultry feeding	International Chick Units per pound (ICU/lb)
Vitamin D, for other uses	International Units per pound (IU/lb)
Vitamin E	International Units per pound (IU/lb)
Concentrated oils and feed additive premixes containing vitamins A, D, and/or E	May, at the option of the distributor, be stated in units per gram (g) instead of units per pound (lb)
Vitamin B-12	Milligrams (mg) or micrograms (µg) per pound (lb)

Vitamins	
Type of Vitamin and Listing Order:	Stated in:
Menadione, riboflavin, d-pantothenic acid, thiamine, niacin, vitamin B-6, folic acid, choline, biotin, inositol, p-amino benzoic acid, ascorbic acid, and carotene	Milligrams per pound (mg/lb)

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-073, filed 11/19/03, effective 7/1/04.]

WAC 16-250-074 Expression of guarantees—Drugs. Guarantees for drugs must be stated in terms of percent by weight **except for the following:**

Drugs	
Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed	Grams per ton of commercial feed (g/ton)
Antibiotics, present at 2,000 or more grams per ton (total) of commercial feed	Grams per pound of commercial feed (g/lb)
Note: The term "milligrams per pound" (mg/lb) may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.	

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-074, filed 11/19/03, effective 7/1/04.]

WAC 16-250-075 Expression of guarantees and special requirements—Commercial feeds containing any added nonprotein nitrogen. (1) Commercial feeds containing any added nonprotein nitrogen must be labeled as follows:

(a) For ruminants:

(i) Complete feeds, supplements, and concentrates containing added nonprotein nitrogen and containing more than five percent protein from natural sources must be guaranteed as follows:

Crude protein, minimum, %

(This includes not more than. . . . % equivalent crude protein from nonprotein nitrogen.)

(ii) Mixed feed concentrates and supplements containing less than five percent protein from natural sources may be guaranteed as follows:

Equivalent crude protein from nonprotein nitrogen, minimum, %

(iii) Ingredient sources of nonprotein nitrogen such as urea, diammonium phosphate, ammonium polyphosphate solution, ammoniated rice hulls, or other basic nonprotein nitrogen ingredients as defined by the Association of American Feed Control Officials official publication must be guaranteed as follows:

Nitrogen, minimum, %

Equivalent crude protein from nonprotein nitrogen, minimum, %

(b) For nonruminants:

(i) Complete feeds, supplements and concentrates containing crude protein from all forms of added nonprotein nitrogen must be labeled as follows:

Crude protein, minimum, %

This includes not more than % equivalent crude protein, which is not nutritionally available to (species of animal for which feed is intended).

(ii) Premixes, concentrates or supplements intended for nonruminants containing more than one and one-quarter percent crude protein from all forms of added nonprotein nitrogen must contain adequate directions for use and a prominent statement such as the following:

WARNING: This feed must be used only in accordance with directions furnished on the label.

(2) Urea and other nonprotein nitrogen products, as defined in the Association of American Feed Control Officials official publication, are accepted sources of crude protein only in commercial feeds for ruminant animals.

(3)(a) Commercial feed must be labeled with adequate directions for the feed's safe use and a precautionary statement that reads, "CAUTION: USE AS DIRECTED" in the location specified in WAC 16-250-020 or 16-250-035 if it contains more than:

(i) Eight and three-quarters percent crude protein from all forms of added nonprotein nitrogen; or

(ii) One-third of the total crude protein content as added nonprotein nitrogen.

(b) The directions for use and caution statements must be printed in a type size and placed on the label in the location specified in WAC 16-250-020 or 16-250-035 so they can be read and understood by an ordinary person purchasing and using the feed in a customary way.

(4) Commercial feed products containing added nonprotein nitrogen do not require duplicate feeding directions or warning or caution statements on medicated feed labels as long as those directions and/or statements include sufficient information to ensure the safe and effective use of the product.

(5) In commercial feeds distributed to nonruminant animals, nonprotein nitrogen sources defined in the Association of American Feed Control Officials official publication, are acceptable sources of nutrients other than crude protein, as long as the maximum crude protein from all nonprotein nitrogen sources does not exceed one and one-quarter percent of the nonruminant's total daily ration.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-075, filed 11/19/03, effective 7/1/04.]

WAC 16-250-076 Expression of guarantees—Microorganisms and enzymes. Any commercial feed being distributed as a source of microorganisms or enzymes, including silage additives, must be guaranteed as follows:

(1)(a) Guarantees for microorganisms must be stated in colony forming units (CFU) per unit weight or volume, consistent with label directions.

(b) A parenthetical statement following the guarantee must list each species in order of predominance.

(2)(a) Guarantees for enzymes must be stated in units of enzymatic activity per unit weight or volume, consistent with label directions.

(b) The source organism for each type of enzymatic activity must be specified, for example: Protease (bacillus subtilis) 5.5 mg amino acids liberated/minute/milligram.

(c) If two or more sources have the same type of activity, they must be listed in order of predominance based on the amount of enzymatic activity provided.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-076, filed 11/19/03, effective 7/1/04.]

WAC 16-250-080 Substantiating nutritional suitability of commercial feed except for customer-formula feed.

(1) All commercial feeds, except for customer-formula feeds, must be nutritionally suitable for the purpose represented by their labeling.

(2) If the department has reasonable cause to believe a commercial feed is not nutritionally suitable, the department may require that the feed manufacturer either submit an "affidavit of suitability" or a department approved alternative procedure, certifying that the feed is nutritionally adequate for its intended purpose. The affidavit of suitability or alternate procedure substantiates the feed's suitability but does not preclude the department from requiring additional evidence of nutritional suitability.

(3) If an affidavit of suitability, or department approved alternative procedure, is not submitted by the feed manufacturer within thirty days of written notification, the department may declare that the feed's composition or quality is less than or differs from what is represented by its labeling (see RCW 15.53.902(8)) and order the feed removed from the marketplace.

(4) An affidavit of suitability must contain the following information:

- (a) The feed licensee's name;
- (b) The feed's product name;
- (c) The name and title of the affiant submitting the document;
- (d) A statement from the affiant that they know the nutritional content of the feed and that the feed, based on valid scientific evidence, is nutritionally adequate for its intended purpose;

(e) The date the affidavit of suitability is submitted to the department; and

(f) The signature of the affiant notarized by a certified notary public.

(5) Example of affidavit:

Affidavit of Suitability

(Company Name) (Product Name & Code Number)

1. Affiant is the _____ of _____

(Title) (Name of Company)

and is duly authorized to make and execute this Affidavit for and on behalf of said company.

2. Affiant has knowledge of the nutritional content of the above listed feed product and is familiar with the nutritional requirements for the animal species and animal class(es) for which the feed product is intended.

Affidavit of Suitability

3. Affiant has knowledge of valid scientific evidence that supports the suitability of the product for the intended animal species and animal class for which this feed is intended. A copy of the product label is attached to this affidavit.

_____ By _____

(Name of Company) (Name and Title)

Subscribed and sworn to before me

this _____ day of _____, 20__

(Notary Public)

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-080, filed 11/19/03, effective 7/1/04.]

WAC 16-250-090 Feed ingredient statement terms and recordkeeping requirements. Feed ingredients listed on the label or on file at the plant producing the product must comply with the following:

(1) The name of each ingredient must conform to one of the following:

- (a) Ingredients must have an official definition in the AAFCO official publication;
- (b) If there is no official definition for an ingredient in the AAFCO official publication, then an ingredient with an AAFCO tentative definition may be used;
- (c) The ingredient is defined in WAC 16-250-015; or
- (d) The ingredient has a commonly accepted name that requires no definition, for example, sugar.

(2) Collective terms for the grouping of feed ingredients must be those defined in the Association of American Feed Control Officials official publication. However, when a collective term for a group of ingredients is used on a label:

(a) Individual ingredients within that group must not be listed on the label; and

(b) When requested the manufacturer must give the department a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing the commercial feed in Washington state. These records must be available to the department for inspection and copying for at least one year after the last date of distribution of the commercial feed.

(3) Ingredients on labels must be listed in descending order by weight.

(4) The specific amount of each ingredient does not need to be listed on the label.

(5) A single ingredient product, as defined by the Association of American Feed Control Officials official publication, does not need an ingredient statement.

(6) The names of all listed ingredients must be shown in the same size of letters and type.

(7) Commercial, copyrighted, brand, or trade names must not be used in the ingredient statement.

(8) No reference to quality or grade of an ingredient may appear in the ingredient statement.

(9) The term "dehydrated" may precede the name of any product that has been artificially dried.

(10) When the word "iodized" is used in connection with a feed ingredient, the ingredient must contain at least 0.007% iodine, uniformly distributed.

(11) The term "degermed" must precede the name of any product from which germs were wholly or partially removed.

(12) If a drug is used, the drug does not have to be listed in the ingredient statement. However, the drug name is required to be listed on the label (see WAC 16-250-030 and 16-250-035).

(13) Unless meat and meat by-products are made from cattle, swine, sheep or goats, the terms "meat" and "meat by-products" must specifically identify the animal from which they are derived.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-094, § 16-250-090, filed 9/7/05, effective 10/8/05; 03-23-128, § 16-250-090, filed 11/19/03, effective 7/1/04.]

WAC 16-250-095 Drug and feed additive requirements. Before the department approves a label for commercial feed that contains additives (including drugs, other special purpose additives, or nonnutritive additives), the distributor may be required to submit evidence satisfactory to the department proving the safety and effectiveness of the commercial feed when used according to the directions on the label.

Satisfactory evidence of the safety and effectiveness of a commercial feed that contains additives (including drugs, other special purpose additives, or nonnutritive additives) is established if one or more of the following apply:

(1) When the use of a commercial feed containing such additives either:

(a) Conforms to the requirements of the applicable regulation in 21 CFR; or

(b) Are "prior sanctioned"; or

(c) Are "informal review sanctioned"; or

(d) "Generally recognized as safe" (GRAS) for such use.

(2) When the commercial feed is itself a drug, and

(a) Is generally recognized as safe (GRAS) and effective for the labeled use; or

(b) Is marketed subject to an application approved by the Food and Drug Administration under 21 U.S.C. 360b as amended effective on the date these rules were adopted.

(3) When one purpose for feeding a commercial feed is to immunize through some immunological process and the immunizing drugs or additives have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended in 1985 (21 U.S.C. 151 et seq.).

(4) When the commercial feed is a directly fed microbial product and the:

(a) Product meets the particular fermentation product definition as defined in the Association of American Feed Control Officials official publication; and

(b) Required microbial content statement in the label is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms"; and

(c) Source is stated with a corresponding guarantee expressed according to WAC 16-250-076 requirements.

(5) When the commercial feed is an enzyme product and the:

(a) Product meets the particular enzyme definition in the Association of American Feed Control Officials official publication; and

(b) Enzyme is stated with a corresponding guarantee expressed according to WAC 16-250-076 requirements.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-094, § 16-250-095, filed 9/7/05, effective 10/8/05; 03-23-128, § 16-250-095, filed 11/19/03, effective 7/1/04.]

WAC 16-250-100 Directions for use and precautionary statement requirements. (1) Directions for use and precautionary statements on the required labeling of all commercial feeds containing additives, (including, but not limited to, prohibited mammalian protein, drugs, nonprotein nitrogen, special purpose additives, or nonnutritive additives) must:

(a) Be adequate to enable users with no special knowledge of the purpose and use of the feed to use it safely and effectively for its intended purposes; and

(b) Include all information described by all applicable regulations of 21 CFR, Parts 500-599 under the Federal Food, Drug and Cosmetic Act.

Note: The Food and Drug Administration's regulations are published in the Code of Federal Regulations, and are available in book format from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. They are also available on the internet at <http://www.gpoaccess.gov/cfr/retrieve.html>. A copy of 21 CFR Parts 500-599 is also on file with the department.

(2) Feeds containing nonprotein nitrogen must have adequate directions for use and precautionary statements as specified in WAC 16-250-075.

(3) Adequate directions for use and precautionary statements identified in subsection (1) of this section are required for commercial feeds that are distributed to:

(a) Supply particular dietary needs; or

(b) For supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-094, § 16-250-100, filed 9/7/05, effective 10/8/05; 03-23-128, § 16-250-100, filed 11/19/03, effective 7/1/04.]

WAC 16-250-110 Screenings. (1) When screenings are added to unmixed by-product feed, the label must include the term "screenings":

(a) In the same size of type as the brand name; and

(b) Either as part of or immediately below the brand name.

(2) Screenings must:

(a) Not contain any seed, pesticide, or other product that renders it adulterated within the meaning of RCW 15.53.902; and

(b) Be ground fine enough or otherwise treated to destroy the viability of the noxious weed seeds contained in the screening so that the finished product contains no more than one viable prohibited noxious weed seed per pound and not more than twenty-five viable restricted noxious weed seeds per pound.

(3) For purposes of this commercial feed rule, prohibited noxious weed seeds are those listed in WAC 16-301-045 (Prohibited noxious weed seeds) and restricted noxious weed

seeds are those listed in WAC 16-301-050 (Restricted noxious weed seeds).

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-110, filed 11/19/03, effective 7/1/04.]

WAC 16-250-120 Adulteration of feed. (1) The terms "poisonous or deleterious substances" as used in RCW 15.53.902 include, but are not limited to, the following:

(a) A commercial feed or feed ingredient that contains more than twenty parts per billion aflatoxin B1, B2, G1, G2, individually or in total.

(b) Fluorine and any mineral or mineral mixture that is used directly to feed domestic animals and in which the fluorine exceeds:

Maximum Allowed Percentage of Fluorine in Minerals	Type of Animal
0.20%	Breeding and dairy cattle
0.30%	Slaughter cattle
0.30%	Sheep
0.35%	Lambs
0.45%	Swine
0.60%	Poultry

(c) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts:

Maximum Allowed Percentage of Fluorine in Ration Excluding Roughage	Type of Animal
0.004%	Breeding and dairy cattle
0.009%	Slaughter cattle
0.006%	Sheep
0.01%	Lambs
0.015%	Swine
0.03%	Poultry

(d) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that result in a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight.

(e) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets that have been extracted with trichloroethylene or other chlorinated solvents.

(f) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients that are considered or reported to be a significant source of vitamin B1 (thiamine).

(g) Any substance that is prohibited by 21 CFR, Part 589.

(2) When screenings are used in a commercial feed, the labeling and screenings must comply with the requirements in WAC 16-250-110 or the commercial feed will be considered adulterated.

(3) Feed containing raw or unprocessed animal waste will be considered adulterated.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-094, § 16-250-120, filed 9/7/05, effective 10/8/05; 03-23-128, § 16-250-120, filed 11/19/03, effective 7/1/04.]

WAC 16-250-140 Use of artificial coloring. (1) Artificial coloring may be used in feeds if it is harmless to animals.

(2) Feed or feed ingredients must not contain materials that enhance the natural color of a feed if it conceals inferiorities.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-140, filed 11/19/03, effective 7/1/04.]

WAC 16-250-150 Reusing bags, totes, and containers. Bags, totes, or nonporous containers of similar capacity used for commercial feeds (including customer-formula feed) must not be reused unless appropriately cleaned. A firm that intends to reuse bags, totes, or containers must document their clean-out procedures.

Note: "Appropriate cleaning procedures" are procedures that prevent cross contamination of products that would create a safety concern. Examples of safety concerns include:
 (a) Medicated products contaminating nonmedicated products;
 (b) Prohibited mammalian protein contaminating ruminant feed; and
 (c) Feed containing minerals, or other additives, intended for one species contaminating feed intended for another species that is more sensitive to a mineral or other additive.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-150, filed 11/19/03, effective 7/1/04.]

WAC 16-250-155 Tonnage fee requirements. Each initial distributor of commercial feed in or into Washington state must pay the department an inspection fee of twelve cents per ton on all commercial feed they sold during the year. The minimum inspection fee, the late fee, and exceptions to payment of the fee are as authorized in RCW 15.53.9018.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-094, § 16-250-155, filed 9/7/05, effective 10/8/05. Statutory Authority: Chapter 15.53 RCW, 2003 1st sp.s. c 25, and chapter 34.05 RCW. 04-14-076, § 16-250-155, filed 7/6/04, effective 1/1/05. Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-155, filed 11/19/03, effective 7/1/04.]

WAC 16-250-160 Commercial feed license application requirements. (1) The commercial feed license application form, to be completed by applicants and licensees, must include:

- (a) The company name and mailing address of the applicant;
- (b) The physical address of the facility;
- (c) The name, contact information, and signature of the applicant;
- (d) Information regarding the types of business the firm is engaged in (feed manufacturer, dealer, broker); and
- (e) The type of commercial feed distributed (medicated feed, complete feed, feed supplement, or animal by-products).

(2) A commercial feed license is not required for facilities that only:

- (a) Sell food processing by-products from fruit, vegetable, or potato processing plants, freezing or dehydrating facilities, or juice or jelly preserving plants;

(b) Sell bona fide experimental feed on which accurate records and experimental programs are maintained;

(c) Makes retail sales of bagged, or packaged commercial feed bearing labeling or other approved indicators showing that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the required tonnage inspection fees.

Note: The commercial feed license application form is available from the department. This form may also be downloaded from the internet at <http://agr.wa.gov/FoodAnimal/Animal-Feed/Forms.htm>.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-094, § 16-250-160, filed 9/7/05, effective 10/8/05; 03-23-128, § 16-250-160, filed 11/19/03, effective 7/1/04.]

WAC 16-250-170 Commercial feed label submission requirements. License applicants and licensees must submit copies of their commercial feed labels and labeling to the department when requested for reasonable cause.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-128, § 16-250-170, filed 11/19/03, effective 7/1/04.]

WAC 16-250-180 Good manufacturing practices adopted. The following good manufacturing practices are adopted:

(1) Regulations prescribing current good manufacturing practices for Type B and Type C medicated feeds as published in 21 CFR, Part 225, Sections 225.1 - 225.202.

(2) Regulations prescribing good manufacturing practices for Type A Medicated Articles as published in 21 CFR, Part 226, Sections 226.1 - 226.115.

(3) Regulations pertaining to animal proteins prohibited in ruminant feed as published in 21 CFR, Part 589.2000, even if interstate commerce is not involved.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-094, § 16-250-180, filed 9/7/05, effective 10/8/05; 03-23-128, § 16-250-180, filed 11/19/03, effective 7/1/04.]

Chapter 16-252 WAC

COMMERCIAL FEED RULES—PET FOOD AND SPECIALTY PET FOOD

WAC

16-252-005	Commercial feed regulated by this chapter.
16-252-007	The Code of Federal Regulation.
16-252-010	Commercial feed terms and definitions.
16-252-015	Feed ingredient names and definitions.
16-252-025	Label information and recordkeeping requirements.
16-252-040	Product or brand name label information required.
16-252-042	Additional label information required when a drug is used.
16-252-051	Exemptions from the guarantees required in WAC 16-252-061 and 16-252-062.
16-252-061	Guarantees for pet food.
16-252-062	Guarantees for specialty pet food.
16-252-065	Guarantees for grain mixture specialty pet food, with or without molasses.
16-252-069	Expression of guarantees—Expressed as is.
16-252-070	Expression of guarantees—Sliding-scale method prohibited.
16-252-071	Expression of guarantees—Protein, amino acids, fat, and fiber in specialty pet food.
16-252-072	Expression of guarantees—Minerals in specialty pet food.
16-252-073	Expression of guarantees—Minimum vitamin content in specialty pet food.
16-252-074	Expression of guarantees—Pet food and specialty pet food containing drugs.

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16-252-075	Expression of guarantees and special requirements—Pet food and specialty pet food containing any added nonprotein nitrogen.
16-252-076	Expression of guarantees—Microorganisms and enzymes.
16-252-080	Substantiating nutritional suitability.
16-252-090	Ingredient statement terms.
16-252-095	Drug and feed additive requirements.
16-252-100	"Directions for use" and "precautionary statement" requirements.
16-252-110	Screenings.
16-252-120	Adulteration of pet food and specialty pet food.
16-252-140	Use of artificial coloring.
16-252-150	Reusing bags, totes, and containers.
16-252-155	Tonnage fee required.
16-252-165	Registration requirements.
16-252-170	Label submission requirements.
16-252-180	Good manufacturing practices adopted.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-252-001	Effective date. [Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-001, filed 11/19/03, effective 7/1/04.] Repealed by 05-18-093, filed 9/7/05, effective 10/8/05. Statutory Authority: Chapters 15.53 and 34.05 RCW.
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WAC 16-252-005 Commercial feed regulated by this chapter. This chapter regulates pet food and specialty pet food except for customer-formula food.

(1) Where a conflict occurs between the provisions of this chapter and those of chapter 16-250 WAC (commercial feed rules), the regulations in this chapter take precedence.

(2) Where a commercial pet food and/or specialty pet food issue arises on which this chapter is silent and a provision in chapter 16-250 WAC addresses the issue, then chapter 16-250 WAC must be followed. The department expects such situations will be rare.

Note:

- Pet food is food for dogs and cats.
- Specialty pet food is food for specialty pets such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.
- Commercial feed for beef cattle, dairy cattle, equine, goats and sheep, ducks and geese, fish, rabbits, swine, chickens, turkeys, and other animals not specifically regulated under this chapter is regulated under chapter 16-250 WAC.
- Customer-formula feed (food) for all species is regulated under chapter 16-250 WAC.
- Ingredients meeting the definition of commercial feed, that are used to make a pet food or specialty pet food, are regulated under chapter 16-250 WAC, unless the ingredient meets the definition of pet food or specialty pet food in which case the ingredient is regulated under this chapter.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-005, filed 11/19/03, effective 7/1/04.]

WAC 16-252-007 The Code of Federal Regulation. Throughout these rules where the Code of Federal Regulation is referred to, the reference is to the 2002 edition.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-093, § 16-252-007, filed 9/7/05, effective 10/8/05.]

WAC 16-252-010 Commercial feed terms and definitions. Except for the specific terms and definitions contained in this section or in RCW 15.53.901, the terms and definitions used in reference to commercial feeds, in this chapter, are the official feed terms adopted by the Association of American Feed Control Officials (AAFCO) and published in the association's official publication. Throughout these rules where the Association of American Feed Control Officials

(AAFCO) official publication is referred to, the reference is to the 2003 Official Publication.

Note: A copy of the official publication is on file with the department. Copies may be purchased from AAFCO Assistant Secretary-Treasurer; P.O. Box 478 Oxford, IN 47971.

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

(2) "**All life stages**" means gestation/lactation, growth, and adult maintenance life stages of a domesticated dog or cat.

(3) "**Canned**" means feed that has been processed, packaged, sealed, and sterilized for preservation in cans, pouches, or similar containers.

(4) "**Commercial feed**" means all materials or combination of materials that are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted.

The following commodities are exempted and are not considered "commercial feed" if they are not adulterated (see RCW 15.53.902 for a list of conditions that cause commercial feeds to be adulterated):

- Unmixed whole seeds and physically altered entire unmixed seeds when such seeds are not chemically changed.
- Raw meat, hay, loose salt, straw, stover, silage, cobs, husks, and hulls when such commodities are not ground, mixed or intermixed with other materials.

(5) "**Customer-formula feed**" means commercial feed that is a mixture of commercial feeds or feed ingredients, or both, each batch of which is manufactured according to the instructions of the final purchaser.

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

(7) "**Director**" means the director of the Washington state department of agriculture or the director's designee.

(8) "**Distressed pet food**" means pet food (dog and cat) in distribution that is no longer available for retail sale. Examples of distressed pet food include, but are not limited to, dented cans, torn bags, or pet food past its sell-by date.

(9) "**Distressed specialty pet food**" means specialty pet food in distribution that is no longer available for retail sale. Examples of distressed specialty pet food include, but are not limited to, dented cans, torn bags, or specialty pet food past its sell-by date.

(10) "**Distribute**" means to:

- (a) Offer for sale, sell, exchange or barter, commercial feed; or
- (b) Supply, furnish, or otherwise provide commercial feed to a contract feeder.

(11) "**Distributor**" means a person who distributes.

(12) "**Drug**" means:

- (a) Any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man; and

(b) Articles other than feed intended to affect the structure or any function of the animal body.

(13) "**Enzyme**" means a protein made up of amino acids or their derivatives, which catalyses a defined chemical reaction. Required cofactors should be considered an integral part of the enzyme.

(14) "**Facility**" means any place where a commercial feed is manufactured, repackaged, sold, transloaded, or stored for later distribution.

(15) "**Family**" means a group of pet food products, which are nutritionally adequate for any or all life stages based on their nutritional similarity to a lead product, which has been successfully test-fed according to an AAFCO feeding protocol(s).

(16) "**Feed ingredient**" means each of the constituent materials making up a commercial feed.

(17) "**Grain mixture specialty pet food**" means mixed or intermixed whole or physically altered grains, that:

- (a) Are not chemically altered;
- (b) May or may not contain molasses; and
- (c) Except for molasses, contain no other additives.

(18) "**Guarantee**" means a listing of specified nutrients or nonnutritive substances contained in a commercial feed that the manufacturer or distributor named on the feed label warrants as specified in these rules.

(19) "**Guaranteed analysis**" means a listing of the minimum, maximum or both minimum and maximum concentrations of specified nutrients contained in a commercial feed that the manufacturer or distributor named on the feed label warrants. Both minimum and maximum concentrations of specified nutrients contained in a commercial feed are stated on an "as is" basis rather than on a "one hundred percent moisture free" basis in units specified by these rules.

(20) "**Initial distributor**" means a person who first distributes a commercial feed in or into Washington state.

(21) "**Ingredient statement**" means a contiguous listing on the label of all ingredients of which the commercial feed is composed.

(22) "**Label**" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a bulk commercial feed is distributed.

(23) "**Labeling**" means all labels and other written, printed, or graphic matter:

- (a) Upon a commercial feed or any of its containers or wrappers; or
- (b) Accompanying such commercial feed.

(24) "**Lot identifier**" means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In the case of bulk feed, the lot identifier is on a label, invoice, or shipping document accompanying the feed.

(25) "**Net weight**" means the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Examples of materials, substances, or items not considered to be part of a commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons. (See RCW 19.94.010 (1)(i).)

(26) "**Nutritionally adequate**" means the feed, when fed according to directions on the label, will meet the nutritional requirements of the class of animals for which the feed was manufactured.

(27) "**Nutritionally suitable**" means nutritionally adequate.

(28) "**Person**" means an individual, firm, partnership, corporation, or association.

(29) "**Pet food**" means a commercial feed prepared and distributed for consumption by domesticated dogs or cats.

(30) "**Principal display panel**" means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

(31) "**Prohibited mammalian protein**" means any protein-containing portion of mammalian animals, excluding:

- Blood and blood products;
- Gelatin;
- Inspected meat products that have been cooked and offered for human food and further heat processed for feed (such as plate waste and used cellulose food casings);
- Milk products (milk and milk proteins); and
- Products whose only mammalian protein is porcine or equine protein.

(32) "**Processed**," as applied to animal waste, means thermally dehydrated, dry-stacked, ensiled, oxidized, chemically treated, microbiologically digested, chemically or physically fractionated, or treated by other processes that enable an animal waste product to comply with the standards established in this chapter.

(33) "**Quantity statement**" means the part of the label expressing net weight (mass), net volume (liquid or dry) or count.

(34) "**Repackage**" means taking commercial feed from packages (no larger than one hundred pounds for dry feed or fifty-five gallons for liquid feed) and placing it into smaller packages for resale.

(35) "**Salvage pet food**" means pet food (dog and cat food) still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelletted pet food, pet food fines, and other products not suitable for packaging for retail sale.

(36) "**Salvage specialty pet food**" means specialty pet food still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelletted specialty pet food, specialty pet food fines, and other products not suitable for packaging for retail sale.

(37) "**Sell**" or "**sale**" includes exchange.

(38) "**Specialty pet**" means a domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.

(39) "**Specialty pet food**" means a commercial feed prepared and distributed for consumption by specialty pets.

(40) "**Transload**" means to transfer commercial feed from one carrier to another carrier without processing or blending the ingredients. For example, transferred from rail cars to trucks or shipping containers.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-093, § 16-252-010, filed 9/7/05, effective 10/8/05; 03-23-129, § 16-252-010, filed 11/19/03, effective 7/1/04.]

(2009 Ed.)

WAC 16-252-015 Feed ingredient names and definitions. Except for the specific names and definitions contained in this section, the names and definitions used in reference to pet food and specialty pet food ingredients, in this chapter, are the official names and definitions of feed ingredients established by the Association of American Feed Control Officials (AAFCO) and published in the association's official publication.

"**Dehydrated grass meal**" means the aerial portion of a grass plant that is:

- Cut before the formation of seed;
- Reasonably free of other crop plants, weeds, and mold;
- Finely ground; and
- Dried by artificial thermal means.

Note: If a dehydrated grass meal product is identified by a species name, the product must be made from that species.

"**Grass seed by-products meal or pellets**" means a ground product consisting of light and broken seeds, hulls, chaff, straw, and some weed seeds but excluding sand, dirt, and heavy weed seeds.

"**Grass seed screenings meal or pellets**" means a product comprised chiefly of hulls obtained from the cleaning of various grass seeds.

"**Pea bran**" means a product consisting primarily of the various components from a pea splitting operation. Pea bran must contain at least ten percent crude protein and not more than thirty-eight percent crude fiber.

"**Pea by-products meal**" means a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. Pea by-products meal must contain at least fifteen percent crude protein and not more than thirty percent crude fiber.

"**Pea meal**" means a pea product resulting from the grinding of whole peas that are reasonably free of other crop seeds, weeds, and mold. Pea meal must contain at least twenty percent crude protein and not more than eight percent crude fiber.

"**Pea screenings meal**" means a product consisting primarily of the various components from the screening and cleaning of peas. Pea screenings meal must contain at least ten percent crude protein and not more than thirty-eight percent crude fiber.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-015, filed 11/19/03, effective 7/1/04.]

WAC 16-252-025 Label information and record-keeping requirements. (1) Labels for pet food must contain the information in subsections (2) through (12) of this section. Labels for specialty pet food must contain the information in subsections (2) through (11) of this section. Information in subsections (2) through (6) of this section must be on the principal display panel for both pet food and specialty pet food.

Note: Subsections (12) through (15) of this section apply to pet food only. All other sections apply to both pet food and specialty pet food.

(2) Product name and brand name, if any, on the principal display panel consistent with requirements in WAC 16-252-040.

(3) Information required by WAC 16-252-042 if the product contains a drug.

(4) The species of pet (dog or cat), or specialty pet, for which the food is intended conspicuously stated in words on the principal display panel.

(5) A quantity statement on the principal display panel.

(6) If enzymatic activity related to the product is represented in any manner, the principal display panel must include a statement explaining the purpose of that enzymatic activity.

(7)(a) Guaranteed analysis consistent with requirements in WAC 16-252-061 for pet food; or

(b) Guaranteed analysis consistent with requirements in WAC 16-252-062 or 16-252-065 for specialty pet food.

(8) An ingredient statement that is consistent with the requirements in WAC 16-252-090.

(9) Feeding directions and precautionary statements if required under WAC 16-252-100.

(10)(a) The label of a pet food or specialty pet food must specify the name and address of the manufacturer or person responsible for distributing the feed. The statement of the place of business must include the street address, city, state, and zip code. However, the street address may be omitted if the street address is shown in a current city directory or telephone directory for the city listed on the label.

(b) When a person manufactures or distributes a pet food or specialty pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package was manufactured, packaged or distributed.

(11)(a) Lot identifier that is sufficient to allow the manufacturer to accurately trace the complete manufacturing and distribution history of the product.

(b) Records relating the lot identifier to the manufacture, processing, packing, distribution, receipt, or holding of the product must be kept for one year after the last date of distribution.

Note: Subsections (12) through (15) of this section apply to pet food only. All other subsections apply to both pet food and specialty pet food.

(12)(a) Except when a pet food is clearly and conspicuously identified on the principal display panel as a "snack" or "treat," pet food labels must include a statement of nutritional adequacy or purpose of the product.

(b) The nutritional adequacy statement must read as shown in (b)(i), (ii), or (iii) of this subsection with the blanks filled in with the stage or stages of the pet's life, such as, "gestation/lactation," "growth," "maintenance," or "all life stages."

(i) "(Name of product) is formulated to meet the nutritional levels established by the AAFCO dog (or cat) food nutrient profiles for. . . . "; or

(ii) "Animal feeding tests using AAFCO procedures substantiate that (name of product) provides complete and balanced nutrition for. . . . "; or

(iii) "(Name of product) provides complete and balanced nutrition for. . . . and is comparable in nutritional adequacy to a product that has been substantiated using AAFCO feeding tests."

(13) The use of the word "proven" in connection with a label claim for a pet food is not permitted unless the claim is substantiated by scientific or other empirical evidence.

(14) The label of a pet food intended for all life stages may include an unqualified claim, directly or indirectly, such as "complete and balanced," "perfect," "scientific" or "one hundred percent nutritious" if at least one of the following apply:

(a) The product meets the nutrient requirements for all life stages established by an AAFCO-recognized nutrient profile published in the Association of American Feed Control Officials official publication; or

(b) The product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocols published in the Association of American Feed Control Officials official publication; or

(c) The product is a member of a product family, which is nutritionally similar to a lead product containing a combination of ingredients that has been fed, as the sole source of nourishment, to a normal animal according to testing procedures published in the Association of American Feed Control Officials official publication.

(i) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and

(ii) The family product meets the criteria for all life stages; and

(iii) Under circumstances of reasonable doubt, the department may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.

(15) A pet food, intended for a limited purpose or specific life stage (but **not all** life stages), may include a direct or indirect qualified claim such as "complete and balanced," "perfect," "scientific" or "one hundred percent nutritious" when the product and claim comply with all of the following:

(a) A statement qualifying the claim must clearly identify the limited purpose or life stage for which the product is intended or suitable. For example, when the label reads "complete and balanced for puppies (or kittens)."

(b) The claim and the qualification must be next to each other, on the same label panel and in the same size, style, and color print; and

(c) The product must comply with at least one of the following:

(i) The nutrient requirements, established by an AAFCO-recognized nutrient profile, for the limited purpose or specific life stage; or

(ii) The criteria for a limited purpose or a specific life stage that are substantiated by completion of an appropriate AAFCO-recognized animal feeding protocol(s); or

(iii) The requirement of a product family that is nutritionally similar to a lead product and contains a combination of ingredients, which by adequate testing has demonstrated they satisfy the nutrient requirements for such a limited purpose.

(A) The nutritional similarity of the family product must be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and

(B) The family product meets the criteria for such limited purpose; and

(C) If it has reasonable doubt, the department may require the manufacturer perform additional testing on the

family product to substantiate the claim of nutritional adequacy.

(16) When pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information must appear on the outer container or wrapper.

(17) Graphic or pictorial representation or design (for example, pictures of animals or birds) of any kind must not be attached to, appear on, or distributed with pet food or specialty pet food if the material or design is misleading, incorrect, or at variance in any respect with the information required on the label.

(18)(a) Statements referring to a competitive product or comparing the properties of a packaged food to those of a competitive product must not appear on a label unless the competitive product is specifically identified.

(b) Negative statements regarding a competitive product must not appear on a label unless the director determines that the information provided by the statements is beneficial to the product's purchaser.

(c) False or misleading comparisons with other products must not appear on the label or labeling of any pet food product.

(d) A statement on a pet food or specialty pet food label stating preference or comparative attribute claims must be substantiated and limited to one year production, after which the claim must be removed or resubstantiated.

(19) A personal or commercial endorsement is permitted on a pet food or specialty pet food label, provided the endorsement is not false or misleading.

(20) A statement on a pet food or specialty pet food label stating "improved," "new," or similar designation must be substantiated and limited to six months production.

(21) When a flavor designation is included as part of the product name, or elsewhere on the label of a pet food or specialty pet food, it must meet the requirements in (a), (b), and (c) of this subsection.

(a) The flavor designation must:

(i) Conform to the name of the ingredient as listed in the ingredient statement; or

(ii) Be identified by the source of the flavor in the ingredient statement.

(b) The word "flavor" must be printed in the same size type and with an equal degree of conspicuousness as the name of the flavor designation.

(c) Substantiation of the flavor designation, the flavor claim, or the ingredient source must be provided to the department upon request.

(22) Distressed or salvage pet food or specialty pet food that contains, or may contain, prohibited mammalian protein must be labeled with the Bovine Spongiform Encephalopathy precautionary statement "do not feed to cattle or other ruminants."

(23) In addition to the requirements of this chapter, if the term "organic" is used on labels of any pet food or specialty pet food, it must be produced under conditions that comply with the 2001 National Organic Program final rule standards for the production and handling of organic crops, livestock and processed food products. The 2001 National Organic Program final rule may be obtained from the department, or

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on the internet at <http://www.ams.usda.gov/nop/NOP/standards.html>.

(24) All required label information must be stated in English. In addition, label information may be translated into other languages. However, if the label is translated into another language, then the translation must give the same information as the English version of the label.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-025, filed 11/19/03, effective 7/1/04.]

WAC 16-252-040 Product or brand name label information required. Label requirements in subsections (1) through (10) of this section apply to all pet food distributed under a product or brand name. Label requirements in subsections (1) through (6) and (8) through (10) of this section apply to all specialty pet food distributed under a product or brand name.

(1) The brand or product name must be appropriate for the intended use of the pet food or specialty pet food, and must not be misleading. If the name indicates the pet food or specialty pet food is made for a specific use, the character of the pet food or specialty pet food must conform to that use. For example, a mixture labeled "dog food" must be suitable for dogs.

(2) When reviewing product names for single ingredient pet foods or specialty pet foods, the department will be guided by the definitions of feed ingredients and feed terms established by the Association of American Feed Control Officials official publication unless those definitions and terms are specifically defined in chapter 15.53 RCW, WAC 16-252-010, or 16-252-015.

(3) Except for the circumstances described in subsection (4) of this section, the name of a pet food or specialty pet food must not be derived from:

(a) One or more ingredients of a mixture to the exclusion of the other ingredients; or

(b) One component of a mixture unless all components are included in the name.

(4) When a pet food or specialty pet food contains any ingredient or combination of ingredients for the purpose of imparting a distinct characteristic to the product that is significant to the purchaser, the name of that ingredient or combination of ingredients may be used as part of the brand name or product name if the department determines that the:

(a) Ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product;

(b) Product name does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; and

(c) Product name is not otherwise false or misleading.

(5) The words "one hundred percent" or "all," or words of similar meaning, must not be used in the brand or product name of a pet food or specialty pet food if the product contains more than one ingredient other than:

(a) Water sufficient for processing;

(b) Decharacterizing agents;

(c) A trace amount of preservatives; or

(d) A trace amount of condiments.

(6) An ingredient or a combination of ingredients may form a part of the product name of a pet food or specialty pet

food when the product conforms with one of the following options:

(a) The ingredient(s) derived from animals, poultry, or fish constitutes at least ninety-five percent of the total product weight, including water sufficient for processing. If processing water is excluded, then the ingredient(s) derived from animals, poultry, or fish must constitute at least seventy percent of the total product weight.

Note: Example 1: A product may be called "beef dog food" if beef makes up at least ninety-five percent of the total product weight, including water sufficient for processing. If processing water has been excluded from the calculation, then beef must make up at least seventy percent of the total product weight.
Example 2: A product may be called "beef and chicken dog food" if the combination of beef and chicken makes up at least ninety-five percent of the total product weight, including water sufficient for processing. If processing water has been excluded from the calculation, then beef and chicken must make up at least seventy percent of the total product weight.

(b) Any ingredient(s) that constitutes at least twenty-five percent of the total product weight, including water for processing and complies with (i) and (ii). If water for processing has been excluded, then any ingredient(s) that constitutes at least ten percent of the product weight and complies with (i) and (ii).

(i) A descriptor is used with the ingredient name(s). This descriptor must imply other ingredients are included in the product formula. Examples of descriptors include "dinner," "platter," "entree," "formula," and "recipe"; and

(ii) The descriptor must be in the same size, style and color print as the ingredient name(s).

Note: Example 1: A product may be called "beef dinner dog food" if beef makes up at least twenty-five percent of the total product weight, including water for processing and meets the conditions stated in (i) and (ii).
Example 2: If water for processing is excluded from the calculation, then a product may be called "beef dinner dog food" if beef makes up at least ten percent of the total product weight, and meets conditions stated in subsections (i) and (ii).

(c) A combination of ingredients, which are included in the product name in accordance with (a) and (b) of this subsection meets all of the following:

(i) Each ingredient constitutes at least three percent of the product weight, excluding water sufficient for processing;

(ii) The names of the ingredients listed in the product name appear in the order of their respective predominance by weight in the product; and

(iii) The names of the ingredients listed in the product name appear on the label in the same size, style, and color print.

Note: Example 1: A product may be called "beef and chicken dog food" if:
(a) Including water for processing, the combination of beef and chicken total at least ninety-five percent of the product weight; and
(b) Excluding water for processing, at least three percent of the product weight is chicken.
Example 2: A product may be called "beef and chicken dog food" if, excluding processing water, the combination of beef and chicken total at least seventy percent of the product weight and at least three percent of the product weight is chicken.
Example 3: A product may be called "beef and chicken dinner" if:
(a) Including water for processing, the combination of beef and chicken total at least twenty-five percent of the product weight; and

(b) Excluding water for processing, at least three percent of the product weight is chicken.

Example 4: A product may be called "beef and chicken dinner" if the combination of beef and chicken, excluding water for processing total at least ten percent of the product weight and at least three percent of the product weight is chicken.

(7)(a) When the name of any ingredient appears in the product name of a pet food, or elsewhere on the product label, and includes a descriptor such as "with" or similar designation, the named ingredient(s) must each constitute at least three percent of the product weight exclusive of water for processing.

(b) The three percent minimum level does not apply to claims for condiments or nutrients. Condiments include, but are not limited to, flavorings and spices. Nutrients include, but are not limited to, vitamins, minerals, and fatty acids.

(c) If the names of more than one ingredient are shown, they must appear in their respective order of predominance by weight in the product.

(d) The word "with" (or similar designation) and all named ingredients must appear in the same size, style, color and case print and be of no greater size than:

Panel Size	Maximum "with claim" Type Size
< 5 sq. in.	1/8"
5-25 sq. in.	1/4"
25-100 sq. in.	3/8"
100-400 sq. in.	1/2"
400 sq. in. +	1"

Note: Example 1: A product may be called "beef with rice dog food" if:
(a) Including water for processing, the product contains at least ninety-five percent beef; and
(b) Excluding water for processing, at least three percent of the product weight is rice.
Example 2: A product may be called "beef and chicken dinner with rice dog food" if:
(a) Including water for processing, the product contains enough beef and chicken so that these two ingredients total at least twenty-five percent of the product weight; and
(b) Excluding water for processing, at least three percent of the product weight is rice.

(8) The term "mineralized" may only be used in a feed name for "trace mineralized salt" and must not be used in the name of any other feed. "Trace mineralized salt" must contain significant amounts of trace minerals that are recognized as essential for animal nutrition.

(9)(a) If a brand name includes a single percentage value without explanation, the percentage value must signify the feed's crude protein content. For example, "BLUE BIRD PET FOOD eighteen percent cat food" means that the feed contains eighteen percent crude protein.

(b) If a brand name includes a single percentage value and the percentage does not represent crude protein content, the brand name must indicate what the percentage represents. For example, "BLUE BIRD PET FOOD twenty-two percent calcium concentrate premix."

(c) If a brand name includes more than one percentage value, the percentage must be followed by a corresponding description. For example, "BLUE BIRD PET FOOD forty-two percent crude protein - twenty-five percent fat cat milk replacer."

(d) If the brand name contains either a percentage value that signifies crude protein or the word "protein," then the pet

food or specialty pet food must contain no more than one and one-quarter percent nonprotein nitrogen.

(10) Pet food and/or specialty pet food must be considered a distinct brand if it differs in guaranteed analysis, trademark name, or any other characteristic method of marking. However, this requirement does not prevent a brand from being distributed in various physical forms.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-040, filed 11/19/03, effective 7/1/04.]

WAC 16-252-042 Additional label information required when a drug is used. In addition to the information specified in WAC 16-252-025, if a drug is used in pet food or specialty pet food, the label must contain the following directly after and below the product name:

- (1) The word "medicated" in a type size that is at least one-half the type size of the product name.
- (2) Information stating the purpose of the medication.
- (3) An active ingredient statement listing the:
 - (a) Active drug ingredients by established name; and
 - (b) Amount of active drug ingredient per unit (for example mg/lb, g/ton) consistent with requirements in WAC 16-252-074.
- (4) Directions for use and precautionary statements, or a statement of where on the label the directions for use and precautionary statements can be found.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-042, filed 11/19/03, effective 7/1/04.]

WAC 16-252-051 Exemptions from the guarantees required in WAC 16-252-061 and 16-252-062. The following exemptions apply to guarantees listed in WAC 16-252-061 and 16-252-062:

- (1) Guarantees for crude protein, crude fat, and crude fiber are not required when:
 - (a) The pet food or specialty pet food is intended for purposes other than to furnish these substances; or
 - (b) These substances are insignificant to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.
- (2) A mineral guarantee is not required when the food or food ingredient is:
 - (a) Not intended or represented or does not serve as a principal source of that mineral to the animal; or
 - (b) Contains less than six and one-half percent total minerals.
- (3) Guarantees for vitamins are not required when the pet food or specialty pet food is neither formulated for nor represented in any manner as a vitamin supplement.
- (4) Guarantees for microorganisms are not required when:
 - (a) The pet food or specialty pet food is intended for a purpose other than to furnish microorganisms; or
 - (b) The microorganisms are insignificant to the primary purpose of the product, and no specific label claims are made.
- (5) Information on animal species is not required on single ingredient products if the ingredient is not intended, represented, or defined for a specific animal species.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-051, filed 11/19/03, effective 7/1/04.]

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WAC 16-252-061 Guarantees for pet food. (1) The guarantees for pet food in subsections (2) through (5) of this section must appear on the label.

(2)(a) Guaranteed analysis for all pet food must include the following nutrients on the label in the order listed below unless exempted under WAC 16-252-051:

- (i) Minimum percentage of crude protein;
- (ii) Minimum percentage of crude fat;
- (iii) Maximum percentage of crude fat when required by subsection (8) of this section;
- (iv) Maximum percentage of crude fiber;
- (v) Maximum percentage of moisture;
- (vi) Maximum percentage of ash if listed;
- (vii) Additional guarantees as required in this section and any voluntary guarantees.

(b) Additional required or voluntary guarantees must be listed in the same order and units as the nutrients in the AAFCO dog (or cat) food nutrient profiles.

(i) Guarantees for nutrients not listed in the AAFCO dog (or cat) food nutrient profiles, or otherwise provided for in this section, must:

(A) Be listed immediately following the entire list of nutrients found in the AAFCO dog (or cat) food nutrient profiles; and

(B) All nutrients of a similar class must be listed together. For example, amino acids not found in the AAFCO dog (or cat) food nutrient profile must be grouped together;

(ii) The concentration of nutrients and/or substances not found in an AAFCO dog (or cat) nutrient profile must be in the units that the nutrient or substance is normally associated with;

(iii) Guarantees for microorganisms and enzymes must be stated as required in WAC 16-252-076;

(iv) Any nutrients or substances that are guaranteed and are not listed in an AAFCO dog (or cat) food nutrient profile, must be immediately followed by an asterisk that refers to the appropriate disclaimer:

(A) **"*Not recognized as an essential nutrient by the AAFCO dog food nutrient profiles";** or

(B) **"*Not recognized as an essential nutrient by the AAFCO cat food nutrient profiles."**

(3) The maximum moisture allowed is seventy-eight percent or the natural moisture content of the ingredients, whichever is higher. However, the moisture in products labeled as, and consisting principally of, items like stew, gravy, sauce, broth, aspic, juice, or a milk replacer may exceed these maximum moisture allowances.

(4) The use of commercial, copyrighted brand, or trade names in the guarantee statement is prohibited.

(5)(a) If a pet food is represented as a mineral supplement, then all minerals from sources listed in the ingredient statement that are also found in an AAFCO-recognized pet food nutrient profile must be guaranteed.

Note: AAFCO pet food nutrient profiles can be found in the Association of American Feed Control Officials official publication.

- (b) When minerals are listed, they must be:
 - (i) Listed in the order they appear in the AAFCO-recognized pet food nutrient profile; and
 - (ii) As the element in units specified in the AAFCO-recognized nutrient pet food profile.

(c) Mineral guarantees may be stated in milligrams (mg) per unit (for example, tablets, capsules, granules, or liquids) consistent with the units stated in the quantity statement and directions for use.

(d) All liquid mineral pet food must have a weight equivalent on the label following the guarantees for the minerals. For example, 1 fl. oz = 28 grams.

(6)(a) If a pet food is represented as a vitamin supplement, then all vitamins from sources listed in the ingredient statement that are also found in an AAFCO-recognized dog food or cat food nutrient profile must be guaranteed.

(b) When vitamins are listed, they must be:

(i) Listed in the order they appear in the AAFCO-recognized pet food nutrient profile; and

(ii) In units specified in the AAFCO-recognized pet food nutrient profile.

(c) Vitamin guarantees may be stated in approved units (for example, IU, mg, g) per unit (for example, tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use.

(d) All liquid vitamin pet food must have a weight equivalent on the label following the guarantees for the vitamins. For example, 1 fl. oz = 28 grams.

(7) If a pet food is not represented as a supplement for any mineral or vitamin, but the label does list guarantees for any mineral or vitamin, these are "voluntary" guarantees. These voluntary guarantees must meet the order and unit requirements for those pet foods that are represented as a mineral or vitamin supplement.

(8)(a) A dog food label, which contains the terms "lean," "low fat," or words of similar meaning, must:

(i) List the maximum crude fat percentage immediately following the minimum crude fat percentage in the guaranteed analysis; and

(ii) Contain no more crude fat than allowed at the different moisture levels stated in the table below.

Maximum Allowed Percentage of Crude Fat at Different Moisture Ranges in Dog Food	
Maximum Allowed Percentage of Crude Fat	Moisture Range
9%	Less than 20%
7%	20% or more but less than 65%
4%	65% or more

(b) A cat food label, which contains the terms "lean," "low fat," or words of similar meaning, must:

(i) List the maximum crude fat percentage immediately following the minimum crude fat percentage in the guaranteed analysis; and

(ii) Contain no more crude fat than allowed at the different moisture levels stated in the table below.

Maximum Allowed Percentage of Crude Fat at Different Moisture Ranges in Cat Food	
Maximum Allowed Percentage of Crude Fat	Moisture Range
10%	Less than 20%
8%	20% or more but less than 65%
5%	65% or more

(c) A pet food, which contains a claim of "less fat," "reduced fat," or words of similar meaning must:

(i) List the maximum crude fat percentage immediately following the minimum crude fat percentage in the guaranteed analysis;

(ii) Be compared to another product in the same moisture range (for example, "less than twenty percent," "twenty percent or more but less than sixty-five percent," "sixty-five percent or more"); and

(iii) Name the product of comparison and explicitly state the percentage of fat reduction expressed on an equal weight basis.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-061, filed 11/19/03, effective 7/1/04.]

WAC 16-252-062 Guarantees for specialty pet food.

(1) All specialty pet food, except for grain mixture specialty pet food, must be guaranteed as stated in subsections (2) through (4) of this section. The guarantees must appear on the label in the order in which they are listed below unless exempted under WAC 16-252-051.

Note: Guarantee requirements for grain mixture specialty pet food are stated in WAC 16-252-065.

(2) Guaranteed analysis for all specialty pet food, except for grain mixture specialty pet food, must include the following nutrients on the label in the order listed:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fiber;
- (d) Maximum percentage of moisture;
- (e) Maximum percentage of ash if listed;
- (f) Minimum and maximum percentages of calcium;
- (g) Minimum percentage of phosphorus;
- (h) Minimum and maximum percentage of salt (if added);

(i) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;

(j) Other minerals.

(3) Minerals must be identified and listed consistent with requirements in WAC 16-252-072.

(4) Vitamins must be identified and listed consistent with requirements in WAC 16-252-073.

(5) The maximum moisture allowed is seventy-eight percent or the natural moisture content of the ingredients, whichever is higher. However, the moisture in products labeled as, and consisting principally of, items like stew, gravy, sauce, broth, aspic, juice, or a milk replacer may exceed these maximum moisture allowances.

(6) The use of commercial, copyrighted brand, or trade names in the guarantee statement is prohibited.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-062, filed 11/19/03, effective 7/1/04.]

WAC 16-252-065 Guarantees for grain mixture specialty pet food, with or without molasses.

(1) Guaranteed analysis for all grain mixture specialty pet food must include the following nutrients on the label in the order listed:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat; and
- (c) Maximum percentage of crude fiber.

(2) The use of commercial, copyrighted brand, or trade names in the guarantee statement is prohibited.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-065, filed 11/19/03, effective 7/1/04.]

WAC 16-252-069 Expression of guarantees—Expressed as is. All guarantees must be expressed on an "as is" basis rather than on a "one hundred percent moisture free" basis.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-069, filed 11/19/03, effective 7/1/04.]

WAC 16-252-070 Expression of guarantees—Sliding-scale method prohibited. The sliding-scale method of expressing guarantees (for example, "protein fifteen to eighteen percent") is prohibited.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-070, filed 11/19/03, effective 7/1/04.]

WAC 16-252-071 Expression of guarantees—Protein, amino acids, fat, and fiber in specialty pet food. Specialty pet food guarantees for crude protein, crude protein from nonprotein nitrogen, lysine, methionine, other amino acids, crude fat, crude fiber, and acid detergent fiber must be expressed in percentages.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-071, filed 11/19/03, effective 7/1/04.]

WAC 16-252-072 Expression of guarantees—Minerals in specialty pet food. (1) Mineral guarantees in specialty pet food:

(a) When the calcium, salt, and sodium guarantees are given in the guaranteed analysis, they must be stated and conform to the following:

(i) When the minimum is below two and one-half percent, the maximum must not exceed the minimum by more than one-half percentage point.

(ii) When the minimum is two and one-half percent but less than five percent, the maximum must not exceed the minimum by more than one percentage point.

(iii) When the minimum is five percent or greater, the maximum must not exceed the minimum by more than twenty percent of the minimum and in no case may the maximum exceed the minimum by more than five percentage points.

(b) When stated, certain mineral guarantees must be expressed as follows:

Sodium, Salt, Potassium, Magnesium, Sulfur, Phosphorus, Fluorine, Other	
Mineral Guarantee:	Expressed as:
Minimum and maximum total sodium	Percentage (%)
Minimum and maximum salt	Percentage (%)
Minimum potassium	Percentage (%)
Minimum magnesium	Percentage (%)
Minimum sulfur	Percentage (%)
Minimum phosphorus	Percentage (%)
Maximum fluorine	Percentage (%)

Sodium, Salt, Potassium, Magnesium, Sulfur, Phosphorus, Fluorine, Other	
Mineral Guarantee:	Expressed as:
Other minimum mineral guarantees	Parts per million (ppm) when the concentration is less than 10,000 ppm
Other minimum mineral guarantees	Percentage when the concentration is 10,000 ppm (1%) or greater

(c) Minerals, except salt, when quantitatively guaranteed, must be stated in terms of percentage of the element.

(d) Products labeled with a quantity statement (for example, tablets, capsules, granules, or liquid) may state mineral guarantees in milligrams (mg) per unit (for example, milligrams per tablet or milligrams per capsule) consistent with the quantity statement and the directions for use.

(2) All mineral phosphatic materials used for specialty pet food must be labeled with the guarantee for:

(a) Minimum and maximum percentage of calcium (when present);

(b) Minimum percentage of phosphorus; and

(c) Maximum percentage of fluorine.

(3) Specialty pet food that is a single mineral product that is defined in the "mineral products" section of the Association of American Feed Control Officials official publication must guarantee the minerals included in the mineral products definition. For example, bone charcoal must guarantee calcium and phosphorous; calcium iodate must guarantee calcium and iodine.

(4) All liquid mineral guarantees for specialty pet foods must have a weight equivalent on the label following the guarantees for the minerals. For example, 1 fl. oz = 28 grams.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-072, filed 11/19/03, effective 7/1/04.]

WAC 16-252-073 Expression of guarantees—Minimum vitamin content in specialty pet food. (1) Guarantees of minimum vitamin content for specialty pet food must be listed in the order shown in the following table. The guarantees must be stated in:

(a) Milligrams per pound; or

(b) Per unit consistent with the units on the quantity statement; or

(c) For the vitamins listed in the following table, the units must be consistent with those in the table:

Vitamins	
Type of Vitamin and Listing Order:	Stated in:
Vitamin A, other than precursors of Vitamin A	International Units per pound (IU/lb)
Vitamin D, for other uses	International Units per pound (IU/lb)
Vitamin E	International Units per pound (IU/lb)
Concentrated oils and feed additive premixes containing vitamins A, D, and/or E	May, at the option of the distributor, be stated in units per gram (g) instead of units per pound (lb)

Vitamins	
Type of Vitamin and Listing Order:	Stated in:
Vitamin B-12	Milligrams (mg) or micrograms (µg) per pound (lb)
Menadione, riboflavin, d-pantothenic acid, thiamine, niacin, vitamin B-6, folic acid, choline, biotin, inositol, p-amino benzoic acid, ascorbic acid, and carotene	Milligrams per pound (mg/lb)

(2) All liquid vitamin specialty pet foods must have a weight equivalent on the label following the guarantees for the vitamins (for example, 1 fl. oz = 28 grams).

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-073, filed 11/19/03, effective 7/1/04.]

WAC 16-252-074 Expression of guarantees—Pet food and specialty pet food containing drugs. Guarantees for drugs in pet food and specialty pet food must be stated in terms of percent by weight **except for the following:**

Drugs	
Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed	Grams per ton of commercial feed (g/ton)
Antibiotics, present at 2,000 or more grams per ton (total) of commercial feed	Grams per pound of commercial feed (g/lb)

Note: The term "milligrams per pound" (mg/lb) may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-074, filed 11/19/03, effective 7/1/04.]

WAC 16-252-075 Expression of guarantees and special requirements—Pet food and specialty pet food containing any added nonprotein nitrogen. (1) Pet food or specialty pet food and pet food or specialty pet food supplements and concentrates containing crude protein from any form of added nonprotein nitrogen must be labeled as follows:

Crude protein, minimum %

This includes not more than % equivalent crude protein, which is not nutritionally available as protein to (species of animal for which feed is intended).

(2) Pet food or specialty pet food, premixes, concentrates or supplements containing more than one and one-quarter percent crude protein from any form of added nonprotein nitrogen must contain adequate directions for use and a prominent statement on the principal display panel, such as the following:

WARNING: This food must be used only in accordance with directions furnished on the label.

(3) In pet food and specialty pet food, nonprotein nitrogen sources defined in the Association of American Feed Control Officials official publication are acceptable sources of nutrients other than crude protein, as long as the maximum crude protein from all nonprotein nitrogen sources does not exceed one and one-quarter percent of the pet's or specialty pet's total daily ration.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-075, filed 11/19/03, effective 7/1/04.]

WAC 16-252-076 Expression of guarantees—Microorganisms and enzymes. (1)(a) Guarantees for microorganisms must be stated in colony forming units (CFU) per unit weight or volume, consistent with label directions.

(b) A parenthetical statement following the guarantee must list each species in order of predominance.

(2)(a) Guarantees for enzymes must be stated in units of enzymatic activity per unit weight or volume, consistent with label directions.

(b) The source organism for each type of enzymatic activity must be specified, for example: Protease (*Bacillus subtilis*) 5.5 mg amino acids liberated/minute/milligram.

(c) If two or more sources have the same type of activity, they must be listed in order of predominance based on the amount of enzymatic activity provided.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-076, filed 11/19/03, effective 7/1/04.]

WAC 16-252-080 Substantiating nutritional suitability. (1) All pet food and specialty pet food must be nutritionally suitable for the purpose represented by their labeling.

(2) If the department has reasonable cause to believe a pet food or specialty pet food is not nutritionally suitable, the department may require that the manufacturer either submit an "affidavit of suitability" or a department approved alternative procedure, certifying that the food is nutritionally adequate for its intended purpose. The affidavit of suitability or alternate procedure substantiates the food's suitability but does not preclude the department from requiring additional evidence of nutritional suitability.

(3) If an affidavit of suitability, or department approved alternative procedure, is not submitted by the pet food or specialty pet food manufacturer within thirty days of written notification, the department may declare that the pet food or specialty pet food composition or quality is less than or differs from what is represented by its labeling (see RCW 15.53.902(8)) and order the pet food or specialty pet food removed from the marketplace.

(4) An affidavit of suitability must contain the following information:

- (a) The pet food or specialty pet food registrant's name;
- (b) The product name;
- (c) The name and title of the affiant submitting the document;

(d) A statement from the affiant that they know the nutritional content of the pet food or specialty pet food and that the pet food or specialty pet food, based on valid scientific evidence, is nutritionally adequate for its intended purpose;

(e) The date the affidavit of suitability is submitted to the department; and

(f) The signature of the affiant notarized by a certified notary public.

(5) For dog food, a claim of nutritional adequacy must be based on one of the following:

- (a) The AAFCO dog food nutrient profiles;
- (b) One of the AAFCO dog food feeding protocols; or
- (c) Other scientific substantiation acceptable to the department.

(6) For cat food, a claim of nutritional adequacy must be based on one of the following:

- (a) The AAFCO cat food nutrient profiles; or
- (b) One of the AAFCO cat food feeding protocols;
- (c) Other scientific substantiation acceptable to the department.

(7) A specialty pet food nutritional adequacy claim must be based on:

(a) The corresponding species nutrient requirements as published in the *1995 National Research Council Nutrient Requirements of Laboratory Animals*, by the National Academy of Sciences; or

(b) Other scientific substantiation acceptable to the department.

Note:

- The only species included in the *1995 National Research Council Nutrient Requirements of Laboratory Animals* are gerbils, guinea pigs, hamsters, mice, and rats. All other specialty pet species will require other methods of scientific substantiation for claims of nutritional adequacy.
- A copy of *Nutrient Requirements of Laboratory Animals* is on file with the department. Copies may be purchased from Office of Publications, National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. 20418.

(8) Example of affidavit:

Affidavit of Suitability

(Company Name)	(Product Name & Code Number)
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1. Affiant is the _____ of _____
(Title) (Name of Company)
and is duly authorized to make and execute this Affidavit for and on behalf of said company.
2. Affiant has knowledge of the nutritional content of the above listed feed product and is familiar with the nutritional requirements for the animal species and animal class(es) for which the feed product is intended.
3. Affiant has knowledge of valid scientific evidence that supports the suitability of the product for the intended animal species and animal class for which this feed is intended. A copy of the product label is attached to this affidavit.

(Name of Company) By _____
(Name and Title)

Subscribed and sworn to before me
this _____ day of _____, 20__

(Notary Public)

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-080, filed 11/19/03, effective 7/1/04.]

WAC 16-252-090 Ingredient statement terms. Pet food and specialty pet food ingredients listed on the label or on file at the plant producing the product must comply with the following:

- (1) The name of each ingredient must conform to one of the following:
 - (a) Ingredients must have an official definition in the AAFCO official publication;

(b) If there is no official definition for an ingredient in the AAFCO official publication, then an ingredient with an AAFCO tentative definition may be used;

- (c) The ingredient is defined in WAC 16-252-015; or
- (d) The ingredient has a commonly accepted name that requires no definition, for example, sugar.

(2) Each ingredient of a pet food or specialty pet food must be listed separately. Collective terms may not be used on pet food or specialty pet food labeling.

(3) Ingredients in the ingredient statement must not list specific ingredient weights or concentrations, but must be listed in descending order by weight.

(4) A single ingredient product, as defined by the Association of American Feed Control Officials official publication, does not need an ingredient statement.

(5) The names of all listed ingredients must be shown in the same size of letters and type.

(6) Commercial, copyrighted, brand, or trade names must not be used in the ingredient statement.

(7) No reference to quality or grade of an ingredient may appear in the ingredient statement.

(8) The term "dehydrated" may precede the name of any product that has been artificially dried.

(9) When the word "iodized" is used in connection with a feed ingredient, the ingredient must contain at least 0.007% iodine, uniformly distributed.

(10) The term "degermed" must precede the name of any product from which germs were wholly or partially removed.

(11) If a drug is used, it does not have to be listed in the ingredient statement. However, the drug name is required to be listed on the label (see WAC 16-252-025 and 16-252-042).

(12) Unless meat and meat by-products are made from cattle, swine, sheep or goats, the terms "meat" and "meat by-products" must specifically identify the animal from which they are derived.

(13) When water is added in the preparation of canned pet food or specialty pet food, the water must be listed as an ingredient.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-090, filed 11/19/03, effective 7/1/04.]

WAC 16-252-095 Drug and feed additive requirements. (1) Before the department approves a registration application and/or a label for pet food or specialty pet food that contains additives (including drugs, other special purpose additives, or nonnutritive additives), the distributor may be required to submit, to the department, satisfactory evidence proving the safety and effectiveness of the pet food or specialty pet food when used according to the directions on the label.

(2) Satisfactory evidence of the safety and effectiveness of a pet food or specialty pet food that contains additives (including drugs, other special purpose additives, or nonnutritive additives) is established if one or more of the following apply:

- (a) When the use of a pet food or specialty pet food containing such additives either:
 - (i) Conforms to the requirements of the applicable regulation in 21 CFR; or
 - (ii) Are "prior sanctioned"; or

- (iii) Are "informal review sanctioned"; or
- (iv) "Generally recognized as safe" (GRAS) for such use.

(b) When the pet food or specialty pet food is itself a drug, and is:

(i) Generally recognized as safe (GRAS) and effective for the labeled use; or

(ii) Marketed subject to an application approved by the Food and Drug Administration under 21 U.S.C. 360b as amended effective on the date these rules were adopted.

(c) When one purpose for feeding a pet food or specialty pet food is to immunize through some immunological process and the immunizing drugs or additives have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended in 1985 (21 U.S.C. 151 et seq.).

(d) When the pet food or specialty pet food is a directly fed microbial product and the:

(i) Product meets the particular fermentation product definition as listed in the Association of American Feed Control Officials official publication; and

(ii) Required microbial content statement on the label is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms"; and

(iii) Source is stated with a corresponding guarantee expressed according to WAC 16-252-076 requirements.

(e) When the pet food or specialty pet food is an enzyme product and the:

(i) Product meets the particular enzyme definition listed in the Association of American Feed Control Officials official publication; and

(ii) Enzyme is stated with a corresponding guarantee expressed according to WAC 16-252-076 requirements.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-093, § 16-252-095, filed 9/7/05, effective 10/8/05; 03-23-129, § 16-252-095, filed 11/19/03, effective 7/1/04.]

WAC 16-252-100 "Directions for use" and "precautionary statement" requirements. (1) Directions for use and precautionary statements on required labeling of all pet food and specialty pet foods containing additives (including, but not limited to, drugs, nonprotein nitrogen, special purpose additives, or nonnutritive additives) must:

(a) Be adequate to enable users with no special knowledge of the purpose and use of the feed to use it safely and effectively for its intended purposes; and

(b) Include all information described by all applicable regulations of 21 CFR, Parts 500-599 under the Federal Food, Drug and Cosmetic Act.

Note: The Food and Drug Administration's regulations are published in the Code of Federal Regulations, and are available in book format from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. They are also available on the internet at <http://www.gpoaccess.gov/cfr/retrieve.html>. A copy of 21 CFR Parts 500-599 are also on file with the department.

(2) Adequate directions for use and precautionary statements identified in subsection (1) of this section are required for pet food and specialty pet food that is distributed to:

(a) Supply particular dietary needs; or

(b) Supplement or fortify the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

[Title 16 WAC—p. 346]

(3)(a) When a pet food or specialty pet food is intended for use by or under the supervision of a veterinarian, the statement "use only as directed by your veterinarian" must be on the label. When such a statement is on a pet food label, feeding instructions are not required, but may appear on the label. This regulation takes precedence over other regulations in this subsection.

(b) Pet food, including snacks or treats, labeled as "complete and balanced" for any or all life stages, must list feeding directions on the label. Any pet food labeled as "snacks" or "treats" that contains a drug, must list feeding directions on the label. These directions must:

(i) Be expressed in common terms;

(ii) Appear prominently on the label;

(iii) State the frequency of feeding; and

(iv) At a minimum state, "feed (weight or other measure of product) per (weight only) of dog (or cat)."

(c) Directions must be consistent with the intended use(s) indicated in the nutritional adequacy statement, unless a limited use or more limited life stage designation is declared elsewhere (for example, "adult formula").

(d) Directions must be given for each life stage stated on the label.

(4)(a) Pet food and specialty pet food snacks and treats do not require feeding directions on the label except when they:

(i) Are labeled as "complete and balanced"; or

(ii) Contain a drug.

(b) Feeding directions may be on the label for snacks and treats even when not required.

(5) Pet food and specialty pet food labels must contain the statement "This product is intended for intermittent or supplemental feeding only," if the product does not meet the nutrient requirements of the appropriate AAFCO recognized nutrient profile, feeding protocol, or any other special nutritional or dietary need, thus making it suitable only for limited, intermittent, or supplementary feeding.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-093, § 16-252-100, filed 9/7/05, effective 10/8/05; 03-23-129, § 16-252-100, filed 11/19/03, effective 7/1/04.]

WAC 16-252-110 Screenings. (1) If screenings are used in a pet food or specialty pet food, they must:

(a) Not contain any seed, pesticide, or other product that renders it adulterated within the meaning of RCW 15.53.902; and

(b) Be ground fine enough or otherwise treated to destroy the viability of the noxious weed seeds contained in the screening so that the finished product contains no more than one viable prohibited noxious weed seed per pound and not more than twenty-five viable restricted noxious weed seeds per pound.

(2) For purposes of this pet food and specialty pet food, commercial feed rule, prohibited noxious weed seeds are those listed in WAC 16-301-045 (Prohibited noxious weed seeds) and restricted noxious weed seeds are those listed in WAC 16-301-050 (Restricted noxious weed seeds).

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-110, filed 11/19/03, effective 7/1/04.]

(2009 Ed.)

WAC 16-252-120 Adulteration of pet food and specialty pet food. (1) The terms "poisonous or deleterious substances" as used in RCW 15.53.902 include, but are not limited to, the following:

(a) Any ingredient, pet food or specialty pet food that contains more than twenty parts per billion aflatoxin B1, B2, G1, G2, individually or in total.

(b) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets that have been extracted with trichloroethylene or other chlorinated solvents.

(c) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on pet food or pet food ingredients that are considered or reported to be a significant source of vitamin B1 (thiamine).

(d) Any substance that is prohibited by 21 CFR, Part 589.

(2) When screenings are used in a pet food or specialty pet food, the screenings and the finished product must comply with the requirements in WAC 16-252-110 or the pet food will be considered adulterated.

(3) Pet food or specialty pet food containing raw or unprocessed animal waste will be considered adulterated.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-093, § 16-252-120, filed 9/7/05, effective 10/8/05; 03-23-129, § 16-252-120, filed 11/19/03, effective 7/1/04.]

WAC 16-252-140 Use of artificial coloring. (1) Artificial coloring may be used in pet food if it is harmless to animals.

(2) Any pet food or specialty pet food ingredient or pet food or specialty pet food product must not contain materials that enhance the natural color of a food if it conceals inferiorities.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-140, filed 11/19/03, effective 7/1/04.]

WAC 16-252-150 Reusing bags, totes, and containers. Bags, totes, or nonporous containers of similar capacity used for pet food or specialty pet food must not be reused unless appropriately cleaned. A firm that intends to reuse bags, totes, or containers must document their clean-out procedures.

Note: "Appropriate cleaning procedures" are procedures that prevent cross contamination of products that would create a safety concern. Examples of safety concerns include:

- (1) Medicated products contaminating nonmedicated products;
- (2) Prohibited mammalian protein contaminating ruminant feed; and
- (3) Feed containing minerals, or other additives, intended for one species contaminating feed intended for another species that is more sensitive to a mineral or other additive.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-150, filed 11/19/03, effective 7/1/04.]

WAC 16-252-155 Tonnage fee required. Each initial distributor of a pet food or specialty pet food in or into Washington state must pay the department an inspection fee of twelve cents per ton on all pet food or specialty pet food they sold, for distribution within Washington state, during the year. The minimum inspection fee, the late fee, and exceptions to payment of the fee are as authorized in RCW 15.53-9018.

(2009 Ed.)

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-093, § 16-252-155, filed 9/7/05, effective 10/8/05. Statutory Authority: Chapter 15.53 RCW, 2003 1st sp.s. c 25, and chapter 34.05 RCW. 04-14-076, § 16-252-155, filed 7/6/04, effective 1/1/05. Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-155, filed 11/19/03, effective 7/1/04.]

WAC 16-252-165 Registration requirements. (1) All registration applications for pet food and specialty pet food must be on forms available from the department.

(2) The application for pet food and specialty pet food registration, to be completed by applicants and registrants, must include:

(a) The company name (registrant);

(b) Complete business mailing address;

(c) Complete physical address of the business, if different than the mailing address;

(d) Telephone number;

(e) Company name on label if different than the registrant;

(f) Number of products sold in small packages of less than ten pounds;

(g) Number of products sold in large packages of ten pounds or more;

(h) Company registrar's name;

(i) Company registrar's title;

(j) Registrar's signature; and

(k) Date signed.

Note: The application for registration of pet food and specialty pet food products may be downloaded from the internet at <http://agr.wa.gov/FoodAnimal/AnimalFeed/Forms.htm>.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-093, § 16-252-165, filed 9/7/05, effective 10/8/05; 03-23-129, § 16-252-165, filed 11/19/03, effective 7/1/04.]

WAC 16-252-170 Label submission requirements. Pet food and specialty pet food registrants must submit copies of their labels and labeling to the department when:

(1) Applying for a registration; or

(2) The label is revised by the registrant; or

(3) When requested by the department for reasonable cause.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-129, § 16-252-170, filed 11/19/03, effective 7/1/04.]

WAC 16-252-180 Good manufacturing practices adopted. The following good manufacturing practices are adopted:

(1) Regulations prescribing current good manufacturing practices for Type B and Type C medicated feeds as published in 21 CFR, Part 225, Sections 225.1-225.202.

(2) Regulations prescribing good manufacturing practices for Type A Medicated Articles as published in 21 CFR, Part 226, Sections 226.1-226.115.

(3) Regulations pertaining to animal proteins prohibited in ruminant feed as published in 21 CFR, Part 589.2000.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 05-18-093, § 16-252-180, filed 9/7/05, effective 10/8/05; 03-23-129, § 16-252-180, filed 11/19/03, effective 7/1/04.]

Chapter 16-256 WAC

COMMERCIAL FEED RULES—PROCESSED ANIMAL WASTE

WAC

16-256-001	Effective date.
16-256-010	"Animal waste" and "processed" defined.
16-256-020	Processed animal waste products identified.
16-256-030	Labeling requirements for processed animal waste products.
16-256-040	Testing requirements for processed animal waste products.
16-256-050	Processed animal waste products—Commercial feed license required.
16-256-060	Procedures for denying or revoking a commercial feed license for a processed animal waste product facility.
16-256-070	Quality standards for processed animal waste products.
16-256-080	Records required for processed animal waste products.

WAC 16-256-001 Effective date. Chapter 16-256 WAC, Commercial feed rules—Processed animal waste, becomes effective on July 1, 2004.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-131, § 16-256-001, filed 11/19/03, effective 7/1/04.]

WAC 16-256-010 "Animal waste" and "processed" defined. "Animal wastes" means a material composed of excreta, with or without bedding materials and/or animal drugs, collected from poultry, ruminants or other animals except humans.

"**Lot identifier**" means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In the case of bulk feed the lot identifier is on a label, invoice, or shipping document accompanying the feed.

"**Processed**," as applied to animal waste, means thermally dehydrated, dry-stacked, ensiled, oxidized, chemically treated, microbiologically digested, chemically or physically fractionated, or treated by other processes that enable an animal waste product to comply with the standards established in this chapter.

Note: Commercial feed containing raw or unprocessed animal waste is considered adulterated under WAC 16-250-120(3).

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-131, § 16-256-010, filed 11/19/03, effective 7/1/04.]

WAC 16-256-020 Processed animal waste products identified. A product is considered a processed animal waste product only if it meets one of the definitions in the following table.

Processed Animal Waste Products		
Product Type	Description	Thermal Dehydration Limit
Dried poultry waste (DPW)	A processed animal waste product composed of the feces from commercial poultry	Thermally dehydrated to a moisture content not in excess of 12.00 percent

Processed Animal Waste Products		
Product Type	Description	Thermal Dehydration Limit
Dried poultry waste-NPN extracted	A processed animal waste product composed of the feces from commercial poultry which has been processed to remove part or all of the crude protein derived from nonprotein nitrogen (NPN) as urea and/or uric acid	Thermally dehydrated to a moisture content not in excess of 12.00 percent
Dried poultry litter-(DPL)	A processed animal waste product composed of a combination of feces from commercial poultry together with litter that was present in the floor production of poultry	Thermally dehydrated to a moisture content not in excess of 12.00 percent
Dried ruminant waste-(DRW)	A processed animal waste product composed of ruminant excreta	Thermally dehydrated to a moisture content not in excess of 12.00 percent
Undried processed animal waste product	A processed animal waste product composed of excreta, with or without litter, from poultry, ruminants or any other animal except humans	Contains in excess of 12.00 percent moisture

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-131, § 16-256-020, filed 11/19/03, effective 7/1/04.]

WAC 16-256-030 Labeling requirements for processed animal waste products. The label, tag, or label invoice accompanying shipments of animal waste products must contain the information required in RCW 15.53.9016, this chapter and the following information:

(1) If the product contains drugs or drug residues, then the label must contain the following statement in boldface type at least one-half as large as the largest type appearing on the label:

"WARNING: THIS PRODUCT CONTAINS DRUG RESIDUES. DO NOT USE WITHIN THIRTY DAYS OF SLAUGHTER AND DO NOT USE THIRTY DAYS PRIOR TO OR DURING THE FOOD PRODUCTION PERIOD OF DAIRY ANIMALS AND/OR HENS."

(2) If the product contains high levels (15 ppm or greater) of copper, then the label must contain the following statement in boldface type at least one-half as large as the largest type appearing on the label:

"WARNING: CONTAINS HIGH LEVELS OF COPPER: DO NOT FEED TO SHEEP."

(3) If the product derives one-third or more of the guaranteed total crude protein from nonprotein nitrogen sources, the label shall provide adequate directions for safe use of the product and the precautionary statement:

"CAUTION: USE ONLY AS DIRECTED."

(4) Animal waste product labels, tags, or labeling must contain the following guarantees in percentages by weight in the following order and form:

- (a) Minimum crude protein;
- (b) Maximum crude protein from nonprotein nitrogen (NPN);
- (c) Minimum crude fat;
- (d) Maximum crude fiber;
- (e) Maximum moisture;
- (f) Maximum ash;
- (g) Minimum and maximum calcium (Ca);
- (h) Minimum phosphorus (P);
- (i) Maximum sodium (Na);
- (j) Maximum lignin (if the processed animal waste product is dried poultry litter and if the product contains wood-based bedding materials);
- (k) Maximum copper (Cu) (if the processed animal waste product is dried poultry waste or dried poultry litter and **does not** contain the warning "DO NOT FEED TO SHEEP").

(5)(a) Lot identifier that is sufficient to allow the manufacturer to accurately trace the complete manufacturing and distribution history of the product.

(b) Records relating the lot identifier to the manufacture, processing, packing, distribution, receipt, or holding of the product must be kept for one year after the last date of distribution.

(6) Mixed feeds containing processed animal waste products must:

(a) State on the label the maximum percentage and type of processed animal waste product used in the mixed feed; and

(b) Comply with additional labeling requirements under chapters 16-250 or 16-252 WAC for the species for which the product is mixed.

(7) Processed animal waste product labeling must contain, as part of the product name, the animal source and product type.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-131, § 16-256-030, filed 11/19/03, effective 7/1/04.]

WAC 16-256-040 Testing requirements for processed animal waste products. (1) The purpose of the sampling and testing requirements in this section is to determine the presence of harmful materials or biological contaminants specified in WAC 16-256-070 and to assure compliance with the quality standards in that section.

(2) Any person seeking or maintaining a commercial feed license for any processed animal waste product facility must:

- (a) Test those products, by representative sampling;
- (b) Analyze those samples; and
- (c) Keep accurate records of the test results for two years.

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(3) The sample used must be of sufficient size to provide meaningful data that is statistically reliable.

(4) Before a processed animal waste product is distributed, the licensee must comply with the following sample and analyses requirements:

(a) Sufficient testing and analyses must be conducted to ensure that the last three consecutive production runs are consistent with the required quality standards in WAC 16-256-070.

(b) After the initial testing is completed, periodic analyses (at least one analysis each calendar quarter) must be conducted on subsequent production runs. Less frequent testing may be allowed when the analytical results show continued uniformity and a consistent margin of compliance. More frequent tests must be conducted when the analytical results show either a wide range of levels or levels close to established quality standard limits.

(5) Analysis of the samples used to determine if the processed animal waste meets the quality standards in WAC 16-256-070 must also include the following:

(a) Drugs used (or suspected of use) in feed or as a therapeutic treatment of the animals;

(b) Pesticides used on the animal, facilities, and wastes for pest control;

(c) Pathogenic organisms, at least to include Salmonella and E. coli;

(d) Heavy metals, including, but not limited to, arsenic, cadmium, copper, lead, mercury and selenium;

(e) Parasitic larva or ova; and

(f) Mycotoxins, such as aflatoxins.

(6) Sequential testing is required when the periodic analyses required by WAC 16-256-040(4) or other information available to the manufacturer of the ingredient indicates that:

(a) The ingredients are not within the limitations established in these regulations;

(b) Changes are made in the manufacturing process;

(c) New or expanded sources of the raw ingredients are used; or

(d) Changes occur in the drugs or pesticides used by the supplier(s) of the raw ingredient(s).

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-131, § 16-256-040, filed 11/19/03, effective 7/1/04.]

WAC 16-256-050 Processed animal waste products—Commercial feed license required. (1) A commercial feed license is required for each facility that manufactures or distributes processed animal waste product intended, promoted, represented, advertised or distributed for use as a commercial feed or feed ingredient.

(2) The commercial feed license application form, to be completed by applicants and licensees, must include the:

(a) Name and business address of the applicant;

(b) Type of business the firm is engaged in (feed manufacturer, dealer, broker, etc.);

(c) Type of commercial feed distributed (processed animal waste product, medicated feed, complete feed, feed supplement, animal products, etc.);

(d) The statutory registration fee of fifty dollars;

(e) A copy of the processed animal waste label that the applicant proposes to use;

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- (f) A detailed description of sampling procedures used to sample the processed animal waste product for analysis;
- (g) A sampling schedule;
- (h) A full description of all tests made; and
- (i) Test results showing that the processed animal waste product meets the standards in WAC 16-256-070.

(3) The department may take an official sample of the processed animal waste product for examination and analysis before issuing a commercial feed license for a facility that manufactures or distributes processed animal waste products.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-131, § 16-256-050, filed 11/19/03, effective 7/1/04.]

WAC 16-256-060 Procedures for denying or revoking a commercial feed license for a processed animal waste product facility. (1) A commercial feed license for a processed animal waste product facility will be denied or revoked if the:

- (a) Applicant or the processed animal waste product is determined to be in violation of any Washington state statute or Washington state agency rule or regulation affecting or relating to the distribution of commercial feeds in this state.
- (b) Processed animal waste product does not meet the quality standards in WAC 16-256-070.
- (c) Processed animal waste product label does not comply with the requirements of chapter 15.53 RCW and WAC 16-256-030.
- (d) Processed waste product is not labeled in compliance with law and agency rules and regulations, including WAC 16-256-030 of these rules.

(e) Applicant or licensee fails to perform the testing as specified in WAC 16-256-256 or to accurately maintain and make available to the director or his designee for inspection and copying, upon demand, the records required in WAC 16-256-080.

(2)(a) When an animal waste product or labeling, or other material required to be submitted with an application fails to comply with the requirements of these rules, the director must notify the applicant why the application does not comply so the applicant can make the necessary corrections.

(b) If, upon receipt of such a notice, the applicant does not make the necessary corrections, the director must deny the license application for the processed animal waste product facility. The applicant may then request a hearing under chapter 34.05 RCW.

(3) After determining that an animal waste product or its labeling does not comply with the provisions of chapter 15.53 RCW or WAC 16-256-030, the department may revoke the facility's license. If aggrieved by the decision, the licensee may request a hearing as authorized under chapter 34.05 RCW.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-131, § 16-256-060, filed 11/19/03, effective 7/1/04.]

WAC 16-256-070 Quality standards for processed animal waste products. (1) Dried animal waste products must comply with the requirements in the following table:

Dried Animal Waste Products					
	Required Minimum/Maximum Content	Dried Poultry Waste	Dried Poultry Waste-NPN Extracted	Dried Poultry Litter	Dried Ruminant Waste
Crude protein	At least	18.00%	11.00%	18.00%	12.00%
Crude fiber	No more than	15.00%	15.00%	25.00%	40.00%
Moisture	No more than	12.00%	12.00%	12.00%	12.00%
Ash	No more than	30.00%	30.00%	20.00%	30.00%
Feathers	No more than	1.00%	1.00%	4.00%	N/A
Combined straw, wood, wood shavings, litter, dirt, sand, rocks, and other similar extraneous materials	No more than	N/A	N/A	N/A	40.00%

- (2) Processed animal waste products must not contain:
- (a) Any extraneous materials such as, but not limited to, metal, glass, wire or nails (except for undried processed animal waste products in subsection (4) of this section and dried ruminant waste products in subsection (6) of this section); or
 - (b) Any harmful pathogenic organisms, pesticide residues, harmful parasites, or drug residues except as allowed in WAC 16-256-030(1); or
 - (c) Other toxic or deleterious substances above levels permitted by department statute or regulation or which could be harmful to the animals or could result in residue in tissues of food products; or

- (d) By-products of animals at levels in excess of those allowed by statute or regulation.
- (3) Processed animal waste products must not contain:
- (a) Aflatoxin in excess of 20 parts per billion (ppb); and
 - (b) More than a total of 500 parts per million (ppm) of heavy metals such as mercury, lead, bismuth, copper, cadmium, arsenic, antimony, and tin.
- (4) Undried processed animal waste products must contain no more than forty percent combined straw, wood, wood shavings, litter, dirt, sand, rocks and other extraneous materials.
- (5) To aid in maintaining a stable microbiological quality, any product labeled as, or containing dried animal waste

products, must be maintained at no more than twelve percent moisture.

(6) Any processed animal waste product that does not meet the applicable quality standards must be:

- (a) Further processed until the quality standards are met;
- or
- (b) Diverted to nonfeed or nonfood uses; or
- (c) Destroyed.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-131, § 16-256-070, filed 11/19/03, effective 7/1/04.]

WAC 16-256-080 Records required for processed animal waste products. Any licensed processed animal waste product facility must keep accurate records for two years containing the following information:

- (1) All sources of the raw materials used in the production of processed animal waste products and the date those raw materials were acquired including information on drug and pesticide use.
- (2) All production batches of processed animal waste products including the code or other method used to identify the batch or date of production.
- (3) All distribution of processed animal waste products including the:
 - (a) Name and address of the purchaser or to whom the product was distributed;
 - (b) Date the product was distributed;
 - (c) Quantity of the product distributed; and
 - (d) Production code for the product distributed.
- (4) Test sampling and analysis records required by WAC 16-256-040.

[Statutory Authority: Chapters 15.53 and 34.05 RCW. 03-23-131, § 16-256-080, filed 11/19/03, effective 7/1/04.]

Chapter 16-301 WAC

GENERAL SEED REGULATIONS

(Formerly chapters 16-300, 16-304, 16-313, 16-316, 16-317, 16-318, 16-493, 16-494 and 16-495 WAC)

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- 16-301-060 Treated seed labeling requirements.

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-301-450 Bean seed-borne viral disease quarantine—Establishing the quarantine. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-450, filed 12/4/00, effective 1/4/01.] Repealed by 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.
- 16-301-455 Bean seed-borne viral disease quarantine—Regulated articles. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-455, filed 12/4/00, effective 1/4/01.] Repealed by 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.
- 16-301-460 Bean seed-borne viral disease quarantine—Regulated disease. [Statutory Authority: RCW 15.49.005, 15.49.

- 081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-460, filed 12/4/00, effective 1/4/01.] Repealed by 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.
- 16-301-465 Bean seed-borne viral disease quarantine—Quarantined area. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-465, filed 12/4/00, effective 1/4/01.] Repealed by 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.
- 16-301-470 Bean seed-borne viral disease quarantine—Regulated area. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-470, filed 12/4/00, effective 1/4/01.] Repealed by 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.
- 16-301-475 Bean seed-borne viral disease quarantine—Requirements for planting bean seed in the regulated area. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-475, filed 12/4/00, effective 1/4/01.] Repealed by 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.
- 16-301-480 Bean seed-borne viral disease quarantine—Identification and disposition of diseased bean seed. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-480, filed 12/4/00, effective 1/4/01.] Repealed by 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.
- 16-301-485 Bean seed-borne viral disease quarantine—Penalties. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-485, filed 12/4/00, effective 1/4/01.] Repealed by 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.

WAC 16-301-005 General seed standards—Definitions. Definitions for terms used in this chapter and in chapters 16-302 and 16-303 WAC may be found in chapter 15.49 RCW, seed. For the purposes of these chapters, the following definitions shall apply unless otherwise provided for in law or rule:

"**Agricultural seed**" as defined in RCW 15.49.011(2) includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized within this state as agricultural seeds, lawn seeds, and combination of such seeds, and may include common and restricted noxious weed seeds but not prohibited noxious weed seeds.

"**AOSA**" means the Association of Official Seed Analysts.

"**AOSCA**" means the Association of Official Seed Certifying Agencies.

"**Approved trial grounds**" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

"**Arbitration committee**" means the committee established by the director under RCW 15.49.101 to hear and make determinations in mandatory, nonbinding, arbitration cases.

"**Bean**" means common beans and adzuki beans.

"**Blend**" as defined in RCW 15.49.011(3) means seed consisting of more than one variety of a species, each in excess of five percent by weight of the whole.

"Blending" as related to this chapter shall be the process of commingling two or more lots of seed to form one lot of uniform quality.

"Buyer" means a person who purchases seeds.

"Chairperson" means the person selected by the arbitration committee from among their numbers to preside.

"Certifying agency" as defined in RCW 15.49.011(5) means:

(a) An agency authorized under the laws of any state, territory, or possession to certify seed officially and which has standards and procedures approved by the United States secretary of agriculture to assure the genetic purity and identity of the seed certified; or

(b) An agency of a foreign country determined by the United States Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed-certifying agencies under (a) of this subsection.

"Common bean" means *Phaseolus vulgaris L.*

"Complete record" means information which relates to the origin, treatment, germination and purity (including variety) of each lot of seed. Records include seed samples and records of declaration, labels, purchases, sales, cleaning, bulking, treatment, handling, storage, analyses, tests and examinations.

"Dealer" as defined in RCW 15.49.011(7) means any person who distributes seeds.

"Department" as defined in RCW 15.49.011(8) means the Washington state department of agriculture or its duly authorized representative.

"Director" as defined in RCW 15.49.011(9) means the director of the department of agriculture.

"Field standards" means the tolerances permitted as determined by established field inspection procedures.

"Fiscal year" means the twelve-month period July 1 through June 30.

"Flower seeds" as defined in RCW 15.49.011(11) include seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold as flower seeds in this state.

"Germination" as defined in RCW 15.49.011(13) means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.

"Interagency certification" means the participation of two or more official certifying agencies in performing the services required to certify the same lot or lots of seed.

"Isolation standards" means the distance in feet from any contaminating source (i.e., distance from other fields of same species).

"Label" as defined in RCW 15.49.011(18) includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the information required on the seed label by chapter 15.49 RCW, and may include other information including the requirement for arbitration.

"Land standards" means the number of years that must elapse between the destruction of a stand of a kind, and establishment of a stand of a specified class of a variety of the

same kind (i.e., number of years out of production of same crop kind).

"Mixture, mixed or mix" as defined in RCW 15.49.011(22) means seed consisting of more than one species, each in excess of five percent by weight of the whole.

"Nursery" means an area of two acres or less in which grass for seed production is seeded in rows with twenty-four inch minimum spacing to facilitate roguing.

"O.E.C.D." means the Organization for Economic Cooperation and Development certification scheme.

"Off-type" means a plant or seed which deviates in one or more characteristics from that which has been described as being usual for the strain or variety.

"Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phyto-sanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps, or similar documents certifying seed quality or condition.

"Official sample" as defined in RCW 15.49.011(23) means any sample taken and designated as official by the department.

"Official seed laboratory" means a seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Laboratory, 21 N 1st Avenue, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon. This definition is to include any laboratory that has an accreditation process in place.

"Origin" means the county within the state of Washington, or the state, territory, or country where a specific seed lot was grown.

"Person" as defined in RCW 15.49.011(26) means an individual, partnership, corporation, company, association, receiver, trustee or agent.

"Proprietary variety" means that crop variety for which a person has exclusive production and/or marketing rights.

"Representative sample" means a sample drawn in accordance with sampling procedures adopted in WAC 16-301-095.

"Seeds" as defined in RCW 15.49.011(33) means agricultural or vegetable seeds, or other seeds as determined by rules adopted by the department.

"Seed labeling permit" means a permit issued by the department pursuant to RCW 15.49.400 to a person labeling seed for distribution in this state.

"Seed program advisory committee" means a committee of representatives from the small grains, pea, lentil, bean, vegetable, small seeded legumes, and grass seed industries selected by the program manager in consultation with the industry.

"Seed standards" means the tolerances permitted as determined by established seed inspection procedures.

"Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry viruses.

"Stock seed" means breeders, prebasic, or like initial generation of seed.

"Sudangrass" means *Sorghum bicolor x drummondii*.

"University" means the Washington State University.

"USDA" means the United States Department of Agriculture.

"Vegetable seeds" as defined in RCW 15.49.011(38) include the seeds of all crops that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.

"WSCIA" means the Washington State Crop Improvement Association.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 06-17-041, § 16-301-005, filed 8/8/06, effective 9/8/06; 03-18-072, § 16-301-005, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49-310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-005, filed 12/4/00, effective 1/4/01.]

WAC 16-301-010 What publications are adopted in chapters 16-301, 16-302, and 16-303 WAC and where can they be obtained? (1) The AOSCA rules and procedures for certification adopted in the year 2003. A copy may be obtained by writing; AOSCA, 600 Watertower Lane, Suite D, Meridian, Idaho 83642-6286.

(2) The AOSA rules for testing seed adopted in the year 2003. A copy may be obtained by contacting the administrative office for AOSA at McBride and Associates, Inc., P.O. Box 80705, Lincoln, NB 68501-0705.

(3) The Federal Seed Act and Code of Federal Regulations (CFR) Part 201 as revised January 1, 1998. A copy may be obtained by writing to the USDA, AMS, Washington, D.C. 20250.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 03-18-072, § 16-301-010, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-010, filed 12/4/00, effective 1/4/01.]

WAC 16-301-011 What are the functions of the seed program advisory committee? The seed program advisory committee shall meet at least annually and make recommendations to the department regarding the objectives of the seed program. The review should include a review of the regulatory activities and program expenditures.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-011, filed 12/4/00, effective 1/4/01.]

PART 1 - SEED LABELING

WAC 16-301-015 Seed labeling requirements for agricultural, vegetable, and flower seeds. (1) Each container of agricultural, vegetable or flower seeds, that is sold, offered or exposed for sale, or transported within this state for sowing purposes, must bear or have attached to the container a plainly written or printed label or tag in the English language; and

(a) The label provides information required in WAC 16-301-060 through 16-301-085 on treated seeds in addition to the information required in subsection (2) of this section; and

(b) The label is placed in a conspicuous manner on the seed container; and

(c) The printed label or tag is not modified or denied in the labeling or on any label attached to the seed container.

[Title 16 WAC—p. 354]

(2) Each container of agricultural, vegetable or flower seeds, that is sold, offered or exposed for sale, or transported within this state for sowing purposes must bear "Requirement for arbitration - The Washington State Seed Act, chapter 15.49 RCW, requires mandatory arbitration of disputes involving allegedly defective seed. See chapter 16-301 WAC or contact the Washington State Department of Agriculture, Seed Program, (509) 225-2630," on:

(a) The analysis tag; or

(b) A separate tag or label attached securely to each container; or

(c) Printed in a conspicuous manner on the side of each container; or

(d) Alternate wording may be approved in writing by the department to meet the needs of the industry.

(3) Except for grass seed mixtures, and hybrids that contain less than ninety-five percent hybrid seed, the label for agricultural seeds must contain the following information:

(a) The name of the kind and variety of each agricultural seed present in excess of five percent of the whole and the percentage by weight of each or if the variety is not listed with the certifying agency, the name of the kind and the words, "variety not stated." Hybrids must be labeled as hybrids; and

(b) The lot number or other lot identification; and

(c) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated on the label; and

(d) The percentage, by weight, of all weed seeds present. The maximum weed seed content may not exceed two percent by weight; and

(e) The name and rate of occurrence in seeds per pound of each kind of restricted noxious weed seed present; and

(f) The percentage by weight of agricultural seeds, which may be designated as "crop seeds," other than those required to be named on the label; and

(g) The percentage by weight of inert matter; and

(h) The percentage of seed germination, exclusive of hard seed, and the percentage of hard seed, if present, or "total germination and hard seed" as a single percentage; and

(i) The calendar month and year the seed germination test was completed to determine such percentages; and

(j) The name and address of the person who labels, sells, offers, or exposes for sale seed within this state.

(4) For seed that is coated the label must also contain the following:

(a) The percentage of pure seed with coating material removed;

(b) The percentage of coating material shown as a separate item in close association with the percentage of inert material;

(c) The percentage of germination as determined on four hundred coated seed pellets, with or without seeds.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-015, filed 12/4/00, effective 1/4/01.]

WAC 16-301-020 Other labeling requirements for small grain, field pea, lentil, and/or soybean seed. In addition to the information required on the label in WAC 16-301-015, the following requirements also apply:

(1) Small grain seed - labels for small grain seed must include the following information:

(a) Each variety (e.g., Nugaines), whether the variety is typically a winter or spring sown variety, and kind (e.g., wheat); or may not be shown if the label conspicuously shows the words "typical sowing season not stated";

(b) A tetrazolium test may be used in lieu of germination if the label states "Tetrazolium...%," and that a germination test of the lot is in process and shall be made available to the purchaser when completed. The label shall also show the calendar month and year the tetrazolium test was completed.

(2) Small grain, field pea, lentil, and/or soybean seed - the following shall apply for labeling of small grain, field pea, lentil, and/or soybean seed:

(a) When seed is distributed in bulk the required label information must be on the invoice or other document accompanying the distribution of the seed;

(b) The seed labeling registrant may provide the required label information as a guaranteed analysis at the time of distribution if the label, invoice, or other document accompanying the seed states "guaranteed analysis," and the results of a purity and germination test of a representative sample are made available to the purchaser no later than thirty days following the initial distribution of the lot;

(c) Seed held in storage for bulk distribution or invoice labeling, shall be plainly identified on the storage unit(s) with the required label information;

(d) Small grain, field pea, lentil, and/or soybean seed is deemed mislabeled if the seed contains restricted noxious weed singly or collectively in excess of 100 per pound.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-020, filed 12/4/00, effective 1/4/01.]

WAC 16-301-025 Special requirements for labeling of vegetable and flower seed as prepared for use in the home. In addition to the information required on the label in WAC 16-301-015, the following requirements also apply to vegetable and flower seed as prepared for use in home:

(1) **Vegetable seeds in packets or preplanted devices** - labeling for vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in preplanted containers, mats, tapes, or other planting devices must include the following information:

(a) The year in which the seed was packed for sale as "packed for planting in..." or the percentage germination and the calendar month and the year the test was completed to determine that percentage;

(b) Label for seeds which germinate less than the standard established in WAC 16-301-090 must include the following:

(i) Percentage of germination, exclusive of hard seed;

(ii) Percentage of hard seed, if present;

(iii) The words "below standard" in not less than eight-point type;

(c) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quality of seed without removing the seed from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.

(2) Vegetable seeds in containers - the labeling requirements for vegetable seeds in containers, other than packets prepared for use in home gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices, is considered met if the seed is weighed from a properly labeled container of more than one pound in the presence of the purchaser.

(3) Flower seeds in packets or preplanted devices - labeling for flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices must include the following information:

(a) For all kinds of flower seeds:

(i) The name of the kind and variety or a statement of the kind and performance characteristics as prescribed in chapter 15.49 RCW and rules adopted thereunder;

(ii) The calendar month and year the seed was tested or the year for which the seed was packaged;

(b) Labels for seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard established under the provisions of chapter 15.49 RCW must include the following:

(i) The percentage of germination exclusive of hard seeds;

(ii) The words "below standard" in not less than eight-point type.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-301-025, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-025, filed 12/4/00, effective 1/4/01.]

WAC 16-301-030 Exemptions for small grain, field pea, lentil and/or soybean seed. (1) Small grain, field pea, lentil, and/or soybean seed distributed in packaged form to a wholesaler or a commercial grower for the grower's own use and accompanied by an invoice or other document containing the labeling information required in this chapter may attach labels containing information required in treated seed label requirements listed in WAC 16-301-060 through 16-301-085; and the net weight of the seed if the purchaser has knowledge of, and consents to, the invoice labeling. Small grain seed labels must also contain information in WAC 16-301-020 (1)(a).

(2) When small grain, field pea, lentil, and/or soybean seed is needed for immediate planting, a purchaser may waive the seed analysis information requirement for the purchase by completion of the following waiver:

CUSTOMER WAIVER AFFIDAVIT

Date

.....
.....
.....
.....

(Seed Dealer's Name and Address)

I,....., because of an emergency need for..... seed, am waiving my rights as provided in RCW 15.49.021 to receive the germination and purity information required in chapter 16-301 WAC on lot(s)..... purchased on.....: Provided, That within thirty days,..... the supplier provides the above information to me in writing.

(Customer's Signature)

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-030, filed 12/4/00, effective 1/4/01.]

WAC 16-301-035 Labeling requirements for agricultural and vegetable hybrid seed that contains less than ninety-five percent hybrid seed. The labeling for agricultural and vegetable hybrid seed that contains less than ninety-five percent hybrid seed must include the following:

- (1) The lot number or other lot identification.
(2) The origin state or foreign country, if known. If the origin is not known, that fact must be stated.
(3) The kind or variety labeled as "hybrid" except that varieties in which pure seed contain less than seventy-five percent hybrid seed may not be labeled as hybrids.
(4) The percent which is hybrid labeled parenthetically in direct association following named variety; i.e., Comet (eighty-five percent hybrid).
(5) The calendar month and year of a germination test of pure live seed or the year in which the seed was packaged.
(6) The percentage by weight of inert matter.
(7) The percentage, by weight, of all weed seeds present. The maximum weed seed content may not exceed two percent by weight.
(8) The name and address of the person who labels seed, or sells, offers, or exposes the seed for sale within this state.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-035, filed 12/4/00, effective 1/4/01.]

WAC 16-301-040 Labeling—Requirements for seed mixtures for lawn and/or turf purposes. The labeling of seed mixtures for lawn or turf purposes must include the following:

- (1) The lot number or other lot identification.
(2) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated on the label.
(3) The word "mixed" or "mixture" stated with the name of the mixture.
(4) The heading "pure seed" and "germination" or "germ" used in the proper places.
(5) The commonly accepted name of kind or kind and variety of each agricultural seed component in excess of five percent of the whole, and the percentage by weight, in columnar form, of pure seed in order of its predominance.
(6) The percentage by weight of agricultural seed other than those required to be named on the label which shall be designated as "crop seed." If the mixture contains no crop seed, the statement, "contains no other crop seed," may be used and may be flagged.
(7) The percentage by weight of inert matter.

(8) The percentage, by weight, of all weed seeds present. The maximum weed seed content may not exceed two percent by weight.

(9) For each agricultural seed named under subsection (3) of this section:

- (a) The percentage of germination, exclusive of hard seed.
(b) The percentage of hard seed, if present.
(c) The calendar month and year of the most recent test completed to determine such percentages.

(10) The name and address of the person who labels, or sells, offers, or exposes the seed for sale within this state.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-040, filed 12/4/00, effective 1/4/01.]

WAC 16-301-045 Prohibited noxious weed seeds.

Prohibited noxious weed seeds are the seeds of weeds which when established are highly destructive, competitive and/or difficult to control by cultural or chemical practices. Seed is deemed mislabeled if the seed consists of or contains any of the prohibited noxious weed seeds listed below. For the purpose of seed certification, see WAC 16-302-100 for the list of prohibited noxious weeds.

Table with 2 columns: ENGLISH OR COMMON NAME and BOTANICAL OR SCIENTIFIC NAME. Lists various weeds such as Austrian fieldcress, Field bindweed, Hedge bindweed, Bladder campion, Camelthorn, Canada thistle, Hairy whitetop, Hoary cress, Jointed goatgrass, Knapweed complex, Vochin, Leafy spurge, Lepyroclis, Perennial pepperweed, Perennial sowthistle, Quackgrass, Serrated tussock, Silverleaf nightshade, Sorghum perennial, etc.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
sorghum alnum, and perennial sweet sudangrass	
Tansy ragwort	<i>Senecio jacobaea L.</i>
Velvetleaf	<i>Abutilon theophrasti</i>
White cockle (only in timothy- <i>Phleum pratense</i>)	<i>Silene latifolia</i>
Yellow-flowering skeleton weed	<i>Chondrilla juncea L.</i>
Yellow starthistle	<i>Centaurea solstitialis L.</i>

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-301-045, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-045, filed 12/4/00, effective 1/4/01.]

WAC 16-301-050 Restricted noxious weed seeds.

Restricted (secondary) noxious weed seeds are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices. Seed is deemed mislabeled if it consists of or contains any of the restricted noxious weed seeds listed below in excess of the number declared on the label. For the purpose of seed certification, see WAC 16-302-105 for the list of objectionable weeds.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Blackgrass	<i>Alopecurus myosuroides</i>
Black mustard	<i>Brassica nigra</i>
Blue lettuce	<i>Lactuca tatarica subsp. pulchella</i>
Docks and Sorrel	<i>Rumex spp.</i>
Dodder	<i>Cuscuta spp.</i>
Dyers woad	<i>Isatis tinctoria</i>
Field pennycress (fanweed)	<i>Thlaspi arvense</i>
Field sandbur	<i>Cenchrus incertus</i>
Gromwell (only in small grain)	<i>Buglossoides arvensis</i>
Halogeton	<i>Halogeton glomeratus C.A. Mey.</i>
Medusahead	<i>Taeniatherum caput-medusae</i>
Plantains	<i>Plantago spp.</i>
Poverty weed	<i>Iva axillaris Pursh.</i>
Puncturevine	<i>Tribulus terrestris L.</i>
St. Johnswort	<i>Hypericum perforatum L.</i>
Dalmation toadflax	<i>Linaria dalmatica (L.) Mill.</i>
Yellow toadflax	<i>Linaria vulgaris Hill.</i>
Western ragweed	<i>Ambrosia psilostachya DC.</i>
Wild mustard	<i>Sinapis arvensis subsp. arvensis</i>
Wild oat	<i>Avena fatua L.</i>
Wild radish	<i>Raphanus raphanistrum</i>

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-050, filed 12/21/05, effective 1/21/06. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-301-050, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-050, filed 12/4/00, effective 1/4/01.]

(2009 Ed.)

WAC 16-301-055 Tolerances for seed law enforcement. Tolerances for seed law enforcement shall be in accord with the code of federal regulations, C.F.R. Title 7, Section 201 as revised January 1, 1998 and/or those adopted by the Association of Official Seed Analysts, as amended on October 1, 2003, except for the tolerances for prohibited noxious and restricted noxious weed seed which shall be as the Washington state seed law specifies for labeling.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 03-18-072, § 16-301-055, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-055, filed 12/4/00, effective 1/4/01.]

Treated Seed Labeling Requirements

WAC 16-301-060 Treated seed labeling requirements. For all seed that meets the definition of treated seed contained in RCW 15.49.011, the Washington State Seed Act, there shall be conspicuously shown on the analysis tag or label, or on a separate tag or label, attached to each container, or printed in a conspicuous manner on the side or top of each container the following:

- (1) A word or statement indicating that the seed has been treated.
- (2) The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used.
- (3) The information required in WAC 16-301-065 through 16-301-085.

For bulk seed shipment, the information shall appear on the invoice or other document accompanying and pertaining to each shipment.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-060, filed 12/4/00, effective 1/4/01.]

WAC 16-301-065 Labeling requirements for seed treated with mercurials and similarly toxic pesticides. Seeds treated with a mercurial or similarly toxic pesticide, if any amount remains on or in the seed, shall be labeled with the skull and crossbones and a statement such as: "This seed has been treated with POISON," "treated with POISON," "POISON treated," or "POISON" with the word "POISON" in red on a contrasting background. The word "POISON" shall appear in not less than 8 point type, and the skull and crossbones shall not be less than twice the size of the type used for information required to be on the label. In making this determination, the department shall be guided by the labeling registered by the Environmental Protection Agency and/or Washington state department of agriculture on the pesticide being used and by the requirements of the Federal Seed Act, as revised January 1, 1998.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-065, filed 12/4/00, effective 1/4/01.]

WAC 16-301-070 Labeling requirements for seed treated with other pesticides. Seed treated with pesticides, other than those referred to in WAC 16-301-065, shall be labeled with an appropriate caution statement in not less than eight point type, such as: "Treated seed - do not use for food, feed, or oil purposes" and shall contain other appropriate cau-

tion statements as required on the Environmental Protection Agency and/or Washington state department of agriculture registered pesticide label of the seed treatment being used.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-070, filed 12/4/00, effective 1/4/01.]

WAC 16-301-075 Treated seed color requirement.

Seeds of small grains and other products such as peas and beans normally used for feed or for human consumption must, when treated with a pesticide, be colored so as to be readily discernible as having been so treated.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-075, filed 12/4/00, effective 1/4/01.]

WAC 16-301-080 Labeling requirements for seed treated with inoculates. If seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration) shall be shown on the label.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-080, filed 12/4/00, effective 1/4/01.]

WAC 16-301-085 Examples of minimum label formats for treated seed. Examples of minimum label formats for treated seed are as follows:

- (1) Mercurial or similarly toxic pesticides:

Treated with
Endrin
POISON (in red) (illus.)

- (2) Other pesticides:

Treated with
Captan
Caution: Treated seed - do not use for food, feed, or oil.

- (3) Additional information may be shown, such as rate of application, antidote, specific purpose of treatment, etc., provided such information is not false or misleading.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-085, filed 12/4/00, effective 1/4/01.]

Germination Standards

WAC 16-301-090 Germination standards for vegetable seeds. The germination standards for vegetable seeds are as follows:

	Percent*		Percent*
Artichoke	60	Leek	60
Asparagus	70	Lettuce	80
Beans (except Lima)	75	Muskmelon	75
Beans (Lima)	70	Mustard	75
Beets	65	Okra	50
Broccoli	75	Onion	70
Brussels Sprouts	70	Parsley	60
Cabbage	75	Parsnip	60

	Percent*		Percent*
Carrot	55	Pea	80
Cauliflower	75	Pepper	55
Celery and Celeraic	55	Pumpkin	75
Chicory	65	Radish	75
Citron	65	Rhubarb	60
Collards	80	Rutabaga	75
Corn	75	Salsify	75
Cornsalad	70	Sorrel	60
Cress, garden	40	Spinach (except New Zealand)	60
Cress, water	25	Spinach (New Zealand)	40
Cucumber	80	Squash	75
		Swiss Chard	65
Dandelion	45	Tomato	75
Eggplant	60	Tomato, husk	50
Endive	70	Turnip	80
Kale	75	Watermelon	70
Kohlrabi	75		

*Including hard seeds when present.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-090, filed 12/4/00, effective 1/4/01.]

WAC 16-301-095 Sampling—Administration of the Washington State Seed Act. (1) The official sampling procedure for sampling all seed is as follows:

(a) In order to secure a representative sample, equal portions must be taken from evenly distributed parts of the quantity of seed to be sampled. Access must be allowed to all parts of that quantity.

(b) For free-flowing seed in bags or bulk, a probe or trier is used. For small free-flowing seed in bags, a probe or trier long enough to sample all portions of the bag or container must be used.

(c) Nonfree-flowing seed, such as certain grass seed, uncleaned seed, or screenings, difficult to sample with a probe or trier, are sampled by thrusting the hand into the bulk and withdrawing representative portions.

(d) Composite samples must be obtained to determine the quality of a lot of seed, such as the percentages of pure seed, other crop seed, weed seed, inert matter, noxious weed seed, germination, varietal purity, freedom from disease, and effectiveness of seed treatment. Individual bag samples may be obtained to determine whether the seed is of uniform quality.

(2) Sampling equipment. The trier must be designed so that it will remove an equal volume of seed from each part of the bag through which the trier travels. Unless the trier has partitions in the seed chamber, it must be inserted into the bags horizontally.

(3) Obtaining representative samples.

(a) For lots of one to six bags, sample each bag and take a total of at least five cores or handfull.

(b) For lots of more than six bags, sample five bags plus at least ten percent of the number of bags in the lot. (Round numbers with decimals to the nearest whole number.)

Regardless of the lot size, it is not necessary to sample more than thirty bags.

	Examples:							
No. bags in lots	7	10	23	50	100	200	300	400
No. bags to sample	6	6	7	10	15	25	30	30

(c) For sampling bulk seed to obtain a composite sample, take at least as many cores or handfuls as if the same quantity of seed were in bags of an ordinary size. Take the cores or handfuls from well-distributed points throughout the bulk.

(d) Seed in small containers must be sampled by taking entire unopened container in sufficient numbers to supply a minimum size sample as required in subsection (4) of this section. The contents of a single container or the combined contents of multiple containers of the same lot must be considered representative of the entire lot of seed sampled.

(4) Minimum weights of seed samples are defined in chapter 16-303 WAC, Schedule of testing, certification and other fees.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-095, filed 12/4/00, effective 1/4/01.]

PART 2 - SEED ARBITRATION

WAC 16-301-100 Matters subject to mandatory arbitration. A civil dispute is subject to arbitration under these rules if it involves a claim of damage caused by the failure of any seed covered by the provisions of chapter 15.49 RCW, seeds, to perform as represented on the required label, by warranty, or as a result of negligence. This arbitration is a prerequisite to maintaining a legal action against the dealer of the seed. All the following conditions must be met:

- (1) The parties have not agreed to submit the dispute to arbitration and to be bound by the arbitration award.
- (2) The claim or counterclaim where relief is sought is, or includes, a monetary amount in excess of two thousand dollars.
- (3) Any statutory period of limitations with respect to such claim had not expired.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-100, filed 12/4/00, effective 1/4/01.]

WAC 16-301-105 Filing of a complaint for arbitration. To submit a demand for mandatory arbitration, a buyer shall make and file with the director of the department a sworn complaint against the seed dealer.

- (1) Such complaint shall contain:
 - (a) A statement setting forth the nature of the claim and damages.
 - (b) The dollar amount involved in the claim.
 - (c) The remedy sought.
- (2) The complaint must be accompanied by a filing fee of one hundred dollars to cover the costs of processing the complaint.
- (3) The buyer shall send the dealer that is the subject of the complaint a copy of the complaint by registered mail.

(2009 Ed.)

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-105, filed 12/4/00, effective 1/4/01.]

WAC 16-301-110 Requirement to respond to complaint. Within twenty days within receipt of the sworn complaint, the seed dealer shall file an answer to the complaint with the director by United States registered mail.

- (1) If no answer is filed within the stated time:
 - (a) It will be deemed that the claim is denied.
 - (b) The failure to file a timely response will be recorded and made a part of the official record.
- (2) Failure to file a timely response shall not operate to delay the arbitration process.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-110, filed 12/4/00, effective 1/4/01.]

WAC 16-301-115 Acceptance of filing by telefax. Complaints, responses to complaints, counterclaims and other communications from parties to the dispute to the committee may be transmitted electronically by telefax except where this chapter specifically requires transmission by registered mail. Such transmissions shall be regarded with the same validity as if sent by United States mail.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-115, filed 12/4/01, effective 1/4/01.]

WAC 16-301-120 Arbitration committee. The director shall create a seed arbitration committee composed of five members, including the director, or a department of agriculture employee as his or her designee, and four members. Four alternates shall also be appointed by the director according to the requirements of RCW 15.49.111.

- (1) Each alternate member shall serve only in the absence of the member for whom the person is an alternate.
- (2) The arbitration committee shall elect a chairperson and a secretary from among its members.
 - (a) The chairperson shall conduct meetings and deliberations of the committee and direct its other activities.
 - (b) The secretary shall keep accurate records of all meetings and deliberations and perform other duties as assigned by the chairperson.
- (3) The committee shall be called into session at the direction of the director or the chairperson.
- (4) The members of the committee shall receive no compensation for their duties but shall be reimbursed for travel expenses according to established state travel and per diem rates. Expense reimbursement shall be borne equally by the parties to the arbitration.
- (5) A committee member, delegated with investigative responsibilities outside of the hearing under WAC 16-318-395, may not participate in making the final decision and award.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-120, filed 12/4/00, effective 1/4/01.]

WAC 16-301-125 Referral to arbitration committee. Within fifteen days of the receipt of the answer or forty-five days of the receipt of a complaint, the director shall refer the

claim to the seed arbitration committee established by RCW 15.49.101 for investigation, finding and recommendation. The buyer and seller shall be notified by certified mail:

(1) That the claim has been submitted to the arbitration committee.

(2) The names of the members of the arbitration committee and the alternates. Within ten days after receipt of notification from the director, either buyer or seller may petition the director that a member of the arbitration committee be disqualified for cause and replaced by an available alternate member: Provided, That either buyer or seller may petition the director at any time during the process upon discovering facts that establish grounds for disqualification. Such decision shall be solely at the discretion of the director.

(3) No person may serve on the committee in any arbitration where he or she has a financial or personal interest in the result of the arbitration unless the parties, in writing, waive such disqualification.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-125, filed 12/4/00, effective 1/4/01.]

WAC 16-301-130 Scheduling of hearing. The chairperson of the arbitration committee shall fix the time and place for each hearing and shall notify each party in writing of the scheduled hearing at least seven days in advance of the hearing date.

(1) Such notice shall include:

(a) The names and addresses of the parties to whom notice has been given.

(b) The address and telephone number of the chairperson of the arbitration committee.

(c) The names and addresses of the members of the arbitration committee.

(d) The date, time, place, and subject of the hearing.

(e) A statement of the legal authority under which the hearing is being held including the sections of statute and rules involved.

(2) To the extent possible, the chairperson of the arbitration committee shall attempt to schedule the hearing at a time and place mutually agreeable to the parties: Provided, That if a mutually agreeable time and place cannot be found, the chairperson may set the time and place.

(3) The chairperson of the committee may allow all or a part of the hearing to be conducted by telephone, or other electronic means when the rights of the parties will not be prejudiced thereby and each party has an opportunity to participate.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-130, filed 12/4/00, effective 1/4/01.]

WAC 16-301-135 Representation by counsel. Any party in the arbitration may be represented by counsel. A party intending to be so represented shall notify the other party and the committee chairperson of the name and address of the counsel at least three days in advance of the hearing at which the counsel is first scheduled to appear. When arbitration is initiated on behalf of a buyer by counsel or when a dealer replies through a counsel, such notice shall be deemed to have been given. The director shall make provision for

legal support through the office of the attorney general, as requested by the arbitration committee.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-135, filed 12/4/00, effective 1/4/01.]

WAC 16-301-140 Waiver of oral hearing. The parties may provide, by written agreement submitted to the chairperson, that the hearing shall be conducted on the pleadings submitted without oral argument or testimony.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-140, filed 12/4/00, effective 1/4/01.]

WAC 16-301-145 Record of the hearing. The secretary of the arbitration committee shall maintain summary minutes of the hearing and shall provide for a recording of all oral proceedings. Any party may request copies of all recordings or transcription of testimony. The costs of duplication, transcription and mailing shall be entirely borne by the requesting party.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-145, filed 12/4/00, effective 1/4/01.]

WAC 16-301-150 Attendance at hearings. The hearing shall be open to the parties to the dispute and other persons having a financial interest. The committee chairperson shall have the authority to require that any witness or witnesses retire from the hearing during the testimony of other witnesses. The admission of other persons to the arbitration hearing shall be at the discretion of the chairperson of the arbitration committee.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-150, filed 12/4/00, effective 1/4/01.]

WAC 16-301-155 Committee investigation. Upon referral of a complaint for investigation to the committee, the arbitration committee shall make a prompt and full investigation by the proceedings specified in this chapter of the matters in the complaint, and report its award to the director within sixty days of such referral, unless the parties in the dispute agree in writing to the chairperson to a later date: Provided, That if the committee decides to grow a representative sample of the seed that sixty-day period shall be extended an additional thirty days.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-155, filed 12/4/00, effective 1/4/01.]

WAC 16-301-160 Evidence. The parties may produce such evidence as they desire and such additional evidence as the arbitration committee may deem necessary to understand the dispute and determine an award. The committee shall be the judge of the admissibility and relevance of all evidence offered. Conformity to strict legal rules of evidence shall not be required. All evidence shall be taken in the presence of the parties concerned, except where a party has waived that right or is absent after receiving proper notice.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-160, filed 12/4/00, effective 1/4/01.]

WAC 16-301-165 Evidence by affidavit. Evidence may be submitted for consideration of the arbitration committee in the form of witness by affidavit. The committee shall consider such evidence and give to it only such weight as the committee deems appropriate after consideration of any objections made to its admission. All parties shall be entitled to examine such documents and shall be entitled to a copy upon request and payment of duplication and mailing costs.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-165, filed 12/4/00, effective 1/4/01.]

WAC 16-301-170 Discovery. Use of discovery is limited in mandatory arbitration cases.

(1) The following types of discovery may be requested of the arbitration committee:

- (a) Deposition.
- (b) Written interrogatories.
- (c) Request for production of documents.

(2) The arbitration committee may allow and condition use of discovery on a showing of necessity and an unavailability by other means.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-170, filed 12/4/00, effective 1/4/01.]

WAC 16-301-175 Arbitration in the absence of a party. The arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to request an adjournment or postponement. An award may not be made solely on the failure to appear. The arbitration committee, in these cases, shall require the party who is present to present such evidence or information as the committee deems necessary to determine an award.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-175, filed 12/4/00, effective 1/4/01.]

WAC 16-301-180 Order of proceedings. When an oral hearing is held, the order of procedure for conducting arbitration hearings shall be as follows:

(1) The chairperson shall open the hearing on behalf of the committee stating the place, time and date of the hearing; the members of the arbitration committee and the parties to the arbitration and their counsel, if any; and recital of the buyer's claim, any counterclaim, and the dealer's response, if any.

(2) The parties shall have the opportunity to present an opening statement.

(3) The complaining party shall have the opportunity to present the claim for damages, the proof and witnesses and shall submit to questions and other examination by the arbitration committee.

(4) The defending party shall present the defense and his or her proof including witnesses and shall submit to questions or other examination by the arbitration committee.

(5) Each party shall have the right of cross-examination.

(2009 Ed.)

(6) The arbitration committee may vary this procedure: Provided, That both parties are provided a full and equal opportunity to present their evidence and proofs.

(7) The names and addresses of all witnesses shall be recorded and made a part of the record.

(8) Both parties shall have an opportunity to present a summary statement.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-180, filed 12/4/00, effective 1/4/01.]

WAC 16-301-185 Expert evidence and performance tests. The committee may delegate one of its members to seek advice from experts in the seed industry and/or the seed inspection service of the department of agriculture or the Washington State Crop Improvement Association; may cause to be obtained and grow out a representative sample of the seed; may delegate a portion of the investigation to one of its members who reports back to the committee as a whole at the hearing; or may cause to be performed such other tests of seed quality as may be deemed necessary to render a decision. The results of any such investigation or tests shall be entered into the record at the arbitration hearing. The costs of any such tests necessary to determine an award shall be considered in the award.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-185, filed 12/4/00, effective 1/4/01.]

WAC 16-301-190 Conservation of property. The chairperson, on behalf of the arbitration committee, may issue such orders as may be deemed necessary to safeguard the seed and/or the crop in the field that is the subject of the dispute without prejudice to the rights of the parties or to the final determination of the dispute.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-190, filed 12/4/00, effective 1/4/01.]

WAC 16-301-195 Reopening of a hearing. An arbitration hearing may be reopened by the following:

(1) The chairperson of the arbitration committee with the assent of a majority of the committee members may reopen a hearing.

(2) A hearing may be reopened by the chairperson with assent of a majority of the committee upon petition of either party prior to the final committee report.

(3) A hearing may not be reopened if such action would cause the sixty-day time limit as defined in WAC 16-301-155 (ninety days with a grow out test) to be exceeded without the written consent of both parties.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-195, filed 12/4/00, effective 1/4/01.]

WAC 16-301-200 Expenses. The expenses for witnesses for either side shall be borne entirely by the party producing such witnesses. The expenses of expert witnesses deemed necessary by the committee shall be borne by the department according to established state travel and per diem rates. The costs of grow out tests or other tests that may be

required that exceed the amount of the filing fee may be allocated by the committee in making the award.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-200, filed 12/4/00, effective 1/4/01.]

WAC 16-301-205 Arbitration committee report. The arbitration committee shall prepare a written report of its findings within the established time frames. The report shall include findings of fact and conclusions, the award and allocations as to costs, if any.

(1) If a quorum is present, a simple majority of the arbitration committee shall be sufficient to make a decision.

(2) Any member disagreeing with an award may prepare a dissenting opinion and that opinion shall be included in the committee report.

(3) The report shall be sent to the director.

The director shall promptly send copies of the report to the parties by registered mail.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-205, filed 12/4/00, effective 1/4/01.]

WAC 16-301-210 Award upon settlement. If the parties to a dispute settle that dispute during the course of an arbitration, the committee, at the request of the parties, may set forth the terms of the agreed settlement in the award.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-210, filed 12/4/00, effective 1/4/01.]

PART 3 - PHYTO-SANITARY FIELD INSPECTIONS

WAC 16-301-215 Definition of a phyto-sanitary certificate. A phyto-sanitary certificate is a certificate stating that a specific crop was inspected a predetermined number of times and a specified disease was not found; or a certificate is based on area surveillance stating that a specific disease, as far as known, does not occur in the area of production.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-215, filed 12/4/00, effective 1/4/01.]

WAC 16-301-220 Apply for a phyto-sanitary field inspection. (1) On an application provided by the department seed program, a person requesting a phyto-sanitary field inspection must provide a list of the disease or diseases for which inspection is requested. Only one kind of crop is permitted on each application. Applications must be submitted to the department seed program before the due date. Refer to chapter 16-303 WAC for the appropriate fees.

(2) Due dates for phyto-sanitary applications for field inspections are as follows:

- (a) **Western Washington**
 - (i) Fall plantings April 15
 - (ii) Spring plantings June 1
- (b) **Eastern Washington**
 - Fall plantings April 15
 - (i) Spring planted annual crops except corn (21 days after planting)

(ii) Corn and all perennial crops June 1

(3) Phyto sanitary applications for crops requiring a fall inspection are due 30 days prior to inspection time and not later than September 15.

(4) To be eligible for *Pseudomonas pisi*, phyto-sanitary field inspection for peas or other diseases based on area surveillance, the applicant must file a report with the department seed program listing acreage and general location (such as block and unit if possible) prior to May 1.

(5) Applications received after the due date are assessed a late fee. Acceptance of a late application is at the discretion of the certifying agency.

(6) Each applicant must submit applications and/or required reports stating diseases for which inspection is to be made and the number of inspections required and/or requested.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-09-005, § 16-301-220, filed 4/4/07, effective 5/5/07. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-220, filed 12/4/00, effective 1/4/01.]

WAC 16-301-225 Land and production requirements for a seed phyto-sanitary field inspection. (1) For a seed field to be eligible for a phyto-sanitary field inspection, the field must:

(a) Prior to planting a bean field the seed used must be in compliance with the quarantine requirements found in chapter 16-301 WAC in order to be accepted for phytosanitary certification. Any phytosanitary field application submitted without proof of quarantine compliance will not be accepted into the program. Any field planted in violation of chapter 16-301 WAC will be subject to the procedures in WAC 16-301-435, 16-301-440, and 16-301-485.

(b) Not be planted to the same crop within the past three years if that crop was known to be contaminated with the specific disease or diseases listed in the application for phyto-sanitary field inspection;

(c) Have clean, cultivated boundaries.

(2) Excessive weeds, poor stands, lack of vigor, or any other condition which is likely to make inspection inaccurate may be cause for rejection.

(3) Additional land and/or production requirements for a phyto-sanitary field inspection may be adopted after consultation with industry representative and area specialist for the specific disease and/or crops listed in the phyto-sanitary field inspection application.

(4) The department may require a laboratory (serology) test and/or a greenhouse test or other testing methods.

(5) The combined results of a field inspection and laboratory (serology), greenhouse tests and/or other testing methods, when required or available, may be used to determine final eligibility for a phyto-sanitary certificate.

(6) An official five pound sample is required from each ten thousand pounds of seed or portion thereof for serology testing.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-225, filed 12/4/00, effective 1/4/01.]

WAC 16-301-230 Phyto-sanitary field inspection requirements for peas. (1) Specific diseases of peas for which a phyto-sanitary certificate will be issued are:

- (a) *Pseudomonas pisi* (Sackett);
- (b) Pea seed-borne mosaic virus - based on two field inspections.

(2) For pea seed to be eligible for a phyto-sanitary certificate stating freedom from *Pseudomonas pisi* (Sackett) the following applies:

(a) The seed field must be free of the disease as determined by the department with an area inspection of at least ten percent of the acreage. The department shall conduct a survey of county extension agents, extension pathologists, and plant pathologists at experiment stations and Washington State University.

(b) The applicant of a phyto-sanitary field inspection desiring production eligible seed must make inspections of the fields throughout the growing season. If symptoms of the disease are found, the finding must be immediately reported to the department seed program.

(c) At the end of the growing season, but not later than September 1, each applicant must file a report with the department seed program. The report must contain information on the field inspections made by the applicant during the growing season and whether the disease was observed.

(d) The field must be free of the disease as determined by the department with one field inspection made during the growing stage most optimum for detecting of the disease.

(3) For pea seed to be eligible for a phyto-sanitary certificate stating freedom from pea seed-borne mosaic virus, the field must be free of the disease as determined by the department with one inspection at two to four weeks after seedling emergence, and a second inspection one to two weeks before dry pod stage.

(4) The department recommends that breeding nurseries, isolation nurseries, and/or small seed-increase plots be entered for inspection for freedom from *Pseudomonas pisi* (Sackett).

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-230, filed 12/4/00, effective 1/4/01.]

WAC 16-301-235 Phyto-sanitary field inspection requirements for beans. (1) Specific bacterial diseases of beans for which phyto-sanitary certificates may be issued are:

- (a) Halo blight - *Pseudomonas phaseolicola* (Burk.) Dows.
- (b) Common bean blight - *Xanthomonas phaseoli* (E.F. Sm.) Dows.
- (c) Fuscous blight - *Xanthomonas phaseoli* var. *fuscans* (Burk.)
- (d) Bean bacterial wilt - *Corynebacterium flaccumfaciens* (Hedges) Dows.
- (e) Or any varieties or new strains of these diseases.
- (f) Brown spot disease - *Pseudomonas syringae*.
- (g) Bean anthracnose - *Colletotrichum lindemuthianum*.
- (h) Seed-borne viral diseases.

(2) For beans to be eligible for a phyto-sanitary certificate covering the bacterial diseases listed in subsection (1) of this section the following provisions apply:

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(a) Common bean must be free of the diseases as determined by the department with a field inspection during the growing season and by a windrow inspection. A serology test and greenhouse test may be accepted in lieu of a windrow inspection at the discretion of the department.

(b) Pintos, red mexicans, pinks, great northerns, small whites, navy beans, and black turtle beans may be grown for an unlimited number of generations under rill or sprinkler irrigation.

(c) Kidney beans, cranberry types, Taylor horticultural, and Borlotto types may be grown for an unlimited number of generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. The fourth and unlimited subsequent generations may be grown and inspected with the same alternation of irrigation types.

(d) A field planted must be free of halo blight the previous two years of planting.

(e) Seed fields must be 1,320 feet from an incident of disease. The department recommends that equipment be disinfected between fields.

(3) At least two field inspections of beans are required for bacterial diseases listed in subsection (1) of this section:

(a) The first inspection is conducted by the department when factors effecting diseases are most evident.

(b) The second inspection is conducted by the department when the plants are in the windrow.

(4) All bean seed entered into the phyto-sanitary inspection program must comply with the bean seed quarantine rules. See chapter 16-301 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-235, filed 12/4/00, effective 1/4/01.]

WAC 16-301-240 Phyto-sanitary field inspection requirements for other seed crops and diseases. (1) Phyto-sanitary certificates may be issued covering other seed crops and other diseases not listed in sections WAC 16-301-215 through 16-301-235 depending upon occurrence, symptoms, and hosts. Inspection procedures and requirements for issuing phyto-sanitary certificates are determined after consultation with area specialists.

(a) To be eligible for phyto-sanitary field inspection, a person must submit an application to allow adequate time to develop procedures and requirements.

(b) Only one field inspection will be provided unless it is determined that it is necessary to make inspections at different times during the growing season to detect symptoms of the disease in question.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-240, filed 12/4/00, effective 1/4/01.]

PART 4 - QUARANTINES

Annual Bluegrass Quarantine

WAC 16-301-245 Annual bluegrass quarantine—Establishing quarantine. The seeds of the weed known as annual bluegrass, *Poa annua* and its known strains, hereinafter referred to as annual bluegrass, are objectionable in grass

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seed; therefore, an annual bluegrass quarantine is established to prevent the introduction of annual bluegrass into grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure grass seed growers of a source of seed stock for planting purposes which is tested for presence of annual bluegrass.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-245, filed 12/4/00, effective 1/4/01.]

WAC 16-301-250 Annual bluegrass quarantine—
Definitions. Definitions for terms in this chapter may be found in chapter 15.49 RCW and WAC 16-301-005, except for the purposes of WAC 16-301-255 through 16-301-295, the following definitions shall apply:

(1) "Annual bluegrass" means *Poa annua* and all related subspecies and hybrids.

(2) "Seed stock" means those seeds of turf type grasses which are to be planted for seed increase or with intent of seed increase.

(3) "Annual bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from annual bluegrass based on a ten gram sample for bentgrass or redtop; and a twenty-five gram sample for other turf type grasses.

(4) "Quarantine tag" means a tag issued by Washington state department of agriculture to be sealed to each bag showing said seed has met quarantine requirements.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-06-019, § 16-301-250, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-250, filed 12/4/00, effective 1/4/01.]

WAC 16-301-255 Annual bluegrass quarantine—
Regulated area. Areas regulated under the annual bluegrass quarantine include all areas of the state of Washington lying east of the Cascade Crest.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-255, filed 12/4/00, effective 1/4/01.]

WAC 16-301-260 Annual bluegrass quarantine—
Quarantine area. Areas quarantined under the annual bluegrass quarantine include all areas of the state of Washington lying west of the Cascade Crest and all areas outside of the state of Washington.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-260, filed 12/4/00, effective 1/4/01.]

WAC 16-301-265 Annual bluegrass quarantine—
Regulated articles. Articles regulated under the requirements of the annual bluegrass quarantine include seed stocks of all turf type grass species, such as, but not limited to, Kentucky bluegrass, ryegrass and red and chewings fescue.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-06-019, § 16-301-265, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-265, filed 12/4/00, effective 1/4/01.]

WAC 16-301-270 Annual bluegrass quarantine—
Conditions governing movement of regulated articles. (1)

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No seed stock may be shipped, transported, moved within, or into the annual bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of annual bluegrass on the basis of a minimum ten gram analysis for bentgrass and a minimum of twenty-five gram analysis for other grasses except that seed stock found to contain annual bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the state department of agriculture.

(2) This quarantine shall not apply to seed sown for forage or turf. This quarantine shall not apply to range, reclamation, or forage type seed production fields.

(3) This quarantine shall not apply to:

(a) Experiments or trial grounds of the United States Department of Agriculture;

(b) Experiments or trial grounds of Washington State University experiment station; or

(c) Trial grounds of any person, firm, or corporation; provided said trial ground plantings are approved by the director and under supervision of technically trained personnel familiar with annual bluegrass control.

(4) Any person shipping, moving or transporting any seed stock for planting purposes in or into the regulated area that is not tagged with official "annual bluegrass quarantine" tags or a test report showing freedom of annual bluegrass as allowed in subsection (1) of this section must:

(a) State where and when seed stock can be sampled for the required annual bluegrass test; or

(b) Attach a copy of the official laboratory analysis showing freedom from annual bluegrass; or

(c) Submit a representative sample for testing.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-06-019, § 16-301-270, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-270, filed 12/4/00, effective 1/4/01.]

WAC 16-301-275 Violations and penalty. Any person who violates the terms of the annual bluegrass quarantine rules may be subject to the criminal and/or civil penalties provided in chapters 15.49 and/or 17.24 RCW.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-275, filed 12/4/00, effective 1/4/01.]

WAC 16-301-280 Annual bluegrass quarantine—
Procedure for clearing. (1) Each person moving, shipping or transporting seed stock within or into the annual bluegrass quarantine regulated area must:

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

(b) Submit a representative sample for testing.

(2) Upon receipt of an official laboratory analysis showing freedom from annual bluegrass, the department of agriculture shall tag each bag of those lots found free of annual bluegrass by the required test with "annual bluegrass quarantine" tag, stating said seed is eligible for planting in Eastern Washington.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-280, filed 12/4/00, effective 1/4/01.]

WAC 16-301-285 Annual bluegrass quarantine—Seed stock containing annual bluegrass. Each lot of seed stock found to contain annual bluegrass must be placed under "stop sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under the supervision of, and approved by, an agent of the department of agriculture. The nursery must be seeded in rows. It is the duty of the person receiving seed stock containing annual bluegrass to rogue this increase area or chemically treat to eradicate the annual bluegrass thus assuring production of seed that is free of annual bluegrass. Seed increase areas are inspected by the department at least three times during the seedling year. Any areas not passing inspection must not be harvested, but instead destroyed by the person who planted the increase area upon order of the director of the Washington state department of agriculture or his agent. If not destroyed as directed, the department of agriculture may have the plot destroyed and the grower is liable for all expenses.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-285, filed 12/4/00, effective 1/4/01.]

WAC 16-301-290 Annual bluegrass quarantine—Application for nursery inspection—Sampling and analysis. (1) A person must make application for nursery inspection for annual bluegrass to the department of agriculture not later than fourteen days prior to planting.

(2) Fees for sampling, analysis and nursery inspection for the presence of annual bluegrass is that fee established by the department. Refer to chapter 16-303 WAC for fees.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-290, filed 12/4/00, effective 1/4/01.]

WAC 16-301-295 Annual bluegrass quarantine—Violation procedures. (1) A person who is alleged to have violated the annual bluegrass quarantine must meet with a representative of the department to determine:

- (a) If a violation actually occurred;
 - (b) How it did occur, and what corrective measures can be taken to avoid reoccurrence;
 - (c) How much acreage is involved and location of all plantings.
- (2) Corrective procedures may be agreed upon, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved.

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

(4) Failure to mutually agree, or failure to comply with these procedures, or if it is determined the violation was willful, may be subject to the criminal and/or civil penalties provided in chapters 15.49 and/or 17.24 RCW.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-295, filed 12/4/00, effective 1/4/01.]

(2009 Ed.)

Rough Bluegrass Quarantine

WAC 16-301-305 Rough bluegrass quarantine—Establishing quarantine. The seeds of the crop known as rough bluegrass, *Poa trivialis* and its known strains, hereinafter referred to as rough bluegrass, is a threat to grass seed production; therefore, a rough bluegrass quarantine is established to prevent the introduction of rough bluegrass into major grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure grass seed growers of a source of seed stock for planting purposes which is tested for presence of rough bluegrass. If grass seed becomes contaminated with rough bluegrass grass seed, there would be a significant economic loss to grass growers in the state.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-305, filed 12/4/00, effective 1/4/01.]

WAC 16-301-310 Rough bluegrass quarantine—Definitions. Definitions for terms in this chapter may be found in chapter 15.49 RCW and WAC 16-301-005, except for the purposes of WAC 16-301-305 through 16-301-355, the following definitions shall apply:

- (1) "Rough bluegrass" means *Poa trivialis* and all related subspecies.
- (2) "Seed stock" means those seeds of turf type grasses which are to be planted for seed increase or with intent of seed increase.
- (3) "Rough bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from rough bluegrass based on a twenty-five gram sample.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-06-019, § 16-301-310, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-310, filed 12/4/00, effective 1/4/01.]

WAC 16-301-315 Rough bluegrass quarantine—Regulated area. Areas regulated under the rough bluegrass quarantine include all counties in the state of Washington lying east of the Cascade Crest.

- (1) This quarantine shall not apply to:
 - (a) Experiments or trial grounds of the United States Department of Agriculture;
 - (b) Experiments or trial grounds of Washington State University experiment station; or
 - (c) Trial grounds of any person, firm, or corporation except that the trial ground plantings are approved by the director and under supervision of trained personnel familiar with rough bluegrass control.

(2) This quarantine shall not apply to seed production fields of rough bluegrass grown in Yakima County and that part of Benton County that lies within the Yakima River drainage.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-315, filed 12/4/00, effective 1/4/01.]

WAC 16-301-320 Rough bluegrass quarantine—Quarantine area. Areas quarantined under the rough bluegrass quarantine include all counties in the state of Washing-

ton lying west of the Cascade Crest and all areas outside of the state of Washington.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-320, filed 12/4/00, effective 1/4/01.]

WAC 16-301-325 Rough bluegrass quarantine—Regulated articles. Articles regulated under the requirements of the rough bluegrass quarantine include:

- (1) Seed stocks of all varieties of all turf type grasses.
- (2) Seed production fields of rough bluegrass.
- (3) Rough bluegrass sown for forage or turf.
- (4) Regulated articles are not to include seed stock of species that are commonly used for range, reclamation or forage purposes.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-06-019, § 16-301-325, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-325, filed 12/4/00, effective 1/4/01.]

WAC 16-301-330 Rough bluegrass quarantine—Conditions governing movement of regulated articles. No seed stock of turf type grasses may be shipped, transported, moved within, or into the rough bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of rough bluegrass on the basis of a minimum twenty-five gram analysis, except that seed stock found to contain rough bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the Washington state department of agriculture.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-06-019, § 16-301-330, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-330, filed 12/4/00, effective 1/4/01.]

WAC 16-301-335 Rough bluegrass quarantine—Procedure for clearing seed stocks. Each person moving, shipping or transporting seed stock of turf type grasses in or into the rough bluegrass quarantine regulated area must:

- (1) Submit an official laboratory analysis of a representative sample showing freedom from rough bluegrass; or
- (2) Submit a representative sample for testing.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-06-019, § 16-301-335, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-335, filed 12/4/00, effective 1/4/01.]

WAC 16-301-340 Rough bluegrass quarantine—Seed stock containing rough bluegrass. Each lot of seed stock found to contain rough bluegrass must be placed under "stop sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under supervision of, and approved by, an agent of the department of agriculture. The nursery must be seeded in rows. It is the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the rough bluegrass thus assuring production of seed that is free of rough bluegrass. Seed increase areas are inspected by the department at least three times during the seedling year. Any areas not passing inspection must not be harvested, but instead must be destroyed by the person who planted the increase area upon

order of the director of the Washington state department of agriculture or his/her agent. If not destroyed as directed, the department of agriculture may have the plot destroyed and the grower shall be liable for all expenses.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-340, filed 12/4/00, effective 1/4/01.]

WAC 16-301-345 Rough bluegrass quarantine—Application for nursery inspection. A person must make application for nursery inspection for rough bluegrass to the department of agriculture not later than fourteen days prior to planting.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-345, filed 12/4/00, effective 1/4/01.]

WAC 16-301-350 Rough bluegrass quarantine—Fees. Fees for sampling, analysis and nursery inspection for the presence of rough bluegrass is that fee established by the director in chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-350, filed 12/4/00, effective 1/4/01.]

WAC 16-301-355 Rough bluegrass quarantine—Violation and procedures. (1) A person who is alleged to have violated the rough bluegrass quarantine must meet with a representative of the department to discuss the allegation and determine:

- (a) How it occurred;
- (b) How much acreage is involved and location of all plantings;
- (c) Corrective procedures, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved to avoid recurrence and minimize economic loss.

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

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

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-355, filed 12/4/00, effective 1/4/01.]

Bean Seed Quarantine

WAC 16-301-365 Bean seed quarantine—Establishing quarantine. The production of edible beans and bean seed is an important industry in the state of Washington. The economic well-being of that industry is threatened by the introduction of bean seed contaminated with bean, bacterial, fungal and seed-borne viral pathogens. The director has determined that a quarantine is needed to protect the Washington dry bean industry and to provide the bean growers of this state a source of bean seed for planting purposes that is tested for the presence of these diseases.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-08-043, § 16-301-365, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-365, filed 12/4/00, effective 1/4/01.]

WAC 16-301-370 Definitions. Definitions for terms in this chapter may be found in chapter 15.49 RCW and chapter 16-301 WAC, the general seed certification rules except for the purposes of WAC 16-301-365 through 16-301-440, the following definitions shall apply:

(1) "Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

(2) "Dominant I-gene cultivar" means a cultivar which has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

(3) "Recessive I-gene cultivar" means a cultivar which may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.

(4) "Diseases" means those viral, fungal and bacterial diseases of beans enumerated in WAC 16-301-380 and any new variations or strains of these identified in the future.

(5) "Quarantine Area I" means all areas west of the Continental Divide except those counties within the state of Washington subject to internal quarantine and the states of Alaska and Hawaii.

(6) "Quarantine Area II" means areas east of the Continental Divide, the counties in the state of Washington subject to internal quarantine, the states of Alaska and Hawaii and foreign countries.

(7) "Seed-borne viral diseases" includes bean common mosaic virus, adzuki mosaic virus, and other similar viral diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-370, filed 12/4/00, effective 1/4/01.]

WAC 16-301-375 Regulated articles. Seeds of common beans, *Phaseolus* sp., intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of infected beans are regulated under the provisions of this chapter.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-08-043, § 16-301-375, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-375, filed 12/4/00, effective 1/4/01.]

WAC 16-301-380 Regulated diseases. The following viral, bacterial and fungal diseases of beans, and any new strains or variations of these identified in the future, of beans are regulated under the provisions of this chapter:

Halo blight (*Pseudomonas syringae* pv. *phaseolicola* (Young et. al.))

Common bean blight (*Xanthomonas campestris* pv. *phaseoli* (Smith) Dye)

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Fuscos blight (*Xanthomonas phaseoli* var. *fuscans* (Burk.))

Bean anthracnose disease (*Colletotrichum lindemuthianum* (Sacc. & Magn.) Scrib.)

Brown spot disease (*Pseudomonas syringae* pv. *syringae* (Van Hall)) strains virulently pathogenic to *Phaseolus*

Bean bacterial wilt (*Corynebacterium flaccumfaciens* ssp. *flaccumfaciens* (Hedges) Dows.)

Seed-borne viral diseases of beans, such as, but not limited to, bean common mosaic virus and its strains are regulated under the terms of this quarantine.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-08-043, § 16-301-380, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-380, filed 12/4/00, effective 1/4/01.]

WAC 16-301-385 Bean seed—Quarantined area. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom in the state of Washington, and all areas outside the state of Washington are established as a quarantine area. The quarantine area is further divided into two portions defined in WAC 16-301-370 (5) and (6) for the purposes of regulation.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-385, filed 12/4/00, effective 1/4/01.]

WAC 16-301-390 Bean seed—Regulated area. The entire counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima in the state of Washington are established as a protected area within the state.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-390, filed 12/4/00, effective 1/4/01.]

WAC 16-301-395 General requirements for planting bean seed in the regulated area. (1) No beans may be planted, sold, shipped, transported for seed purposes, or knowingly received in the regulated area which are found to be or are known to be contaminated with any disease listed in WAC 16-301-380 and must also comply with the requirements as listed in WAC 16-301-396.

(2) The department shall be notified in writing, prior to shipping, of any person's intent to ship, move, or transport any bean seed into the regulated area. All bean seed to be planted in the regulated area must have a Notice of Intent/Quarantine Compliance form filed with the WSDA seed program. A copy of the field inspection report or other proof of freedom from specified diseases based on one field inspection and one windrow inspection or negative results from an approved laboratory test must accompany this form. In addition, a copy of the laboratory analysis (ELISA) showing freedom from regulated viral diseases issued for that bean seed must accompany this Notice of Intent/Quarantine Compliance form. Proof of I-gene resistance may be provided in lieu of laboratory analysis (ELISA).

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-08-043, § 16-301-395, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-395, filed 12/4/00, effective 1/4/01.]

WAC 16-301-396 Additional requirements for planting bean seed in the regulated area relating to seed-borne viral diseases. Bean seed may be received for planting purposes, planted, sold, shipped, or transported if that seed meets one of the following criteria:

(1) The bean variety (cultivar) is known to be uniform for the dominant I-gene. Documentation of evidence of uniformity must accompany the seed shipment. Undocumented cultivars are subject to serology and/or grow out testing to determine freedom from bean seed-borne viral diseases.

(2) The bean seed has been tested by the serology method (ELISA) and is found to be free from bean seed-borne viral diseases.

(3) The bean seed is tested by the serology method and is found to be positive for seed-borne viral diseases and on a subsequent grow out test, the sample is found free from bean seed-borne viral diseases.

(4) All serology tests are based on an official five-pound sample of untreated bean seed for each fifty thousand pounds of bean seed or fraction thereof.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-08-043, § 16-301-396, filed 3/31/04, effective 5/1/04.]

WAC 16-301-400 Additional requirements for planting bean seed grown in the regulated area. (1) Bean seed must be entered into the Washington state bean phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-302-045 and 16-301-235.

(2) When the director determines that an emergency condition exists because of a shortage of seed for planting purposes, beans grown for processing as edible beans may be accepted for planting purposes if the lot has been tested by means recommended by the university and approved by the director and found to be apparently free of regulated diseases.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-400, filed 12/4/00, effective 1/4/01.]

WAC 16-301-410 Additional requirements for planting bean seed originating in quarantine Area I; areas west of the continental divide. (1) Bean seed from quarantine Area I must not be shipped, transported, or moved into the regulated area for planting unless the beans are accompanied by an official certificate showing that the beans are apparently free from the regulated diseases. Such certification shall be on the basis of at least one growing season field inspection and one windrow inspection and an approved laboratory/greenhouse test, which may include ELISA or other diagnostic screening for bacterial or fungal diseases.

(2) Bean seed planted for seed increase or with intention of seed increase must be planted in fields entered into either the Washington state bean seed phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-302-045 and 16-301-235.

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[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-08-043, § 16-301-410, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-410, filed 12/4/00, effective 1/4/01.]

WAC 16-301-415 Additional requirements for planting bean seed originating in quarantine Area II; areas east of the continental divide and foreign countries. (1) Bean seed must first be planted into an approved trial ground that meets the requirements of the department.

(2) Bean seed, up to a maximum of one pound per variety, may be planted in an approved trial ground intended for research purposes, with notification to the department, seed program, of intent to plant and adherence to the inspection procedures in WAC 16-301-425 and such isolation and other requirements as the director may prescribe.

(3) Bean seed over one pound, intended for introduction or seed increase, must first be planted in an approved trial ground not to exceed fifteen acres for each variety. The trial ground must be isolated from other beans by 1/4 mile. In addition, prior to planting, this bean seed must pass a laboratory/greenhouse test as recommended by the university; notification must be given to the department, seed program, of intent to plant; and inspection procedures in WAC 16-301-425 must be complied with for trial grounds.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-08-043, § 16-301-415, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-415, filed 12/4/00, effective 1/4/01.]

WAC 16-301-420 Quarantine—Exceptions and exemptions. (1) Bean seed planted for harvest as green beans for cannery or freezing, otherwise in compliance with this quarantine, is not required to be entered into an inspection program except that the department reserves the right to request complete listing and location of all the plantings and other information the department may deem necessary. Further, if at any time prior to harvest, the grower decides that the plantings are not to be harvested as green beans, the department must be notified and the plantings placed under an inspection program. In order for the plantings to be accepted into the inspection program, the plantings must be at a state of maturity that allows for the proper identification of regulated diseases.

(2) This quarantine does not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the regulated area if the beans are free of diseases.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-08-043, § 16-301-420, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-420, filed 12/4/00, effective 1/4/01.]

WAC 16-301-425 Inspection procedures for trial grounds. (1) Applications for planting in a trial ground must be submitted to the department prior to May 15 of the growing year, and must include a detailed varietal planting plan, a description of the exact location of the trial ground and the manner of isolation.

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(2) A minimum of three field inspections is made during the growing season and one windrow inspection.

(3) A disinfectant must be applied to machinery used in the production of bean seed and to footwear of personnel performing inspections prior to movement to other bean fields.

(4) If any regulated diseases are detected by field inspections or subsequent laboratory/greenhouse tests, no seed may be released for general planting but must again be planted in an approved trial ground for one additional year and undergo inspection procedures by the department.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-425, filed 12/4/00, effective 1/4/01.]

WAC 16-301-430 Identification and disposition of diseased bean seed and infected bean fields. (1) Any bean field planted with seed in violation of the requirements of this quarantine is subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread of regulated diseases. Any expenses of such actions will be solely that of the grower or their responsible agents.

(a) Fields that are placed under a quarantine order must be entered into the Washington state bean seed phyto-sanitary inspection program as provided in WAC 16-301-235 with all costs of inspection to be borne by the grower or the grower's agent.

(b) Fields that are placed under a quarantine order may be subject to additional requirements for inspection, control or isolation, as deemed necessary by the director, to prevent the spread of regulated diseases.

(2) Any bean field determined to be infected with a regulated disease must be reported within seventy-two hours after discovery to the department, seed program.

(3) The department encourages the aid of all interested parties, including growers and seed company representatives, in the prompt reporting of suspected infected bean fields in order that timely investigation may be made.

(4) Any bean fields within the boundaries of the regulated area which show contamination by a regulated disease, as provided in subsection (5) of this section, must be destroyed in part or in total as may be required to eliminate the disease, by or at the expense of the grower or their responsible agents. The director may authorize any other method of control at the director's discretion. The director must notify the grower, seed company representatives and/or the grower's landlord of the method and extent of the destruction and safeguards against disease spread in order for the parties to comply.

(5) The identity of a regulated disease on growing plants or plants in windrow is based on the observance of the visual symptoms of the disease. If the department deems it necessary to establish true identity or pathogenically, a laboratory and/or greenhouse test may be conducted by the department in cooperation with the university. Testing is subject to provisions provided in WAC 16-301-396 (3) and (4), the results of which will be used to determine final disposition.

(a) In cases of disagreement concerning the presence of a regulated disease between the department plant pathologist and a qualified plant pathologist representing the commercial company or grower, the definitive verification of identity or

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pathogenically must be determined by isolation of the suspected pathogen and inoculation of seedlings of a known susceptible host using accepted scientific and professional techniques.

(b) Until verification of the suspected pathogen as specified in this section is completed, the involved planting must be placed under quarantine for a period of thirty days subject to conditions and review or extension as determined by the director. Entry into the quarantined area is to be restricted to the grower or grower's agents, department employees, and/or persons authorized in writing by the director. Persons granted entry into the quarantined area will be required to take all necessary sanitary precautions as prescribed by the director to safeguard against the possible spread of the suspected regulated disease.

(6) The true identity of the regulated disease when found in or on seed is based on testing methods recommended by the university results of which, when positive, is evidence to identify the disease as being subject to the department's requirements. The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification must be made using accepted scientific and professional techniques.

(7) When the director determines that it is probable, based on visual symptoms and serological analysis, that a seed field may be infected with bean seed-borne viral diseases and determines that a threat of infection of other fields exists, the director may prescribe aphid control or other requirements, through a notice of destruction as provided in WAC 16-301-435, deemed necessary to prevent infection of adjacent properties.

(8) All bean seed that is determined to be contaminated by bean seed-borne viral diseases and which does not meet the requirements of WAC 16-301-395(2) must be destroyed or diverted to dry edible or other nonseed purposes. For seed that is diverted to dry edible or other nonseed purposes, documentation of disposition of the seed must be provided to the department of agriculture upon request.

(9) Exemptions and special situations:

(a) Any field of beans first found infected during windrow inspection, is exempt from total destruction if the diseased portion and an area (not less than a fifty-foot radius) surrounding the infected site is promptly destroyed or harvested with the beans from the infected area directed, under department supervision, to processing. Seed from the remainder of the field must be tested by a serology test. Only seed apparently free from regulated diseases may be used for seed purposes in the regulated area.

(b) Any field of beans to be used only for dry edible purposes is exempt from destruction if the diseased portion of the field is destroyed and the entire crop residue is promptly and completely destroyed after harvest.

(c) Beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within ten days after first detection and/or verification as provided in subsection (4) of this section and the crop residue is promptly and completely destroyed after harvest.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-08-043, § 16-301-430, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and

chapter 17.24 RCW. 00-24-077, § 16-301-430, filed 12/4/00, effective 1/4/01.]

WAC 16-301-435 Notice of destruction. When the director finds personal property planted in violation of the terms of this quarantine or infected as described in WAC 16-301-430, the director may issue a written notice of quarantine or destruction to the owners and occupants thereof. The notice must identify the property under quarantine, order the destruction of infested plants or prescribe the terms of entry, inspection, partial destruction and/or treatment of regulated articles. Any expenses of such actions will be solely that of the grower or their responsible agents.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-08-043, § 16-301-435, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-435, filed 12/4/00, effective 1/4/01.]

WAC 16-301-440 Penalties. (1) Any bean field planted with seed in violation of the requirements of this quarantine is subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread or establishment of bean diseases.

(2) In addition to actions specified in WAC 16-301-430, any grower violating the terms of this quarantine, is subject to civil and/or criminal penalties provided in chapters 15.49 and/or 17.24 RCW.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. 04-08-043, § 16-301-440, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-301-440, filed 12/4/00, effective 1/4/01.]

Crucifer Seed Quarantine

WAC 16-301-490 Why is the department establishing a crucifer seed quarantine? The production of crucifer vegetable seed is an important industry in Washington state. The economic well-being of that industry is threatened by the introduction of crucifer seed infected with certain bacterial and fungal pathogens. In addition, certain crucifer species produce dormant seed that, if present in a seed lot will persist into subsequent cropping years. The resulting "volunteer" plants have the potential to become established as weeds in Washington state.

The director has determined that a quarantine is needed to protect the Washington crucifer vegetable seed industry from the introduction of seed infected with certain pathogens and from the introduction of crucifer seed containing dormant seed. The quarantine will provide the seed growers in this state with sources of crucifer seed that have been tested and proven to be free from harmful pathogens and, when appropriate, dormant seed.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-490, filed 12/21/05, effective 1/21/06.]

WAC 16-301-495 What definitions are important to understanding this chapter? Definitions for some terms in this chapter can be found in chapter 15.49 RCW and chapter 16-301 WAC. In addition, the following definitions apply to this chapter:

[Title 16 WAC—p. 370]

"Approved treatment methods" include hot water, hot chlorine or any other methods that can eliminate the presence of regulated pathogens.

"Crucifer" means all plants in the family Brassicaceae (also known as Cruciferae) and specifically includes all *Brassica* species, *Raphanus sativus* - Radish, *Sinapis alba* and other mustards.

"Crucifer production" means any planting of crucifer seed or seedlings for the purpose of producing seed, oil, commercial vegetables or cover crops.

"Crucifer seed" includes any part of a plant capable of propagation including, but not necessarily limited to, seeds, roots, and transplants.

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

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Dormant seed" means viable true seed that displays a delay in or lack of germination when provided favorable germination conditions for the type of seed in question.

"Owner" means the person having legal ownership, possession or control over a regulated article covered by this chapter including, but not limited to, the owner, shipper, consignee, grower, seed dealer, landowner or their agent.

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

"Regulated area" means those geographic areas that are protected from the introduction of specified plant pests by the provisions of this quarantine.

"Seed lot" means a designated quantity of seed that is uniquely identified by a lot number.

"Seed program" means the Washington state department of agriculture seed program.

"Trial ground" means a specific parcel of land approved by the director for experimental or limited production or increase of crucifer seed and for planting seed lots whose quantity of seed is insufficient to allow for pathological testing.

"True seed" means a mature fertilized ovule consisting of an embryo, with or without an external food reserve enclosed by a seed coat.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-495, filed 12/21/05, effective 1/21/06.]

WAC 16-301-500 What crucifer articles are regulated by this chapter? (1) With the exception of the exemptions listed in WAC 16-301-525(4), all crucifer seed, seedlings, roots, or transplants intended for seed production, oil production, commercial vegetable production or cover crop use are regulated under the provisions of this chapter.

(2) This chapter also regulates crop residue remaining from the harvest of infected crucifer plants.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-500, filed 12/21/05, effective 1/21/06.]

WAC 16-301-505 What diseases are regulated by this chapter? (1) **"Regulated diseases"** means those bacterial and fungal diseases of crucifers listed in this section and any new variations or strains of these diseases.

(2) "**Regulated pathogens**" means those bacterial and fungal organisms identified as the casual agents for the diseases listed in this section.

(3) The following bacterial and fungal diseases of crucifers, and any new strains or variations of these diseases are regulated by this chapter:

Common Name	Scientific Name
Black leg of Crucifers	<i>Phoma lingam</i>
Black rot	<i>Xanthomonas campestris</i> <i>pv. campestris</i>

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-505, filed 12/21/05, effective 1/21/06.]

WAC 16-301-510 What seed must undergo dormancy testing? Any seed of a *Brassica* or *Sinapis* species whose primary uses for any nonvegetable use must be tested for the presence of dormant seed.

This testing must be done by either a single or paired germination test that demonstrates freedom of dormant seed.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-510, filed 12/21/05, effective 1/21/06.]

WAC 16-301-515 What is the quarantined area for this crucifer seed quarantine? (1) The quarantine area for the crucifer seed quarantine includes all Washington state counties except Clallam, Island, Lewis, Skagit, Snohomish, and Whatcom counties.

(2) Regulated articles imported into Washington state must comply with the regulations of this chapter before transport into the regulated area. No additional requirements apply within the quarantine area but all regulated articles transported into the regulated area must comply with the regulations of this chapter.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-515, filed 12/21/05, effective 1/21/06.]

WAC 16-301-520 What is the regulated area for this crucifer seed quarantine? The regulated area for this crucifer seed quarantine includes Clallam, Island, Lewis, Skagit, Snohomish, and Whatcom counties.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-520, filed 12/21/05, effective 1/21/06.]

WAC 16-301-525 What are the exemptions to the crucifer seed quarantine that apply within the regulated area? This crucifer quarantine does not apply to:

(1) Experiments or trial grounds of the United States Department of Agriculture;

(2) Experiments or trial grounds of a university such as but not limited to the University of Idaho or Washington State University research stations; or

(3) Trial grounds of any person, firm or corporation that are approved by the director and established in accordance with WAC 16-301-550.

(4) Shipments, movements, or transportation of:

(a) Prepackaged crucifer seed in packages of 1/2 ounce or less if the seeds are free of regulated diseases as required in WAC 16-301-530; or

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(b) Vegetable seedlings offered for sale for home garden use in the regulated area if the seedlings are free of regulated diseases as required in WAC 16-301-530.

(5) Research, variety development, variety maintenance or other crucifer production where the entire crop cycle is confined within a building or greenhouse.

(6) Seed lots with a maximum weight of five pounds that were in inventory prior to January 1, 2007.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 07-19-122, § 16-301-525, filed 9/19/07, effective 10/20/07; 06-01-111, § 16-301-525, filed 12/21/05, effective 1/21/06.]

WAC 16-301-530 What requirements apply to planting crucifer seed in the regulated area? (1)(a) It is a violation of this chapter to plant or establish crucifer seed that is infected with any regulated disease in the regulated area.

(b) Any seed of a *Brassica* or *Sinapis* species planted or established in the regulated area whose primary use is for any nonvegetable use must be tested for the presence of dormant seed as required by WAC 16-301-510.

(2) Any person who plans to ship, move, or transport any crucifer seed intended for planting purposes into or within the regulated area must file a Notice of Intent/Quarantine Compliance form with the seed program before planting or offering the seed for sale.

(3) The Notice of Intent/Quarantine Compliance form filed with the seed program must be accompanied by a copy of the:

(a) Laboratory analysis or some other proof (such as a phytosanitary certificate based upon laboratory testing issued from the state or country of production) demonstrating that the lot is free of regulated diseases; and

(b) Seed analysis certificate(s) showing that the lot is free from dormant seed, if required under WAC 16-301-510.

(4) It is a violation of this chapter for any crucifer seed intended for seed production, oil production, commercial vegetable production or cover crop use to be offered for sale within or into the regulated area unless accompanied by documentation verifying quarantine compliance.

(a) For small packages such as heat sealed envelopes and tins, quarantine compliance may be placed on a sales invoice or other documentation that is provided to the purchaser of seed. Language must be approved by the seed program.

(b) Larger containers must bear a label issued by the seed program indicating that the seed is in compliance with this chapter.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 07-19-122, § 16-301-530, filed 9/19/07, effective 10/20/07; 06-01-111, § 16-301-530, filed 12/21/05, effective 1/21/06.]

WAC 16-301-535 What requirements apply to boxes and racks used to ship crucifer seedlings? (1) Only boxes that have not previously contained crucifer seedlings may be used for shipping transplants into or within a regulated area.

(2) Racks used to ship transplanted crucifer seedlings must be thoroughly disinfected with an appropriate sanitizer before the seedlings are shipped.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-535, filed 12/21/05, effective 1/21/06.]

WAC 16-301-540 What requirements apply to crucifer transplants grown in greenhouses in the regulated area? (1) All crucifer transplants produced in greenhouses in the regulated area must be subjected to pest control procedures that reduce the presence of diseases or insects that may inhibit identifying regulated diseases.

(2) The interiors of greenhouses in the regulated area used to produce crucifer transplants must be free of crucifer weeds.

(3) One hundred meter buffers, free of crucifer weeds, must surround all greenhouses in the regulated area used to produce crucifer transplants.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-540, filed 12/21/05, effective 1/21/06.]

WAC 16-301-545 What requirements apply to crucifer seed lots that test positive for any regulated disease?

(1) If a crucifer seed lot tests positive for any regulated disease, the infected seed lot may be treated with an approved seed treatment.

(2) After treatment, the seed lot must be tested for the presence of regulated diseases using appropriate pathological testing methods.

(3) If the pathological testing yields negative test results, the seed lot will be considered in compliance with this chapter.

(4) It is a violation of this chapter to plant seed in the regulated area that tests positive for any regulated disease subsequent to any approved treatment method.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-545, filed 12/21/05, effective 1/21/06.]

WAC 16-301-550 If documentation verifying that crucifer seed is free from regulated diseases is not available, what protocols must be followed before the seed is planted in a regulated area? When no documentation exists verifying that a crucifer seed lot is free from regulated diseases, the following protocols must be followed before the seed is planted in the regulated area:

(1) A crucifer seed lot will be classified as a suspect seed lot if the seed lot lacks the documentation verifying that the lot complies with the crucifer seed quarantine requirements of this chapter.

(2) Suspect seed lots must:

(a) Not be offered for sale in the regulated area.

(b) Be treated by an approved treatment method.

(c) Be sown in a greenhouse and the seedlings must pass inspection by seed program inspectors before transplanting to the field.

(3) Any greenhouse operation used to grow crucifer seedlings for transplant must:

(a) Physically separate suspect seed lots from other crucifer production within that greenhouse.

(b) Monitor and document the location and identity of each suspect seed lot during production.

(4) It is a violation of this chapter for seedlings from a suspect seed lot to be topped, clipped, chopped or undergo any other treatment to toughen them or reduce their size.

(5) All seedlings from a suspect seed lot that exhibit symptoms of regulated diseases must be physically separated from asymptomatic transplants in that lot.

(6) Before shipping seedlings from a suspect seed lot, the seedlings must be inspected by seed program inspectors for the presence of regulated diseases.

(a) If no symptoms of regulated diseases are detected during this inspection, the suspect seed lot is considered in compliance with this chapter and may be sold and planted within the regulated area.

(b) If seedlings display symptoms of regulated diseases, laboratory testing for the diseases is mandatory.

(c) If seedlings from a suspect seed lot test negative for regulated pathogens after appropriate pathological testing, the suspect seed lot is considered in compliance with this chapter and may be sold and planted within the regulated area.

(d) If the presence of a regulated disease is confirmed by laboratory testing, all seedlings from a suspect seed lot may be subject to a quarantine order or destruction order under WAC 16-301-570.

(7) Any crucifer seed production fields, plant beds, or greenhouse production that will be planted with or receives production from suspect seed lots that are determined to be free from regulated diseases under subsection (6) of this section must be entered into the Washington state phytosanitary inspection program as required under WAC 16-301-235.

(8)(a) It is a violation of this chapter to plant seedlings from a suspect seed lot that tests positive for any regulated disease in the regulated area.

(b) Any suspect seed lot testing positive for any regulated disease may be subject to a quarantine order or a destruction order under WAC 16-301-570.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-550, filed 12/21/05, effective 1/21/06.]

WAC 16-301-555 How are approved trial grounds established and what rules apply to them? (1) If a crucifer seed lot has not been tested to determine if it is disease free, and the quantity of seed in the lot is too small for testing to be practical, it must be planted in an approved trial ground that meets the requirements of the seed program.

(2) Trial grounds may be established for the purposes of, but not limited to, variety maintenance, variety development or other related research.

(3)(a) The seed program must approve a trial ground before it is established.

(b) Failure to obtain approval of a trial ground before it is established is a violation of this chapter and may subject the trial ground to a destruction order under WAC 16-301-570.

(4)(a) Trial grounds must be isolated from crucifer production crops according to the standards set in "*Seed Field Minimum Isolation Distances*" published by the Washington State University (WSU) cooperative extension.

(b) Copies of this publication can be obtained by contacting a WSU extension office.

(5) A person may plant crucifer seed in an approved trial ground after notifying the seed program, in writing, of their intent to plant for research purposes only. The notification will include an assurance that the person planting crucifer seed in an approved trial ground will comply with the inspection procedures in WAC 16-301-560, the isolation requirements prescribed by the WSU extension publication "*Seed*

Field Minimum Isolation Distances," and any other requirements established by the director.

- (6) The maximum planting in a trial ground is:
 - (a) One pound per variety for crucifer seed; and
 - (b) One-half acre for crucifer transplants.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-555, filed 12/21/05, effective 1/21/06.]

WAC 16-301-560 What are the inspection requirements for trial grounds? (1) Applications for the phytosanitary field inspection of a trial ground must be submitted to the department before September 1 of the year the trial ground is established.

(2) A minimum of two phytosanitary field inspections of a trial ground must be conducted. These inspections must take place:

- (a) During the seedling stage; and
- (b) At the bloom stage.

(3) The phytosanitary field inspection application must include:

- (a) A detailed varietal planting plan;
- (b) A description of the exact location of the trial ground;
- (c) The manner in which the trial ground will be isolated from other known crucifer production; and
- (d) The distance by which the trial ground is isolated from other known crucifer production.

(4) If the field inspections detect any regulated pathogens, the trial ground is subject to destruction upon the order of the director.

(5) A disinfectant must be applied to the:

- (a) Machinery used in the production of the crucifer crop;
- (b) Footwear of all persons entering the trial grounds; and
- (c) Footwear of all persons before traveling from a trial ground to other crucifer fields.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-560, filed 12/21/05, effective 1/21/06.]

WAC 16-301-565 What are the testing requirements for seed harvested from an approved trial ground? (1) Seed harvested from an approved trial ground must be tested in an approved laboratory for the presence of regulated pathogens before it is planted in a regulated area.

(2) If the seed harvested from a trial ground tests positive for any regulated pathogens, it may not be released for general planting within a regulated area.

(3)(a) Seed harvested from a trial ground infected with a regulated pathogen must either be destroyed or shipped out of the regulated area.

(b) Written documentation of either the seed's destruction or shipment out of the regulated area must be submitted to the seed program within thirty days of the positive test for the regulated pathogen.

(c) Seed from a trial ground infected with a regulated pathogen that remains in a regulated area beyond thirty days may be subject to destruction upon the order of the director.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-565, filed 12/21/05, effective 1/21/06.]

(2009 Ed.)

WAC 16-301-570 What are the penalties for violating the crucifer seed quarantine? (1) When the director determines that crucifer seed or production is infected with a regulated disease, the director may issue a quarantine order or notice of destruction. A violation of this chapter may also result in either a quarantine order or notice of destruction as determined by the director and the rules regulating the crucifer quarantine. Any costs associated with complying with a notice of destruction or quarantine order is the sole responsibility of the owner and not the responsibility of the department.

(2) The director may issue a notice of destruction:

(a) The notice of destruction will identify the property or seed lot affected.

(b) The notice of destruction will order the destruction of regulated articles or prescribe the terms of entry, inspection, partial destruction and/or treatment of regulated articles.

(c) The notice of destruction may prescribe control measures or other requirements needed to prevent the infection of adjacent properties with a regulated disease.

(d) To ensure that the affected parties comply with the measures required to eliminate a disease caused by regulated pathogens, the director will notify the owner and seed company representatives, if known, regarding the methods of destruction to be used, the extent of the destruction and the safeguards being implemented to prevent the spread of the disease.

(3) The director may order the quarantine of any regulated article or planting area. The director will:

- (a) Determine the quarantine conditions;
- (b) Determine if a quarantine extension is warranted; and
- (c) Prescribe sanitary precautions that will prevent the spread of the suspected regulated disease.

(4) To prevent the spread of the suspected regulated disease, persons entering the quarantined area must follow the sanitary precautions in WAC 16-301-560(5). Entry into the quarantined area is restricted to:

- (a) The owner;
- (b) Department employees;
- (c) University personnel or other plant pathology specialists; and/or
- (d) Persons authorized in writing by the director.

(5) Fields placed under a quarantine order:

(a) Must enter the Washington state phytosanitary inspection program as required under WAC 16-301-235 with all inspection costs borne by the owner.

(b) May be subject to additional inspection, control, isolation, or destruction requirements if the director determines they are needed to prevent the spread of regulated pathogens.

(6) Any owner violating the requirements of this crucifer quarantine is subject to the civil and/or criminal penalties as established in chapters 15.49 and/or 17.24 RCW.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-570, filed 12/21/05, effective 1/21/06.]

WAC 16-301-575 How are diseased crucifer seeds and infected fields identified? (1) So that timely investigations may be made, all interested parties, including owners, seed company representatives, and university extension personnel are encouraged to promptly report any suspected infected crucifer fields to the seed program.

(2) Any crucifer crop infected with a regulated pathogen must be reported to the seed program within seventy-two hours after the regulated pathogen is discovered.

(3)(a) The seed program may conduct inspections and tests to determine infection of any crucifer seed or production with a regulated disease.

(b) If a WSDA plant services program plant pathologist and a qualified plant pathologist representing a commercial company or owner disagree over the presence of a regulated disease, the company or owner may request a verification test for a regulated pathogen. A university plant pathologist may recommend the verification test. The verification test must use accepted scientific and professional techniques and will be at the owner's expense.

(c) The affected planting area will be placed under quarantine for at least thirty days or until verification testing is completed.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-575, filed 12/21/05, effective 1/21/06.]

WAC 16-301-580 What regulations apply to diseased crucifer seeds and infected fields? (1) When the director determines that a field is infected with a regulated pathogen and threatens to infect other fields, the director may issue a notice of destruction prescribing control measures or other requirements needed to prevent the infection of adjacent properties.

(2) Unless the crop is within two weeks of harvest, any crucifer crop within the regulated area that is infected with a regulated pathogen may be subject to immediate destruction, in part or in total. The owner is responsible for the expenses incurred to destroy a diseased crucifer crop.

(3) The following requirements apply to crops that are within two weeks of harvest:

(a) Residues must be destroyed or incorporated into the ground immediately after harvest;

(b) Harvested seed must be isolated from other seed lots until it is treated with hot water and/or chlorine seed treatments;

(c) Harvest equipment must be steam cleaned before entering any other fields; and

(d) WSDA personnel in consultation with WSU extension personnel must monitor these post-harvest activities.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-301-580, filed 12/21/05, effective 1/21/06.]

Chapter 16-302 WAC

GENERAL RULES FOR SEED CERTIFICATION

(Formerly chapters 16-300, 16-304, 16-313, 16-316, 16-317, 16-318, 16-493, 16-494 and 16-495)

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-302-440 Standards for verification of turf seed ingredients. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-440, filed 12/4/00, effective 1/4/01.] Repealed by 02-12-060, filed 5/30/02, effective 6/30/02. Statutory Authority: Chapters 15.49 and 34.05 RCW.

PART 1 - GENERAL SEED CERTIFICATION STANDARDS

WAC 16-302-005 Seed certification—Purpose. Under the authority of chapter 15.49 RCW, the department adopts rules to establish standards for seed certification in Washington state in order to maintain and make available sources of high quality seeds and propagating material of plant varieties so grown and distributed as to ensure genetic identity and genetic purity.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-005, filed 12/4/00, effective 1/4/01.]

WAC 16-302-010 Agencies that certify seed in Washington state. (1) Seed certification in Washington state is conducted under the authority of chapter 15.49 RCW. The department conducts seed certification in cooperation with the WSCIA, Washington State University and AOSCA.

(2) The WSCIA is designated to assist the department in the certification of certain agricultural seeds. A memorandum of understanding between the department and the WSCIA designates WSCIA to act as the director's duly authorized agent for the purpose of certifying seed of buckwheat, chickpeas, field peas, lentils, millet, soybeans, small grain, sorghum and forest trees. The address and phone number for the WSCIA office is 1610 N.E. Eastgate Blvd. Suite 610, Pullman, WA 99163, 509-335-8250.

(3) The department's seed program certifies seed other than buckwheat, chickpeas, field peas, lentils, millet, soybeans, small grain, sorghum and forest trees. The address and phone number for the department seed program office is 21 N. 1st Avenue, Yakima, WA 98902, 509-249-6950.

[Statutory Authority: RCW 15.49.005 and chapter 34.05 RCW. 08-13-014, § 16-302-010, filed 6/6/08, effective 7/7/08. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-010, filed 12/4/00, effective 1/4/01.]

WAC 16-302-015 Seed classes recognized for seed certification. For the eligibility of varieties of seed refer to WAC 16-302-040. Four seed classes are recognized in seed certification, namely: Breeder, foundation, registered, and certified.

(1) Breeder seed is seed or vegetative propagating material directly controlled by the originating, or in certain cases the sponsoring plant breeder, institution, or firm. Breeder seed supplies the source for the initial and recurring increase of foundation seed.

(2) Foundation seed (identified by white tags) is first-generation seed increased from breeder seed or its equivalent. Production must be carefully supervised and approved by the certifying agency and/or the agricultural experiment station. Foundation seed is eligible to produce registered or certified seed.

(3) Registered seed (identified by purple tags) is the progeny of foundation seed that is handled as to maintain satisfactory genetic identity and purity and is approved and certified by the certifying agency. Registered seed is eligible to produce certified seed.

(4) Certified seed (identified by blue tags) is the progeny of foundation, registered or certified seed which is handled as to maintain satisfactory genetic identity and purity and is approved and certified by the certifying agency. Certified seed is not eligible for recertification for the crops certified by WSCIA, listed in WAC 16-302-550, except as provided for in WAC 16-302-035.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-015, filed 12/4/00, effective 1/4/01.]

WAC 16-302-020 Seed standards for proprietary variety certification—Application for proprietary certification. The general seed certification standards provided for in this chapter together with the varieties eligible for seed certification constitutes the basic requirements for proprietary variety certification.

(1) The owner or designee with production or marketing rights of a proprietary variety must submit to the certifying agency a list of growers who will submit applications for certification showing the variety, acreage authorized, processor authorized, and also advising whether the variety is under genetic purity certification or under complete certification. The list of growers must be submitted prior to the application due dates for seed certification as specified in WAC 16-302-050.

(2) Each application for seed certification received by the certifying agency is subject to approval from the list submitted by the owner with production or marketing rights of a proprietary variety.

(3) The certifying agency shall refuse certification of any seed that appears in a processing or conditioning plant not authorized by the owner with production or marketing rights of a proprietary variety.

(4) An application for seed certification may be withdrawn at any time prior to tagging. The applicant is responsible for fees due and owing when an application for seed certification is withdrawn.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-020, filed 12/4/00, effective 1/4/01.]

WAC 16-302-025 Seed standards for genetic purity certification. All certified seed must conform to the standards of purity and identity or variety in compliance with

chapter 15.49 RCW and rules adopted thereunder. The general certification standards together with the specific crop certification standards established in this chapter are the basic requirements for genetic purity seed certification:

(1) Only proprietary varieties and OECD varieties not of United States origin to be tagged under the OECD scheme are eligible for genetic purity certification.

(2) Only the specific crop certification standards established in rule which pertain to genetic purity such as land requirements and isolation, shall apply for genetic purity certification. Fields must not contain other varieties or off-type plants in excess of established standards. The grower is responsible for controlling noxious weeds to prevent seed formation.

(3) Excessive prohibited and/or objectionable weeds, poor stands, lack of vigor, or other conditions, which make inspection by the certifying agency inaccurate, may be cause for rejection of a field.

(4) Field inspection. A field inspection is made by the certifying agency each year at the time the seed crop is in bloom, or at other times as may be most advantageous to determine genetic purity. A complete record must be maintained on the condition of the field (weeds, crop mixtures, etc.) and all information reported to the authorized agent and/or grower. Upon completion of all requirements for field inspection, a final field inspection report is issued by the certifying agency that the seed produced passed genetic purity requirements.

(5) Seed standards. The certifying agency shall test all lots to determine the purity and germination quality. Seed to be certified must not contain seeds of other varieties or off-types in excess of standards established in rule. The quality of each lot of seed represented to be certified must be that which is normally acceptable in the marketing of high quality seed. Failure to maintain acceptable quality shall be considered cause for revoking permission to participate in seed certification by genetic purity.

(6) Processing or conditioning requirements. Only those conditioning plants approved by the department Seed Program are permitted to process seed for certification. Complete records must be kept of all processing or conditioning. Blending of seed lots of the same variety from fields passing field inspections may be permitted with prior approval and if in accordance with requirements for blending. Sampling and all other operations involving certified seed must be under supervision of the certifying agency. The sample must be obtained in accordance with official sampling procedures. The entire lot must be cleaned and in condition for sale at the time of sampling. This sample must be submitted to the seed laboratory for testing to evaluate quality. Lots of questionable quality may be rejected and not eligible for certification.

(7) Certification tags for seed meeting the genetic purity standards must be clearly marked, "genetic purity certified."

(8) Fees for genetic purity certification are as established for each seed crop in chapter 16-303 WAC and the authorized agent or grower is responsible for all fees.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-025, filed 12/4/00, effective 1/4/01.]

WAC 16-302-030 Standards for production of foundation seed. The general seed certification standards together with specific crop standards established in this chapter constitute the basic standards for production of foundation seed. Seed to be eligible for foundation certification tags, or OECD basic tags, must be approved by the originating plant breeder or his designated agent, and in compliance with the following standards:

(1) Preplanting report. A preplanting inspection, an industry responsibility, must be made of fields to be planted with breeder seed. A written report of the preplant inspection, performed by either a representative of the person issuing the contract or by the grower must be maintained by the variety owner or designee for a minimum of three years. The report shall show the grower's name, number of acres, location, crop history for the past three years, crops to be planted, origin of breeder seed, isolation status, and weed and crop present.

(2) Planting requirement. To distinguish between any possible volunteer and the crop seeded, all fields must be planted in distinct rows. Plants outside defined rows may be construed as volunteers.

(3) Combine inspection. The combine used for seed harvesting must be cleaned and inspected prior to harvesting foundation or OECD basic seed. The combine must be free of all contaminating material. If an official combine inspection is requested, the certifying agency must be notified of the following: The date, time, and location where the combine inspection may be made.

(4) Processing plant inspection. The processing or conditioning plant must be inspected before processing foundation or OECD basic seed and periodic inspections will be made during processing by the processor.

(5) Recleaning, rebagging, preinoculation, treating, or other processes must be approved by the certifying agency. An original tag must be submitted with the request for recertification and the seed must be retagged and resealed on completion.

(6) For a proprietary variety the above combine inspection (subsection (3) of this section), and processing plant inspection (subsection (4) of this section), responsibility may be assigned to the proprietor or his designee upon their request. The variety owner or designee must maintain a report covering required inspections.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-030, filed 12/4/00, effective 1/4/01.]

WAC 16-302-035 Limitation of generations for seed certification. The number of generations through which a seed variety may be multiplied is limited to the number specified by the originating breeder or owner of a variety except that:

(1) Unlimited recertification of the certified seed class may be permitted for crop varieties where foundation seed is not being maintained.

(2) The production of an additional generation of the certified class may be permitted on a one-year basis when:

(a) Prior to the planting season, the certifying agency states that foundation and registered seed supplies in the United States are not adequate to plant the needed acreage of the variety.

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(b) Permission of the originating breeder and/or owner of the variety is obtained (if applicable).

(c) The additional generation of certified seed produced is declared to be ineligible for recertification.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-035, filed 12/4/00, effective 1/4/01.]

WAC 16-302-040 Varieties eligible for seed certification in Washington state. (1) Only seed varieties that are accepted as meriting seed certification by an appropriate AOSCA National Variety Review Board or a member agency of AOSCA in accordance with the criteria listed in subsection (3) of this section may be eligible for seed certification in Washington state.

(2) A current list of varieties eligible for certification for the crops certified by the seed program may be obtained by contacting WSDA Seed Program, 21 N. 1st Avenue, Yakima, WA 98902, (509) 225-2630. A current list of varieties eligible for certification for the crops certified by WSCIA may be obtained by contacting WSCIA, 414 S. 46th Avenue, Yakima, WA 98908, (509) 966-2234.

(3) The following information is required for submission to an AOSCA National Variety Review Board or other certifying agency for acceptance of a seed variety for certification:

(a) A statement and supporting evidence by the originator, developer, or owner requesting certification that:

(i) The variety has been adequately tested to determine its value and probable area of adaptation, and that it merits certification; and

(ii) The variety is distinguishable from other varieties as set forth in Article 5, International Code of Nomenclature for Cultivated Plants, which reads as follows: "The term cultivar (variety) denotes an assemblage of cultivated individuals which are distinguished by any characters (morphological, physiological, cytological, chemical or others) significant for the purposes of agriculture, forestry, or horticulture, and which, when reproduced (sexually or asexually) retain their distinguishing features."

(b) A statement on origin and breeding procedure.

(c) A description of:

(i) The morphological characteristics, (such as color, height, uniformity, leaf, head or flower characteristics, etc.);

(ii) Physiological characteristics;

(iii) Disease and insect reactions; and

(iv) Any other identifying characteristics of value to field inspectors and other pertinent factors as the breeder or sponsor considers relevant.

(d) Evidence of performance, including data on yield, insect or disease resistance and other factors supporting the value of the variety. Performance tests may be conducted by private seed firms or agricultural experiment stations, and must include appropriate check varieties, which are used extensively in the area of intended usage.

(e) A statement giving the suggested region of probable adaptation and purposes for which the variety is used. This includes where the breeder of the variety has tested the variety and anticipates recommending the merchandising of it.

(f) A description of the procedure for maintenance of stock seed classes. At the time a variety is accepted for certi-

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fication, a sample lot of breeder seed is presented to the certifying agency. The sample is retained as a control varietal sample against which all future seed stock released for certified seed production may be tested to establish continued trueness of variety.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-040, filed 12/4/00, effective 1/4/01.]

WAC 16-302-045 How may a person apply for seed certification in Washington state? If a person wishes to participate in the Washington state seed certification program, you must submit an application to the appropriate certifying agency.

(1) An application for seed certification must be submitted for each crop, variety and field.

(2) Applications may be obtained from a certified seed processor or the certifying agency listed in WAC 16-302-010.

(3) The applicant is responsible for payment of all fees. Washington State University, its official agents and USDA Plant Material Center are exempt from paying fees on seed stock.

(4) The applicant must attach to the application for seed certification official tags/labels and/or other verification from seed stock planted. The applicant must also attach proof of quarantine compliance when required, under chapter 16-301 WAC. Refer to chapter 16-303 WAC for appropriate fees.

(5) When it is necessary for a grower to reseed due to a failure to get a stand, the grower will retain records of seed lots used and the date of reseeding. Reseeding must be done within two years of the original planting date for grasses or within one year for all other crops. If seed stock of a different lot is used for reseeding, the grower must submit proof of seed stock used on a seedling application form. An additional application fee will be charged.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 03-18-072, § 16-302-045, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-045, filed 12/4/00, effective 1/4/01.]

WAC 16-302-050 When is an application for seed certification submitted? (1) Seed certification application due dates are:

(a) For seed certified by the department: Alfalfa, clover, grasses and rapeseed (seedling applications) - within sixty days of planting. Seedling applications will not be accepted if received more than one hundred five days after planting.

(b) Notification of a seedling field to be harvested for certification the same year of planting is due July 31 with the required fees.

(i) Bean - July 1.

(ii) Corn - June 1.

(2) For seed certified by the WSCIA:

(a) Buckwheat, field pea, chickpea, lentil, millet, and small grains (both winter and spring varieties) - June 1.

(b) Soybean - July 1.

(c) Sorghum - July 15.

(d) Forest tree seed certification - refer to specific crop requirements in chapter 16-319 WAC.

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(3) An application for seed certification must be submitted to the certifying agency each year a grower plans to produce seed for certification of annual crops (beans, peas, grain).

(4) A renewal application for seed certification must be submitted to the certifying agency after a stand is established each year that a grower plans to produce seed for certification of perennial crops (alfalfa, clover, grass). Due dates for renewal applications are as follows:

(a) Alfalfa and clover - June 15.

(b) Grass - May 1.

(5) Applications received after the due date are assessed a late application fee.

(6) No renewal application for seed certification may be accepted after the due date if a field inspection cannot be conducted prior to harvest except at the discretion of the certifying agency.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-050, filed 12/4/00, effective 1/4/01.]

WAC 16-302-055 What are the responsibilities of a grower when participating in the seed certification program? All growers participating in the seed certification program must:

(1) Maintain the purity and identity of seed harvested and/or farm stored, and ensures reasonable precaution is taken to control contaminating crops and varieties, noxious weeds, and seed-borne diseases.

(2) Exercise precaution to prevent seed crop and lot mixture when harvesting.

(3) Identify the seed crop as it is delivered to the processor with the assigned field number or numbers.

(4) Clean the seed crop at a seed conditioner approved by the department under WAC 16-302-125. A list of approved seed conditioners may be obtained from the department seed program.

(5) Comply with standards and procedures for seed certification under the authority of chapter 15.49 RCW and rules adopted thereunder.

(6) Prior to planting, comply with the quarantine provisions under chapter 16-301 WAC.

(7) Harvest of seed before a field inspection by the certifying agency causes forfeitures of both the application and field inspection fees, and completion of certification.

(8) Failure of seed growers to comply with the seed laws and rules is cause for the department to deny certification of seed under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-055, filed 12/4/00, effective 1/4/01.]

WAC 16-302-060 What are the certification requirements for seed? (1) The general seed certification rules in addition to the rules adopted on specific seed crop standards constitute the certification requirements for the seed crops listed in this chapter.

(2) Crops approved for certification for which rules are not in effect may be certified under the minimum requirements for seed certification as shown in WAC 16-301-010.

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Fees for certification of seed shall be the most applicable fees established by the department in rule.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-060, filed 12/4/00, effective 1/4/01.]

WAC 16-302-065 Land history—Seed certification.

Land requirements for seed certification are as established in the specific seed crop standards. When a cultural practice has proved to be successful, requirements may be modified upon written approval of the seed certifying agency. Cultural practice may include any of the following:

- (1) Mechanical means such as deep plowing.
- (2) Chemical means such as fumigants.

(3) Other material for seed bed preparation. Materials and methods must be a matter of record. Any practice used must be adequate to ensure varietal purity and must be approved in writing by the certifying agency. Any deviations from established land requirements must be submitted in writing to the certifying agency.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-065, filed 12/4/00, effective 1/4/01.]

WAC 16-302-070 When is a seed field inspected by the certifying agency? The certifying agency conducts field inspections as follows:

(1) A seedling field is inspected at the most appropriate time after receipt of seedling application. If the field produces seed the same year of planting, a seedling producing inspection is made prior to harvest.

(2) Each year a crop of certified seed is produced, field inspections are made at a time when factors affecting certification are most evident.

(3) The unit of certification is the entire field standing at the time of inspection. A portion of a field may be certified if the area to be certified is clearly defined by flagging, stakes or other visual means.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-070, filed 12/4/00, effective 1/4/01.]

WAC 16-302-075 Tolerances stated as "none found."

A tolerance of "none found" for contaminating or diseased material in either field or clean seed standards means that none was found during the normal procedure of field inspection or seed sample testing. None found does not constitute a guarantee that the field or seed is entirely free of the contaminant or disease.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-075, filed 12/4/00, effective 1/4/01.]

WAC 16-302-080 What will cause a seed field to be ineligible for seed certification? (1) A seed field is not eligible for certification unless a field inspection is made prior to defoliation or harvesting.

(2) The presence of prohibited noxious weeds or excessive objectionable weeds may be cause for rejection of a seed field. Excessive weeds, poor stands, lack of vigor, or other conditions which make inspection inaccurate may be cause

for rejection. A field producing foundation or registered seed that warrants a rejection because of noxious weeds may be reclassified to certified blue tag class if upon reinspection the field meets certified blue tag standards.

(3) If a seed field is rejected for certification, the grower may reapply to the certifying agency and pay a fee for reinspection after the cause for rejection is corrected, unless otherwise specified in chapter 16-302 WAC. No more than two reinspections are permitted for each field per year.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-080, filed 12/4/00, effective 1/4/01.]

WAC 16-302-085 When may an applicant withdraw a field from inspection for seed certification? The applicant applying for seed certification may withdraw a field from field inspection for seed certification by notifying the certifying agency before the field is inspected.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-085, filed 12/4/00, effective 1/4/01.]

WAC 16-302-086 Agency power to reject certification. The certifying agency shall have the authority to reject from certification any lot of seed not meeting these regulations. The agency reserves the right to refuse certification on any lot of seed if, in the opinion of the certifying agency, the color appearance, or the condition of the seed might be detrimental to the certification program. The certifying agency has the authority to refuse certification if the labeling of containers is misleading or may tend to be confusing as to its contents.

Persons found guilty of violation or misuse or abuse of these regulations shall be subject to prosecution under chapter 15.49 RCW. Proof of violation may result in removal of privileges of certifying, dealing in or handling certified seed.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-086, filed 12/4/00, effective 1/4/01.]

WAC 16-302-090 Sampling—Methods used in the sampling, inspecting, testing, analyzing and examining seed for certification. (1) The terms used in seed testing and the methods of sampling, inspecting, analyzing, testing and examining seed for certification are those adopted by the AOSA as shown in WAC 16-301-010.

(2) The entire lot of seed must be cleaned and in condition for sale at the time of sampling. Except for ryegrass which may be sampled under the early sampling program as allowed in WAC 16-302-091.

(3) The department shall obtain a representative sample for laboratory analysis of each lot of seed for certification. The sample shall be taken in accordance with official sampling procedures. Official sampling procedures are as follows:

Seed in bags.

(a) When more than one core is drawn from a bag, follow different paths. When more than one handful is taken from a bag, take them from well-separated points.

(b) For lots of one to six bags, sample each bag and take a total of at least five cores or handfuls.

(c) For lots of more than six bags, sample five bags plus at least 10% of the number of bags in the lot. Round numbers with decimals to the nearest whole number. Regardless of the lot size, it is not necessary to sample more than thirty bags.

Ex. No. bags in lots	7	10	23	50	100	200	300	400
No. bags to sample	6	6	7	10	15	25	30	30

(4) Bulk seed. To obtain a composite sample, take at least as many cores or handfuls as if the same quantity of seed were in bags of an ordinary size. Take the cores or handfuls from well distributed points throughout the bulk.

(5) Seed in small containers. Seed in small containers shall be sampled by taking the entire unopened container in sufficient number to supply a minimum size sample for testing. The contents of a single container or the combined contents of multiple containers of the same lot shall be considered representative of the entire lot of seed sampled.

(6) A mechanical sampling device installed in a conditioning plant approved by the department under WAC 16-302-125 may be used in lieu of the sampling procedures above.

(7) If it is necessary for a sample to be taken by the department, a sampling fee will be charged under provisions of chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-090, filed 12/4/00, effective 1/4/01.]

WAC 16-302-091 What is the program for early sampling of ryegrass? The procedure for participating in the program for early sampling of ryegrass is as follows:

(1) Any company participating in this program must submit a report to the seed program listing the grower, acreage, variety, and field number of each field to be enrolled. This report must be filed by June 15th of each year. For fields that are in their second year of production or beyond, all lab numbers of tests from the previous year must also be provided.

(2) The seed company is responsible for having their field personnel sample each field in the windrow. The sample must be obtained from well-distributed points throughout the field. It is recommended that samples be thrashed and cleaned prior to testing. An additional fee will be charged for samples that are not cleaned. Samples must be forwarded to the seed program with the following information: The crop and variety, field number, grower, the name of the seed company, and a request for germination and fluorescence test. The sample must also indicate that it is being submitted under the early sampling program for ryegrass.

(3) At the time of conditioning the seed, a composite sample must be submitted to the seed program for purity testing. The sample information must indicate the seed is from a field under the early sampling program for ryegrass. In addition to providing complete certification information, the lab number on which the fluorescence test was conducted must also be provided. The seed program may run a fluorescence test on the composite sample to verify the results from the early sample.

(4) Certification tags will be issued upon completion of all required testing meeting the minimum certification standards for ryegrass. A tagging request must be filed with the seed program.

(5) Failure to comply with the requirements of this section will result in the disqualification of the seed company from the early sampling program for the year.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-302-091, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-091, filed 12/4/00, effective 1/4/01.]

WAC 16-302-095 Identification of seed containers with field or lot numbers. (1) The field number must be on all seed containers or bulk seed delivery documents to ensure identity when delivered to the seed conditioner.

(2) All seed for certification must be packaged in clean, new containers of uniform weight and identified with a lot number when tagged and sealed. The lot number must identify the producer and year of production for each lot of seed. This requirement may be satisfied by use of a conditioner's code.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-095, filed 12/4/00, effective 1/4/01.]

WAC 16-302-100 Seed certification—Prohibited noxious weed seed. The following are considered prohibited noxious weeds for the purpose of seed certification.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Austrian fieldcress	<i>Rorippa austriaca</i> (Crantz) Bess.
Field bindweed	<i>Convolvulus arvensis</i> L.
Hedge bindweed	<i>Calystegia</i> Spp.
Camelthorn	<i>Alhagi maurorum</i>
Canada thistle	<i>Cirsium arvense</i> (L.) Scop.
Dodder	<i>Cuscuta</i> spp.
Hairy whitetop	<i>Cardaria pubescens</i> (C.A. Mey.)
Hoary cress	<i>Cardaria draba</i> (L.) Desv.
Jointed goatgrass	<i>Aegilops cylindrica</i>
Leafy spurge	<i>Euphorbia esula</i> L.
Perennial pepperweed	<i>Lepidium latifolium</i> L.
Perennial sowthistle	<i>Sonchus arvensis</i> L.
Quackgrass	<i>Elytrigia repens</i> (L.) Beauv.
Knapweed complex	
Bighead	<i>Centaurea macrocephala</i>
Vochin	<i>Centaurea nigrescens</i>
Black	<i>Centaurea nigra</i>
Brown	<i>Centaurea jacea</i>
Diffuse	<i>Centaurea diffusa</i>
Meadow	<i>Centaurea jacea x nigra</i>
Russian	<i>Acroptilon repens</i> L.
Spotted	<i>Centaurea maculosa</i>
Purple starthistle	<i>Centaurea calcitrapa</i>
Yellow starthistle	<i>Centaurea solstitialis</i> L.
Serrated tussock	<i>Nassella trichotoma</i>
Silverleaf nightshade	<i>Solanum elaeagnifolium</i> Cav.
Sorghum perennial such as, but not limited to, johnsongrass, sorghum almum, and perennial sweet sudangrass	<i>Sorghum</i> spp.
Tansy ragwort	<i>Senecio jacobaea</i> L.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Yellow-flowering skeleton weed	<i>Chondrilla juncea</i> L
White cockle	<i>Silene latifolia</i> (only in timothy)
Bladder campion	<i>Silene vulgaris</i> (only in timothy)
Lepyrodielis Velvetleaf	<i>Lepyrodielis holsteoides</i> <i>Abutilon theophrasti</i>

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-100, filed 12/4/00, effective 1/4/01.]

WAC 16-302-105 Seed certification—Objectionable weeds. The following weeds are considered objectionable noxious weeds for the purpose of seed certification.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Blackgrass	<i>Alopecurus myosuroides</i>
Blue lettuce	<i>Lactuca tatarica</i>
Docks and Sorrel	<i>Rumex</i> spp.
Field pennycress (fanweed)	<i>Thlaspi arvense</i>
Field sandbur	<i>Cenchrus incertus</i>
Halogeton	<i>Halogeton glomeratus</i> C.A. Mey.
Medusahead	<i>Taeniatherum caput-medusae</i> subsp. <i>caputmedusae</i>
Plantains	<i>Plantago</i> spp.
Poverty weed	<i>Iva axillaris</i> Pursh.
Puncturevine	<i>Tribulus terrestris</i> L.
St. Johnswort	<i>Hypericum perforatum</i> L.
Dalmation toadflax	<i>Linaria dalmatica</i> (L.) Mill.
Yellow toadflax	<i>Linaria vulgaris</i> Hill.
Western ragweed	<i>Ambrosia psilostachya</i> DC.
Wild mustard	<i>Sinapis arvensis</i> subsp. <i>arvensis</i>
Wild oat	<i>Avena fatua</i> L.
Gromwell (in small grain)	<i>Buglossoides arvensis</i>
Bedstraw	<i>Galium</i> spp. (in alfalfa only)
Black mustard	<i>Brassica nigra</i>
Brown mustard	<i>Brassica juncea</i> (in rape-seed only)
Wild radish	<i>Raphanus raphanistrum</i>
Dyers woad	<i>Isatis tinctoria</i>

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. 06-01-111, § 16-302-105, filed 12/21/05, effective 1/21/06. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-105, filed 12/4/00, effective 1/4/01.]

WAC 16-302-110 Completion of seed certification—When may seed be labeled with a seed certification tag, label or seal? (1) The seed certification tag, label or seal is evidence of the genetic identity and purity of the contents must be attached to a container of certified seed prior to distribution. Seed that fails to meet certification standards because of genetic purity is not eligible for labeling.

(2) Seed certification tags, labels, and seals must be obtained from the certifying agency except as allowed in WAC 16-302-390, and must be attached to seed containers in accordance with the certifying agency's rules.

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(3) Certification of seed is valid only if the tag, label or seal is affixed to each container in accordance with the AOSCA procedures as shown in WAC 16-301-010.

(4) No tag, label or seal may be removed and reused without permission of the certifying agency.

(5) A certified seed sale certificate will be issued upon completion of final certification for all seed to be sold in bulk. This certificate must accompany any shipment or transfers including those to other seed plants, out-of-state shipments or with any brokered seed. The seed plants own invoice may be used in lieu of a certified seed sale certificate for retail sales to growers.

(6) Seed that fails to meet certification requirements on factors other than genetic purity may be designated substandard at the discretion of the certifying agency. The certification tag or label attached to the seed must clearly show the reason the seed is substandard. Seed may not be tagged substandard if the seed can be remilled to meet minimum seed standards.

(7) Refer to chapter 16-301 WAC for seed labeling requirements.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 03-18-072, § 16-302-110, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-110, filed 12/4/00, effective 1/4/01.]

WAC 16-302-115 Limitation of liability—Certification. The issuance of a certified seed label or certificate by the certifying agency for a lot of seed affirms that seed has been produced and conditioned according to chapter 15.49 RCW and the certification rules adopted thereunder. The certifying agency makes no warranty, expressed or implied or any representation as to the freedom from disease or quality of certified seed.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-115, filed 12/4/00, effective 1/4/01.]

WAC 16-302-120 Labeling, advertising or other representation of seed—Prohibitions. It shall be deemed unlawful if any labeling, advertising, or other representation subject to chapter 15.49 RCW represents:

(1) Seed to be certified seed or any class thereof unless it has been determined by a seed certifying agency that such seed conforms to standards of purity and identity as to species (and subspecies, if appropriate), and variety, in compliance with the rules and laws of that agency pertaining to such seed.

(2) Seed to be foundation, registered, or certified seed unless it has been inspected and tagged accordingly by a certifying agency as meeting certification standards of the department.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-120, filed 12/4/00, effective 1/4/01.]

WAC 16-302-125 Who may condition seed in Washington state? (1) Under the authority of RCW 15.49.350, a seed conditioning facility must be inspected and approved by the department prior to conditioning seed in Washington state. Upon approval by the department, a seed conditioning permit is issued and the facility is placed on a list of approved

seed conditioning plants. A copy of the list can be obtained by contacting the department seed program.

(2) A person desiring to condition seed must make application to the department for a permit on a form provided by the department.

(3) To obtain department approval for a seed-conditioning permit, the department conducts an inspection. A facility must show evidence that:

(a) Seed for certification is handled in a manner which prevents mixture of lots of seed;

(b) The seed conditioning facility is maintained and cleaned. Equipment must be easily accessible for cleaning and inspection, and must be cleaned between lots;

(c) Each lot of seed is identified with a lot number;

(d) Screenings are disposed of in accordance with chapter 15.49 RCW; and

(e) Seed is sampled in accordance with WAC 16-301-095, 16-302-090 and 16-302-091.

(4) A seed conditioning facility must be approved by the department prior to handling seed for certification in bulk.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-302-125, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-125, filed 12/4/00, effective 1/4/01.]

WAC 16-302-130 What are the responsibilities of a seed conditioner? (1) It is the responsibility of a department approved seed conditioner to operate in a manner that:

(a) Maintains the purity and identity of seed conditioned, stored, transshipped or labeled.

(b) Complies with the standards and procedures for conditioning and sampling seed in accordance with chapter 15.49 RCW and rules adopted thereunder.

(2) Prior to shipping seed out-of-state, the seed conditioner must obtain approval from the certifying agency. Refer to WAC 16-302-145 through 16-302-165 for inter-agency seed certification requirements.

(3) Records of all operations must be complete and adequate to account for all incoming seed and final disposition of seed.

(4) The seed conditioner is responsible for seed certification fees including sampling, testing, production and final certification fees, and may request the responsibility for additional fees.

(5) Failure of a seed conditioner to comply with the seed law and rules is cause for the department to revoke a seed conditioning permit under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-130, filed 12/4/00, effective 1/4/01.]

PART 2 - BLENDING OF CERTIFIED SEED

WAC 16-302-135 What considerations are there for blending seed? (1) Size of seed blend permitted is dependent on factors such as quality of seed lots to be blended and the conditioning plant facilities.

(2) A blend data sheet is filed with the certifying agency and must be maintained by the seed conditioner. Laboratory analysis must be completed before tags are issued.

(3) Seed must be blended by a seed conditioner approved by the department under WAC 16-302-125.

(4) A representative of the certifying agency may supervise the blending operation.

(5) A tetrazolium test may be used in lieu of a germination test.

(6) Upon approval of the certifying agency, field run lots of seed may be commingled to facilitate conditioning. The blend fee shall not apply.

(7) Remill lots of seed may be blended prior to testing to facilitate processing.

(8) Individual lots of grass seed shall not contain more than one hundred eighty per pound and alfalfa and clover shall not contain more than ninety per pound of objectionable weed seeds.

(9) Individual lots must be free of prohibited noxious weed seeds.

(10) Two or more sod quality lots may be blended and tagged as a "sod quality mixture or blend." Appropriate tags will be issued and blend fee shall be applicable.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-135, filed 12/4/00, effective 1/4/01.]

WAC 16-302-140 When are seed blends eligible for tagging prior to analysis? Blends are eligible for tagging prior to analysis of the official sample of the blend upon meeting the following conditions:

(1) The calculated percent of impurities (weeds, crop, inert, etc.) is twenty percent less than the maximum allowed in rules for seed certification.

(2) The calculated percent of germination is not less than the minimum germination standard established in the rule for seed certification.

(3) All seed lots blended meet certification standards.

(4) All lots of seed used in a registered class blend must meet registered class purity and germination standards.

(5) Fees for blending are payable to the department by the person requesting permission for the blend after completion of lab analysis. Refer to chapter 16-303 WAC for the appropriate fee.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-140, filed 12/4/00, effective 1/4/01.]

WAC 16-302-142 Standards for verification of turf seed ingredients. The general rules for seed certification are basic and together with the following specific requirements constitute the rules for certification identity of mixtures of different kinds of turf certified seed:

(1) A blend data sheet, including proof of certification, verifying the origin and the certifying agency along with the analysis and pounds of each lot must be submitted to the certifying agency for approval.

(2) Each lot of certified seed shall:

(a) Meet standards acceptable to the certifying agency.

(b) Be sampled under supervision of the certifying agency prior to mixing. The sample shall be obtained in accordance with official sampling procedures. The sample shall be identified with:

- (i) The verification of certification, origin, and certifying agency;
- (ii) The kind/variety;
- (iii) The analysis and size of lot.
- (3) The certifying agency reserves the right to:
 - (a) Refuse permission to use individual lots;
 - (b) Approve the equipment to be used and procedure to follow in mixing;
 - (c) Approve the containers and labeling to be used; and
 - (d) Sample the final mixture.
- (4) The certifying agency will identify each container with an official certification label verifying that the individual lots used were certified seed lots.

(5) For a mixture to be labeled sod quality each component shall meet sod quality standards in WAC 16-302-410.

(6) Fees for turf seed mixing shall be the same as the current blend fee. Refer to chapter 16-303 WAC for appropriate fees.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-302-142, filed 5/30/02, effective 6/30/02.]

PART 3 - INTERAGENCY SEED CERTIFICATION REQUIREMENTS

WAC 16-302-145 Interagency seed certification standards. (1) Interagency certification is the participation of two or more official certifying agencies in performing the services required to certify the same lot or lots of seed.

(2) The general rules for seed certification and specific certification standards are basic and together with WAC 16-302-150 through 16-302-165, constitute the rules for interagency certification for Washington state.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-145, filed 12/4/00, effective 1/4/01.]

WAC 16-302-150 Eligibility for interagency certification. (1) Seed recognized for interagency certification must be received in containers carrying official certification labels or evidence of its eligibility from another official certifying agency together with the following information:

- (a) Variety and species;
- (b) Quantity of seed;
- (c) Class of seed; and
- (d) Field or lot number traceable to the previous certifying agency's records.

(2) Seed tagged and sealed with official certification tags is eligible for interagency certification without obtaining approval from the certifying agency of the originating state.

(3) An "interagency certified seed" report form must be submitted to all certifying agencies involved. Forms can be obtained from the department seed program. Information required to complete the form includes:

Part A

- Name
- Address of shipper
- Destination
- Shipping weight
- Lot number

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- Grower name
- Field number
- Date of seed shipment
- Amount of seed used

Part B

- Date shipment is received by the receiving state
- Receiving weight and lot number
- Clean weight
- Bag count
- New lot number if different than the receiving lot number
- Screenings weight

(4) Certified seed not tagged and sealed with official certification tags must follow the interagency certification procedure in WAC 16-302-155.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 03-18-072, § 16-302-150, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-150, filed 12/4/00, effective 1/4/01.]

WAC 16-302-155 Interagency seed certification procedure. Certified seed that is produced in Washington state and shipped out-of-state must comply with the interagency seed certification procedure.

(1) The interagency seed certification procedure for field pea, lentil, soybean, small grain and sorghum seed is as follows:

(a) A certified seed sale certificate must be executed by the department for unprocessed seed pending final certification when moved out-of-state.

(b) Unprocessed seed pending final certification is subject to all certification fees when moved out-of-state.

(2) The interagency seed certification procedure for all other kinds of seed except field pea, lentil, soybean, small grain and sorghum seed shipped out-of-state is as follows:

(a) Obtain approval of all certifying agencies involved prior to shipment:

- Complete section (A) of "interagency certified seed" report referred to in WAC 16-302-150(3). Prior to shipment one copy of the "interagency certified seed" report must be submitted to the department seed program and one copy to the certifying agency where seed is being processed.
- Clearly mark each container with the lot number and Washington field number.

(b) Upon completion of seed processing, section (B) of "interagency certified seed" report referred to in WAC 16-302-150(3) must be completed and submitted to the department seed program.

- If the department is to finalize certification, a representative of the certifying agency in the receiving state must draw an official sample. The sample must be submitted to the department seed program.
- When Washington state certification tags are used, the lot must be tagged and sealed under supervision of the department. The applicant must pay a mileage fee and hourly rate for all additional mileage and travel time required.
- When Washington state interagency tags are used, the tags must be mailed to the nearest representative of the certifying agency having jurisdiction for tagging.

(c) If another state receives seed and finalizes certification, the department must advise the receiving state's certifying agency of certification eligibility. Sampling, testing, and tagging shall be in accordance with the receiving state's requirements.

(d) The applicant for interagency seed certification is responsible for all fees authorized under Washington's certification program and any additional fees that may be assessed by both agencies involved. Fees for Washington's interagency certification program must be paid upon submission to the department of the "interagency certified seed" report, section (A).

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 03-18-072, § 16-302-155, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-155, filed 12/4/00, effective 1/4/01.]

WAC 16-302-160 Interagency seed certification standards—Seed produced out-of-state. (1) Certified seed produced out-of-state and shipped into Washington state for processing is eligible for Washington interagency tags only after obtaining approval from the certifying agency of the originating state. The seed must then comply with Washington certification standards.

(2) Certified seed produced out-of-state that is officially tagged and sealed must be handled under the interagency program if seals are to be broken for reinoculation or other processing. The applicant for interagency seed certification must obtain approval from the department prior to breaking the official seals and all operations must be under the supervision of the certifying agency.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-160, filed 12/4/00, effective 1/4/01.]

WAC 16-302-165 Interagency certification requirements—Blends. Blends of different origin can be authorized only after obtaining approval from certifying agencies involved. Blends must comply with blend standards established by the department (see blending of certified seed in this chapter). Interagency tags used must show percentage of each origin involved.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-165, filed 12/4/00, effective 1/4/01.]

WAC 16-302-170 Other considerations in applying the standards for certification. (1) Any crop certification standard, with the exception of germination that is expressed as a percent will be derived from a test based on the minimum weight for purity analysis as specified in the 2000 AOSA rules for that crop unless otherwise specified in rule.

(2) Any crop certification standard that is based on a number per pound will be derived from a test based on the minimum weight for noxious weed seed examination as specified in the 2000 AOSA rules for that crop unless otherwise specified in rule.

(3) For species that have a high rate of inherent dormancy, it will be acceptable to use the percent of total viability instead of germination percentage for certification only.

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State and federal seed laws require seed be labeled on a germination test.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-170, filed 12/4/00, effective 1/4/01.]

PART 4 - PROCEDURES FOR ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT SCHEME FOR VARIETY CERTIFICATION (OECD)

WAC 16-302-210 What is the organization for economic cooperation and development? The Organization for Economic Cooperation and Development (OECD) certification scheme is an international organization limited to federal government membership. The agricultural research service of the United States Department of Agriculture is responsible for implementing the OECD seed certification schemes in the United States. The department, by virtue of an agreement with the agricultural research service, United States Department of Agriculture, is authorized to implement OECD certification in Washington state.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-210, filed 12/4/00, effective 1/4/01.]

WAC 16-302-215 Crop standards for OECD variety certification. (1) The general and specific crop certification standards as established in rule by the department are basic and, together with the following specific standards, constitute the rules for OECD varietal seed certification.

(2) Varieties eligible for OECD certification.

(a) Crop varieties of United States origin shall be eligible for OECD certification only if accepted into Washington state's certification program.

(b) Crop varieties, of origin other than United States, are eligible for OECD certification only if listed in OECD publication, *List of Cultivars Eligible for Certification*.

(3) Classes of seed eligible for OECD certification.

Washington and U.S. Seed Classes	Label Color	Equivalent OECD Seed Classes	OECD Label Color
Breeder	----	Prebasic	-----
Foundation	White	Basic	White
Registered	Purple	Basic	White
Certified	Blue	1st Generation Certified Seed	Blue
Certified produced from Certified	Blue	2nd Generation Certified Seed	Red

(a) Breeder or prebasic shall be planted to be eligible to produce basic white label.

(b) Foundation white label, registered purple label, or basic white label shall be planted to be eligible to produce 1st generation blue label.

(c) Certified or 1st generation blue label shall be planted to be eligible to produce 2nd generation red label.

(4) OECD seed stock sample. Each lot of OECD seed stock shall be sampled under supervision of the certifying agency before seals are broken. Samples are used as control for grow out test and a portion may be submitted to seed laboratory for analysis if deemed necessary. Seed stock lots without official tags will not be granted OECD approval.

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(5) The department must obtain approval from the originating country for each OECD seed stock lot to be planted in the state of Washington for OECD production. Request for OECD approval is submitted by the seed program to ARS-Beltsville, Maryland, which then contacts the originating country.

(6) Application for OECD certification and fees.

(a) Applicant desiring plantings to be eligible for OECD certification must submit applications and fees as required for certification of that crop under Washington state's certification standards. Certification requirements and procedures for each species shall be the genetic standards in Washington state's certification program supplemented by OECD standards and by the limitations specified by originating country; such as, length of stand and number of seed crops eligible. All OECD seed shall be officially sampled and tested prior to tagging. Seed lots may not be required to meet Washington's minimum purity or germination certified seed standards.

(b) Washington OECD eligible lots may, with approval of both agencies involved, be blended with OECD eligible seed of other state agencies. The applicant is responsible for all fees of both agencies involved.

(c) Seed produced out-of-state and processed in Washington must be OECD tagged by the state of origin.

(7) OECD tagging and sealing. OECD tags shall be printed and issued according to OECD rules. The department seed program shall issue an OECD reference number; e.g. (USA-W-78-000), which is printed on each tag. The department recommends that OECD reference numbers be stenciled on each bag. Additional statements on the OECD tag such as, "date of sealing," etc. must be kept to a minimum.

(8) Bagging sample of OECD lot. A bagging sample of each lot of OECD seed tagged is drawn under supervision of the certifying agency. One hundred to two hundred fifty grams of the sample must be held for the originating country, and the balance of the sample is used for required post control grow-out tests.

(9) OECD certificate. The seed program shall issue an OECD certificate showing:

- (a) Species,
- (b) Variety,
- (c) Reference number,
- (d) Date of sealing,
- (e) Number of containers,
- (f) Weight of lot, class of seed, and

(g) OECD reference number of seed stock used for each lot tagged and sealed upon receipt of tagging report and bagging sample.

One copy of the OECD certificate is to be mailed to the shipper, one copy is mailed to ARS-USDA, one copy is attached to bagging sample and one copy is for department seed program files.

(10) OECD grow-out tests. As prescribed by OECD rules, at least one of four domestic lots tagged and all lots of foreign varieties OECD tagged must be planted in grow-out tests.

(11) Special OECD fees. In addition to fees required by applicable Washington certification rules, an additional fee shall apply to all seed tagged OECD. Refer to chapter 16-303 WAC for the appropriate fee.

All fees are payable by the person requesting OECD certificate.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-215, filed 12/4/00, effective 1/4/01.]

PART 5 - SPECIFIC SEED CERTIFICATION STANDARDS

Alfalfa Seed Certification Standards

WAC 16-302-220 What are the standards for alfalfa seed certification. (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-225 through 16-302-240 constitute the standards for alfalfa seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-220, filed 12/4/00, effective 1/4/01.]

WAC 16-302-225 Land requirements for alfalfa seed certification. Land requirements for the production of alfalfa seed crop are as follows:

(1) Prior to stand establishment an alfalfa seed crop of the same kind must not have been grown or planted on the land for four years for the production of foundation or registered class or one year for the production of certified class; except two years must elapse between the destruction of dissimilar varieties, which are varieties that differ by more than four or more points on a dormancy rating scale as reported by the National Alfalfa Variety Review board.

(2) Reseeding of an alfalfa seed field due to failure or partial failure of the first seeding may be done by referring to the guidelines in WAC 16-302-045(5).

(3) Ditchbanks, roadways, etc. adjacent to a certified alfalfa seed field must be free of volunteer alfalfa and prohibited noxious weeds.

(4) Volunteer alfalfa plants in the alfalfa seed field may be cause for rejection or reclassification of a seed field.

(5) No manure or other contaminating materials may be applied during the establishment and production period of the alfalfa seed stand.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 06-15-138, § 16-302-225, filed 7/19/06, effective 8/19/06. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-225, filed 12/4/00, effective 1/4/01.]

WAC 16-302-230 Isolation requirements for alfalfa seed certification. Isolation requirements for the production of alfalfa seed crop are as follows:

(1) Alfalfa seed crop for certification must be isolated from all other alfalfa varieties or fields of the same variety not meeting varietal purity requirements for certification as follows:

	Fields less than five acres	Fields five acres or more
Foundation	900 feet	600 feet
Registered	450 feet	300 feet
Certified	165 feet	165 feet

(2) Isolation between different classes (generations) of the same variety of alfalfa seed crop must be as follows:

Class Being Produced	Distance required from fields planted with:	Fields less than five acres	Fields five acres or more
Foundation	Foundation or Registered	225 feet	150 feet
Registered	Registered or Certified	115 feet	75 feet
Certified	Certified	75 feet	45 feet

(3) In cases where an adjoining field is planted with a different variety of alfalfa, or alfalfa of a lower class, isolation may be obtained by measuring off the required strip in the certified seed crop field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire alfalfa seed field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower must harvest and deliver to a department approved conditioning plant the seed from the certified portion of the field separately from the seed from isolation strip. After the seed is weighed and lotted in, the weight of the seed from the isolation strip is to be reported to the seed program. At this time the seed program records will indicate the field has passed certification.

(4) Isolation is not required in an alfalfa seed field producing certified class seed when the isolation zone is less than ten percent of the entire field being certified if there is a clear ten-foot line of demarcation between adjacent varieties. The isolation zone is the area calculated by the length of the common border with other varieties by average width of the certified field falling within the one hundred sixty-five-foot isolation distance requirement.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-230, filed 12/4/00, effective 1/4/01.]

WAC 16-302-235 Field tolerances for alfalfa seed certification. Field tolerances for the production of alfalfa seed are as follows:

	Field Producing*		
	Foundation	Registered	Certified
Other varieties	0.1%	0.5%	1.0%
Sweet Clover	none found	5 plants/acre	10 plants/acre
Red Clover	none found	4 plants/acre	20 plants/acre

*Prohibited noxious weeds must be controlled to prevent seed formation.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-235, filed 12/4/00, effective 1/4/01.]

WAC 16-302-240 Seed standards for alfalfa seed certification. (1) Seed standards for the production of alfalfa seed are as follows:

Purity	Foundation	Registered	Blue Tag Certified
Pure seed (minimum)	99.00%	99.00%	99.00%
Other crops (maximum)	.10%	.10%	.25%
Sweet clover (maximum)	none found	none found	90 per lb.
Inert matter (maximum)	1.00%	1.00%	1.00%
Weed seed (maximum)	.10%	.20%	.25%

Purity	Foundation	Registered	Blue Tag Certified
Objectionable weed seeds (maximum)	none found	none found	18 per lb.
Germination (Min. total of germination and hard seed)	80.00%	85.00%	85.00%
or Tetrazolium (Min. total of Tetrazolium and hard seed)	82.00%	87.00%	87.00%

(2) Alfalfa seed must be free of prohibited noxious weed seeds and foundation class must be free of Brassica spp.

(3) One pound of seed will be examined for the presence of dodder.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-240, filed 12/4/00, effective 1/4/01.]

Bean Seed Certification Standards

WAC 16-302-245 What are the standards for bean seed certification. (1) The general seed certification standards and definitions in this chapter are basic and together with WAC 16-302-250 through 16-302-270 constitute the standards for bean seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

(3) Prior to the planting of bean seed stock, the seed must be in compliance with the quarantine requirements found in chapter 16-301 WAC in order to be eligible for certification. Any seedling application submitted without proof of quarantine compliance will not be accepted into the certification program. Any seed field planted in violation of chapter 16-301 WAC will be subject to the procedures in WAC 16-301-435, 16-301-440, and 16-301-485.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-245, filed 12/4/00, effective 1/4/01.]

WAC 16-302-250 Definitions. For the purposes of WAC 16-302-245 through 16-302-270, the following definitions shall apply in addition to the definitions found in chapter 16-301 WAC:

"Adzuki bean" means *Vigna angularis*.

"Dominant I-gene cultivar" means a cultivar that has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

"Diseases" means those viral, fungal, and bacterial diseases of beans enumerated in WAC 16-301-380 and any new variations or strains of these identified in the future.

"Recessive I-gene cultivar" means a cultivar that may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.

"Seed-borne viral diseases" includes bean common mosaic virus, adzuki common mosaic virus, and other similar viral diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-302-250, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-250, filed 12/4/00, effective 1/4/01.]

WAC 16-302-255 Land requirements for bean seed certification. Land requirements for the production of bean seed are as follows:

(1) A field to be eligible for the production of certified class must not have been planted to beans of a different variety the preceding one year.

A field to be eligible for the production of foundation or registered classes must not have been planted to beans for the previous three years unless those beans were of the same variety of equal or higher class. The fields must be free of bacterial diseases during the previous two years of planting.

(2) A bean field is not eligible for production of certified seed for more than two consecutive years.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 03-18-072, § 16-302-255, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-255, filed 12/4/00, effective 1/4/01.]

WAC 16-302-260 Field tolerances and requirements for bean seed certification. (1) Field tolerances and requirements for the production of a bean seed crop are as follows:

	Foundation	Field Producing Registered	Certified
Other varieties or off-type plants	none found	0.1%	0.2%
Other crops*	none found	0.1%	0.1%
Total seed-borne diseases**	none found	none found	none found

* Except as noted in subsection (6) of this section.
 ** Except as noted in subsection (7) of this section.

(2) Snap and kidney beans must be isolated by 1320 feet from known bacterial blight.

(3) The following requirements apply to bean seed certification:

(a) Pintos, red mexicans, pinks, great northern, small whites, navy beans, and black turtle beans may be grown for an unlimited number of generations under rill or sprinkler irrigation.

(b) Kidney beans, cranberry types, Taylor horticultural types, and Borlotto types may be grown for an unlimited number of generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. The fourth and unlimited subsequent generations may be grown and inspected with the same alternation of irrigation types.

(4) Bean fields must be rogued of weeds, off-type plants, volunteer plants, and plants showing symptoms of seed-borne diseases. Excessive nightshade shall be a cause for rejection.

(5) For a bean field to be eligible for certification it must be clean and have boundaries that are clearly defined and a minimum of 36" which is adequate to prevent mechanical contamination.

(6) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of a bean field.

(7) Bean fields, including those planted with a dominant I-gene cultivar, are allowed the following levels of bean seed-borne virus diseases in the field: For foundation class, none found; for registered class 0.5%, and for certified class 1.0%.

(2009 Ed.)

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-302-260, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-260, filed 12/4/00, effective 1/4/01.]

WAC 16-302-265 Seed field inspection requirements for bean seed certification. Seed field inspection requirements for the production of bean seed are as follows:

(1) When factors affecting certification are most evident. The second inspection, when required, shall be a windrow inspection.

(2) A serology or a grow out test to verify presence of seed-borne diseases in beans may be required if the applicant, or the certifying agency deems it necessary as allowed under WAC 16-301-480(1).

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-265, filed 12/4/00, effective 1/4/01.]

WAC 16-302-270 Seed standards for bean seed certification. Seed standards for the production of bean seed are as follows:

(1)

Purity	Foundation	Registered	Certified
Pure seed (Min.)	98%	98%	98%
Other crops & varieties (Max.)	none found	none found	2/100 lbs.
Badly damaged seed (Max.)		2%	2%
Inert matter (Max.)		2%	2%
Splits (Max.)		2%	2%
Weed seed (Max.)		none found	none found
Germination (Min.)		85%	85%

(2) Total inert matter, splits, and badly damaged bean seed shall not exceed 2% except for foundation class.

(3) Laboratory test reports state the percent of discolored beans for information only.

(4) Rough handling of bean seed in the combine or cleaning plant reduces germination materially. Precautions must be taken against such treatment and the seed safeguarded against high drops.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-270, filed 12/4/00, effective 1/4/01.]

Corn Seed Certification Standards

WAC 16-302-275 What are the standards for corn seed certification. (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-280 through 16-302-315 constitute the standards for corn seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-275, filed 12/4/00, effective 1/4/01.]

WAC 16-302-280 Eligibility for corn seed certification. Eligibility for corn seed certification is as follows:

(1) Foundation corn inbred lines:

(a) For the purposes of corn seed certification, the propagation of male sterile inbred lines is subject to the same

requirements and rules as apply to foundation single crosses in subsection (2) of this section.

(b) An inbred line must be a relatively true breeding strain of corn resulting from at least five successive generations of controlled self-fertilization; or at least five generations of back-crossing to a recurrent parent with selection; or its equivalent.

(c) Inbred lines increased by hand pollination are eligible for corn seed certification.

(d) An inbred used as a pollinator in a foundation single cross production corn field may be certified if all the seed parents in the isolated corn field are inspected for certification and meet all field requirements for certification.

(e) Addition of specific genetic factors to a line of corn.

(i) When a specific genetic factor(s) is added to an inbred line, the line must be backcrossed to its recurrent parent at least five generations. The line shall be homozygous for the specific genetic factor(s) except for the pollen restoration factor(s), and the genic male sterile maintainer line.

(ii) For a recovered pollen restorer inbred line, selection must be relative to a specific cytoplasmic male sterile source.

(iii) The originator must supply proof of the genetic nature of a recovered line.

(iv) A genic male sterile maintainer line, consisting of duplicate-deficient and male-steriles in an approximate one to one ratio must be no more than two generations removed from breeder's seed. The maintainer must be designated according to generation as:

(A) Breeder seed: The hand pollinated selfed seed from a known duplicate-deficient plant heterozygous at a particular male sterile locus.

(B) Foundation I seed: The product of random-mating among fertile plants arising from breeder seed.

(C) Foundation II seed: The product of random-mating among fertile plants arising from foundation I seed.

(v) A genic male sterile line must be a strain homozygous for a particular male sterile recessive allele.

(vi) The genic male sterile lines shall be identified as to the recessive genes they carry, e.g., B37 ms-1, N26 ms-10. The maintainer lines must be identified not only for the male sterile gene for which it is heterozygous, but also for the specific translocation from which it was derived, e.g., B37 Mt-1 ms-1, N28 Mt-1 ms-10.

(2) Foundation corn single crosses:

(a) Foundation single cross. A foundation single cross must consist of the first generation of a cross between: Two inbred lines; an inbred line and a foundation back cross; or two foundation back crosses.

(b) Foundation back-crosses:

(i) A first generation foundation back cross must be the first generation cross between a foundation single cross of related inbred lines and an inbred line which must be the same as one of the inbreds in the foundation single cross.

(ii) A second generation foundation back cross must be made by using a first generation back cross as the seed parent and the pollinating parent shall be an inbred line. The inbred line must be the same as the inbred parent used in making the first generation back cross seed parent.

(c) A male sterile line may be substituted for its fertile counterpart as one parent of a foundation single cross if the male sterile line has been backcrossed for not less than five

generations to its fertile counterpart, or the male sterile line is the same in other characteristics as its fertile counterpart.

(d) Male sterile lines propagated by hand pollination will be eligible for certification.

(e) A pollen restoring line may be substituted for its non-restoring counterpart in a foundation single cross if the pollen restoring line is the same in other characteristics as its non-restoring counterpart.

(3) Hybrid corn seed:

(a) Hybrid corn seed is seed to be planted for the production of feed or for use other than seed. It may be any one of the following:

(i) Double cross - the first generation cross between two foundation single crosses.

(ii) Three-way cross - the first generation cross between a foundation single cross as one parent and an inbred line or a foundation back cross as the other parent.

(iii) Single cross must consist of the first generation of a cross between: Two inbred lines; an inbred line and a foundation back cross; or of two foundation back crosses.

(b) Foundation single cross seed and foundation back cross seed planted for the production of double cross, single cross, or three-way cross hybrid corn seed must be completely certified by a recognized seed certifying agency.

(c) Inbred line seed planted for the production of single cross or three-way cross hybrid corn seed to be used for grain or forage production must meet the requirements for the definition of an inbred line (as provided for in subsection (1)(b) of this section) and be certified.

(d) Only the class "certified" is recognized.

(4) Inbred seed and the seed of each parent for single crosses must meet one of the following requirements:

(a) Be in the hands of the originator;

(b) Be a line obtained directly from the originator;

(c) Be a line obtained from a state agricultural experiment station;

(d) Be a line obtained from the United States Department of Agriculture; or

(e) Be certified. Evidence of eligibility must be a certification tag taken from the seed planted.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-280, filed 12/4/00, effective 1/4/01.]

WAC 16-302-285 Field inspection for corn seed certification. A representative of the certifying agency makes a minimum of three field inspections during the pollinating period for certification of corn seed. When the previous crop was corn, at least one additional inspection is made to verify that the field is sufficiently free of volunteer plants from the previous crop. Field inspections may be made without giving prior notice to the grower.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-285, filed 12/4/00, effective 1/4/01.]

WAC 16-302-290 Field standards for corn seed certification. Except for hybrid corn field standards for corn seed certification are:

(1) Corn seed isolation requirements are:

(a) An inbred must be so located that it is not less than 660 feet from other corn except when the inbred is grown as a pollinator in a single cross production field. Any ear parent(s) in the same isolated field must be entered for certification, inspected, and meet all field requirements for certification.

(b) A specific foundation single cross must be located so the seed parent is not less than six hundred and sixty feet from other corn for pollinator rows and other seed parent(s) in the same isolated field. All seed parent(s) in the same isolated field must be applied for certification, inspected, and meet all field requirements for certification.

(c) Differential maturity dates are permitted for modifying isolation distances for inbred lines or male sterile inbred line increases if there are no receptive silks in the ear or seed parent at the same time pollen is being shed in the contaminating field.

(d) Foundation inbred or single cross production fields of dent sterile popcorn need not be isolated from yellow dent field corn.

(e) Corrections for improper isolation must be made by one of the following methods:

(i) By completely destroying or by detasseling the necessary contaminating corn before silks appear in the ear or seed parent in the field to be certified; or

(ii) By completely destroying the plants which are improperly isolated from the contaminating corn before the final field inspection.

(2) For corn single crosses, nine feet is the maximum distance a seed parent row must be from a pollen parent row.

(3) For corn single crosses, the minimum population of pollen shedding plants per acre is two thousand. Ineffective pollen parent plants must not be counted.

(4) Corn single cross fields being inspected for certification must contain not less than four hundred pollen plants per acre that are actively shedding pollen when more than twenty-five percent of the seed parent silks are apparently receptive.

(5) Corn single cross detasseling or pollen control. More than five percent of the seed parent must have apparently receptive silks for the following provisions to apply. Apparently receptive silks are emerged silks which are not wilted or brown.

(a) An isolation of a specific foundation single cross is not accepted for certification if at one inspection more than one-half percent of the stalks of the seed parent have shed pollen, or if the total number having shed pollen on any three days of inspection exceeds one percent.

(b) Cytoplasmic male sterile seed parent plants; detasseling (cutting or pulling) to control plant pollen is permitted.

(6) Corn field roguing:

(a) Definitely off-type plants must be destroyed completely so that suckers do not develop. Plants showing definite hybrid vigor or a definitely different type from the inbred or parent being inspected are classified as definitely off-type.

(b) For inbred lines, an isolation in which more than one-tenth of one percent (one per one thousand) of definitely off-type plants have shed pollen, when at the same time more than five percent of the plants have apparently receptive silks, is not certified.

(c) For single crosses, an isolation in which more than one-tenth of one percent of definitely off-type plants are present in the seed parent, when the silks have turned brown, is not eligible for certification.

(d) Sucker tassels and portions of tassels of off-type plants is counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two has the anthers extended from the glumes.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-290, filed 12/4/00, effective 1/4/01.]

WAC 16-302-295 Field standards for hybrid corn seed certification. Field standards for hybrid corn seed certification are:

(1) Hybrid corn seed isolation:

(a) A specific hybrid must be located so that the seed parent is not less than six hundred and sixty feet from corn of a different color or texture with the following exceptions:

(i) Hybrid seed production fields of dent sterile popcorn need not be isolated from yellow dent field corn; or

(ii) When the contaminating corn is of a different color or texture aggregating less than one-fourth acre on one exposure, the isolation distance may be modified in accordance with the table listed in this section.

(2) A specific hybrid corn must be located so that the seed parent is not less than four hundred and fifteen feet from other corn of the same color or texture. The planting of pollen parent border rows and the size of the crossing field according to the following table may modify this distance.

Field Size* = 1-20 Acres		Field Size* = 21 Acres or more	
Distance from other corn in feet	Minimum border rows required	Distance from other corn in feet	Minimum border rows required
415	0	415	0
395	1	375	1
375	2	330	2
355	3	290	3
330	4	250	4
310	5	210	5
290	6	165	6
270	7	125	7
250	8	85	8
230	9	45	9
210	10	less than 45	10
185	11		
165	12		
145	13		
125	14		
105	15		
85	16		

* Different dates of planting will not divide a field for isolation purposes but may divide the field for detasseling inspection.

(a) The border rows and pollen parent rows must be planted with certified first generation seedstock, must be shedding pollen simultaneously with silk emergence of the seed parent and must not be separated from the seed parent by more than thirty-three feet.

(b) A field planted with the same eligible pollen parent may be used as an isolation buffer if it is applied for certification, inspected and meets field requirements for certification.

(c) Full credit is not given where poor stands of border corn exist, where the border rows have been detasseled, or where, for any reason, the border rows are not shedding pol-

len as plentifully as the pollen parent rows. Because of the difficulty of obtaining and maintaining a good stand of corn, the planting of more than the minimum number of border rows is recommended.

(d) The maximum distance a seed parent row shall be from a pollen parent row is fifteen feet.

(3) Corrections for improper isolation of hybrid corn must be made by one of the following methods:

(a) By completely destroying or by detasseling the necessary contaminating corn before silks appear in the seed parent in the field to be certified; or

(b) By completely destroying the seed producing plants that are improperly isolated from contaminating corn before the final field inspection.

(4) Hybrid corn detasseling or pollen control. More than five percent of the stalks of the seed parent must have apparently receptive silks for the following provisions to apply. Apparently receptive silks are emerged silks which are not wilted or brown.

(a) An isolation is not accepted for certification if upon inspection by the certifying agency more than one percent of the stalks of the seed parent have shed pollen, or if the total number having shed pollen on any three days of inspection exceeds two percent.

(b) When more than one combination of hybrid corn is grown in the same isolation and the seed parent of one or more is shedding pollen in excess of one percent, all seed parents having five percent or more apparently receptive silks at the time is disqualified for certification unless adequately isolated from the shedding seed parent.

(c) Sucker tassels and portion of tassels are counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two have the anthers extended from the glumes.

(5) A male sterile seed parent may be used to produce certified hybrid corn seed by either of two methods:

(a) Seed of the normal fertile seed parent is mixed with the seed of the male sterile seed parent of the same pedigree either by blending in the field at harvest or by size at conditioning time. The ratio of male sterile seed parent seed to normal seed parent seed does not exceed two to one.

(b) The male parent involves a certified pollen restoring line or lines so that not less than one-third of the plants grown from the hybrid corn seed produce pollen that appears to be normal in quantity and viability.

(6) Hybrid corn roguing:

(a) Definitely off-type plants in a parent line planted for the production of single cross or three-way cross hybrid corn seed to be used for grain or forage production must be completely destroyed so that suckers do not develop.

(b) Plants showing definite hybrid vigor or a definitely different type from the parent being inspected must be classified as definitely off-type.

(c) An isolation in which more than two-tenths of one percent of definitely off-type plants in the parent or parents have shed pollen, at a time when more than five percent of the seed parent plants have apparently receptive silks, is disqualified for certification.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-295, filed 12/4/00, effective 1/4/01.]

WAC 16-302-300 Seed inspection for foundation corn single crosses and inbred lines certification. The following applies for certification of corn single crosses and inbred lines: When excessive off-type or different textured kernels are observed at the time of ear inspection by the certifying agency and the off-type kernels are detectable in the shelled seed, the seed certification applicant may have the option of shelling the ears to attempt to remove the kernels by mechanical or other means. The sampled seed after conditioning must not contain in excess of three-tenths of one percent of the off-type kernels.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-300, filed 12/4/00, effective 1/4/01.]

WAC 16-302-310 Seed inspection and standards for hybrid corn seed certification. Seed inspection and standards for hybrid corn seed certification are as follows:

	Standard Certified Class
(1) Genetic Factor	
Other varieties and off-types (maximum)	0.5%
Off-textured kernels in opaque 2, flowery 2 and waxy (maximum)	1.0%
(2) Quality Factors	Standards
Pure seed (minimum)	98.0%
Total other crops - including other varieties (maximum)	0.5%
Total weed seed (maximum)	None found
Total inert matter (maximum)	2.0%
Germination (minimum)	90.0%
Moisture (maximum)	14.0%

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-310, filed 12/4/00, effective 1/4/01.]

WAC 16-302-315 Ear inspection and winter growouts for certification of foundation corn single crosses and inbred lines. Ear inspection and winter growouts for certification of foundation corn single crosses and inbred lines are:

(1) Foundation single crosses and inbred lines is either inspected in the ear or included in a winter growout.

(2) Foundation corn single crosses and inbred lines for ear inspection are inspected by the certifying agency after the applicant for seed certification indicates the seed is sorted and ready for inspection.

(3) A corn seed lot must not contain in excess of one-tenth of one percent of definitely off-type ears, or more than five-tenths of one percent of ears with off-colored or different textured kernels which would not exceed a total of twenty-five off-colored seeds, or different textured kernels per one thousand ears.

(4) Winter growouts for foundation corn single crosses and inbred lines:

(a) When differential maturity dates or detasseling within the required isolation distance are permitted for modifying isolation distances for corn foundation male sterile

inbred line increases or foundation inbred lines, winter growouts are required in addition to other standards.

(b) The applicant may choose to have a winter growout in lieu of ear inspection.

(c) Seed shelled before ear inspection must be included in a winter growout.

(d) Standards for winter growouts are:

(i) Percentage of off-types allowed must not exceed one percent.

(ii) Growouts are made on one round and/or flat separation, or on individual grade sizes.

(iii) The inspection fee for winter growouts are charged to the applicant for seed certification at actual cost.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-315, filed 12/4/00, effective 1/4/01.]

Grass Seed Certification Standards

WAC 16-302-320 What are the standards for grass seed certification? (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-325 through 16-302-360 constitute the standards for grass seed certification.

(2) Each lot of seed stock subject to the annual bluegrass and rough bluegrass quarantine as established in chapter 16-301 WAC must be in compliance with the quarantine requirements prior to planting in order to be eligible for certification. Any seedling application submitted without proof of quarantine compliance will not be accepted into the certification program. Any seed field planted in violation of chapter 16-301 WAC will be subject to the violation procedures under WAC 16-301-295 and 16-301-355.

(3) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-320, filed 12/4/00, effective 1/4/01.]

WAC 16-302-325 Land requirements for grass seed certification. (1) Land requirements for production of grass seed are as follows:

(a) A grass field planted with breeder seed for the production of foundation seed must not have been seeded to the same species, subspecies, variety, or strain of grass during the preceding five years of planting. The field must be planted in spaced rows. The five-year eligibility may be waived to three years with the use of fumigants and other short-term soil sterilization chemicals with prior approval of the certifying agency.

(b) A grass field planted with foundation seed for the production of registered seed must not have been seeded to the same species, subspecies, variety, or strain of grass during the preceding three years.

(c) A grass field planted with foundation, registered, or certified seed for the production of certified seed must not have been seeded to the same species, subspecies, variety or strain of grass during the preceding year from planting unless the previous planting was of the same variety and eligible to produce foundation, registered or certified seed.

(2009 Ed.)

(d) Reseeding of a grass field because of failure or partial failure of the first seeding may be done by referring to the guidelines in WAC 16-302-045(5).

(e) Grasses of the same kind growing in fencerows and other areas adjacent to the field must be controlled to prevent blooming.

(f) Prohibited noxious weeds in the field, or on ditch-banks, roadways, etc., adjacent to a certified field shall be controlled to prevent seed formation.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-325, filed 12/4/00, effective 1/4/01.]

WAC 16-302-330 Field isolation requirements for grass seed certification. (1) The field isolation requirements for grass seed are as follows:

(a) A seed field eligible for the production of foundation, registered or certified seed must be isolated from any other variety or strain of the same species in accordance with the requirements in the following table:

Symbol for Type of Reproduction	Minimum Isolation Distance Required for Fields Producing:		
	Foundation	Registered	Certified
Strains at least 80%			15 feet clean fallow
Apomictic A	60 feet	30 feet	15 feet clean fallow
Highly Self-Fertile Species—S	60 feet	30 feet	15 feet clean fallow
All cross-pollinated Species—C	900 feet	300 feet	165 feet

(b) A seed field that is eligible for the production of foundation or registered seed must be isolated from different classes of the same variety of cross-pollinated (C) species in accordance with the requirements in the following table:

Class Seed Planted	Class Seed Produced	Distance Required From Nearest Field Producing:	
Breeder	Foundation	Registered	150 feet
Breeder	Foundation	Certified	225 feet
Foundation	Registered	Certified	75 feet

(c) Isolation is not required in fields producing certified class seed when the isolation zone is less than ten percent of the entire field being certified if there is a clear (ten feet) line of demarcation between adjacent varieties. The isolation zone is the area calculated by the length of the common border with other varieties by average width of the certified field falling within the one hundred sixty-five feet isolation distance requirement.

(d) A field eligible for the production of foundation, registered or certified seed must be isolated from classes of the same variety of apomictic (A) and self-fertile (S) species in accordance with the following requirements:

(i) A field producing foundation or registered seed must be a minimum of fifteen feet from a field planted with a different class of the same variety.

(ii) A field producing certified seed must be a minimum of five feet from a field planted with a different class of the same variety.

(e) If it is not possible to provide minimum isolation distances for fields producing foundation, registered or certified seed exceeding five acres in area, border removal is permitted. Border removal requires removal of the portion of the

field being certified that is adjacent to a contamination source. The following requirements apply if the grower uses border removal:

(i) The minimum distances required for border removal are as follows:

Minimum Isolation Distance Required for Fields Producing:

Border to be removed from the field being certified	Foundation	Registered	Certified
0 feet	900 ft.	300 ft.	165 ft.
15 feet	450 ft.	150 ft.	75 ft.

(ii) The grower must apply for seed certification of the entire field and clearly stake off the border removal portion before inspection of the field by the certifying agency.

(f) The border removal portion of the field may be harvested for uncertified seed under the following conditions:

(i) The entire field must pass all certification requirements except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(ii) The grower must harvest and deliver to a department approved conditioning plant the seed from the certified portion of the field separately from the seed from the isolation

strip. After the seed is weighed and logged in, the weight of the seed from the isolation strip is to be reported to the seed program. At this time the seed program records will indicate the field has passed certification.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-302-330, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-330, filed 12/4/00, effective 1/4/01.]

WAC 16-302-335 Field inspection tolerances for grass seed certification. (1) Field tolerances for the production of foundation, registered or certified grass seed are as follows:

Maximum other varieties permitted in fields producing:

Foundation:	0%
Registered:	0.5%
Certified:	2%

(2) Prohibited noxious weeds must be controlled to prevent seed formation.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-335, filed 12/4/00, effective 1/4/01.]

WAC 16-302-385 Grass seed standards for certification. The seed standards for grass shall be as follows:

SEED STANDARDS

CROP AND TYPE OF REPRODUCTION AS PER WAC 16-302-330	MINIMUM % GERM (d)(n)		MINIMUM % PURE		MAXIMUM % INERT		MAXIMUM % WEEDS (b)		MAXIMUM % OTHER CROPS		MAXIMUM SEEDS OF OTHER CROP GRASS SPECIES		
	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. (i) REG.	CERT. (a)	FNDT. SEEDS/LB.	REG. SEEDS/LB.	CERT. %
BLUEGRASS													
Big (A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25
Canby (A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25
Kentucky (A)	80	80	97	97	3	3	.05	.3	.1	.5	45 /lb.	454 /lb.	.25
Canada, Upland (A)	80	80	96	92	4	8	.05	.3	.1	.5	45 /lb.	907 /lb.	.25
BROMEGRASS													
Smooth & Meadow (C) (C)	80	85	95	95	5	5	.05	.3 (c)	.1	.5	9 /lb.	91 /lb.	.25
Mountain & Sweet	85	85	95	95	5	5	.3	.3 (c)	.1	1.0	9 /lb.	91 /lb.	.25
DEERTONGUE (C)	50	50	97	95	3	5	.50	.5 (c)	1.0	1.0	1%		
FESCUE													
Tall & Meadow (C)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	18 /lb.	91 /lb.	.25
Blue, Hard & Sheep (m) (C)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
Turf Type (o)													
Reclamation/Range Type (C)	80	85	95	92	5	8	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
Chewings Red, Idaho and other Fescue	80	90	95	97	5	3	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
ORCHARDGRASS (C)	80	85	85	90	15	10	.03	.3 (c)	.1	.5	27 /lb.	91/lb.	.25
		80 for	penlate	& latar									
RYEGRASS													
Pennfine (C)	80	85	96 (k)	97 (k)	4	3	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
TIMOTHY	80	85	97	97	3	3	.1	.3	.1	.5	9 /lb.	45 /lb.	.25
WHEATGRASS (n)													
Beardless (C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Bluebunch (C) (C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Intermediate, Tall (C)	80	85	95	95	5	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Pubescent	80	85	95	95	5	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Western, R/S Streambank, (C)													
Thickspike (S)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)(p)	9 /lb.	45 /lb.	.25(p)
Slender (C)	80	85	90	95	10	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Crested & Siberian	80	85	90	95	10	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
INDIAN													
RICEGRASS (S)	80 (j)	80 (j)	95	90	5	10	.3	.5	.5	1.0	9 /lb.	45 /lb.	.25
PUCCINELLIA (n)													
distans (C)	80	80	90	95	5	5	.3	.5	.5	1.0	45 /lb.	454 /lb.	.25

CROP AND TYPE OF REPRODUCTION AS PER WAC 16-302-330		MINIMUM % GERM (d)(n)		MINIMUM % PURE		MAXIMUM % INERT		MAXIMUM % WEEDS (b)		MAXIMUM % OTHER CROPS		MAXIMUM SEEDS OF OTHER CROP GRASS SPECIES		
		FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. (i) REG.	CERT. (a)	FNDT. SEEDS/LB.	REG. SEEDS/LB.	CERT. %
WILD RYE (n)	(C)	80	80	90	90	10	10	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
BENTGRASS	(C)	85	85	98	98	2	2	.3	.4 (f) (g)	.2	.6 (h)			
REDTOP	(C)	80	80	92	92	8	8	.3	.5 (f)	.5	.2			
Ann.														
CANARYGRASS	(C)	85	85	99	99	1	1	.1	.3	1/lb.	3/lb.			-
GREEN (n)	(C)	80	80	80	80	20	20	.1	.3 (c)	.1	.5			
NEEDLEGRASS														
SWITCHGRASS	(C)	60	60	90	90	10	10	.5	1.5	.1	.25			

The following (a) - (o) are notes to the above table.

- (a) Not to exceed .25% other grass species for blue tag seed.
- (b) Grass seed must not contain more than 45/lb. for registered seed 91/lb. for certified seed, singly or collectively, of objectionable weed seeds. (See (f) of this subsection for certified bentgrass and redtop exemption.) Grass seed shall be free of the seed of prohibited noxious weeds.
- (c) A tolerance of 0.5% may be allowed for samples containing weedy bromus spp provided the total of all other weed seeds does not exceed 0.3%.
- (d) A standard tetrazolium (two hundred seed) test may be used in lieu of germination test. NOTE: State and federal seed laws require seed be labeled on a germination test.
- (e) A tolerance of 0.8% may be allowed in registered and certified wheatgrass containing small grain seed provided the total of all other crop seed does not exceed 0.1% for registered class and 0.5% for certified class.
- (f) Certified seed must not contain over 907 seeds per pound, singly or collectively, of the following weeds: Plantago spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.
- (g) A maximum of .50% weed seed may be allowed in certified bentgrass containing silver hairgrass provided the total of all other weed seed does not exceed .40%.
- (h) 1.50% other fine bentgrasses and .50% redtop may be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.
- (i) A crop exam is required for all registered and foundation class grass seeds.
- (j) Or 70% by Tz test.
- (k) Maximum other ryegrass allowed as determined by fluorescence test: Foundation 0.1%, registered 1%, certified 2% for annual and 3% for perennial containing a minimum of 97% total ryegrass. Acceptable fluorescence levels for specific varieties available upon request.
- (l) 85% minimum germination allowed on ryegrass varieties as designated by the breeder or variety owner. See list maintained by the seed program.
- (m) An ammonia test is required on hard, blue and sheep fescue to determine presence of other Fescue sp. Other fine-leaved fescue found in the ammonia test will be included with other crop not other grass species.
- (n) Total viability as allowed in WAC 16-302-170 can be substituted for germination percentage.
- (o) Turf type fescues 97% pure seed. Range/reclamation types 92% pure seed. Varietal designation of turf or range/reclamation types are to be made by the breeder or variety owner. If no designation is made, the variety will be considered a turf type.
- (p) 10% slender wheatgrass is allowed in the certified class of Crinitana, provided that the total of all other grass spp. does not exceed .25% and total other crop, including all other grass spp. does not exceed .50%.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 06-15-139, § 16-302-385, filed 7/19/06, effective 8/19/06. Statutory Authority: RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 04-08-044, § 16-302-385, filed 3/31/04, effective 5/1/04. Statutory Authority: Chapters 15.49 and 34.05 RCW. 03-18-072, § 16-302-385, filed 8/29/03, effective 9/29/03; 02-12-060, § 16-302-385, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-385, filed 12/4/00, effective 1/4/01.]

WAC 16-302-390 Inspection and final grass seed certification fees—Options. Inspection and final grass seed certification fees are based on the following options:

(2009 Ed.)

(a) **Option A** - certification is based on pounds of seed sampled, and billed at completion of required laboratory tests, the fees are as listed in WAC 16-303-330 (5)(a):

(b) **Option B** - certification is based on dealers requesting sampling and tagging privileges. Seed dealers must sign a memorandum of agreement with the department that expires on June 30 of each year. The memorandum may be terminated by the director if the dealer violates certification standards or requirements of memorandum. Payment of fees is the responsibility of the conditioner under this program. Upon termination or nonrenewal of the memorandum of agreement, the dealer is responsible for Option A fees on all certified seed not tagged at termination date. A dealer choosing this program must handle all certified grasses in his warehouse under this program for the entire crop year.

Fees are listed in WAC 16-303-330 (5)(b).

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-302-390, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-390, filed 12/4/00, effective 1/4/01.]

Sod Quality Certification

WAC 16-302-395 What are the standards for sod quality seed certification? (1) The general seed certification definitions and standards in this chapter and the grass seed certification standards are basic and together with WAC 16-302-400 through 16-302-410 constitute the standards for sod quality seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-395, filed 12/4/00, effective 1/4/01.]

WAC 16-302-400 Varieties eligible, certification fees, land and isolation requirements and field tolerances. The varieties eligible and certification scheme of each; the certification fees; the land requirements; the isolation requirements; and field tolerances shall be as listed in grass seed certification standards and fees.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-400, filed 12/4/00, effective 1/4/01.]

WAC 16-302-410 Standards for sod quality seed. (1) Except for ryegrass sod quality seed, seed standards for sod quality grass seed are as follows:

Variety	Minimum Purity	Minimum Germination	Maximum* Other Crop	Maximum** Weed
Kentucky Bluegrass	97%	80%	0.1%	.02%
Red Fescue	98%	90%	0.1%	.02%
Chewings Fescue	98%	90%	0.1%	.02%
Tall Fescue	98%	85%	0.1%	.02%

- * Must be free of ryegrass, orchardgrass, timothy, *Agrostis* sp., black medic, *Poa trivialis*, brome, reed canarygrass, tall fescue, clover, and meadow foxtail. Maximum allowable Canada bluegrass .02%. When the base sample is one of these kinds, the species will not be considered a contaminant (i.e., tall fescue in tall fescue).
- ** Must be free of Big, Canby and Sandberg bluegrass, dock, chickweed, crabgrass, plantain, short-awn foxtail, annual bluegrass, velvetgrass, *Vulpia* sp., and noxious weed seeds as listed under WAC 16-302-100 and 16-302-105.

(2) Seed standards for sod quality ryegrass seed are as follows:

Variety	Minimum Purity	Germination****	Other Crop*	Maximum Weed***
Ryegrass**	98%	90%	0.10%	.02%

- * Must be free of black medic, orchardgrass, timothy, *Agrostis* sp., *Poa trivialis*, brome, reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.
- ** Maximum fluorescence levels as determined by breeder or variety owner.
- *** Must be free of Big, Canby and Sandberg bluegrass, dock, chickweed, crabgrass, plantain, annual bluegrass, velvetgrass, *Vulpia* sp., short-awn foxtail, and noxious weed seeds as listed under WAC 16-302-100 and 16-302-105. An additional 0.07% of weedy *Bromus* spp. will be allowed.
- **** 85% minimum germination allowed on ryegrass varieties as designated by the breeder or variety owner. See list maintained by the seed program.

(3) A sod seed analysis certificate is the basis of determining if a lot meets sod quality standards. This certificate is issued by the certifying agency and represents a purity analysis, a twenty-five gram noxious all weed all crop exam and a germination test, except a 50-gram noxious all weed all crop exam is required for fescues and ryegrass.

(4) In addition to a seed certification tag, seed meeting sod quality certified seed standards will be tagged with a special "sod quality seed" tag.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 06-15-137, § 16-302-410, filed 7/19/06, effective 8/19/06. Statutory Authority: Chapters 15.49 and 34.05 RCW. 03-18-072, § 16-302-410, filed 8/29/03, effective 9/29/03; 02-12-060, § 16-302-410, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-410, filed 12/4/00, effective 1/4/01.]

Sudangrass Certification Standards

WAC 16-302-415 What are the standards for sudangrass certification? (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-420 through 16-302-435 constitute the standards for sudangrass seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-415, filed 12/4/00, effective 1/4/01.]

WAC 16-302-420 Land requirements for sudangrass seed certification. The land requirements for the production sudangrass are as follows:

(1) A field planted for all foundation, registered, and certified classes of sudangrass seed must not have grown or been seeded to sudangrass or sorghum during the preceding two years.

(2) Reseeding of a field, because of failure or partial failure of the first seeding may be done by referring to the guidelines in WAC 16-302-045(5).

(3) Prohibited noxious weeds in the field and on ditchbanks, roadways, etc., adjacent to a certified field shall be controlled to prevent seed formation.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-420, filed 12/4/00, effective 1/4/01.]

WAC 16-302-425 Isolation requirements for sudangrass seed certification. Sudangrass for certification of the foundation, registered, and certified classes must be isolated from all other sudangrass not meeting the same varietal purity requirements for certification or from sorghum by a minimum of nine hundred ninety feet.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-425, filed 12/4/00, effective 1/4/01.]

WAC 16-302-430 Field tolerances for sudangrass certification. Maximum other varieties permitted in field inspection for certification shall be as follows:

- (a) Foundation seed field . . . 1 plant/50,000 plants
- (b) Registered seed field . . . 1 plant/35,000 plants
- (c) Certified seed field 1 plant/20,000 plants

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-430, filed 12/4/00, effective 1/4/01.]

WAC 16-302-435 Sudangrass lot standards for certification. Lot standards for certification of sudangrass are as follows:

Purity	Class		
	Foundation	Registered	Certified
Pure seed (min.)	98.0%	98.0%	98.0%
Inert material (max.)	2.0%*	2.0%*	2.0%*
Other crop (max.)	0.01%	0.03%	0.08%
Weed seed (max.)	0.10%	0.10%	0.10%
Prohibited or restricted noxious weed seeds	none found	none found	none found
Germination (min.)	85.0%	85.0%	85.0%

* Inert matter must not contain more than 0.5% of material other than seed fragments of the variety under consideration.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-302-435, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-435, filed 12/4/00, effective 1/4/01.]

Flax Certification Standards

WAC 16-302-445 What are the standards for flax certification? (1) The general seed certification definitions and standards in this chapter are basic and together with

WAC 16-302-450 through 16-302-455 constitute the standards for flax certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-445, filed 12/4/00, effective 1/4/01.]

WAC 16-302-450 Field standards for flax certification. Isolation must be an adequate distance to prevent mechanical mixture.

Maximum permitted-ratio of heads or plants.		
Foundation	Registered	Certified
1:5000	1:2000	1:1000

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-450, filed 12/4/00, effective 1/4/01.]

WAC 16-302-455 Seed standards for flax certification.

Standards for each class

Factor	Foundation	Registered	Certified
Pure seed (min.)		98%	97%
Inert matter (max.)		2%	3%
Weed seed (max.)*		.1%	.2%
Other crop seed (max.)		.1%	.2%
Germination (min.)		80%	80%

* Flax must be free of prohibited and objectionable noxious weed seed.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-455, filed 12/4/00, effective 1/4/01.]

Woody Plants and Forbes Certification Standards

WAC 16-302-460 What are the standards for woody plants and Forbes certification? (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-465 through 16-302-470 constitute the standards for woody plants and Forbes certification.

WAC 16-302-470 Seed standards for woody plants and Forbes.

SEED STANDARDS

Crop	Germination (min.)				Pure seed (min.)				Weeds* (max.)		Other crop (max.)	
	F/R		C		F/R		C		F/R	C	F/R	C
	F/R	C	F/R	C	F/R	C	F/R	C	F/R	C	F/R	C
Small burnet	80	80	95	95	5	5	.1	.2	.1	.25		
Purple prairie clover	60**	60**	95	95	5	5	.20	.5	.1	.25		

* Must be free prohibited and restricted noxious weed seed.

** Includes total germination and hard seed.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-470, filed 12/4/00, effective 1/4/01.]

Rapeseed Certification Standards

WAC 16-302-475 What are the standards for rapeseed certification? (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-480 through 16-302-490 constitute the standards for rapeseed certification.

(2009 Ed.)

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-460, filed 12/4/00, effective 1/4/01.]

WAC 16-302-465 Land requirements and field standards for woody plants and Forbes. (1) The life of a stand shall be unlimited as long as seventy-five percent of the plants present in the stand are those that were planted originally.

(2) To be eligible for the production of certified class of seed, a field must not have grown or been seeded to the same species during the previous four years for foundation, three years for registered, and two years for certified.

(3) A seed field inspection must be made the year of establishment and at least once each year that seed is to be harvested. This inspection will be made at a time when plant development allows for the detection of factors such as off-type varieties and weed contamination.

(4) Isolation for seed production the minimum distance from a different variety or wild hybridizing populations are as follows:

	Minimum of isolation-feet:	
	Fields of 2 acres or less	Fields of more than 2 acres
Foundation & registered	400	200
Certified	200	100

Volunteer plants may be cause for rejection or reclassification of a seed field.

(5) Specific field tolerances:

Factor	Maximum ratio of heads or plants		
	Foundation	Registered	Certified
Other varieties & off type	1/1000	1/500	1/250
Other kinds	1/2000	1/1000	1/500
(Inseparable other species)			
Prohibited noxious weeds	None found	None found	None found

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-465, filed 12/4/00, effective 1/4/01.]

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-475, filed 12/4/00, effective 1/4/01.]

WAC 16-302-480 Field standards for rapeseed certification. Field standards for the production of rapeseed are as follows:

- (1) A portion of a rapeseed field may be certified if the area to be certified is clearly defined.
- (2) A field producing foundation, registered or certified rapeseed, also known as Canola (*Brassica napus*), must be the minimum specified isolation distance from fields of any other variety of *Brassica napus*, from fields of the same variety that do not meet the varietal purity requirements for certification, as well as from fields of *Brassica rapa*, *Brassica oleracea*, and *Brassica juncea* as indicated in the following table:

Class	Fields of Cross Pollinated Varieties Including Hybrids		Fields of Self Pollinated Varieties
Foundation	1 mile	660 feet	
Registered	1 mile	660 feet	
Certified	1 mile	330 feet	
Different class of same variety	165 feet	165 feet	

These isolation distances are minimum and must be met in all cases.

- (3) Volunteer plants may be cause for rejection or reclassification of a rapeseed field.
- (4) Specific standards for rapeseed are:

Factor	Maximum permitted in each class		
	Foundation	Registered	Certified
Other varieties*	None found ¹	None found ¹	1.00%

* Other varieties are considered to include *Brassica rapa*, *Brassica oleracea*, *Brassica juncea*, off-type plants of *Brassica napus* and plants that can be differentiated from the variety being inspected.

¹ None found means none found during the normal inspection procedures. None found is not a guarantee that the field inspected is free of the factor.

- (5) Inspection will be made by the certifying agency when the crop is in the early flowering stage.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 06-15-136, § 16-302-480, filed 7/19/06, effective 8/19/06. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-480, filed 12/4/00, effective 1/4/01.]

WAC 16-302-485 Land requirements for rapeseed certification. (1) Land requirements prior to planting for the production of rapeseed are as follows:

Class Planted	Class Produced	Years Field Shall be Free of Rapeseed
Breeder	Foundation	5
Foundation	Registered	4
Breeder, Foundation, Registered	Certified	3

- (2) For all classes no manure or other contaminating materials shall be applied during the establishment and production period of the rapeseed stand.
- (3) Reseeding of a rapeseed field due to failure or partial failure of the first seeding may be done by referring to the guidelines in WAC 16-302-045(5).
- (4) Ditchbanks, roadways, etc., adjacent to a certified rapeseed field must be free of volunteer rapeseed and prohibited noxious weeds.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-485, filed 12/4/00, effective 1/4/01.]

WAC 16-302-490 Seed standards for rapeseed certification. Seed standards for the production of rapeseed are as follows:

Purity	Foundation	Registered	Certified
Pure seed (Min.)	99.00%	99.00%	99.00%
Other crop and/or varieties (Max.)	9/lb	9/lb	18/lb
Inert matter (Max.)	1.00%	1.00%	1.00%
Weed seed (Max.)	91/lb	91/lb	181/lb
Prohibited noxious weeds (1)	None found	None found	None found
Objectionable weeds (2) (Max.)	5/lb	9/lb	18/lb
Chemical analysis (3)			
Germination (Min.)	85.00%	85.00%	85.00%

Note:

- (1) None found means none found during normal inspection procedures. None found is not a guarantee that the lot is free of noxious weed seeds.
- (2) Objectionable weed seeds are defined as restricted noxious listed in WAC 16-301-050 plus: *Brassica nigra*, *Sinapis arvensis*, *Brassica juncea*, and *Raphanus raphanistrum*.
- (3) Erucic acid content shall be less than 2% and glucosinolate content shall not be greater than thirty micromoles unless other tolerances are described by the plant breeder for each variety.
- (4) Erucic acid and glucosinolate analysis must be conducted on clean seed.
- (5) Erucic acid and glucosinolate analysis must be conducted at a WSDA approved laboratory.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-302-490, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-490, filed 12/4/00, effective 1/4/01.]

Red Clover Seed Certification Standards

WAC 16-302-495 What are the standards for red clover seed certification? (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-500 through 16-302-520 constitute the standards for red clover seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-495, filed 12/4/00, effective 1/4/01.]

WAC 16-302-500 Land requirements for red clover seed certification. Land requirements for the production of red clover seed are as follows:

- (1) A field planted with red clover breeder seed for the production of foundation seed must have grown or been seeded to red clover during the preceding six years of planting, three years of which the land must be cultivated.
- (2) A field to be planted with red clover foundation seed for the production of certified seed must not have grown or been seeded to red clover during the preceding two years. The time interval may be shortened to one year if one cultivated crop or clean fallow has intervened and the new planting is of the same variety and class.

(3) A stand of red clover is not eligible to produce certified seed after two seed crops. The two crops may be produced either in the same or in consecutive years.

(4) Reseeding of a red clover field because of failure or partial failure of the first seeding may be done by referring to the guidelines in WAC 16-302-045(5).

(5) Ditchbanks, roadways, etc., adjacent to a certified red clover field must be free of volunteer red clover and prohibited noxious weeds.

(6) Volunteer plants in the red clover field may be cause for rejection or reclassification of the seed field.

(7) No manure or contaminating material may be applied one year preceding planting, or during the establishment and productive period of the red clover stand.

(8) A stand of red clover over three years old is not eligible for certification.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-500, filed 12/4/00, effective 1/4/01.]

WAC 16-302-510 Isolation requirements for red clover seed certification. Isolation requirements for the production of red clover seed crop are as follows:

(1) Red clover for certification must be isolated from all other red clover varieties or fields of the same variety not meeting varietal purity requirements for certification as follows:

Class Being Produced	Fields less than five acres	Fields five acres or more
Foundation	900 feet	600 feet
Certified	165 feet	165 feet

(2) Isolation between different classes (generations) of the same red clover variety is as follows:

Class Being Produced	Distance Required from Fields Planted with:	Fields less than 5 acres	Fields 5 acres or more
	Foundation or		
Foundation	Certified	225 feet	150 feet
Certified	Certified	75 feet	45 feet

(3) In cases where an adjoining field is planted with a different variety of red clover, or red clover of a lower class, isolation may be obtained by measuring off the required strip in the certified seed field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire red clover field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower must harvest and deliver to a department approved conditioning plant the seed from the certified portion of the field separately from the seed from the isolation strip. After the seed is weighed and lotted in the weight of the seed from the isolation strip is to be reported to the seed program. At this time the seed program records will indicate the field has passed certification.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-510, filed 12/4/00, effective 1/4/01.]

WAC 16-302-515 Field tolerances for red clover seed certification. Field tolerances for the production of red clover seed are as follows:

		Field Producing*	
		Foundation	Certified
Other varieties	(Max.)	0.00%	0.50%
Alfalfa	(Max.)	None found	0.50%
Sweet Clover	(Max.)	None found	20 plants/acre

* Prohibited noxious weeds must be controlled to prevent seed formation.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-515, filed 12/4/00, effective 1/4/01.]

WAC 16-302-520 Seed standards for red clover seed certification. Seed standards for the production of red clover seed are as follows:

(1)

Purity		Foundation	Certified
Pure seed	(Min.)	99.00%	99.00%
Other crops	(Max.)	18 per lb.	0.25%
Inert matter	(Max.)	1.00%	1.00%
Sweet clover	(Max.)	9 per lb.	90 per lb.
Weed seed	(Max.)	0.15%	0.25%
Objectionable weed seeds	(Max.)	none found	90 per lb.

<i>Germination</i> (minimum total germination and hard seeds)		85.00%	85.00%
or <i>Tetrazolium</i> (minimum total tetrazolium and hard seeds)		87.00%	87.00%

(2) Red clover seed must be free of prohibited noxious weed seeds and foundation class must be free of Brassica spp.

(3) One pound of seed will be examined for the presence of dodder.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-520, filed 12/4/00, effective 1/4/01.]

White Clover and Trefoil Seed Certification Standards

WAC 16-302-525 What are the standards for white clover and trefoil seed certification? (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-530 through 16-302-545 constitute the standards for white clover and trefoil seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-525, filed 12/4/00, effective 1/4/01.]

WAC 16-302-530 Land requirements for white clover and trefoil seed certification. Land requirements for the production of white clover and trefoil seed are as follows:

(1) Breeder seed for the production of white clover or trefoil foundation seed must not be planted on land on which the same kind has been previously planted. During the year prior to white clover or trefoil seeding, the land must be in a cultivated crop or fallow and the land must be free from volunteer plants as determined by a field inspection during the season in which the seedling is established.

(2) Foundation seed for the production of registered or certified white clover or trefoil seed must be planted on land on which no other variety or strain of the same kind is grown or planted during the season in which the seedling is established.

(3) Foundation or registered trefoil seed for the production of certified seed shall be planted on land on which no other variety or strain of trefoil is grown or planted during the three years prior to planting.

(4) Reseeding of a white clover or trefoil seed field due to failure or partial failure of the first seeding may be done by referring to the guidelines in WAC 16-302-045(5).

(5) Certification of trefoil shall be limited to stands not exceeding five years of age, except for a variety grown outside its region of adaptation, in which case certification shall be limited to stands not exceeding three years of age.

(6) Foundation or certified producing white clover fields are eligible for certification for only two harvest years following the year of seeding if the seed production the first year is prevented. Foundation fields may be reclassified to the next lower class after being harvested for seed for two years.

(7) Ditchbanks, roadways, etc., adjacent to a certified white clover or trefoil field must be free of volunteer plants of the same kind and prohibited noxious weeds.

(8) Volunteer plants in the white clover or trefoil field may be cause for rejection or reclassification of the seed field.

(9) No manure or other contaminating materials may be applied during the establishment and production period of the white clover or trefoil stand.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-530, filed 12/4/00, effective 1/4/01.]

WAC 16-302-535 Isolation requirements for white clover and trefoil seed certification. Isolation requirements for the production of white clover and trefoil seed crop are as follows:

(1) White clover or trefoil fields for certification must be isolated from all other fields of the same variety not meeting varietal purity requirements for certification as follows:

Class Being Produced	Fields less than five acres	Fields five acres or more
Foundation	900 feet	600 feet
Registered	450 feet	300 feet
Certified	165 feet*	165 feet

*330 feet required for trefoil.

(2) Isolation between different classes (generations) of the same variety of white clover or trefoil is as follows:

Class Being Produced	Distance Required from Fields Planted with:	Fields less than five acres	Fields five acres or more
Foundation	Foundation or Registered	225 feet	150 feet
Registered	Registered or Certified	115 feet	75 feet
Certified	Certified	75 feet	45 feet

(3) In cases where an adjoining field is planted with a different variety, or of a lower class, isolation may be obtained by measuring off the required strip in the certified seed field. This isolation strip may be mowed for hay or it

may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire white clover or trefoil field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation, at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower must harvest and deliver to a department approved conditioning plant the seed from the certified portion of the field separately from the seed from the isolation strip. After the seed is weighed and lotted in the weight of the seed from the isolation strip is to be reported to the seed program. At this time the seed program records will indicate the field has passed certification.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-535, filed 12/4/00, effective 1/4/01.]

WAC 16-302-540 Field tolerances for white clover or trefoil seed certification. Field tolerances for the production of white clover or trefoil seed are as follows:

Factor	Maximum permitted: Ratio of Plant Field Producing*		
	Foundation	Registered	Certified
Other Variety	1:1000	1:400	1:100
Sweet Clover	1:1000	1:400	1:100
Other Inseparable Crops	1:1000	1:400	1:100

* Prohibited noxious weeds must be controlled to prevent seed formation.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-540, filed 12/4/00, effective 1/4/01.]

WAC 16-302-545 Seed standards for white clover and trefoil seed certification. Seed standards for the production of white clover and trefoil seed are as follows:

(1) PART I OF TABLE

		WHITE CLOVER		
		Found.	Reg.	Cert.
Pure Seed	(Min.)	98.0%	99.0%	99.0%
Other Crop	(Max.)	0.1%	0.2%	0.5%
Inert	(Max.)	2.0%	2.0%	1.0%
Weed Seed	(Max.)	0.2%	0.25%	0.3%
Sweet Clover	(Max.)		9/lb	90/lb
Objectionable Weed Seeds	(Max.)	none found	45/lb	90/lb
Germination (Germination + Hard Seed) or Tetrazolium (Minimum total tetrazolium and hard seeds)	(Min.)	85.0%	85.0%	85.0%
				87.0%

PART II OF TABLE

		TREFOIL		
		Found.	Reg.	Cert.
Pure Seed	(Min.)	98.0%	98.0%	99.0%
Other Crop	(Max.)	0.1%	0.25%	0.3%
Inert	(Max.)	2.0%	1.0%	1.0%
Weed Seed	(Max.)	0.1%	0.25%	0.3%
Sweet Clover	(Max.)	None found	9/lb	90/lb
Objectionable Weed Seeds	(Max.)	None found	45/lb	90/lb
Germination (Germination + Hard Seed)	(Min.)	85.0%	85.0%	85.0%

	TREFOIL		
	Found.	Reg.	Cert.
or Tetrazolium (Minimum total tetrazolium and hard seeds)			87.0%

(2) White clover and trefoil seed must be free of prohibited noxious weed seeds and foundation class must be free of Brassica spp.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-545, filed 12/4/00, effective 1/4/01.]

SEED CROPS CERTIFIED BY WSCIA

Buckwheat, Chickpea, Field Pea, Lentil, Millet, Soybean, Sorghum and Small Grains Seed Certification

WAC 16-302-550 Standards for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains seed certification. (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-555 through 16-302-700 constitute the standards for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-550, filed 12/4/00, effective 1/4/01.]

WAC 16-302-555 Labeling and sealing of certified seed of small grains by a grower. The certifying agency may authorize a grower who has his own equipment and conditions his own seed to label and seal certified seed of small grains.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-555, filed 12/4/00, effective 1/4/01.]

WAC 16-302-560 Miscellaneous field and seed inspection standards for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum, small grain seed certification. (1) Field inspection standards for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum, small grain seed entered in the certification program are:

- (a) For field pea and chickpea (garbanzo bean) - when seed crop is in full bloom and at maturity;
- (b) For lentil - when seed crop is in full bloom and at maturity;
- (c) For soybean - when seed crop is in full bloom and/or of mature color;
- (d) For open pollinated sorghum - when seed crop is in full bloom, and optionally again when seed crop begins to show mature color;
- (e) For hybrid sorghum - two inspections during bloom and one inspection after seed begins to show mature color;
- (f) For small grains - when seed crop is fully headed and of mature color;
- (g) For millet - one inspection during bloom and one inspection after seed begins to show mature color; and
- (h) For buckwheat - one inspection when seed crop is in full bloom.

(2009 Ed.)

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

(3) The jointed goatgrass reclamation procedure includes the following:

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

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

(c) Annual inspections of the affected fields are conducted by the certifying agency during the prescribed rehabilitation period at such time that the jointed goatgrass would be most visible.

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

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

(4) Field run lots of seed of the same variety may be commingled to facilitate storage and conditioning.

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

(6) Germination minimum refers to germination when sampled.

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

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

(9) The official laboratory providing seed analysis for the purpose of certification is the department.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-560, filed 12/4/00, effective 1/4/01.]

WAC 16-302-660 Field pea standards for seed certification. (1) The land, isolation, and field standards for field pea seed certification are:

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

CLASS	LAND MINIMUM YEARS	ISOLATION MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	FIELD OTHER CROP MAXIMUM PLANTS/ACRE
Certified	2*	25**	20	None found***

- * Spring peas also require 10 years land history with no production of Austrian pea for all classes.
- ** Reduce to three feet from fields producing a certified class of the same variety. In addition, each field pea field for certification must be isolated by three feet from small grain fields. To prevent mechanical field mixing of swathed field pea seed crop, the planting of small grain between field pea fields, except for the three feet of isolation, is recommended.
- *** For spring peas, no Austrian pea or rye is permitted. For Austrian peas, no rye is permitted.

(2) Seed certification standards for field pea are:

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

- * For spring peas, no Austrian pea or rye is permitted. For Austrian peas, no rye is permitted.
- ** Other tolerance for weed seed:

OBJECTIONABLE WEED SEED MAXIMUM

Registered
Certified

1/lb
2/lb

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-660, filed 12/4/00, effective 1/4/01.]

WAC 16-302-665 Lentil standards for seed certification. (1) Land, isolation, and field standards for lentil seed certification are:

(2) Seed certification standards for lentil are:

OFF-TYPE CLASS	PURE SEED MAXIMUM SEEDS/LB	INERT MINIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	99.00*	1.00*	None found	None found	85.00
Registered	1	99.00*	1.00*	0.05***	0.05***	85.00
Certified	4	99.00*	1.00*	0.10**	0.05***	85.00

- * A total of three percent inert matter is allowed in samples containing decorticated seed provided total of all other inert matter does not exceed one percent.
- ** No vetch is permitted.
- *** Other tolerance for weed seed:

OBJECTIONABLE WEED SEED MAXIMUM

Registered
Certified

1/lb
2/lb

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-665, filed 12/4/00, effective 1/4/01.]

WAC 16-302-670 Soybean standards for seed certification. (1) The land, isolation, and field standards for soybean seed certification are:

CLASS	LAND MINIMUM YEARS	ISOLATION MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	FIELD OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	5	100*	None found	None found
Registered	4	100*	10	10**
Certified	3	25*	20	20**

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

CROP CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	OFF-TYPE MAXIMUM %	OTHER MAXIMUM NO.
Standard				
Foundation	1*	3	.01	—
Registered	1*	3	.10	—
Certified	1*	3	0.20	—

- * Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

(2) Seed standards for soybean certification are:

CLASS	OFF-TYPE	PURE SEED	INERT	OTHER CROP	WEED	GERMINATION
	MAXIMUM %	MINIMUM %	MAXIMUM %	MAXIMUM SEEDS/LB	MAXIMUM SEEDS/LB	MINIMUM %
Foundation	0.10	98.00	2.00	None found	None found	85.00
Registered	0.20	98.00	2.00	None found	1	85.00
Certified	0.20	98.00	2.00	1 per 2 lb.	2	85.00

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-670, filed 12/4/00, effective 1/4/01.]

WAC 16-302-675 Hybrid sorghum standards for seed certification. (1) Land, isolation, and field standards for hybrid sorghum seed certification are:

Class	Field Standards				
	Land Standards Minimum Years (b)	Isolation Standards Minimum Feet	Pollen Shedding By Seed Parent Maximum At Any One Inspection	Other Varieties And/Or Off-Type (a)	
				Definite	Doubtful
Foundation	1	990	1:3,000	1:50,000	1:20,000
Certified	1	660	1:1,500	1:20,000	1:1,000

(2) Seed standards for hybrid sorghum seed certification are:

Class	Off-Type Max. Seeds/lb.	Pure Seed Min. %	Inert Max. %	Other Crop Max. Seeds/lb.	Weed Max. %	Germination Min. %
Foundation	2	98.00	2.00	2	0.10	85
Certified	10	98.00	2.00	10	0.10	85

(**) Pollinator Lines: B = Maintainer, R = Restorer

(a) If off-type plants are found at the time of inspection, all seed heads within a radius of five feet of these plants must be removed from the field before the field is approved.

(b) Hybrid sorghum is not eligible for certification if planted on land that grew sorghum the previous year unless:

(i) The preceding sorghum crop is the same variety and is inspected and approved for the same or higher certification classification; or

(ii) The preceding sorghum crop is a variety which differs substantially in plant growth characteristics from the variety planted. However, grain type sorghum or sweet sorghum is not eligible for certification if planted on land that grew grass type sorghum the previous year.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-675, filed 12/4/00, effective 1/4/01.]

WAC 16-302-680 Open pollinated sorghum standards for seed certification. (1) Land, isolation and field standards for open pollinated sorghum seed certification are:

CLASS	FIELD STANDARDS***			
	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	OFF-TYPE MAXIMUM RATIO	OTHER CROP MAXIMUM NO STANDARD
	Foundation	1*	1,000**	None found
Registered	1*	1,000**	1 head/50,000	—
Certified	1*	1,000**	1 head/20,000	—

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

** Refers to fields of other varieties or same variety which does not meet tolerance of off-types.

*** Other tolerances for field standards:

	JOHNSONGRASS	HEAD SMUT	KERNEL SMUT
	MAXIMUM	MAXIMUM	MAXIMUM
Foundation	None found	None found	None found
Registered	None found	None found	None found
Certified	None found	1 head/10,000	1 head/2,500

(2) Seed standards for open pollinated sorghum seed certification are:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	97.00	3.00**	None found	0.10	80.00
Registered	None found	97.00	3.00**	0.03	0.10	80.00
Certified	0.01*	97.00	3.00**	0.07***	0.10	80.00

* Or two seed per pound.

** Where two percent or more is cracked.

*** Or ten seeds per pound.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-680, filed 12/4/00, effective 1/4/01.]

WAC 16-302-685 Small grains standards for seed certification. (1) Land, isolation, and field standards for small grains (barley, oat, rye, triticale, and wheat) seed certification are:

CLASS	LAND STANDARDS		FIELD STANDARDS		
	MINIMUM YEARS	MINIMUM FEET	ISOLATION STANDARDS	OFF-TYPE MAXIMUM HEAD RATIO	OTHER CROP MAXIMUM HEAD RATIO	WILD OAT MAXIMUM PLANTS/ACRE
Foundation	2*	90 same genus** 3 different genus	None found	None found***	None found
Registered	1*	10 same genus 3 different genus**	1/148,000	1/148,000***	5
Certified	1*	10 same genus 3 different genus**	1/49,000	1/49,000***	5

- * Waived if the previous crop is grown from an equal or higher certified class of seed of the same variety.
- ** Each rye field for certification must be isolated by three feet from fields producing a certified class of the same variety, and by six hundred sixty feet from other rye fields. Each triticale field for certification must be isolated by three feet from fields producing a certified class of the same variety, and by three hundred feet from other triticale, rye and wheat fields for foundation and registered class, and ten feet for certified class, unless otherwise stated by the plant breeder.
- *** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; and no vetch is permitted in barley, oat, rye, triticale, or wheat.

- (*) The combination of other small grain and off-type must not exceed 2/lb for registered class, and 4/lb for certified class. The tolerance for rye or triticale, is none found in barley, oat, or wheat. The tolerance for rye is none found in triticale. The tolerance for triticale is none found in rye.
- (**) Excluding off-type and other small grain. No vetch is allowed in small grain seed
- (***) Excluding wild oat.
- (****) 1/lb for certified class oat.
- (*****) A certification certificate is issued upon receipt of either an official AOSA tetrazolium or germination test which meets minimum Washington viability standards. NOTE: State and federal seed laws require seed be labeled based on a germination test.

(2) Small grains - seed standards:

Class	Foundation	Registered	Certified
Pure seed (min.)	98%	98%	98%
Inert (max.)	2%	2%	2%
off-type(*) (max.)	None found	2/lb	4/lb
Other small grain(*) (max.)	None found	1/lb	2/lb
Other crop(**) (max.)	None found	0.03%	0.05%
Weed seed (max.)	0.01%	0.01%	0.03%
Objectionable weed seed(***) (max.)	None found	None found	1/lb None found
Wild oat (max.)	None found	None found	(****)
Viability(*****) (min.)	85%	85%	85%

Note: For all classes the purity analysis is based on 100 grams examined. For registered and certified classes, noxious weed, vetch, off-type, and other small grain determinations are based on 500 grams examined. For foundation class, noxious weed, vetch, off-type, and other small grain determinations are based on 1000 grams examined.

[Statutory Authority: RCW 15.49.370(3), 15.49.310 and chapter 34.05 RCW. 04-06-018, § 16-302-685, filed 2/23/04, effective 3/25/04. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-302-685, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-685, filed 12/4/00, effective 1/4/01.]

WAC 16-302-690 Chickpea standards for seed certification. Land, isolation, and field standards for chickpea seed certification are:

FIELD STANDARDS

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

- (1) Shall not have been planted to chickpeas for three years for foundation class, and two years for registered and certified class, unless the previous crop is of the same variety and passes certification field standards of the same or higher generation.
- (2) Inseparable other crops.
- (3) Prohibited, restricted, and other weeds difficult to separate must be controlled.
- (4) None found in all classes of nontolerant varieties. Planting seedstock must be treated with Thiabendazole (2-(4-triazoyl) benzimidazole).

FIELD INSPECTION

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

SEED STANDARDS

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

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

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-690, filed 12/4/00, effective 1/4/01.]

WAC 16-302-695 Open pollinated millet standards for seed certification. (1) Land, isolation and field standards for open pollinated millet seed certification are:

CLASS	FIELD			
	LAND MINIMUM YEARS	ISOLATION MINIMUM FEET	OFF-TYPE MAXIMUM	OTHER CROP MAXIMUM
	Foundation	1*	1,320	1:3,000	None found
Registered	1*	1,320	1:2,000	1:30,000
Certified	1*	660	1:1,000	1:10,000

* Waived if the previous crop was the same variety and equal or higher class of certified seed.

(2) Seed certification standards for open pollinated millet seed are:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
	Foundation	0.5	99.00	1.0	0.5	0.05	85
Registered	1	99.00	1.0	1	0.05	85
Certified	3	99.00	1.0	3	0.10	85

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-695, filed 12/4/00, effective 1/4/01.]

WAC 16-302-700 Buckwheat standards for seed certification. (1) Land, isolation, and field standards for buckwheat seed certification are:

CLASS	LAND MINIMUM YEARS	ISOLATION MINIMUM FEET	FIELD OFF-TYPE MAXIMUM	OTHER CROP MAXIMUM	
	Foundation	2*	2,640	1:10,000	None found
	Registered	1*	1,320	1:5,000	1:30,000
Certified	1*	660	1:2,000	1:10,000	

* Waived if previous crop was the same variety and equal or higher class of certified seed.

(2) Seed standards for buckwheat seed certification are:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
	FOUNDATION	0.5	99.0	1.0	0.5	0.05	85
REGISTERED	1	99.0	1.0	1	0.05	85
CERTIFIED	3	99.0	1.0	3	0.10	85

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-700, filed 12/4/00, effective 1/4/01.]

Quality Timothy Seed Program

WAC 16-302-740 What are the standards for quality timothy seed certification? (1) The general seed certification definitions and standards found in WAC 16-302-005 through 16-302-130, the grass seed certification standards found in WAC 16-302-320 through 16-302-390, and the requirements found in WAC 16-302-745 through 16-302-755 constitute the standards for quality timothy seed certification. standards as defined in WAC 16-302-330 through 16-302-

(2) Fees for quality timothy seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 08-23-055, § 16-302-740, filed 11/14/08, effective 12/15/08.]

WAC 16-302-745 Seed certification requirements. (1) In order for a seed lot to be eligible for quality timothy seed certification it must meet field and seed certification 385.

(2) For a timothy seed lot that has already been certified, a copy of the certification tag must be submitted as proof of certification.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 08-23-055, § 16-302-745, filed 11/14/08, effective 12/15/08.]

WAC 16-302-750 Official sampling requirements. The seed test for the quality timothy seed program must be conducted on an officially drawn sample taken in accordance with WAC 16-302-090.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 08-23-055, § 16-302-750, filed 11/14/08, effective 12/15/08.]

WAC 16-302-755 Standards for quality timothy seed. (1) Seed standards for quality timothy grass seed are as follows:

	Minimum Purity	Minimum Viability by Germination or TZ Test	Maximum Other Crop*	Maximum Weed**
Timothy seed	97%	85%	0.2%	.02%
Purity component percentages are based on 1 gram sample size as prescribed by the AOSA rules.				

*	Must be free of ryegrass, orchardgrass, <i>Agrostis</i> sp., <i>Poa</i> sp., brome, reed canarygrass, tall fescue, and meadow foxtail.
	Must be free of the above listed contaminants based upon a 50 gram examination.

16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

**	Must be free of alfilaria (redstem filaree), bromus sp., Chickweed, Henbit, <i>Poa</i> sp., wild carrot, and prohibited noxious weeds listed in WAC 16-301-045 and restricted noxious weeds listed in WAC 16-301-050.
	Must be free of the above listed contaminants based upon a 50 gram examination.

16-303-220 Inventory testing for seed germination. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-220, filed 12/6/00, effective 1/6/01.] Repealed by 03-18-071, filed 8/29/03, effective 9/29/03. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308.

16-303-330 Certification fees for grass seed. [Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-330, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-330, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-330, filed 12/6/00, effective 1/6/01.] Repealed by 03-18-071, filed 8/29/03, effective 9/29/03. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308.

(2) A quality timothy seed analysis certificate is the basis of determining if a lot meets the quality timothy seed standards. This certificate is issued by the certifying agency and represents a purity test, a 50 gram noxious, all weed, all crop exam, and a viability test.

(3) Seed meeting quality timothy seed standards will be tagged with a "quality timothy seed" tag.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 08-23-055, § 16-302-755, filed 11/14/08, effective 12/15/08.]

Chapter 16-303 WAC

SEED ASSESSMENT, FEES FOR SEED SERVICES AND SEED CERTIFICATION

(Formerly chapters 16-300, 16-304, 16-313, 16-316, 16-317, 16-318, 16-493, 16-494 and 16-495 WAC)

WAC

16-303-005	Purpose—Seed program fees for services and labeling of seed.
16-303-010	Definitions.
16-303-020	Schedule of charges—Billing policies and procedures.
	ANNUAL SEED ASSESSMENT
16-303-105	Annual seed inspection charge.
16-303-115	Seed labeling registrant records.
	SEED TESTING AND ANALYSIS FEES
16-303-200	Seed program testing fees.
16-303-210	Fees for special seed tests.
16-303-230	Official seed sampling or similar service.
16-303-240	Fees for blending seed.
16-303-250	Miscellaneous charges for seed services.
16-303-300	Phytosanitary certification of seed—Fees.
16-303-310	Organization for economic cooperation and development scheme for varietal certification (O.E.C.D.) fees.
16-303-315	Service fee for sod quality seed tags and tagging.
16-303-317	Annual and rough bluegrass quarantine fees.
16-303-320	Certification fees for seed certified by the department.

WAC 16-303-005 Purpose—Seed program fees for services and labeling of seed. The department certifies, inspects, samples, tests and analyzes agricultural, vegetable or flower seed sold or offered for sale in Washington state. As provided for in this chapter under the authority of chapter 15.49 RCW, the department hereby establishes labeling requirements, germination standards, and fees for funding of the Washington state seed program.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-005, filed 12/6/00, effective 1/6/01.]

WAC 16-303-010 Definitions. Definitions for terms used in this chapter may be found in chapters 15.49 RCW and 16-301 WAC unless otherwise provided for in this chapter.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-010, filed 12/6/00, effective 1/6/01.]

WAC 16-303-020 Schedule of charges—Billing policies and procedures. (1) Accounts.

(a) All billable services provided for under chapter 15.49 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing service. Accounts not paid in full within thirty days of billing are considered delinquent.

(b) On all debts due and payable after July 28, 1991, all delinquent accounts are assessed a late charge equal to one and one-half percent per month, or portion of a month, on the unpaid balance.

(c) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system is twenty dollars. All billable services of less than twenty dollars are due and payable on the date that service is rendered.

(d) No person with an account ninety days or more in arrears may receive service except on the basis of payment in full at the time service is rendered. Accounts in arrears may be subject to legal action for collection and are not restored to monthly billing status until all past due amounts are paid-in-full.

(e) Accounts that become ninety or more days in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

(2) Unless otherwise provided for in rule, requests for refund fees or assessments must be submitted to the department by June 30 of the year following payment of the fee or assessment.

(3) Fees for services not listed in rule are set on the basis of the actual cost to the department of agriculture, or the most appropriate fee established by rule.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 05-12-053, § 16-303-020, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-020, filed 12/6/00, effective 1/6/01.]

ANNUAL SEED ASSESSMENT

WAC 16-303-105 Annual seed inspection charge. (1)

Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, must also, pursuant to RCW 15.49.310 and 15.49.370, pay a

general seed inspection charge annually to the department in the amount of ten cents per one hundred dollars gross annual dollar sales in excess of ten thousand dollars of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year, except that no assessment shall be collected on:

(a) Seed for which the assessment has been previously collected, except when such seed is relabeled;

(b) Agricultural or vegetable seed distributed out-of-state;

(c) Seed distributed in containers of four ounces or less;

(d) Stock seed; and

(e) Seed distributed by governmental agencies, such as, but not limited to, the United States Department of Agriculture national foundation seed project. Agricultural and/or vegetable seeds distributed under bailment contract are valued at the producer-conditioner agreement rate in lieu of sale.

(2) The seed assessment fees for the fiscal period beginning July 1 through June 30 are payable on February 1 of the following calendar year.

(3) The seed assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or a minimum of ten dollars, whichever is greater, is added to all assessments not paid by February 1.

(4) The annual seed-labeling permit may not be issued until all seed assessments and penalties are satisfied.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-105, filed 12/6/00, effective 1/6/01.]

WAC 16-303-115 Seed labeling registrant records.

Each seed labeling registrant must maintain reasonable and necessary records accurately reflecting the gross annual dollar value of agricultural and/or vegetable seed distributed in this state.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-115, filed 12/6/00, effective 1/6/01.]

SEED TESTING AND ANALYSIS FEES

WAC 16-303-200 Seed program testing fees. Seed testing fees are as follows:

(1)

Category	Crop kind	PURITY	GERM/1	TZ	Additional Crops in each Category/2
1	Agricultural Grasses	37.00	22.60	41.83	Alkaligrass, Bermudagrass, Canarygrass, Foxtail, Switchgrass, Timothy, Zoysia
2	Alfalfa & Clover	28.78	24.66	41.83	Alfalfa, Black Medic, Clover, Lupine, Milkvetch, Sainfoin, Trefoil
3	Beans	26.72	24.66	41.83	Beans
4	Beets	39.06	43.16	41.83	Beets, Swiss chard, Spinach
5	Bentgrass, redtop	65.78	34.94	41.83	Bentgrass, Redtop
6	Bluegrass	45.22	30.82	41.83	Bluegrass, all types
7	Brassica Species	69.88	34.94	41.83	Brassica Species
8	Brome	47.28	24.66	41.83	Brome: Mountain, Smooth, Meadow
9	Fescue	37.00	24.66	41.83	Fescue: Tall and Meadow

Category	Crop kind	PURITY	GERM/1	TZ	Additional Crops in each Category/2
10	Fescue, all others	45.22	24.66	41.83	Fescue: Arizona, Blue, Blue Hard, Chewings, Creeping, Hard, Idaho, Red, Sheep
11	Flax	28.78	24.66	41.83	Lewis flax
12	Orchardgrass	51.38	26.72	41.83	Orchardgrass
13	Peas and other large seeded legumes	28.78	24.66	41.83	Peas, Chickpeas, Lentil, Vetch
14	Primrose	28.78	24.66	41.83	Primrose
15	Ryegrass	45.22	22.60	41.83	Ryegrass, (Perennial or Annual)
16	Small burnet	28.78	24.66	41.83	Small burnet
17	Sudangrass	28.78	24.66	41.83	Sudangrass
18	Vegetables	28.78	24.66	45.00	Vegetables: Arugula, Asparagus, Cantaloupe, Carrot, Celery, Corn, Coriander, Cucumber, Dill, Eggplant, Endive, Leek, Lettuce, Okra, Onion, Parsley, Parsnip, Pepper, Pumpkin, Radish, Squash, Tomato, Watermelon
19	Grains	28.78	24.66	41.83	Wheat, Triticale, Sunflower, Sorghum, Safflower, Rye, Rice, Millet, Buckwheat, Barley, Oats, Emmer, Spelt
20	Wheatgrass, Wildrye, other native species Group A	78.12	30.82	41.83	Bluestem, Buffalograss, Lovegrass, Penstemon, Sand dropseed, Sideoats, Squirreltail; Intermediate, Pubescent, Tall, Thickspike, Slender, and Western wheatgrasses; Small-seeded wildrye
	Wheatgrass, Wildrye, other native species and flowers Group B	69.00	30.82	41.83	Bitterbrush, Echinacea, Indian ricegrass, Junegrass, Kochia, Oatgrass, Indian ricegrass, Blue and other large-seeded wildrye, Crested and Siberian wheatgrasses
	Wheatgrass, Wildrye, other native species and flowers Group C	69.00	114.48*	41.83	Green needlegrass, Needle & Thread, Penstemon *(Germination requires 400 seed TZ according to AOSA Rules)

/1 Standard 400 seed germination test.

(2) Crops not listed in the above table will be charged by the category that they fit into.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-200, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 05-12-053, § 16-303-200, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-200, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-200, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-200, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-200, filed 12/6/00, effective 1/6/01.]

WAC 16-303-210 Fees for special seed tests.

Test	Fee	Additional Information
(1) All states noxious weed examination	\$ 33.38	
(2) Dormant Seed Test	\$ 41.83	
(a) For crops requiring a 400 seed TZ as required in the AOSA rules	\$ 83.66	
(b) This fee also applies to paired tests when required by AOSA rules		
(3) Cold (vigor) test for wheat	\$ 65.00	
(4) Crop or weed exam		Standard noxious amount from AOSA rules
(a) Turf-type and other small seeded grasses	\$ 38.00	Kentucky bluegrass, timothy, alkaligrass, fine-leaved fescues
(b) Small seeded legumes and medium seeded crops	\$ 44.00	Brassicacs, ryegrass, tall fescue
(c) Wheatgrass and native species	\$ 50.00	
(d) Grains and large seeded legumes	\$ 22.00	

Test	Fee	Additional Information
(5) Fescue seed ammonia test	\$ 30.82	Required on all certified Blue, Hard, and Sheep fescues
(6) Fluorescence test (400 seed test)	\$ 26.72	Required on all Perennial and Annual ryegrass samples
(7) Miscellaneous services, samples requiring extra time, field run samples, etc.	\$ 35.00/hour	
(8) Pest and disease (phyto exam) and/or soil exam	\$ 34.94	
(9) Quarantine tests on seed		
Bluegrass and Bentgrass	\$ 18.04/5 grams	
Other grasses	\$ 18.04/10 grams	
(10) Rules test—Canadian	PURITY	GERMINATION
Alfalfa, clover, peas, lentils	\$ 32.37	\$ 24.66
Kentucky bluegrass	\$ 49.34	\$ 30.82
Bentgrass	\$ 72.47	\$ 34.94
(11) Rules test—I.S.T.A.	PURITY	GERMINATION
Alfalfa, clover, peas, lentils	\$ 32.37	\$ 30.82
Kentucky bluegrass	\$ 49.34	\$ 30.82
(12) Moisture test	\$ 30.00	
(13) Seed Count		
(a) Large seed	\$ 9.25	
(b) Small seed	\$ 12.30	
(14) Out-sourcing charge	\$ 15.00	
(15) Sod seed analysis	Bluegrass \$ 75.00 Fescue \$ 52.00 Ryegrass \$ 42.00	
(16) Sodium Hydroxide test for presence of red and/or white wheat	\$ 20.54	
(17) Undesirable grass species test (includes an all states noxious test) examination (UGS test)	\$ 70.37	
(18) Germination test in soil	\$ 50.00	
(19) Wheat bioassay test	\$ 50.00	
(20) Germination on mixtures Germination requiring embryo excision	\$ 35.00 per hour for separation of kinds or preparation time	This is in addition to the established germination fee

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-210, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 05-12-053, § 16-303-210, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-210, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-210, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-210, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-210, filed 12/6/00, effective 1/6/01.]

WAC 16-303-230 Official seed sampling or similar service. Fees for official sampling are in addition to travel time and mileage.

Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-230, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-230, filed 12/6/00, effective 1/6/01.]

Crop	Fee	Minimum charge
Peas, beans, small grains or seeds of similar size	Standard sampling \$ 0.07 Per cwt.	\$ 35.00
	I.S.T.A. sampling \$ 0.09 Per cwt. plus \$ 7.50 Per lot	\$ 35.00 plus \$ 7.50 Per lot
For all other kinds	Standard sampling \$ 0.18 Per cwt.	\$ 35.00
	I.S.T.A. sampling \$ 0.22 Per cwt. plus \$ 7.50 Per lot	\$ 35.00 plus \$ 7.50 Per lot

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060 and 07-24-082, § 16-303-230, filed 10/12/07 and 12/5/07, effective 12/1/07 and 1/5/08. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-230, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-230, filed 3/20/03, effective 4/20/03. Statutory Authority:

WAC 16-303-240 Fees for blending seed. Blending fee is not applicable to salvage blends.

Grass option B*	Washington origin seed	\$ 1.02 per cwt.
Grass option B*	Out-of-state origin	\$ 0.61 per cwt.
Grass option A and all other blends of other crops		\$ 0.07 per cwt.

*See WAC 16-303-320, footnote 6 for information on option A and option B.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-240, filed 10/12/07, effective 12/1/07. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-240, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-240, filed 12/6/00, effective 1/6/01.]

WAC 16-303-250 Miscellaneous charges for seed services. Fees for miscellaneous department seed services are as follows:

Service	Fee
Rush samples (including phone or FAX report if requested at time sample is submitted)	\$ 15.00
High priority sample - purity result completed before the end of the next business day. (Special circumstances only. Call ahead for availability.)	\$ 150.00
Phone reports on test result, per call	\$ 7.18
Preliminary report on germination	\$ 5.00
Additional mailing of report	\$ 5.12
Additional copies of reports	each destination \$ 2.50 minimum fee
Revised reports	\$ 10.26 minimum (hourly fee when applicable)
Fee for special shipping and handling service, for example Federal Express, Air Parcel or air freight	\$ 3.70 plus exact shipping cost
Fee for facsimile transmission of documents	\$ 1.00 per document
Mileage - additional or special requested trips	As established by the Washington State Office of Financial Management
Stand-by time - or travel time	\$ 35.00/hour Travel time to be charged when special trip is requested.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-250, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 05-12-053, § 16-303-250, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-250, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-250, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-250, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-250, filed 12/6/00, effective 1/6/01.]

WAC 16-303-300 Phytosanitary certification of seed—Fees.

Service	Fee	Additional Information
Federal Phytosanitary certificate	\$ 35.00	
State Phytosanitary certificate	\$ 40.00	

[Title 16 WAC—p. 408]

Service	Fee	Additional Information
Field inspection—All seed except wheat seed (for each required inspection)	\$ 5.30 per acre, per required inspection	\$ 50.00 minimum fee, per inspection
Field inspection—Wheat seed only	\$ 2.12 per acre or fraction thereof	\$ 50.00 minimum fee, per inspection
Area inspection	\$ 0.53/acre	
Late fee - per application	\$ 41.00	

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-300, filed 10/12/07, effective 12/1/07. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-300, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-300, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-300, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-300, filed 12/6/00, effective 1/6/01.]

WAC 16-303-310 Organization for economic cooperation and development scheme for varietal certification (O.E.C.D.) fees. In addition to fees required by applicable Washington certification rules, the following fees shall apply to all seed tagged O.E.C.D. and is payable by the person requesting O.E.C.D. certificate. The certifying agency may require fees paid in advance:

Service	Fee	Additional Information
O.E.C.D. certificate	\$ 15.41 each	
O.E.C.D. grow out test	\$ 65.72 each entry	No charge for control entry
O.E.C.D. assessment	cost to program	This is a pass through fee to USDA
O.E.C.D. tagging fee	\$ 0.84/cwt.	All grasses except tall fescue
	\$ 0.51/cwt.	Tall fescue
	\$ 0.53/cwt.	All other crops

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-310, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 05-12-053, § 16-303-310, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-310, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-310, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-310, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-310, filed 12/6/00, effective 1/6/01.]

WAC 16-303-315 Service fee for sod quality seed tags and tagging. Service fee for sod quality seed tags and tagging shall be \$ 0.22 per cwt.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-315, filed 10/12/07, effective 12/1/07. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-315, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-315, filed 12/6/00, effective 1/6/01.]

WAC 16-303-317 Annual and rough bluegrass quarantine fees. Fees for sampling and analysis for the presence of annual or rough bluegrass are those fees established in this chapter and:

(1) Annual bluegrass and rough bluegrass - inspection fee for nursery plantings for the presence of annual bluegrass is \$ 59.10 per acre or portion thereof. The tagging fee is \$ 0.53 cwt. with a minimum fee of \$ 23.12.

(2) Quarantine inspection of grass seed fields found to be in violation of the quarantine requirements will be charged at the rate of \$ 200.00 per field inspection.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-317, filed 10/12/07, effective 12/1/07. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-317, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-317, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-317, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-317, filed 12/6/00, effective 1/6/01.]

WAC 16-303-320 Certification fees for seed certified by the department. (1) Fees apply to both new and renewal applications.

The seed processor is responsible for seed certification fees including sampling, testing, production and final certification fees, and may accept responsibility for any other additional fees associated with certification. Fees for services such as O.E.C.D. and sod quality, etc., are in addition to the fees listed in this section.

Seed	Application Fee 1/	Seedling field inspection fee	Seedling producing or field inspection Fee 2/	Late Application Penalty Fee	Reinspection Fee (other than isolation)	Production Fee (includes tagging) 7/	Seed shipped Out-of-State (uncleaned)
Alfalfa, Red clover, White clover and Trefoil	\$ 30.00 per variety per grower	\$ 50.00/field	\$ 1.85/acre	\$ 41.00	\$ 53.44 ea. field	\$ 0.53/cwt. 5/	\$ 0.20/cwt.
Bean	\$ 30.00 per variety per grower	N/A	\$ 1.85/acre 3/ (one inspection) \$ 3.70/acre 4/ (two inspections)	\$ 41.00	\$ 53.44 ea. field	\$ 0.53/cwt.	\$ 0.20/cwt.
Turnip, Rutabaga, Kale	\$ 30.00 per field	N/A	\$ 3.70/acre (two inspections)	\$ 41.00	\$ 53.44 each field	\$ 0.53/cwt.	\$ 0.20
Perennial Grasses 6/	\$ 30.00 per field	\$ 50.00/field	\$ 50.00 per field	\$ 41.00	\$ 53.44 each field	Option A \$ 0.84/cwt. for all grass except tall fescue \$ 0.51/cwt. tall fescue Option B \$ 1.17/cwt. (min. \$ 11.66)	\$ 0.31
Corn	\$ 30.00 Per field	N/A	\$ 50.00 first acre \$ 10.99 ea. additional acre except hybrid corn \$ 4.85 ea. additional acre	\$ 41.00	————	\$ 0.11 per tag issued or minimum fee of \$10.00 per lot	\$ 3.00 per document
Annual grasses	\$ 30.00 per field	N/A	\$ 1.85/acre	\$ 41.00 per field	\$ 53.44 each field	\$ 0.42/cwt.	\$ 0.20
Rapeseed, Canola, and Mustard	\$ 30.00 per variety per grower	N/A	\$ 1.85/acre (one inspection)	\$ 41.00 per grower	\$ 53.44 ea. field	\$ 0.53/cwt.	\$ 0.20

- 1/ Seed certification application due dates can be found in WAC 16-302-050.
- 2/ Seedling producing or field inspection fees are refundable if the acreage is withdrawn before the inspection is completed. In the case of bean seed, fees are required of seedling fields to be harvested for certification the year of planting.
- 3/ One inspection is required for Great Northern Red Mexican, pinto, pink, and small white bean.
- 4/ Includes windrow inspection which is required for certification of snap beans, kidney beans, and eligibility for shipment into the state of Idaho.
- 5/ Production fees are billed at completion of laboratory analysis tests. If no seed is tagged, \$ 0.10 of the \$ 0.53 per cwt. production fee is refundable.
- 6/ Option A: Inspection and final certification fees are based on pounds sampled and billed upon completion of required laboratory tests.
Option B: Inspection and final certification fees are based on pounds tagged after required laboratory tests are completed. Those dealers requesting sampling and tagging privileges and/or participation in Option B must sign a memorandum of agreement that shall expire on June 30 of each year. The mem-

- 7/ Does not include shipping and handling charge for tags.
 - 8/ Service inspection of seed fields
Service inspection will be charged the established hourly rate inclusive of travel time and inspection time. This excludes the seedling inspection which is charged according to the above chart. Service inspections will be charged a mileage fee based upon the OFM mileage rate.
 - 9/ Hybrid inspections (pollen counts)
All crops except corn:
(a) \$ 45.00 per inspection if done at the time of the certification inspection.
(b) \$ 125 per inspection if not conducted at the time of the certification inspection.
- (2) Other fees associated with grass seed certification:
Out-of-state origin seed tagged with interagency certification tags.
- Grass Option A: \$ 0.31 per cwt.
Grass Option B: \$ 0.68 per cwt.

Reissuance of cert. tags: \$ 0.11 per tag or minimum fee of \$ 11.66

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-320, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 05-12-053, § 16-303-320, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. 03-18-071, § 16-303-320, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49-370(3), 15.49.310, and chapter 34.05 RCW. 03-08-005, § 16-303-320, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-061, § 16-303-320, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-320, filed 12/6/00, effective 1/6/01.]

WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains. (1) Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains are as follows:

- (a) Application fee per variety per grower \$22.97
 - (b) Field inspection fee per acre except millet and hybrid sorghum \$3.11
 - (c) Millet - first acre \$32.55
 - each additional acre \$6.48
 - (d) Hybrid sorghum - first acre \$32.55
 - each additional acre \$13.00
 - (e) Special field inspection fee per acre \$2.58
 - (f) Late application fee \$30.75
 - (g) Reinspection fee \$43.10
- minimum for each field which did not pass field inspection plus \$0.46 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$43.10.
- (h) Final certification fee \$0.25
- per cwt. of clean seed sampled, which is charged to conditioning plant, or production fee \$0.105
- per cwt. of production from fields inspected which is utilized for seed, which is charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.
- (i) Sampling fee \$0.105
- per cwt. of clean seed sampled, with minimum charge of \$10.30 per sample, which is charged to conditioning plant in lieu of mechanical sampling.

(2) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee is refunded upon request until June 30 of the year following harvest.

(3) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 07-21-060, § 16-303-340, filed 10/12/07, effective 12/1/07. Statutory Authority: RCW 15.49.310, 15.49.370(3), and chapter 34.05 RCW. 06-11-066, § 16-303-340, filed 5/12/06, effective 6/12/06; 05-05-052, § 16-303-340, filed 2/14/05,

effective 3/17/05; 04-06-029, § 16-303-340, filed 2/24/04, effective 3/26/04; 03-06-005, § 16-303-340, filed 2/20/03, effective 3/23/03; 02-05-082, § 16-303-340, filed 2/20/02, effective 3/23/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 01-01-015, § 16-303-340, filed 12/6/00, effective 1/6/01.]

**Chapter 16-319 WAC
FOREST TREE SEED CERTIFICATION**

WAC

- 16-319-010 Forest tree seed certification—Certifying agency.
- 16-319-020 Forest reproductive material certification standards.
- 16-319-030 Classes of reproductive material.
- 16-319-041 Application for certification of forest reproductive material.
- 16-319-051 Forest reproductive material—Field standards.
- 16-319-061 Forest reproductive material—Conditioning standards.
- 16-319-081 Forest reproductive material—Affirmation by certifying agency.
- 16-319-091 Forest reproductive material—Mixing of lots.
- 16-319-101 Forest reproductive material—Rejection of certification.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 16-319-001 Promulgation. [Order 1028, Promulgation, filed 8/4/66, effective 9/4/66.] Repealed by 05-05-051, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW.
- 16-319-002 Promulgation. [Order 1089, § 16-319-002, filed 6/4/68; Order 1044, Promulgation, filed 4/14/67, effective 5/15/67; Order 1030, filed 8/19/66, effective 9/19/66.] Repealed by 05-05-051, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW.
- 16-319-003 Promulgation. [Order 1151, § 16-319-003, filed 4/16/70.] Repealed by 05-05-051, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW.
- 16-319-004 Promulgation. [Order 1189, § 16-319-004, filed 4/16/71.] Repealed by 05-05-051, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW.
- 16-319-006 Promulgation. [Order 1247, § 16-319-006, filed 4/13/72.] Repealed by 05-05-051, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW.
- 16-319-007 Promulgation. [Order 1369, § 16-319-007, filed 6/12/74.] Repealed by 05-05-051, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW.
- 16-319-040 Basis for rejection. [Order 1089, § 16-319-040, filed 6/4/68; Order 1044, Regulation 6, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 6, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.
- 16-319-050 Basis for refusal to inspect. [Order 1089, § 16-319-050, filed 6/4/68; Order 1044, Regulation 7, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 7, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.
- 16-319-060 Right of appeal. [Order 1089, § 16-319-060, filed 6/4/68; Order 1044, Regulation 8, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 8, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.
- 16-319-070 Seed standards. [Order 1089, § 16-319-070, filed 6/4/68; Order 1044, Regulation 9, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 9, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.
- 16-319-071 Audit standards. [Order 1369, § 16-319-071, filed 6/12/74; Order 1151, § 16-319-071, filed 4/16/70.] Repealed by Order 1506, filed 4/11/77.
- 16-319-080 Fees. [Order 1089, § 16-319-080, filed 6/4/68; Order 1044, Regulation 10, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 10, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.
- 16-319-090 Lot identity. [Order 1089, § 16-319-090, filed 6/4/68; Order 1044, Regulation 11-14, filed 4/14/67, effective

- 5/15/67; Order 1030, Regulation 11-14, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.
- 16-319-100 Buying station records. [Order 1089, § 16-319-100, filed 6/4/68; Order 1044, Regulation 15, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 15, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.
- 16-319-110 Maintenance of cone identification labels. [Order 1089, § 16-319-110, filed 6/4/68; Order 1044, Regulation 16, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 16, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.
- 16-319-120 Cone and seed inventory records. [Order 1089, § 16-319-120, filed 6/4/68; Order 1044, Regulation 17, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 17, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.
- 16-319-130 Tagging and sealing. [Order 1089, § 16-319-130, filed 6/4/68; Order 1044, Regulation 18, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 18, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.
- 16-319-140 Blending of lots. [Order 1089, § 16-319-140, filed 6/4/68; Order 1044, Regulation 19, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 19, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.

WAC 16-319-010 Forest tree seed certification—Certifying agency. The Washington State Crop Improvement Association, Inc. is hereby designated to act as the duly authorized agent of the director of agriculture for the purpose of assisting in certifying forest tree seeds and shall perform such duties as the director may assign as provided in chapter 15.48 RCW, specifically RCW 15.48.150(1).

[Order 1028, Regulation 1, filed 8/4/66, effective 9/4/66.]

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

(2) Definitions:

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

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

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

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

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

(f) Certificate of genetic identity means a document furnished by the producer on demand and verified by the certi-

fying agency describing the ancestry and breeding behavior of a lot of reproductive material.

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

(h) Certifying agency means the duly designated agent of the state agency: In Oregon state, the Oregon Seed Certification Service, 31 Crop Science Building, Oregon State University, Corvallis, Oregon 97331; in Washington state, Washington State Crop Improvement Association, Inc., 513 North Front Street, Yakima, Washington 98901.

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

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

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

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

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

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

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

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

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

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

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

(s) Legal description means legal cadastral survey subdivision.

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

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

(ii) For source identified class, it is a single species collected during one crop season from within stated seed zone(s)

and from within five hundred foot elevation increment(s) and/or breeding zones or appropriate codes.

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

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

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

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

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

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

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

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

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

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

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

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-020, filed 5/22/87; 84-13-079 (Order 1834), § 16-319-020, filed 6/21/84; 80-10-001 (Order 1704), § 16-319-020, filed 7/24/80; 79-05-070 (Order 1625), § 16-319-020, filed 4/30/79; Order 1506, § 16-319-020, filed 4/11/77; Order 1369, § 16-319-020, filed 6/12/74; Order 1151, § 16-319-020, filed 4/16/70; Order 1089, § 16-319-020, filed 6/4/68; Order 1044, Regulation 1-5, filed 4/14/67, effective 5/5/67; Order 1030, filed 8/19/66, effective 9/19/66.]

WAC 16-319-030 Classes of reproductive material.

(1) Tested class means that forest reproductive material came from tree(s) which have been tested for specific character(s) as determined by progeny or other applicable tests and under specified conditions. Further, such forest reproductive material is produced and processed in a manner assuring genetic identity common with the tested material, and, for nursery stock, that it was produced from tested reproductive material. Said forest reproductive material shall be labeled with a blue label stating "tested." Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(2) Selected class means that reproductive material came from trees that were selected for specific character(s). Two subclasses are recognized:

Subclass A: Reproductive material is obtained from selected trees and, in addition for tree seed, the male parent(s) is also selected.

Subclass B: Applies to tree seed when only one parent is selected.

Both subclasses shall be labeled with a green label stating "selected" and the subclass. Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(a) Selected subclass A means that the donor or parents of the reproductive material are selected, known, and of record, but have no test results of record, and, for nursery stock, that it was produced from selected subclass A or better reproductive material.

(b) Selected subclass B means that only one parent of the tree seed is selected, known, and of record and reproductive material has not been tested, and, for nursery stock, that it was produced from selected subclass B or better reproductive material.

(3) Source identified class means that the reproductive material came from within a seed zone(s) or portion thereof (as defined by legal description) and from within a 500-foot elevation increment(s) or breeding zone(s) or code(s).

Subclass A: Personally supervised production.

Subclass B: Procedurally supervised production.

Both classes of said reproductive material shall be labeled with a yellow label stating "source identified" and the subclass. Certifying agency shall exercise field inspection, plant/warehouse inspection, and audit.

(a) Subclass A source identified means that applicant and certifying agency personally know beyond a reasonable doubt the seed zone(s) or portion thereof and 500-foot elevation increment(s) within which cones and/or reproductive material were collected; and, for nursery stock, that it was produced from subclass A source identified or better reproductive material. Certifying agency knows location from applicant's prior written plan of his reproductive material collecting and/or producing activities. For source identified subzone collections, a representative of the producer, whose major responsibility is observation of picker location, shall make daily observations within the collection area.

(b) Subclass B source identified means that applicant and certifying agency know reproductive material is identified as collected from within a seed zone(s) and from within a 500-foot elevation increment(s), and for nursery stock, that it was produced from subclass B source identified or better reproductive material.

(4) Audit class means that the applicant's records of procurement, processing, storage, and distribution state that the reproductive material was collected from within stated seed zone(s) or described portions thereof and from within 500-foot elevation increment(s), and, for nursery stock, certifying agency knows that it was produced from audit class or better reproductive material. Containers of said reproductive material shall carry a serially numbered brown and white label stating "audit certificate." All records of the applicant for this class of reproductive material are subject to audit.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-030, filed 5/22/87; 80-10-001 (Order 1704), § 16-319-030, filed

7/24/80; Order 1506, § 16-319-030, filed 4/11/77; Order 1369, § 16-319-030, filed 6/12/74; Order 1151, § 16-319-030, filed 4/16/70.]

WAC 16-319-041 Application for certification of forest reproductive material. (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

- (a) The application should show all classes for which certification services are requested.
- (b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.
- (c) Applicant shall be responsible for payment of fees for certification services.
- (d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.
- (e) Certifying agency reserves the right to refuse certification service to applicant.
- (f) Application for audit certification reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) Timing of application requests for certification services:

- (a) Application requests for source identified subclass B and lower classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.
- (b) For source identified subclass A and higher certification class, the applicant shall make application for service, and present a written plan to the certifying agency two weeks prior to the beginning of the collection season. The written plan will include the following:
 - (i) For subzone collection, areas shall be defined by legal description.
 - (ii) Details of the collection organization including names of buyers and field supervisors, estimated harvest volume, receiving station location(s), and other pertinent information.
- (c) Application requests for all other services shall be received by certifying agency from applicant not later than seven days before need.

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

(a) Cones and seed:

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

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

The fee for each lot containing less than sixty bushels shall be a maximum of thirty-six dollars: Provided, That the

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certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

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

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

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

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

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

(4) Fee schedule:

(a) Tree cones and seed -

Certification Classes	Field Inspection	Audit	Fee Due
Tested and Selected	\$ 27.00/hr.	\$ 27.00/hr.	When billed
Source Identified Classes:			
Lots 11 bu. and more	\$ 0.90/bu.	\$ 27.00/hr.	
Lots 6-10 bu.	\$ 23.00/lot	\$ 27.00/hr.	
Lots 0-5 bu.	\$ 13.00/lot	\$ 27.00/hr.	
Audit	None	\$ 27.00/hr.	When billed

(b) Tree certification - \$ 27.00/hr.

Seedling certification - experience has shown that seedling certification normally requires a minimum of five nursery visits totaling approximately thirty-two hours. Plantation certification procedures shall be billed at the hourly rate.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, cuttings, audit of forest reproductive material not offered for certification by applicant or other services requested, etc. at \$ 27.00/hr. payable when billed.

(d) OECD certification (certificates of provenance) - \$ 0.60 per certificate plus the hourly audit rate. (Auditors shall issue certificates.)

[Statutory Authority: RCW 15.49.310, 15.49.370(3), and chapter 34.05 RCW. 06-11-066, § 16-319-041, filed 5/12/06, effective 6/12/06; 05-05-051, § 16-319-041, filed 2/14/05, effective 3/17/05; 04-06-028, § 16-319-041, filed 2/24/04, effective 3/26/04. Statutory Authority: RCW 15.49.995, 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 03-06-006, § 16-319-041, filed 2/20/03, effective 3/23/03; 02-05-081, § 16-319-041, filed 2/20/02, effective 3/23/02. Statutory Authority: RCW 15.49.370(3), 99-24-043, § 16-319-041, filed 11/24/99, effective 12/25/99; 98-12-031, § 16-319-041, filed 5/28/98, effective 6/28/98; 96-11-044 (Order 5097), § 16-319-041, filed 5/8/96, effective 6/8/96. Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-041, filed 5/22/87; 84-13-079 (Order 1834), § 16-319-041, filed 6/21/84; 80-10-001 (Order 1704), § 16-319-041, filed 7/24/80; 79-05-070 (Order 1625), § 16-319-041, filed 4/30/79; Order 1506, § 16-319-041, filed 4/11/77; Order 1369, § 16-319-041, filed 6/12/74; Order 1189, § 16-319-041, filed 4/16/71; Order 1151, § 16-319-041, filed 4/16/70.]

WAC 16-319-051 Forest reproductive material—Field standards. (1) Tested and selected classes. Applicant shall maintain continuous record(s) satisfactory to certifying agency which maintains the identity of the reproductive

material through all stages of production, collection, processing, storage, and disbursement from stores, and, in addition, such records as needed to trace the pedigree and document the performance of the reproductive material. The records shall include but are not limited to those involving:

- (a) Selection, location, and origin of the parent trees.
- (b) Pollen, seed, scions, etc., collection, processing, inventory, storage, and use in tree improvement and breeding programs.
- (c) Design, establishment and management of test(s) and the collection, analysis and interpretation of test data.
- (d) Nursery stock production.

Certifying agency shall inspect all phases of the field operation including periodic checks of parent trees, pollen and scion collections; pollinations; cone harvest, storage, processing and inventory; and tests, together with appropriate records.

(2) Source identified reproductive material. Applicant shall develop and make correct use of collector and buyer labels, collector registration, and transportation records, and for nursery stock, labels and records identifying the stock as originating from source identified or better reproductive material.

(a) Subclass A.

(i) Control of collectors shall be such that applicant and certifying agency personally know beyond a reasonable doubt the seed zone or breeding zone or code or portions thereof (as delineated by legal description), and 500-foot elevation increment or specified elevation increment for breeding zone(s) or code(s) within which reproductive material was collected. Control of producers of nursery stock shall be such that applicant and certifying agency personally know beyond a reasonable doubt that the nursery stock was produced from source identified subclass A or better reproductive material.

(ii) Applicant shall provide certifying agency with a written reproductive material collection and/or nursery stock production plan (not later than three days) prior to collection of reproduction material or production of nursery stock.

(iii) Further, all following requirements of subclass B shall be met.

(b) Subclass B.

(i) All collectors shall be supervised sufficiently so that either buyers know where reproductive material was collected, or buyers shall purchase all reproductive material that collectors present for sale without differential of acceptance stated or implied, as to source, location, seed zone, or elevation.

(ii) Buyer shall require collector to sign collector's registration record prior to collection of reproductive material. He shall also issue collector's labels, and direct collector to complete them and place them in or attach them to each container of reproductive material before it is transported from point of collection. Coincident with purchase of reproductive material, he shall complete description on labels including species, source by seed zone, breeding zone or code, elevation increment, special collection area if any, certification class, date of purchase and his signature or initials.

(iii) Buyer shall maintain a buyer record on a form for all reproductive material received, listing species, seed zone,

elevation increment, units of reproductive material, date of purchase, collector's name and buyer's name.

(iv) Buyer shall maintain transportation record showing species, seed zone, elevation increment, units of reproductive material, and date shipped.

(v) Producers of nursery stock shall be supervised sufficiently so that applicant knows that the stock was produced from source identified subclass B or better reproductive material.

(vi) The certifying agency shall advise the applicant of problems or conditions that affect competent verification or execution of these standards by certifying agency and applicant.

(vii) Unless other arrangements are made, the certification class shown by the producer on all containers of reproductive material shall be verified by the certifying agency before being transported from the receiving station. The producer is responsible for evidence of verification of the certification class applied for.

(3) Audit class reproductive material.

(a) Buyer shall require collector to sign collector's registration record and to complete collector's labels prior to purchase of reproductive material.

(b) Buyer shall maintain a buyer record on a form for all reproductive material received, listing species, seed zone, elevation increment, units of reproductive material, date of purchase, collector's name and buyer.

(c) Buyer or other shipper of reproductive material shall maintain a transportation record showing species, seed zone, elevation increment, units of reproductive material and date shipped.

(d) Producers of nursery stock shall maintain auditable records identifying the stock as being produced from audit class or better reproductive material.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-051, filed 5/22/87; 80-10-001 (Order 1704), § 16-319-051, filed 7/24/80; Order 1506, § 16-319-051, filed 4/11/77; Order 1369, § 16-319-051, filed 6/12/74; Order 1151, § 16-319-051, filed 4/16/70.]

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

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

These labels shall remain with the seed until the lot is depleted.

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

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

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

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

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

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

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

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

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

(b) For tested reproductive material only.

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

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

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

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

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

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

(7) A document, acceptable to the certifying agency for informing the purchaser of species and certification information of each item, and, for auditing purposes, shall be issued by the producer for each sale of tested, selected, source identified, and audit class reproductive material. Such document may be a certificate of provenance for tested, selected, or source identified reproductive material, or an invoice, shipping order, or sales slip for audit class reproductive material. The certifying agency may authorize use of said certificate of provenance for portions of reproductive material from labeled and sealed containers in lieu of labels and seals when relabeling and resealing by the certifying agency is impractical.

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

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

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-061, filed 5/22/87; 84-13-079 (Order 1834), § 16-319-061, filed 6/21/84; 80-10-001 (Order 1704), § 16-319-061, filed 7/24/80; Order 1506, § 16-319-061, filed 4/11/77; Order 1369, § 16-319-061, filed 6/12/74; Order 1247, § 16-319-061, filed 4/13/72, effective 5/14/72; Order 1151, § 16-319-061, filed 4/16/70.]

WAC 16-319-081 Forest reproductive material—Affirmation by certifying agency. Affixing of label or label and seal to a container of forest reproductive material or to a certificate of provenance or certificate of genetic identity by the certifying agency affirms that to the best of its knowledge the reproductive material meets these forest reproductive material certification standards.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-081, filed 5/22/87; Order 1506, § 16-319-081, filed 4/11/77; Order 1369, § 16-319-081, filed 6/12/74; Order 1151, § 16-319-081, filed 4/16/70.]

WAC 16-319-091 Forest reproductive material—Mixing of lots. (1) When lots collected in the same or different crop seasons are deliberately mixed, the new lot shall be given a new identification number and certification label. The certification class shall drop to the lowest certification class represented in the new lot.

(2) For the tested and selected classes, the certification label shall show the components of the new lot and the percentage of each in the new lot, or this information shall be contained on a properly executed certificate of genetic identity placed in, or attached to each container of the lot before other labels or seals are affixed.

(3) For the source identified classes and the audit class, the certification label shall show the components of the new lot and the percentage of each in the new lot.

(4) Lots being mixed shall be uniformly blended into the new lot so that they are near equally represented throughout the new lot.

(5) The producer of the new lot shall make the last viability information for the component parts of the new lot available to the certifying agency and prospective user or buyer upon demand.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-091, filed 5/22/87.]

WAC 16-319-101 Forest reproductive material—Rejection of certification. Any lot may be rejected if certifying agency determines that said lot fails to meet these standards. The privilege of certification may be withdrawn by certifying agency for a definite period of time in case of flagrant violations of field or processing standards. If applicant believes an erroneous decision has been rendered, he may make written appeal to certifying agency for review by its governing body.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-101, filed 5/22/87.]

Chapter 16-322 WAC

CERTIFICATION OF MINT PLANTING STOCK

WAC

16-322-010	Mint planting stock certification—Applications and fees.
16-322-012	Definitions.
16-322-015	Requirements for the production of registered and certified mint rootstock.
16-322-025	Mint planting stock inspections.
16-322-035	Washington standards for mint planting stock.
16-322-040	Certifying agency issuance of certificate.
16-322-045	Identification and movement of mint rootstock.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-322-001	Promulgation. [Order 1087, § 16-322-001, filed 4/24/68, effective 5/24/68; Order 1017, filed 5/20/66; Order 952, Promulgation, filed 7/17/64; Order 888, Promulgation, filed 6/4/62.] Repealed by 00-23-095, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 15.14 RCW.
16-322-020	Requirements for the production of certified mint rootstock. [Order 1017, Regulation 3, filed 5/20/66; Order 952, Regulation 3, filed 7/17/64; Order 888, Regulation 3, filed 6/4/62.] Repealed by 85-15-017 (Order 1865), filed 7/8/85. Statutory Authority: Chapter 15.14 RCW.
16-322-030	Field standards. [Order 888, Regulation 5, filed 6/4/62.] Now codified within WAC 16-322-035.

WAC 16-322-010 Mint planting stock certification—Applications and fees. (1) Mint planting stock may be designated as foundation stock, registered stock or certified stock if the planting stock and plants from which it has been prop-

agated have been inspected, tested and determined to meet the requirements of this chapter.

(2) The applicant must furnish all information requested on the application for certification, 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 examination and/or testing. Application for inspection and testing of registered and certified stock must be filed with the Washington State Department of Agriculture, Plant Services Program, P.O. Box 42560, Olympia, WA 98504-2560 by May 1 of each year, accompanied by a seventy-five dollar application fee.

(3) Payment is due and payable upon completion of any service. Bill may be arranged subject to department policies and procedures.

(4) The department will remove any applicant from the certification program for nonpayment of fees.

[Statutory Authority: Chapter 15.14 RCW. 00-23-095, § 16-322-010, filed 11/21/00, effective 12/22/00; 85-15-017 (Order 1865), § 16-322-010, filed 7/8/85; Order 1017, Regulation 5, filed 5/20/66; Order 952, Regulation 5, filed 7/17/64; Order 888, Regulation 1, filed 6/4/62.]

WAC 16-322-012 Definitions. (1) "Certified planting stock" means planting stock produced directly from registered planting stock in compliance with this chapter.

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

(3) "Foundation planting stock" means planting stock originating directly from healthy clones maintained by Washington State University or other equivalent sources approved by the department.

(4) "Mint flea beetle" means the insect *Langitarsus ferrugineus*.

(5) "Mint planting stock" means any plant or propagative plant part of the genus *Mentha*.

(6) "Mint root borer" means the insect *Fumibotys fumalis*.

(7) "Mint rust" means the disease caused by the fungal organism *Puccinia menthae* Pers.

(8) "Mint stem borer" means the insect *Pseudogaris nigrina*.

(9) "Noxious weed" means a plant that when established is highly destructive, competitive, or difficult to control by cultural or chemical practices.

(10) "Off-type" means appearing under visual examination to be different from the species or variety listed on the application for registration or certification, or exhibiting symptoms of a genetic or nontransmissible disorder.

(11) "Registered planting stock" means planting stock produced directly from foundation planting stock in compliance with this chapter.

(12) "Root knot nematode" means the nematode *Meloidogyne hapla*.

(13) "Root lesion nematode" means any nematode of the genus *Pratylenchus*.

(14) "Strawberry root weevil" means the insect *Otiorhynchus ovatus*.

(15) "Verticillium wilt" means the disease caused by the fungus *Verticillium dahliae*.

[Statutory Authority: Chapter 15.14 RCW. 00-23-095, § 16-322-012, filed 11/21/00, effective 12/22/00; 85-15-017 (Order 1865), § 16-322-012, filed 7/8/85; Order 1017, Regulation 1, filed 5/20/66; Order 952, Regulation 1, filed 6/4/62.]

WAC 16-322-015 Requirements for the production of registered and certified mint rootstock. (1) Planting sites for production of certified or registered mint planting stock must be inspected and approved by the department at least thirty days prior to planting. At a minimum, land for a planting site must fulfill all of the following conditions:

- (a) It must not have grown mint previously;
- (b) It must be free of noxious weeds;
- (c) It must be at least five thousand feet from any field infested with verticillium wilt of mint; and
- (d) It must be at least one thousand feet from any mint field not of equal standard.

(2) In all cases where adjoining fields are planted with different species or varieties of mint, the fields must be separated by a minimum of twenty feet to prevent mechanical mixing during harvesting and transport of mint planting stock.

(3) Soil borne insects, noxious weeds and nematodes must be controlled.

(4) Fields must be free of off-type mint plants.

(5) Roguing certified or registered mint fields without permission of the department is prohibited.

(6) Hay from registered planting stock fields may be harvested for oil if the harvesting equipment is sterilized prior to entry into the registered field by steam cleaning or by other methods approved by the department.

(7) All sanitation methods and procedures must be approved by the department.

(8) All sources of water used to irrigate certified or registered planting stock fields must be approved by the department.

(9) Harvesting equipment must be sterilized by steam cleaning, or other approved methods before being used on another lot or farm.

[Statutory Authority: Chapter 15.14 RCW. 00-23-095, § 16-322-015, filed 11/21/00, effective 12/22/00; 85-15-017 (Order 1865), § 16-322-015, filed 7/8/85; Order 1087, § 16-322-015, filed 4/24/68, effective 5/24/68; Order 1017, Regulation 2, filed 5/20/66; Order 952, Regulation 2, filed 7/17/64; Order 888, Regulation 2, filed 6/4/62.]

WAC 16-322-025 Mint planting stock inspections. (1) The department will conduct a minimum of two field inspections of registered and certified mint planting stock at times when plants are likely to express symptoms or damage from verticillium wilt, mint root borer, mint flea beetle, mint stem borer, strawberry root weevil, root knot nematode and root lesion nematode. Additional inspections and tests may be conducted if they are judged necessary by the department.

(a) The department will conduct the first field inspection in or about July. The department will analyze samples for tomato spotted wilt virus, impatiens necrotic spot virus and potato virus Y.

(b) The department will conduct the second field inspection in or about late September. The department will analyze samples of feeder roots from each acre for root knot nematode and root lesion nematode. Samples of stolons will be

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collected and examined for mint root borers. The department will note the presence of noxious weeds.

(2) The department will inspect certified and registered mint planting stock after harvest.

(3) All inspections and analyses performed by the department under provisions of this chapter are charged in compliance with provisions of chapter 16-470 WAC.

(4) The department will issue an inspection certificate for each inspection. The inspection certificate will note the presence of pests detected by analysis or visual inspection and, when possible, the level of infestation. Inspection certificates will be furnished to the grower, and copies will be available upon request to any other person.

(5) It is the responsibility of the grower to notify the department before mint hay is cut, so that the required inspections can be performed.

(6) Certification may be denied if the department is unable to complete the required field or post harvest inspections.

[Statutory Authority: Chapter 15.14 RCW. 00-23-095, § 16-322-025, filed 11/21/00, effective 12/22/00; 85-15-017 (Order 1865), § 16-322-025, filed 7/8/85; Order 1017, Regulation 4, filed 5/20/66; Order 952, Regulation 4, filed 7/17/64; Order 888, Regulation 4, filed 6/4/62.]

WAC 16-322-035 Washington standards for mint planting stock. (1) **Washington No. 1** mint planting stock consists of mint rhizomes with similar varietal characteristics which are (a) fresh, (b) firm, (c) moist, (d) free of mold, (e) free of detectable, detrimental insects, nematodes, diseases and other pests, and (f) reasonably free of excess soil.

(2) **Tolerances.** In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent, by count, of the rhizomes in any lot may fail to meet the requirements of Washington No. 1 as defined in this section.

(3) Specific requirements.

Pests and Diseases	Tolerance for:		
	Foundation planting stock	Registered planting stock	Certified planting stock
Mint flea beetle	0	0	1%
Rootknot nematode	0	0	0
Verticillium wilt	0	0	0
Mint rust	Trace	Trace	1%
Other pests and diseases	1%	1%	1%

[Statutory Authority: Chapter 15.14 RCW. 00-23-095, § 16-322-035, filed 11/21/00, effective 12/22/00; 85-15-017 (Order 1865), § 16-322-035, filed 7/8/85; Order 1087, § 16-322-035, filed 4/24/68, effective 5/24/68; Order 1017, Regulation 6, filed 5/20/66; Order 952, Regulation 6, filed 7/17/64; Emergency Order 949, filed 5/18/64; Order 888, Regulations 5 and 6, filed 6/4/62.]

WAC 16-322-040 Certifying agency issuance of certificate. (1) Issuance of a state of Washington certified plant tag, stamp or other document under this chapter means only that the tagged, stamped or otherwise documented mint planting stock has been subjected to procedures and requirements described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness

for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

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

(3) Participation in the mint planting stock certification program is voluntary.

[Statutory Authority: Chapter 15.14 RCW. 00-23-095, § 16-322-040, filed 11/21/00, effective 12/22/00; 85-15-017 (Order 1865), § 16-322-040, filed 7/8/85; Order 1017 (part), filed 5/20/66; Order 952 (part), filed 7/17/64; Order 888, Regulation 7 (part), filed 6/4/62.]

WAC 16-322-045 Identification and movement of mint rootstock. (1) The department will issue a certificate for mint planting stock that meets the requirements of this chapter and will authorize the use of official certificates and seals for the identification of such planting stock. The certificate will indicate presence of noxious weeds at the final field inspection and the level of infection by pests listed in WAC 16-322-025(1).

(2) Any person selling certified mint planting stock is responsible for the identity of the planting stock bearing each certificate and for such planting stock meeting the requirements of the certification program. Persons issued certificates authorized by the program must account for all planting stock produced and sold and must keep and allow the department to examine all necessary records.

(3) All registered and certified mint planting stock moving from the place of origin must be conveyed in clean trucks and covered by new plastic or clean canvas tarps and properly sealed.

(4) The department will deny certification for any mint planting stock that fails to meet the minimum standards, tolerances and criteria established in this chapter.

[Statutory Authority: Chapter 15.14 RCW. 00-23-095, § 16-322-045, filed 11/21/00, effective 12/22/00; 85-15-017 (Order 1865), § 16-322-045, filed 7/8/85; Order 1087, § 16-322-045, filed 4/24/68, effective 5/24/68; Order 1017, Regulation 7, filed 5/20/66; Order 952, Regulation 7, filed 7/17/64; Emergency Order 949, filed 5/18/64; Subsection (1) from Order 888, Regulation 7, filed 6/4/62.]

Chapter 16-324 WAC

RULES FOR THE CERTIFICATION OF SEED POTATOES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-324-001	Promulgation. [Order 812, Promulgation, effective 6/11/60.] Later promulgation, see WAC 16-324-201.
16-324-010	Planting stock. [Order 812, Regulation 1, effective 6/11/60.] Later promulgation, see WAC 16-324-250.
16-324-020	Application for certification. [Order 812, Regulation 2, effective 6/11/60.] Omitted from Order 950, which superseded Order 812.
16-324-030	Test plot records. [Order 812, Regulation 3, effective 6/11/60.] Later promulgation, see WAC 16-324-260.
16-324-040	Fees. [Order 812, Regulation 4, effective 6/11/60.] Later promulgation, see WAC 16-324-210.
16-324-050	Land requirements. [Order 812, Regulation 5, effective 6/11/60.] Later promulgation, see WAC 16-324-220.
16-324-060	Isolation requirements. [Order 812, Regulation 6, effective 6/11/60.] Later promulgation, see WAC 16-324-230.
16-324-070	Handling of crop to pass inspection. [Order 812, Regulation 7, effective 6/11/60.] Omitted from Order 950, which superseded Order 812.
16-324-080	Field inspections. [Order 812, Regulation 8, effective 6/11/60.] Later promulgation, see WAC 16-324-270.
16-324-090	Field standards. [Order 812, Regulation 9, effective 6/11/60.] Later promulgation, see WAC 16-324-280.
16-324-100	Sampling for testing—Test plots. [Order 812, Regulation 10, effective 6/11/60.] Later promulgation, see WAC 16-324-290.
16-324-110	Test plot tolerances. [Order 812, Regulation 11, effective 6/11/60.] Later promulgation, see WAC 16-324-300.
16-324-120	Tuber inspection—Diseases and grades. [Order 812, Regulation 12, effective 6/11/60.] Later promulgation, see WAC 16-324-310.
16-324-130	Definitions. [Order 812, Regulation 13, effective 6/11/60.] Later promulgation, see WAC 16-324-320.
16-324-140	Factors of sanitation. [Order 812, Regulation 14, effective 6/11/60.] Omitted from Order 950 which superseded Order 812.
16-324-201	Promulgation. [Order 950, Promulgation, filed 5/20/64; Order 812, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-210	Fees. [Order 950, Regulation 1, filed 5/20/64; Order 812, Regulation 4, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-220	Requirements for production of foundation and/or certified stock—Land requirements. [Order 950, Regulation 2(a), filed 5/20/64; Order 812, Regulation 5, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-230	Isolation requirements. [Order 950, Regulation 2(b), filed 5/20/64; Order 812, Regulation 2(b), effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-240	Miscellaneous requirements. [Order 950, Regulation 2(c), filed 5/20/64.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-250	Planting stock. [Order 950, Regulation 2(d), filed 5/20/64; Order 812, Regulation 1, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-260	Test plat records. [Order 950, Regulation 2(e), filed 5/20/64; Order 812, Regulation 3, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-270	Field inspection. [Order 950, Regulation 2(f), filed 5/20/64; Order 812, Regulation 8, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-280	Field standards. [Order 950, Regulation 3, filed 5/20/64; Order 812, Regulation 9, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-290	Test plats. [Order 950, Regulation 4, filed 5/20/64; Order 812, Regulation 10, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-300	Test plat tolerances. [Order 950, Regulation 5, filed 5/20/64; Order 812, Regulation 11, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-310	Tuber inspection—Diseases and grades. [Order 950, Regulation 6(a), filed 5/20/64; Order 812, Regulation 12, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.

- 16-324-320 Definitions. [Order 950, Regulation 6(b), filed 5/20/64; Order 812, Regulation 13, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
- 16-324-330 Digging, storage, and premarketing. [Order 950, Regulation 7, filed 5/20/64.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
- 16-324-340 Tags restricted to qualified lots—Warranty clause, disclaimer. [Order 950, Regulation 8, filed 5/20/64.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
- 16-324-350 Promulgation. [Order 1199, § 16-324-350, filed 5/5/71, effective 6/7/71.] Repealed by 84-11-051 (Order 1825), filed 5/17/84. Statutory Authority: Chapter 15.14 RCW.
- 16-324-360 Definitions. [Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-360, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-360, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-360, filed 9/11/87; Order 1199, § 16-324-360, filed 5/5/71, effective 6/7/71.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-380 Certified seed potato stock—Fees. [Statutory Authority: Chapter 15.14 RCW. 91-10-029 (Order 2083), § 16-324-380, filed 4/24/91, effective 5/25/91; 89-23-073 (Order 2020), § 16-324-380, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-380, filed 9/11/87; 84-11-051 (Order 1825), § 16-324-380, filed 5/17/84; 78-12-034 (Order 1587), § 16-324-380, filed 11/21/78; Order 1199, § 16-324-380, filed 5/5/71, effective 6/7/71.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-390 Requirements for production of foundation and/or certified seed potato stock. [Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-390, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-390, filed 9/11/87; 86-15-045 (Order 1897), § 16-324-390, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-390, filed 11/21/78; Order 1526, § 16-324-390, filed 4/27/77; Order 1199, § 16-324-390, filed 5/5/71, effective 6/7/71.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-394 Production requirements—Prenuclear class. [Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-394, filed 5/14/97, effective 6/14/97.] Repealed by 00-20-070, filed 10/3/00, effective 11/3/00. Statutory Authority: Chapter 15.14 RCW.
- 16-324-395 Production requirements—Field grown seed potatoes. [Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-395, filed 5/14/97, effective 6/14/97.] Repealed by 00-20-070, filed 10/3/00, effective 11/3/00. Statutory Authority: Chapter 15.14 RCW.
- 16-324-397 Field inspection. [Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-397, filed 5/14/97, effective 6/14/97.] Repealed by 00-20-070, filed 10/3/00, effective 11/3/00. Statutory Authority: Chapter 15.14 RCW.
- 16-324-400 Certified seed potato—Field inspection standards. [Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-400, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 86-15-045 (Order 1897), § 16-324-400, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-400, filed 11/21/78; Order 1199, § 16-324-400, filed 5/5/71, effective 6/7/71.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-410 Winter test. [Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-410, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-410, filed 11/16/89, effective 12/17/89; 78-12-034 (Order 1587), § 16-324-410, filed 11/21/78; Order 1526, § 16-324-410, filed 4/27/77; Order 1199, § 16-324-410, filed 5/5/71, effective 6/7/71.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-430 Certified seed potato—Digging, storage and premarketing. [Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-430, filed 9/11/87; 86-15-045 (Order 1897), § 16-324-430, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-430, filed 11/21/78; Order 1199, § 16-324-430, filed 5/5/71, effective 6/7/71.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-435 Storage restrictions. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-435, filed 11/21/78, effective 5/1/79.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-440 Effective date. [Order 1199, § 16-324-440, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW.
- 16-324-445 Certified seed potato—Grading inspection—Diseases and grades. [Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-445, filed 11/16/89, effective 12/17/89; 86-15-045 (Order 1897), § 16-324-445, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-445, filed 11/21/78. Formerly WAC 16-446-100.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-450 Certified seed potato—Specific requirements. [Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-450, filed 9/11/87; 78-12-034 (Order 1587), § 16-324-450, filed 11/21/78. Formerly WAC 16-446-110.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-460 Washington No. 1 certified seed potatoes (blue tag stock). [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-460, filed 11/21/78. Formerly WAC 16-446-120.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-470 Washington No. 2 certified seed potatoes (red tag stock). [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-470, filed 11/21/78. Formerly WAC 16-446-130.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-480 Washington single drop certified seed potatoes (white tag stock). [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-480, filed 11/21/78. Formerly WAC 16-446-140.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-490 Washington buff certified seed potatoes (buff tag stock). [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-490, filed 11/21/78. Formerly WAC 16-446-150.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-500 Marking requirements. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-500, filed 11/21/78. Formerly WAC 16-446-160.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-510 Certified seed potato—Tolerances. [Statutory Authority: Chapter 15.14 RCW. 86-15-045 (Order 1897), § 16-324-510, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-510, filed 11/21/78. Formerly WAC 16-446-170.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-520 Certified seed potato—Definition of terms. [Statutory Authority: Chapter 15.14 RCW. 86-15-045 (Order 1897), § 16-324-520, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-520, filed 11/21/78. Formerly WAC 16-446-180.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-530 Certified seed potato—Definition—Damage. [Statutory Authority: Chapter 15.14 RCW. 86-15-045 (Order 1897), § 16-324-530, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-530, filed 11/21/78. Formerly WAC 16-446-190.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-540 Certified seed potato—Definition—Serious damage. [Statutory Authority: Chapter 15.14 RCW. 86-15-045 (Order 1897), § 16-324-540, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-540, filed 11/21/78. Formerly WAC 16-446-200.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.

- 16-324-600 Limited generation (L.G.) certified seed potato production. [Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-600, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-600, filed 9/11/87.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14-030.
- 16-324-605 Limited generation certified seed potato—Requirements for production and eligibility of prenuclear stock. [Statutory Authority: Chapter 15.14 RCW. 91-10-029 (Order 2083), § 16-324-605, filed 4/24/91, effective 5/25/91; 89-23-073 (Order 2020), § 16-324-605, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-605, filed 9/11/87.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-610 Limited generation certified seed potato—Land requirements. [Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-610, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-610, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-610, filed 9/11/87.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-620 Limited generation certified seed potato—Isolation requirements. [Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-620, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-620, filed 9/11/87.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-630 Limited generation certified seed potato—Field inspection tolerances. [Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-630, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-630, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-630, filed 9/11/87.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-640 Limited generation certified seed potato—Winter test tolerance. [Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-640, filed 9/11/87.] Repealed by 94-11-070 (Order 5041), filed 5/13/94, effective 6/13/94. Statutory Authority: Chapter 15.14 RCW.
- 16-324-650 Limited generation certified seed potato—Production phases. [Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-650, filed 9/11/87.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-660 Limited generation certified seed potato—Sanitation. [Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-660, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-660, filed 9/11/87.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-670 Limited generation certified seed potato—Tags. [Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-670, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-670, filed 9/11/87.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-680 Limited generation certified seed potato—Storage. [Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-680, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-680, filed 9/11/87.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-700 Establishing the fee schedule. [Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-700, filed 10/22/92, effective 11/22/92.] Repealed by 00-20-070, filed 10/3/00, effective 11/3/00. Statutory Authority: Chapter 15.14 RCW.
- 16-324-710 Schedule of fees—Billing policies and procedures. [Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-710, filed 10/22/92, effective 11/22/92.] Repealed by 00-20-070, filed 10/3/00, effective 11/3/00. Statutory Authority: Chapter 15.14 RCW.
- 16-324-720 Laboratory testing—Fees. [Statutory Authority: Chapter 15.14 RCW. 02-12-010, § 16-324-720, filed 5/23/02, effective 6/23/02; 00-20-070, § 16-324-720, filed 10/3/00, effective 11/3/00. Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-720, filed 10/22/92, effective 11/22/92.] Repealed by 04-12-026, filed 5/26/04, effective 6/26/04. Statutory Authority: Chapters 15.13, 15.14 and 34.05 RCW.
- 16-324-730 ELISA testing for the presence of bacteria—Fees. [Statutory Authority: Chapter 15.14 RCW. 02-12-010, § 16-324-730, filed 5/23/02, effective 6/23/02. Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-730, filed 10/22/92, effective 11/22/92.] Repealed by 04-12-026, filed 5/26/04, effective 6/26/04. Statutory Authority: Chapters 15.13, 15.14 and 34.05 RCW.
- 16-324-740 Entry level primary test—Fees. [Statutory Authority: Chapter 15.14 RCW. 02-12-010, § 16-324-740, filed 5/23/02, effective 6/23/02. Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-740, filed 10/22/92, effective 11/22/92.] Repealed by 04-12-026, filed 5/26/04, effective 6/26/04. Statutory Authority: Chapters 15.13, 15.14 and 34.05 RCW.
- 16-324-750 Tests for bacterial ring rot—Fees. [Statutory Authority: Chapter 15.14 RCW. 02-12-010, § 16-324-750, filed 5/23/02, effective 6/23/02. Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-750, filed 10/22/92, effective 11/22/92.] Repealed by 04-12-026, filed 5/26/04, effective 6/26/04. Statutory Authority: Chapters 15.13, 15.14 and 34.05 RCW.

WAC 16-324-361 Definitions. "Certification" means that the lot of seed potatoes was inspected and meets the requirements of this chapter.

"Cull" means any lot of potatoes rejected for certification for any reason.

"Department" means the department of agriculture of the state of Washington.

"Director" means the director of the department of agriculture or his/her duly appointed representative.

"Disease tested" means tested for and found free of all of the following diseases: Potato virus A (PVA), potato virus M (PVM), potato virus S (PVS), potato virus X (PVX), potato virus Y (PVY), potato leafroll virus (PLRV), potato mop top virus (PMTV), potato spindle tuber viroid (spindle tuber), *Erwinia carotovora* ssp. *carotovora* (soft rot), *Erwinia carotovora* ssp. *atroseptica* (black leg) and *Clavibacter michiganense* spp. *sependonicum* (ring rot).

"Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.

"Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.

"Minitubers" means tubers produced under controlled greenhouse conditions.

"Nematode" means plant parasitic nematodes capable of infesting potatoes, including but not limited to the genus *Meloidogyne*.

"Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from prenuclear stock, and grown in the field for the first time.

"Plot" means a seed potato planting that is 0.25 acre or less in size.

"Powdery scab" means the disease caused by the fungus *Spongospora subterranea*.

"Prenuclear" means micropropagated plants or tubers and plants or minitubers produced in a greenhouse.

"Quarantine pest" means a pest of potential economic importance and not yet present in the state, or present but not widely distributed and being officially controlled.

"Recertification" means the process of certifying a seed lot that was certified the previous year.

"Rogue" means removing diseased or undesirable plants, including all associated plant parts from a seed potato field.

"Seed lot" means a field, in whole or in part, or a group of fields producing seed potatoes, or the potato tubers harvested from a seed potato field.

"Seed potatoes" means vegetatively propagated tubers used for potato production.

"Seed source" means seed potatoes produced by an individual grower within a particular seed production area.

"Trace" means a barely perceivable indication of plant disease that amounts to less than 0.001 percent of sample.

"Tolerance" means the maximum acceptable percentage of potato plants or tubers that is diseased, infected by plant pests, defective or off-type based on visual inspection or laboratory testing by the director or other authorized person.

"Unit method" means a method of planting in which cut seed pieces from one tuber are dropped consecutively in a row, or in which all tubers from one plant are dropped consecutively in a row.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 07-11-010, § 16-324-361, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 02-12-010, § 16-324-361, filed 5/23/02, effective 6/23/02; 00-20-070, § 16-324-361, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-361, filed 5/14/97, effective 6/14/97.]

WAC 16-324-370 General guidance. (1) Participation in this program is voluntary, except as provided in chapter 15.15 RCW, and may be withdrawn at the option of the applicant.

(2) The department will refuse or cancel certification of any seed potato planting or seed potato lot that fails to comply with this chapter.

(3) Issuance of a certified state of Washington tag, stamp or other document under this chapter means only that the tagged, stamped or otherwise documented seed potatoes have been subjected to procedures and requirements described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all express or implied warranties, including without limitation implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter. Certification is based solely on compliance with this chapter.

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

[Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-370, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-370, filed 5/14/97, effective 6/14/97. Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-370, filed 11/21/78; Order 1199, § 16-324-370, filed 5/5/71, effective 6/7/71.]

WAC 16-324-375 Application and withdrawal. (1) To apply for certification, applicants must use the form provided

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by the department and furnish all information requested, including the date, name, signature and address of the applicant, lot number, seed source identification number, variety, class planted, acres, date planted, seed spacing at planting, average length of rows, year the field was last cropped to potatoes, along with their variety and lot number, and a map of the field location. Applications for certification must reach the department on or before June 15 of each year, accompanied by the appropriate fee, field location maps and evidence of eligibility such as tags or certificates. A North American Certified Seed Potato Health Certificate is required for evidence of eligibility for seed lots originating in other states or Canada, and must be submitted with the application. Unless prior approval has been granted, late applications will be assessed a late fee of twenty dollars per application. The department will not accept applications after July 10.

(2) Separate applications are required for each variety, seed source, and seed lot except as described in subsection (5) of this section.

(3) Separate applications are required for each field location that is separated by more than one hundred feet.

(4) Growers may withdraw a seed potato lot from certification for any reason by notifying the department in writing.

(5) Growers may use a single application for multiple varieties planted in a field plot totaling 1/8 acre or less. The application must contain the information required in subsection (1) of this section for each variety. Growers shall use one identification number for the field plot with a separate letter designation for each variety in the field plot.

[Statutory Authority: Chapters 15.13, 15.14 and 34.05 RCW. 04-12-026, § 16-324-375, filed 5/26/04, effective 6/26/04. Statutory Authority: Chapter 15.14 RCW. 02-12-010, § 16-324-375, filed 5/23/02, effective 6/23/02; 00-20-070, § 16-324-375, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-375, filed 5/14/97, effective 6/14/97. Statutory Authority: Chapter 15.14 RCW. 91-10-029 (Order 2083), § 16-324-375, filed 4/24/91, effective 5/25/91; 86-15-045 (Order 1897), § 16-324-375, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-375, filed 11/21/78.]

WAC 16-324-381 Certified seed potato stock—Fees.

(1) The seed potato certification fee is twenty-nine dollars per acre or fraction of an acre.

(2) The certification fee for a field plot is twenty dollars per application.

(3) The department may assess additional fees for time and mileage pursuant to chapter 16-470 WAC.

(4) Growers must submit a minimum of fifty percent of the total certification fees with the applications.

(5) Final payment of certification fees is due and payable November 1 of each year.

(6) For the purpose of fee assessment, acreage may be adjusted by no more than ten percent prior to the first field inspection. The department will refund certification fees, if a written withdrawal notice is received by the department prior to the first field inspection.

(7) Growers are not required to pay the final half of the certification fee on lots rejected or withdrawn before the second inspection.

(8) The department will deny certification to any applicant who fails to pay fees when due.

(9) The department will not accept applications from any grower owing the department for previous fees.

[Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-381, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-381, filed 5/14/97, effective 6/14/97.]

WAC 16-324-382 Seed potato classification. (1) All seed potatoes entered for certification are classified on the basis of production phases as follows:

(a) Prenuclear (PN) - Micropropagated potatoes or seed potatoes grown in a greenhouse or screenhouse under sanitary conditions free of insects, weeds that can harbor potato diseases or other sources of disease contamination.

(b) Nuclear (N) - First field production year.

(c) Generation 1 (G1) - Second field production year.

(d) Generation 2 (G2) - Third field production year.

(e) Generation 3 (G3) - Fourth field production year.

(f) Generation 4 (G4) - Fifth field production year.

(g) Generation 5 (G5) - Sixth field production year.

(2) If a seed lot fails to meet the standards established in this chapter for its class, then it will be reclassified to the earliest generation for which it meets established standards.

[Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-382, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-382, filed 5/14/97, effective 6/14/97.]

WAC 16-324-385 Production requirements. (1) A grower is not eligible to produce nuclear, generation 1, or generation 2 seed potatoes, if ring rot has been detected on his or her farm during the previous two years.

(2) Prenuclear class.

(a) Prenuclear seed lots must be derived from disease tested micropropagated plants. All testing methods and laboratories must be approved by the department.

(b) A minimum of one percent (and not less than twenty samples) of prenuclear seed produced in a greenhouse must be tested and found free of potato virus X (PVX), potato virus Y (PVY), potato virus S (PVS), potato leafroll virus (PLRV), *Erwinia carotovora* ssp. *carotovora* (soft rot), *Erwinia carotovora* ssp. *atroseptica* (black leg), and *Clavibacter michiganense* ssp. *sependonicum* (ring rot).

(c) The department will inspect all facilities used in the production of prenuclear class seed potatoes on a periodic basis. Department approval is necessary in order to utilize these facilities.

(3) Nuclear class.

(a) Nuclear class seed potatoes must be propagated entirely from prenuclear plants.

(b) Each nuclear class seed lot must be distinctly separated in storage and in the field.

(c) If a ground rig is used for spraying, wide enough spacing between rows must be left, so that tires will not touch plants during the growing season.

(d) Growers must plant cut seed and single drop seed separately, with single drop seed identified.

(4) Generations 1, 2, 3, 4 and 5.

(a) Growers must leave a distinct separation of at least six feet unplanted or planted to some other crop between lots of seed potatoes from different classes. A similar separation must be left between different varieties, unless the varieties are readily distinguishable by visual observation.

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(b) When more than one lot of seed potatoes is planted in the same field, growers must stake or mark the identity of each lot.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 08-10-039, § 16-324-385, filed 4/30/08, effective 5/31/08; 07-11-010, § 16-324-385, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-385, filed 10/3/00, effective 11/3/00.]

WAC 16-324-391 Eligibility requirements. (1) Only seed potatoes derived from plants that have been disease tested and certified by an official certification agency are eligible for certification.

(2) Only seed lots that meet or exceed the minimum requirements as established in this chapter are eligible for certification. A seed lot that has more than a trace amount of virus disease noted during any field inspection is not eligible for recertification, unless it has been post-harvest tested and meets the minimum standards established in WAC 16-324-420.

(3) A post-harvest test is required for seed lots that will be recertified, except when planted back on the same farm.

(4) In order to be eligible for certification in Washington state, seed lots from other states or countries must be eligible for recertification in the state or country of origin and must meet the requirements of this chapter.

(5) A seed lot blended from two or more different sources of seed is not eligible for recertification.

(6) A seed lot infected with powdery scab is not eligible for recertification.

(7) Generation 5 (G5) seed lots are not eligible for recertification.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 07-11-010, § 16-324-391, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-391, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-391, filed 5/14/97, effective 6/14/97.]

WAC 16-324-392 Isolation requirements. (1) The department must approve all nuclear and generation 1 field locations.

(2) Generation 2 through generation 5 must be isolated by at least three hundred fifty feet from all noncertified potatoes.

(3) When ring rot is found in a field planted with more than one lot of seed potatoes, the department will reject the entire field unless at least six feet between lots has been left unplanted or planted to some other crop.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 07-11-010, § 16-324-392, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-392, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-392, filed 5/14/97, effective 6/14/97.]

WAC 16-324-393 Land requirements. (1) The department will not accept any field infested with nematodes.

(2) Detection of ring rot in a field will make that field ineligible for production of certified seed potatoes for three years. Presence of volunteer potato plants in a field with ring rot history will disqualify the current field crop for certification. Plants outside of the defined row are considered volunteers.

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(3) Nuclear class seed potatoes must be produced in a field that has not been planted with potatoes for at least four years. (New ground is preferred.)

(4) Generation 1 class seed potatoes must be produced in a field that has not been planted with potatoes for at least three years.

(5) Generation 2, 3, 4, and 5 class seed potatoes must be produced in a field that has not been planted with potatoes during the previous year unless the prior potato crop was certified seed potatoes of an earlier class of the same variety. Volunteer plants from a previously planted seed potato crop will cause the class designation of the current crop to be changed to the appropriate generation of the volunteer plants.

[Statutory Authority: Chapters 15.13, 15.14 and 34.05 RCW. 04-12-026, § 16-324-393, filed 5/26/04, effective 6/26/04. Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-393, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-393, filed 5/14/97, effective 6/14/97.]

WAC 16-324-396 Sanitation requirements. (1) Chemicals used in the sanitation of equipment should be those recommended by the *Pacific Northwest Plant Disease Control Handbook*. Vector control must be maintained throughout the growing season as recommended by the *Pacific Northwest Plant Disease Control Handbook*.

(2) Seed stocks entered for certification must be planted and harvested prior to handling any other seed stock. The earliest generation must be handled prior to later generations within the program.

(3) Only department-approved containers shall be used during the digging, storage, and packing process.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 07-11-010, § 16-324-396, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-396, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-396, filed 5/14/97, effective 6/14/97.]

WAC 16-324-398 Field inspection disease tolerance.

(1) Compliance with a 0.0% tolerance is not intended, nor should it be construed, to mean that the lot inspected is free from the disease. It means that the disease was not detected during visual inspections of the seed lot.

(2) First and second field inspection tolerances, expressed as percentages.

	Nuclear	G 1	G 2	G 3	G 4	G5
Factor						
Varietal mixture	0.00	0.00	0.01	0.25	0.25	0.25
Mosaic	0.00	0.10	0.20	0.50	1.00	2.00
Leafroll	0.00	0.05	0.10	0.25	0.25	0.25
Total visible virus	0.00	0.10	0.30	0.75	1.25	2.25
Phytoplasmas	0.00	0.00	0.10	0.20	0.50	1.00
Black leg	0.00	0.10	0.50	1.00	2.00	*
Ring rot	0.00	0.00	0.00	0.00	0.00	0.00
Nematode	0.00	0.00	0.00	0.00	0.00	0.00
Spindle tuber viroid and other quarantined pests	0.00	0.00	0.00	0.00	0.00	0.00

*Tolerance for black leg does not apply to G5.

[Statutory Authority: Chapters 15.13, 15.14 and 34.05 RCW. 04-12-026, § 16-324-398, filed 5/26/04, effective 6/26/04. Statutory Authority: Chapter 15.14 RCW. 02-12-010, § 16-324-398, filed 5/23/02, effective 6/23/02; 00-20-070, § 16-324-398, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-398, filed 5/14/97, effective 6/14/97.]

WAC 16-324-399 Field inspection. (1) The department will visually inspect each seed lot at least two times during the growing season. The department may make additional inspections if the department deems it necessary.

(2) The department will reject all seed lots that do not comply with minimum field inspection standards at the time of inspection.

(3) Growers must notify the department of unusual field conditions, which may cause premature dying from any cause prior to the final reading of the field.

(4) Post-harvest testing is required for any seed lot with a field condition preventing adequate field evaluation at the time of the first field inspection.

(5) If the department is unable to perform the final field inspection of a seed potato lot for any reason at least one of the following actions will be taken:

- (a) The seed lot will be denied certification;
- (b) The seed lot will be denied recertification; and/or
- (c) The lot must be post harvest tested and found free of ring rot.

(6) The department will reject any seed lot in which ring rot is detected and will conduct additional inspections on all of the grower's remaining seed lots. The department will not recertify any seed lot associated with or planted after the rejected lot. The department will submit samples of ring rot detected during field inspections to an approved laboratory for confirmation.

(7) The department may require a post-harvest test and withhold certification pending results of the post-harvest test on seed potato lots exposed to any chemical that causes tuber-borne injury. Any seed potato lot showing five percent or greater tuber-borne chemical damage in the post-harvest test will be rejected for certification.

[Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-399, filed 10/3/00, effective 11/3/00.]

WAC 16-324-401 Latent virus testing requirements.

(1) PVX testing is required for nuclear and generation 1 class seed potatoes. PVX testing is optional for all other classes.

(2) Growers must submit petiole samples for latent virus testing to a laboratory approved by the department. The applicant is responsible for laboratory testing fees.

(3) The minimum number of plants per seed lot to be sampled for PVX testing is one hundred. For nuclear class, a minimum of one percent of the total number of plants per lot must be sampled. For generation 1, a minimum of two hundred plants per acre must be sampled. For generation 2, a minimum of fifty plants per acre must be sampled. Generation 3, 4 and 5 seed lots should be sampled at a rate of twenty plants per acre. The department may require additional testing.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 07-11-010, § 16-324-401, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 02-12-010, § 16-324-401, filed 5/23/02, effective 6/23/02; 00-20-070, § 16-324-401, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-401, filed 5/14/97, effective 6/14/97.]

WAC 16-324-402 Latent virus tolerance. (1) PVX tolerances are listed in the table that follows and must be based on positive ELISA test results.

PVX TOLERANCE TABLE: PERCENT DISEASE

NUCLEAR	G1	G2	G3	G4	G5
0.00	0.50	1.00	3.00	4.00	5.00

[Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-402, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-402, filed 5/14/97, effective 6/14/97.]

WAC 16-324-409 Post-harvest test requirements. (1) Post-harvest testing of all seed classes is optional, except as required in WAC 16-324-391 and 16-324-399. Seed lots which fail the minimum requirements of the field inspection standards are not eligible for post-harvest testing.

(2) A minimum of four hundred tubers must be submitted for each seed lot entered for post-harvest testing. Seed lots less than one acre in size must submit a minimum of four tubers per total hundred weight with a minimum of fifty tubers.

(3) The applicant is responsible for the cost of post-harvest testing.

(4) Seed lots in the post-harvest test which fail to comply with the disease tolerance requirements set forth in WAC 16-324-420 are not eligible for recertification.

(a) The applicant must notify in writing all receivers of any seed lot that failed to comply with post-harvest tolerances set forth in WAC 16-324-420.

(b) Acceptance of a seed lot that fails to comply with the tolerances set forth in WAC 16-324-420 must be based on a written buyer/seller agreement. The grower must provide the department with a copy of the written agreement within thirty days of receiving the post-harvest results.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 07-11-010, § 16-324-409, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-409, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-409, filed 5/14/97, effective 6/14/97.]

WAC 16-324-420 Post-harvest test tolerances.

TOLERANCE TABLE: PERCENT DISEASE

Factor	NUCLEAR	G1	G2	G3	G4	G5
Leafroll	0.00	0.25	0.50	0.75	1.00	2.00
	0.00	0.25	0.50	1.00	1.50	2.00
Mosaic (well defined)						
Total virus	0.00	0.50	0.75	1.00	1.50	3.00

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-420, filed 5/14/97, effective 6/14/97. Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-420, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-420, filed 11/21/78; Order 1199, § 16-324-420, filed 5/5/71, effective 6/7/71.]

WAC 16-324-431 Digging, storage and premarketing. (1) Each seed lot must be stored with its identity maintained. All tubers from a unit planting method must be numbered and stored as an identifiable unit for the next year's planting.

(2) Each storage or room containing more than one seed lot must have a solid barrier between each lot.

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(a) The department will reject any seed lot in which ring rot or nematode is found.

(b) Noncertified potatoes must not be stored in the same facility as certified seed potatoes.

(3) The applicant must notify in writing receivers of any seed lot found to be infected with ring rot. The applicant must provide the department with a copy of this notification when it is sent to the receiver.

(4) All seed classes must be graded according to the United States Standards for Grades of Seed Potatoes.

(5) Each container or sack must be identified with an official Washington seed potato tag listing the grower's name, address, seed lot number, net weight, variety and classification unless such information is printed on the sacks or containers.

(6) The department issues tags to the grower. The grower is required to comply with all of the following:

- (a) Tag the sack or container as the potatoes are sorted;
- (b) Allow inspection of graded seed potatoes at any time;
- (c) Remove the tags from out-of-grade potatoes under the supervision of the department; and
- (d) Return all unused tags to the department.

(7) The department may issue a compliance agreement authorizing the grower to tag seed potatoes.

(8) Bulk shipments must be identified with the information required in subsection (5) of this section.

[Statutory Authority: Chapter 15.14 RCW. 02-12-010, § 16-324-431, filed 5/23/02, effective 6/23/02; 00-20-070, § 16-324-431, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-431, filed 5/14/97, effective 6/14/97.]

WAC 16-324-446 Grading inspection. (1) Grading of seed potatoes is the responsibility of the grower. The department monitors grading activities for compliance with the United States Standards for Seed Potatoes and established state standards for seed potatoes.

(2) Upon request, the department provides shipping point inspections for seed potatoes. Fees established in chapter 16-470 WAC apply to all shipping point inspections.

(3) Three colors of tags are authorized for use on certified seed potatoes.

(a) Blue tags are used for seed potatoes which meet or exceed minimum requirements of United States Standards for US Number 1 grade of seed potatoes.

(b) Yellow tags indicate a contract grade between buyer and seller.

(c) White tags are used for seed potatoes which meet or exceed minimum requirements of US Number 1 standards for grade of seed potatoes except, that the size may not be less than one ounce or more than three ounces in weight.

[Statutory Authority: Chapter 15.14 RCW. 00-20-070, § 16-324-446, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-446, filed 5/14/97, effective 6/14/97.]

Chapter 16-325 WAC

SEED POTATO ISOLATION DISTRICT

WAC

- 16-325-005 Promulgation—Establishing an isolation district.
- 16-325-010 Definitions.
- 16-325-015 Regulated area.

- 16-325-020 Regulations for potato production within the seed potato isolation district.
- 16-325-025 Exceptions.

WAC 16-325-005 Promulgation—Establishing an isolation district. The production of high quality seed potatoes within the state requires conditions that are as free as possible from insect pests and plant diseases. The production of other potatoes intermixed with or in close proximity to a concentrated seed potato production area poses an increased risk of introduction of insect pests and plant diseases. To mitigate this problem this chapter establishes a seed potato isolation district requiring commercial potato production within the boundaries to be enrolled in the seed potato certification program.

[Statutory Authority: Chapter 15.15 RCW. 98-09-071, § 16-325-005, filed 4/20/98, effective 5/21/98.]

WAC 16-325-010 Definitions. The definitions in this section shall apply throughout this chapter.

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department of agriculture or a duly appointed representative.
- (3) "Potato" means plants or plant parts of *Solanum tuberosum*.
- (4) "Seed potatoes" means vegetatively propagated tubers of *Solanum tuberosum* used for propagation or production.
- (5) "Seed potato certification program" means the program in which certified seed potatoes are produced, as set forth in chapter 16-324 WAC.

[Statutory Authority: Chapter 15.15 RCW. 98-09-071, § 16-325-010, filed 4/20/98, effective 5/21/98.]

WAC 16-325-015 Regulated area. The seed potato isolation district consists of that area of Whatcom County lying within the following boundaries:

On the west the boundary follows Georgia Straight from the Canadian border south to Slater Road.

On the north the boundary follows the Canadian border from Georgia Straight easterly to South Pass Road.

On the east the boundary follows South Pass Rd. southwesterly to the point where the eastern edge of Range 4 East intersects South Pass Road, then south along the eastern boundary of Range 4 East to the Nooksack River (south of the town of Deming).

On the south the boundary follows the Nooksack River northwesterly to the City of Everson, south from Everson on Mission Road to Smith Road, westerly on Smith Rd to Interstate 5, southeasterly on Interstate 5 to Slater Road, westerly on Slater Road to Rural Ave., southwesterly on Rural Ave. to Marine Dr., westerly on Marine Dr. to Ferndale Rd., northerly on Ferndale Rd. to Slater then westerly on Slater to Georgia Straight.

[Statutory Authority: Chapter 15.15 RCW. 02-09-030, § 16-325-015, filed 4/9/02, effective 5/10/02; 98-09-071, § 16-325-015, filed 4/20/98, effective 5/21/98.]

WAC 16-325-020 Regulations for potato production within the seed potato isolation district. All potato plant-

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ings in excess of one acre must be enrolled in the seed potato certification program described in chapter 16-324 WAC. Affected growers shall be responsible for all associated fees as required in chapter 16-324 WAC.

[Statutory Authority: Chapter 15.15 RCW. 98-09-071, § 16-325-020, filed 4/20/98, effective 5/21/98.]

WAC 16-325-025 Exceptions. The director may allow the production of potatoes, otherwise prohibited, by special permit. The permit shall specify under what conditions and in what location production will be allowed and must be obtained prior to planting.

[Statutory Authority: Chapter 15.15 RCW. 98-09-071, § 16-325-025, filed 4/20/98, effective 5/21/98.]

Chapter 16-326 WAC

BRASSICA SEED PRODUCTION DISTRICT

WAC

- 16-326-010 What are the boundaries of the regulated areas, also called the Brassica seed production districts?
- 16-326-020 What are the general requirements for growing, transporting or processing Brassica seed within any Brassica seed production district?
- 16-326-030 What are the requirements to grow Brassica seed in Brassica seed production district 1?
- 16-326-040 What are the requirements for growing Brassica seed in all of Brassica seed production district 2, which is composed of two subdistricts designated districts 2A and 2B?
- 16-326-050 What are the differences between restrictions on Brassica seed production in Brassica seed production districts 2A and 2B?
- 16-326-060 What is the Brassica work group and how often does it meet?

WAC 16-326-010 What are the boundaries of the regulated areas, also called the Brassica seed production districts? (1) For purposes of descriptions of boundaries, any highway designation is measured from the center line of the highway, as determined by Washington department of transportation maps.

(2) Brassica seed production district 1 includes areas of five counties as follows:

(a) In Whatcom County, the area bounded as follows: From two miles west of the Interstate 5 intersection with the Canadian border, a southward line extends parallel to, and two miles west of, Interstate 5 to its intersection with State Highway 542. The line then extends generally northeastward along State Highway 542 to the city limits of Kendall. At Kendall, the line continues due north to the Canadian border. The line then extends westward along the Canadian border to its point of origin.

(b) All of mainland Skagit County is included. On Fidalgo Island, the area on its eastern side bounded by a line three miles west of and parallel to the Swinomish Channel, extending from Padilla Bay to Smilk Bay, is included. All of Samish Island is included. The remaining portion of Fidalgo Island and all other islands in Skagit County are excluded from Brassica seed production district 1.

(c) In Snohomish County, the area bounded as follows: From Puget Sound east along State Highway 531 (also known as Lakewood Rd.), the line extends through Interstate 5 Exit #206 (the Smokey Point exit) to the intersection of State Highway 531 and State Highway 9 in Arlington. From

there the line extends generally northward along State Highway 9 to the county line, and then west along the county line to Puget Sound.

(d) In Island County, all of Camano Island and the portion of Whidbey Island north of an east-west line extending through Greenbank.

(e) In Clallam County, the area bounded as follows: From the westernmost city limit of Port Angeles, a line extends due south to a location five miles south of State Highway 101. From there, the boundary continues east along a line parallel to, and five miles south of, State Highway 101 to the Clallam/Jefferson County line. The boundary turns north along the Clallam/Jefferson County line until it reaches the Straits of Juan de Fuca and then continues along the Straits to its point of origin.

(3) *Brassica* seed production district 2 is divided into two subdistricts, designated district 2A and district 2B. For purposes of descriptions of boundaries relating to *Brassica* seed production district 2, all references to canals pertain to Columbia Basin Irrigation Project structures. *Brassica* seed production district 2 includes portions of Grant and Adams counties bounded as follows:

(a) Beginning at the Grant/Douglas County boundary, the line proceeds continuously due east along existing portions of Road 13NW to its intersection with the West Canal. The line follows the West Canal in a northeasterly direction through portions of the city of Ephrata, then around the northern end of Soap Lake and easterly to the intersection of the West Canal and the East Low Canal. The line follows the East Low Canal in a southerly, then easterly direction to its intersection with State Highway 26. Then it turns west and follows State Highway 26 to the Columbia River. The line continues due west until it intersects the county boundary in the Columbia River. The line then turns north and follows the county boundary to the point of origin.

(b) *Brassica* seed production district 2A is the northwestern portion of *Brassica* seed production district 2. It is bounded on the north and west by the boundaries of *Brassica* seed production district 2. Its eastern boundary line commences at the intersection of Rd. 13 NW and K NW. The line extends south along K NW to its intersection with the I-90 North Frontage Rd. The line extends west along North Frontage Rd. to State Highway 281N, and along State Highway 281N to Q SW. It extends north along Q SW to 5 NW and west along 5 NW to the western boundary of *Brassica* seed production district 2.

(c) *Brassica* seed production district 2B consists of the portion of *Brassica* seed production district 2 that is not encompassed in *Brassica* seed production district 2A.

[Statutory Authority: Chapters 15.51 and 34.05 RCW. 08-04-005, § 16-326-010, filed 1/24/08, effective 2/24/08.]

WAC 16-326-020 What are the general requirements for growing, transporting or processing *Brassica* seed within any *Brassica* seed production district? (1) Growing, transportation or processing of *Brassica* seed is regulated under provisions of this section only within the borders of a *Brassica* seed production district, as described in WAC 16-326-010.

(2) No *Brassica* seed crop grown for any purpose is regulated as part of a *Brassica* seed production district, if it is

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harvested or mowed before flowering or otherwise handled so that pollen production is prevented. Note that other regulatory requirements, such as the provisions of the crucifer seed quarantine rule found in WAC 16-301-490 through 16-301-580, are applicable.

(3) *Brassica* seed crops, including seed grown for planting and seed grown for crushing or extraction for fuel or oil, may only be grown in locations that have been identified in a timely manner through the pinning process.

(a) Pinning for *Brassica* seed production in *Brassica* seed production district 1 will be held at least once a year at the WSU Northwestern Washington Research and Extension Center, 16650 State Route 536, Mt. Vernon, Washington 98237. Contact the WSU Skagit County Extension office at 360-428-4270 for information about pinning events for district 1.

(b) Pinning for *Brassica* seed production district 2 will be held at least once a year at the WSU Grant County Extension office, 35 C St. N.W., Ephrata, Washington 98823. Contact the WSU Grant County Extension office at 509-754-2011, ext. 413 for information about pinning events for district 2.

(c) Dates, times, locations and other information about pinning events will vary.

(d) Pinning for *Brassica* seed crops produced for planting must be performed by an authorized representative of the contractor for the crop. If the seed produced for planting is not being produced for a contractor, or if the contractor waives the pinning privilege, then the grower is responsible for pinning the location of the crop.

(e) Pinning for *Brassica* seed crops produced for fuel or oil must be performed by an authorized representative of the grower.

(4) Transportation and handling of *Brassica* seed within any *Brassica* seed production district must be performed in a way to prevent inadvertent spread of seed or production of volunteer plants. All shipments of viable seed must be in covered containers from which the seed cannot leak.

(5) Volunteer *Brassica* plants must be controlled as soon as feasible, but always prior to pollen production or blossoming.

[Statutory Authority: Chapters 15.51 and 34.05 RCW. 08-04-005, § 16-326-020, filed 1/24/08, effective 2/24/08.]

WAC 16-326-030 What are the requirements to grow *Brassica* seed in *Brassica* seed production district 1? (1) *Brassica* seed crops intended for oil or fuel production and/or associated by-products, forage, or cover crops may only be planted or grown in compliance with a *Brassica* production agreement, as described in RCW 15.51.040.

(2) *Brassica* seed crops of species generally known as rapeseed or canola, that are intended for producing seed for planting, may only be planted or grown under conditions of a *Brassica* production agreement, as described in RCW 15.51.040.

[Statutory Authority: Chapters 15.51 and 34.05 RCW. 08-04-005, § 16-326-030, filed 1/24/08, effective 2/24/08.]

WAC 16-326-040 What are the requirements for growing *Brassica* seed in all of *Brassica* seed production district 2, which is composed of two subdistricts design-

nated districts 2A and 2B? (1) A minimum isolation distance of two miles must be preserved from the nearest edge of any *Brassica* seed crop to any other *Brassica* seed crop. The location pinned first has priority and establishes a basis for the isolation distance for other *Brassica* seed crops. Any person subsequently pinning any other location for a *Brassica* seed crop is responsible for maintaining the two-mile minimum isolation distance. Exceptions to this two-mile minimum distance can occur only in the following three situations:

(a) An exception that allows an isolation distance of less than two miles will occur when a written agreement between two or more contractors and/or growers complies with the conditions specified in subsection (2) of this section. All locations to be planted under such a written agreement between the parties must be pinned.

(b) An exception to the minimum isolation distance may be allowed under conditions of a *Brassica* production agreement, as described in RCW 15.51.040. All locations to be planted under such a *Brassica* production agreement must be pinned.

(c) *Brassica* seed crops grown for forage or cover crops may be planted or grown within the two-mile minimum isolation distance, if the forage or cover crop is not allowed to bloom or to produce pollen from April 1 through August 15 of any year. Forage or cover crops that comply with requirements of this subsection are not required to be pinned.

(2) Written agreements between parties to voluntarily allow planting of locations, any portion of which are within the minimum isolation distance of two miles (as referenced in subsection (1)(a) of this section), must comply with all of the following conditions:

(a) The agreement must be signed by authorized representatives of the contractors for the *Brassica* seed crops grown for planting, and by the growers of *Brassica* seed crops grown for fuel or oil. If one or more of the affected *Brassica* seed crops for planting is not being produced under contract, or if the contractor waives signature authority for this agreement, the grower of the crop must enter into the agreement instead.

(b) The agreement must, at a minimum, specify:

- The date of the agreement;
- The approximate dates during which the affected crops will be in the field;
- The name, business name (if applicable), telephone number and address of each affected grower;
- The location and acreage of each planting affected by the agreement;
- The contractor (if applicable) for each location; and
- *Brassica* seed crop species and variety for each location.

(c) These written agreements cannot extend beyond one harvest per agreement.

(d) Copies of the written agreement must be retained by each person who signs it for a minimum of three years.

(3) Pinning for *Brassica* seed crops intended to produce seed for planting starts each year on the first business day **after** January 31 for summer annual species or varieties (such as mizuna and Chinese cabbage) and on the first business day **after** May 31 for overwintered species or varieties (such as cabbage, broccoli, and turnip). Pinning for *Brassica* seed

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crops to produce seed intended for oil or fuel starts the first business day **after** June 30.

[Statutory Authority: Chapters 15.51 and 34.05 RCW. 08-04-005, § 16-326-040, filed 1/24/08, effective 2/24/08.]

WAC 16-326-050 What are the differences between restrictions on *Brassica* seed production in *Brassica* seed production districts 2A and 2B? WAC 16-326-040 establishes restrictions that apply throughout all of *Brassica* seed production district 2 (including the two subdistricts designated districts 2A and 2B in WAC 16-326-010(3)), regarding the production of *Brassica* seed crops. Additional specific restrictions apply to district 2A. The differences between the subdistricts are:

(1) *Brassica* seed production in *Brassica* seed production district 2A is limited primarily to production of any species of *Brassica* seed for planting. Within *Brassica* seed production district 2A, *Brassica* seed crops intended for oil or fuel production may only be planted or grown under conditions of a *Brassica* production agreement, as described in RCW 15.51.040.

(2) *Brassica* seed production in *Brassica* seed production district 2B includes production of any species of *Brassica* seed for planting, oil or fuel production.

[Statutory Authority: Chapters 15.51 and 34.05 RCW. 08-04-005, § 16-326-050, filed 1/24/08, effective 2/24/08.]

WAC 16-326-060 What is the *Brassica* work group and how often does it meet? The *Brassica* work group is an advisory group composed of representatives of the vegetable seed, canola, and biofuels production industries, as well as other interested persons. The Washington state department of agriculture will continue to convene the work group as needed, but at least once a year, for the purpose of advising the department regarding the provisions of chapter 16-326 WAC, any necessary revisions, and the needs of affected growers and industries.

[Statutory Authority: Chapters 15.51 and 34.05 RCW. 08-04-005, § 16-326-060, filed 1/24/08, effective 2/24/08.]

Chapter 16-328 WAC

CERTIFICATION OF STRAWBERRY PLANTING STOCK

WAC	
16-328-008	Definitions.
16-328-011	Strawberry plant certification fees.
16-328-015	Certifying agency issuance of certificate.
16-328-025	Production requirements for foundation strawberry planting stock.
16-328-045	Production requirements for registered and certified strawberry planting stock.
16-328-060	Standards and tolerances for inspection of growing foundation, registered, and certified strawberry planting stock.
16-328-065	Strawberry planting stock certification—Identification and marking.
16-328-083	Strawberry planting stock grades and standards—Washington No. 1.
16-328-085	Strawberry planting stock grades and standards—Washington No. 2.
16-328-088	Strawberry planting stock grades and standards—Tolerances for inspection during or after harvest.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

16-328-001	Promulgation. [Order 925, Promulgation, filed 6/25/63.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.	16-328-120	Tolerances. [Order 925, Strawberry Standards, Regulation 3, filed 6/25/63.] Repealed by Order 1216, filed 10/18/71, effective 11/18/71.
16-328-002	Promulgation. [Order 1110, § 16-328-002, filed 3/31/69.] Repealed by Order 1216, filed 10/18/71, effective 11/18/71.	16-328-130	Definitions. [Order 925, Regulation 4, Strawberry Standards, filed 6/25/63; Order 625, Regulation 2, effective 4/29/52.] Repealed by Order 1216, filed 10/18/71, effective 11/18/72.
16-328-003	Promulgation. [Order 1216, § 16-328-003, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.		
16-328-009	Strawberry plant certification standards. [Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-009, filed 6/9/87.] Repealed by 00-19-034, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.		
16-328-010	Strawberry plant certification 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.] Repealed by 03-10-080, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.14 and 34.05 RCW.		
16-328-020	Definitions. [Order 625, Regulation 2, effective 4/29/52.] Omitted from Order 925, which superseded Order 625.		
16-328-030	Strawberry plant certification—Requirements for production of foundation and registered stock. [Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-030, filed 6/9/87; Order 1216, § 16-328-030, filed 10/18/71, effective 11/18/71; Order 925, Regulation 3, filed 6/25/63; Order 625, Regulation 3 (part), effective 4/29/52.] Repealed by 00-19-034, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.		
16-328-035	Strawberry plant certification—Requirements for the production of certified stock. [Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-035, filed 6/9/87; Order 1216, § 16-328-035, filed 10/18/71, effective 11/18/71; Order 925, Regulation 4, filed 6/25/63; Order 625, Regulations 4 and 5, effective 4/29/52.] Repealed by 00-19-034, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.		
16-328-038	Production of certified strawberry nursery stock by micropropagation techniques. [Statutory Authority: Chapter 15.14 RCW. 87-17-024 (Order 1947), § 16-328-038, filed 8/13/87.] Repealed by 00-19-034, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.		
16-328-040	Handling the crop prior to inspection. [Order 625, Regulation 4, effective 4/29/52.] Omitted from Order 925, which superseded Order 625.		
16-328-050	Field inspection. [Order 625, Regulation 5, effective 4/29/52.] Now codified within WAC 16-328-035.		
16-328-070	Classes of certified plants. [Order 625, Regulation 7, effective 4/29/52.] Now codified within WAC 16-328-065.		
16-328-080	Strawberry plant certification—Tagging or stamping and plant inspection. [Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-080, filed 6/9/87; Order 1216, § 16-328-080, filed 10/18/71, effective 11/18/71; Order 1110, § 16-328-080, filed 3/31/69; Order 925, Regulation 7, filed 6/25/63; Order 625, Regulation 8, effective 4/29/52.] Repealed by 00-19-034, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.		
16-328-090	Effective date. [Order 1216, § 16-328-090, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.		
16-328-100	Washington No. 1. [Order 925, Strawberry Standards, Regulation 1, filed 6/25/63.] Repealed by Order 1216, filed 10/18/71, effective 11/18/71.		
16-328-110	Washington No. 2. [Order 925, Strawberry Standards, Regulation 2, filed 6/25/63.] Repealed by Order 1216, filed 10/18/71, effective 11/18/71.		

WAC 16-328-008 Definitions. "Department" means the department of agriculture of the state of Washington.

"Director" means the director of the department of agriculture or a duly appointed representative.

"Fairly clean" means that the roots are not matted or caked with dirt.

"Fairly fresh" means that the roots and petioles are not excessively wilted or otherwise damaged.

"Fairly well trimmed runners and petioles" means that the length of each runner and petiole is three inches or less.

"Firm" means that the crowns are not soft or spongy, although they may yield to slight pressure.

Free from damage by:

(a) "Sunburn" means that the roots are not damaged by sunburn or scald, but slight discoloration may be present.

(b) "Mold" means that the plants are free from excessive mold or decay. Plants slightly affected by mold may be allowed.

(c) "Freezing injury" means that the roots are of a normal color, and the plant is only moderately affected by discolored roots which may affect its normal growth. Black roots caused by disease are not permitted.

(d) "Broken or split crowns, mechanical injury" means there is no breaking or severance of the crown from the root section, or splitting of the crown, or other mechanical injury that would affect the normal growth of the plant.

"Index" means to test for virus infection by means of inoculation from the plant to be tested to an indicator plant, or by any other method accepted by the department.

"Indicator plant" means any herbaceous or woody plant used to index or test for virus infection.

"Moist" means that the plants are reasonably turgid and not dried to a degree that would affect normal growth.

"Nuclear stock" means strawberry plants that have been indexed and found free of known viruses and virus-like diseases by United States Department of Agriculture personnel or other personnel acceptable to the department. Nuclear plants must be reindexed for virus and virus-like diseases at least every three years and maintained under conditions that would ensure freedom from infection.

"Off-type" means appearing by visual examination to be different from the species or variety listed on the application or exhibiting symptoms of a genetic or nontransmissible disorder.

"Similar varietal characteristics" means that the plants have the same general character of growth.

"Tolerance" means the maximum acceptable percentage of planting stock that is diseased, infected by plant pests, defective, or off-type based on visual inspection or laboratory testing by the director or other authorized person.

"Virus-like" means a graft-transmissible disorder resembling a virus disease, including, but not limited to, diseases caused by viroids and phytoplasmas.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 03-10-080, § 16-328-008, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapter 15.14

RCW. 00-19-034, § 16-328-008, filed 9/12/00, effective 10/13/00; 87-13-016 (Order 1932), § 16-328-008, filed 6/9/87; Order 1216, § 16-328-008, filed 10/18/71, effective 11/18/71.]

WAC 16-328-011 Strawberry plant certification fees.

The 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 the application fee of \$140.00.

(2) Inspection fees. The department will conduct certification inspections at the hourly inspection rate established in chapter 16-401 WAC, plus mileage charged at a rate established by the state office of financial management. Testing fees will be charged at the rate established in chapter 16-470 WAC. 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: Chapters 15.14 and 34.05 RCW. 04-17-039, § 16-328-011, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 15.14, 17.24, and 34.05 RCW. 03-21-166, § 16-328-011, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 15.14 and 34.05 RCW. 03-10-080, § 16-328-011, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapter 15.14 RCW. 01-11-032, § 16-328-011, filed 5/8/01, effective 6/8/01.]

WAC 16-328-015 Certifying agency issuance of certificate.

(1) Issuance of a state of Washington certified plant tag, stamp or other document, under this chapter means only that the tagged, stamped, or otherwise documented strawberry planting stock has been subjected to procedures and requirements described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

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

(3) Participation in the strawberry planting stock certification program is voluntary.

[Statutory Authority: Chapter 15.14 RCW. 00-19-034, § 16-328-015, filed 9/12/00, effective 10/13/00; 87-13-016 (Order 1932), § 16-328-015, filed 6/9/87.]

(2009 Ed.)

WAC 16-328-025 Production requirements for foundation strawberry planting stock. (1) Foundation strawberry plants must originate directly from nuclear stock and must be grown in an insect-proof facility on pasteurized soil or a soil-less growing medium free of plant pests and vectors of plant pests.

(2) Growers may use micro-propagation techniques to multiply foundation plants prior to planting them in a foundation facility, if both of the following conditions are met:

(a) The micro-propagated plants are isolated from all nonfoundation strawberry plants at all times; and

(b) The micro-propagation facility is approved by the department.

(3) Growers may maintain and increase foundation stock indefinitely, if no individual plant remains in the foundation planting for more than two growing periods.

[Statutory Authority: Chapter 15.14 RCW. 00-19-034, § 16-328-025, filed 9/12/00, effective 10/13/00; 87-13-016 (Order 1932), § 16-328-025, filed 6/9/87; Order 1216, § 16-328-025, filed 10/18/71, effective 11/18/71; Order 925, Regulation 2, filed 6/25/63; Order 625, Regulation 3 (part), effective 4/29/52.]

WAC 16-328-045 Production requirements for registered and certified strawberry planting stock.

(1) Registered strawberry plants must originate directly from foundation stock.

(2) Certified strawberry plants must be planted with first year plantings of registered or foundation stock.

(3) Registered or certified strawberry plants must be grown in an insect-proof facility or in a field that is at least one-half mile from any noncertified strawberry plants.

(4) The grower must remove or rogue all low-yielding, diseased, off-type or abnormal plants.

(5) Use of any pesticide which suppresses the symptoms of red stele without eradicating the causal pathogen is prohibited.

(6) If registered or certified strawberry plants are grown in a field, all of the following conditions must be complied with:

(a) The field must not have been planted with strawberries during the previous growing season, unless the plants are of the same variety and class and one or both of the following two conditions have been complied with:

(i) The field was inspected by the department in the previous year and found free of red stele; or

(ii) The field was fumigated or treated to control red stele by methods approved by the department.

(b) Each variety must be separated by a distance of at least twelve feet.

(c) All insects and diseases must be effectively controlled using methods recommended by the Washington State University Cooperative Agricultural Extension Service.

(d) The field must be relatively free of weeds.

[Statutory Authority: Chapter 15.14 RCW. 00-19-034, § 16-328-045, filed 9/12/00, effective 10/13/00.]

WAC 16-328-060 Standards and tolerances for inspection of growing foundation, registered, and certified strawberry planting stock. (1) The unit of certification is the lot.

(2) Any portion of a field not meeting the standards, tolerances and criteria established in this chapter may be marked and removed from consideration for certification if, in the judgment of the department, it does not jeopardize the certification eligibility of the remaining portion of the field.

(3) The department will perform at least two visual inspections of each planting prior to harvest and one inspection during or after harvest.

(4) Each lot of foundation, registered or certified planting stock may have no more than the percentage of affected plants listed in the table below.

Factors	TOLERANCES (%)			
	Foundation (all inspections)	Registered	Certified 1st & 2nd inspections	3rd inspection
Visible Symptoms of Virus Diseases	0	0	1	0.5
Visible Symptoms of Red Stele	0	0	0	0
Nematode	0	0	0	0
Variety Mixture	0	0	0.1	0
All other Diseases (including lethal decline)	0	0.5	2	1

[Statutory Authority: Chapter 15.14 RCW. 00-19-034, § 16-328-060, filed 9/12/00, effective 10/13/00; 87-13-016 (Order 1932), § 16-328-060, filed 6/9/87; Order 1216, § 16-328-060, filed 10/18/71, effective 11/18/71; Order 925, Regulation 5, filed 6/25/63; Order 625, Regulation 6, effective 4/29/52.]

WAC 16-328-065 Strawberry planting stock certification—Identification and marking. (1) After the plants have passed inspection, foundation, registered and certified strawberry planting stock must be identified by the official state of Washington plant tag or stamp. In addition, foundation or registered strawberry planting stock must be marked with the appropriate class as "foundation planting stock" or "registered planting stock."

(2) When they are offered for sale, crown division plants from certified planting stock must be segregated and packed separately from other stock. The plants must be identified with the official state of Washington plant tag or stamp and marked "crown divisions."

(3) All containers must be marked with the name and address of the grower, grade or class of stock, and variety.

[Statutory Authority: Chapter 15.14 RCW. 00-19-034, § 16-328-065, filed 9/12/00, effective 10/13/00; 87-13-016 (Order 1932), § 16-328-065, filed 6/9/87; Order 1216, § 16-328-065, filed 10/18/71, effective 11/18/71; Order 1110, § 16-328-065, filed 3/31/69; Order 925, Regulation 6, filed 6/25/63; Order 625, Regulation 7, effective 4/29/52.]

WAC 16-328-083 Strawberry planting stock grades and standards—Washington No. 1. Washington No. 1 strawberry planting stock consists of strawberry plants of one variety or plants of similar varietal characteristics which are:

- (1) Fairly fresh.
- (2) Firm.
- (3) Moist.
- (4) Fairly clean.
- (5) Fairly well trimmed runners and petioles.
- (6) Free from damage caused by:
 - (a) Sunburn.
 - (b) Mold.

(c) Freezing injury, black roots.

(d) Broken or split crown, mechanical injury.

(7) Free from detectable dangerous pests or diseases, including plant parasitic nematodes.

Strawberry plants in this grade must have at least ten main roots with a minimum length of two and one-half inches, and a minimum crown diameter of one-fourth inch measured at the base of the crown.

[Statutory Authority: Chapter 15.14 RCW. 00-19-034, § 16-328-083, filed 9/12/00, effective 10/13/00; 87-13-016 (Order 1932), § 16-328-083, filed 6/9/87.]

WAC 16-328-085 Strawberry planting stock grades and standards—Washington No. 2. Washington No. 2 shall consist of strawberry plants of one variety or plants of similar varietal characteristics which meet all of the requirements of Washington No. 1 except strawberry plants in this grade must have at least six main roots with a minimum length of two and one-half inches.

[Statutory Authority: Chapter 15.14 RCW. 00-19-034, § 16-328-085, filed 9/12/00, effective 10/13/00; 87-13-016 (Order 1932), § 16-328-085, filed 6/9/87.]

WAC 16-328-088 Strawberry planting stock grades and standards—Tolerances for inspection during or after harvest. (1) In order to allow for variations incident to proper grading and packing, not more than a combined total of ten percent, by count, of the plants in any lot may fail to meet the requirements of the grades specified in WAC 16-328-083 or 16-328-085.

(2) Individual packages in any lot may vary from the tolerance specified above in this section, if the average for the entire lot, based on sample inspection, is within the tolerance.

(3) Strawberry planting stock must be packed in such manner to retain a fresh condition.

[Statutory Authority: Chapter 15.14 RCW. 00-19-034, § 16-328-088, filed 9/12/00, effective 10/13/00; 87-13-016 (Order 1932), § 16-328-088, filed 6/9/87.]

Chapter 16-333 WAC

CERTIFICATION OF CANEBERRY PLANTING STOCK

WAC

16-333-010	Definitions.
16-333-020	Certifying agency issuance of certificate.
16-333-041	Caneberry certification fees.
16-333-045	Production requirements for foundation caneberry planting stock.
16-333-051	Production requirements for registered caneberry planting stock.
16-333-056	Production requirements for certified caneberry planting stock.
16-333-061	Site requirements for foundation, registered and certified caneberry planting stock.
16-333-066	Caneberry greenhouse and screenhouse inspection.
16-333-071	Caneberry field inspection.
16-333-085	Tolerances for foundation, registered and certified caneberry planting stock.
16-333-090	Caneberry planting stock identification and grading.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-333-030	Caneberry certification standards. [Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-030, filed 11/5/85.] Repealed by 00-19-035, filed
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- 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
- 16-333-040 Caneberry certification fees effective June 30, 2001. [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.] Repealed by 03-10-081, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.14 and 34.05 RCW.
- 16-333-050 Requirements for production of caneberry foundation and registered stock. [Statutory Authority: Chapter 15.14 RCW. 89-16-051 (Order 2013), § 16-333-050, filed 7/28/89, effective 8/28/89; 87-13-016 (Order 1932), § 16-333-050, filed 6/9/87; 85-22-053 (Order 1876), § 16-333-050, filed 11/5/85.] Repealed by 00-19-035, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
- 16-333-060 Requirements for production of caneberry certified planting stock. [Statutory Authority: Chapter 15.14 RCW. 89-16-051 (Order 2013), § 16-333-060, filed 7/28/89, effective 8/28/89; 85-22-053 (Order 1876), § 16-333-060, filed 11/5/85.] Repealed by 00-19-035, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
- 16-333-065 Production of certified caneberry nursery stock by micropropagation techniques. [Statutory Authority: Chapter 15.14 RCW. 87-17-024 (Order 1947), § 16-333-065, filed 8/13/87.] Repealed by 00-19-035, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
- 16-333-070 Caneberry field inspection. [Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-070, filed 11/5/85.] Repealed by 00-19-035, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
- 16-333-080 Caneberry field standards. [Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-080, filed 11/5/85.] Repealed by 00-19-035, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
- 16-333-200 Definitions. [Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-200, filed 3/27/91, effective 4/27/91.] Repealed by 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
- 16-333-205 Approval of stock. [Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-205, filed 3/27/91, effective 4/27/91.] Repealed by 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
- 16-333-210 Seed stock eligible for certification. [Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-210, filed 3/27/91, effective 4/27/91.] Repealed by 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
- 16-333-215 Planting requirements. [Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-215, filed 3/27/91, effective 4/27/91.] Repealed by 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
- 16-333-220 Conditions under which certification may be refused. [Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-220, filed 3/27/91, effective 4/27/91.] Repealed by 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
- 16-333-225 Responsibilities of the grower. [Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-225, filed 3/27/91, effective 4/27/91.] Repealed by 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
- 16-333-230 Storage requirements for certified seed. [Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-230, filed 3/27/91, effective 4/27/91.] Repealed by 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
- 16-333-235 Movement of seed out-of-state—Permit requirement. [Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-235, filed 3/27/91, effective 4/27/91.] Repealed by 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.

- 16-333-240 Fees. [Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-240, filed 3/27/91, effective 4/27/91.] Repealed by 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
- 16-333-245 Certifying agency issuance of certificate. [Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-245, filed 3/27/91, effective 4/27/91.] Repealed by 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.

WAC 16-333-010 Definitions. "Caneberry" means any cultivated *Rubus* species.

"Department" means the department of agriculture of the state of Washington.

"Director" means the director of the department of agriculture or a duly appointed representative.

"Index" means to test for virus infection by means of inoculation from the plant to be tested to an indicator plant, or by any other method approved by the department.

"Indicator plant" means any herbaceous or woody plant used to index or test for virus infection.

"Nuclear stock" means caneberry plants that have been indexed and found free of known viruses and virus-like diseases by United States Department of Agriculture personnel or other personnel acceptable to the department. Nuclear plants must be reindexed for virus and virus-like diseases at least every three years and maintained under conditions that would ensure freedom from infection.

"Off-type" means appearing by visual examination to be different from the species or variety listed on the application or exhibiting symptoms of a genetic or nontransmissible disorder.

"Root cuttings" means sections of roots which have one or more bud.

"Succulent plants" means small, actively growing plants that are developing from root buds, not having passed through a dormant period.

"Tolerance" means the maximum acceptable percentage of planting stock that is diseased, infected by plant pests, defective, or off-type based on visual inspection or laboratory testing by the director or other authorized person.

"Virus-like" means a graft-transmissible disorder resembling a virus disease, including, but not limited to, diseases caused by viroids and phytoplasmas.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 03-10-081, § 16-333-010, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapter 15.14 RCW. 00-19-035, § 16-333-010, filed 9/12/00, effective 10/13/00; 85-22-053 (Order 1876), § 16-333-010, filed 11/5/85.]

WAC 16-333-020 Certifying agency issuance of certificate. (1) Issuance of a state of Washington certified plant tag, stamp or other document under this chapter means only that the tagged, stamped or otherwise documented caneberry planting stock has been subjected to procedures and requirements described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nurs-

ery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(3) Participation in the caneberry planting stock certification program shall be voluntary.

[Statutory Authority: Chapter 15.14 RCW. 00-19-035, § 16-333-020, filed 9/12/00, effective 10/13/00; 87-13-016 (Order 1932), § 16-333-020, filed 6/9/87; 85-22-053 (Order 1876), § 16-333-020, filed 11/5/85.]

WAC 16-333-041 Caneberry certification fees. The caneberry certification fees are as follows:

(1) 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 the application fee of \$140.00.

(2) Inspection fees. The department will conduct certification inspections at the hourly inspection rate established in chapter 16-401 WAC, plus mileage charged at a rate established by the state office of financial management. Testing fees will be charged at the rate established in chapter 16-470 WAC. 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: Chapters 15.13, 15.14, and 34.05 RCW. 04-17-038, § 16-333-041, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 15.14, 17.24, and 34.05 RCW. 03-21-166, § 16-333-041, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 15.14 and 34.05 RCW. 03-10-081, § 16-333-041, filed 5/6/03, effective 6/30/03. 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 16-333-051 Production requirements for registered caneberry planting stock. (1) Registered caneberry plants must originate directly from nuclear or foundation stocks and may be grown in a greenhouse, screenhouse or field.

(2) Registered plants of differing cultivars produced in a registered greenhouse or screenhouse must be grown in separate containers.

(3) Different cultivars planted in a registered field must be separated by a distance of fourteen feet or by a physical barrier that prevents the intermingling of roots.

(4) Registered plants may be harvested from a registered planting for no more than one year.

(5) Upon request, growers must provide records to the department documenting the cultivar, source, indexing results and date of acquisition for any registered stock.

[Statutory Authority: Chapter 15.14 RCW. 00-19-035, § 16-333-051, filed 9/12/00, effective 10/13/00.]

WAC 16-333-056 Production requirements for certified caneberry planting stock. (1) Certified caneberry plants must originate directly from foundation or registered planting stock, or from root cuttings or succulent plants from foundation or registered plants.

(2) Different cultivars planted in a certified field must be separated by a distance of fourteen feet or by a physical barrier that prevents the intermingling of roots.

(3) Certified plants may be harvested from a certified planting for no more than one year.

(4) Upon request, growers of certified planting stock must provide records to the department documenting the cultivar, source, indexing results and date of acquisition for any certified stock.

[Statutory Authority: Chapter 15.14 RCW. 00-19-035, § 16-333-056, filed 9/12/00, effective 10/13/00.]

WAC 16-333-061 Site requirements for foundation, registered and certified caneberry planting stock. (1) Prior to planting foundation, registered, or certified planting

stock, the grower must obtain approval from the department for each field site or facility.

(2) For approval by the department, a field site for growing foundation, registered, or certified planting stock must comply with each of the following criteria:

(a) The site has not been planted to caneberry plants or solanaceous crops for the previous five years, or the entire site has been tarp fumigated with chloropicrin and methyl bromide or other equivalent soil treatments approved by the department.

(b) The entire site is at least five hundred feet from any noncertified *Rubus* plants.

(c) The site has been treated for plant parasitic nematodes using methods recommended by the Washington State University Cooperative Agricultural Extension Service, and its soil has been tested and found free of harmful plant parasitic nematodes.

(3) In order to grow foundation or registered caneberry planting stock in a greenhouse or screenhouse, the grower must use a pasteurized growing media, free of plant pests and vectors of virus pests.

(4) Upon request, growers must provide records to the department documenting fumigations, treatments, and tests.

(5) A map identifying cultivars and lots at each site must be provided to the department by the grower.

(6) Growers must tag all lots identifying the cultivar and/or the lot number.

[Statutory Authority: Chapter 15.14 RCW. 00-19-035, § 16-333-061, filed 9/12/00, effective 10/13/00.]

WAC 16-333-066 Caneberry greenhouse and screenhouse inspection. (1) Foundation or registered caneberry plants growing in a greenhouse or screenhouse must be inspected by the department at least one time during the growing period when the plants are likely to express symptoms of virus infection, crown and cane gall infections, and other disorders. The department may conduct additional inspections.

(2) During inspection, the department will flag all plants that are visibly off-type, crown gall infected, virus infected, or exhibiting virus-like symptoms.

(3) Growers must remove all plants flagged by the department immediately after inspection.

(4) The unit of certification is the lot.

[Statutory Authority: Chapter 15.14 RCW. 00-19-035, § 16-333-066, filed 9/12/00, effective 10/13/00.]

WAC 16-333-071 Caneberry field inspection. (1) Field grown foundation, registered, or certified caneberry planting stock must be inspected by the department at least three times during the growing period.

(a) The first and second inspections must be conducted when the plants are likely to express symptoms of virus infection, crown and cane gall infections, and other disorders.

(b) The department will conduct the third inspection during or after harvest.

(c) The department may conduct additional inspections.

(2) During inspections, the department will flag all plants that are visibly off-type, crown gall infected, virus infected, or exhibiting symptoms of other caneberry pests or diseases.

(2009 Ed.)

(3) Growers must rogue in compliance with the criteria in this subsection all plants flagged by the department within one week after inspection.

(a) Roguing after the first field inspection must include removing the undesirable plant and all of its roots.

(b) Roguing after the second field inspection must include removing the undesirable plant and all of its roots, as well as all plants and plant parts within ten feet of the undesirable plant.

(4) Any portion of a field not meeting the standards, tolerances and criteria established in this chapter may be marked and removed from consideration for certification if, in the judgment of the department, it does not jeopardize the certification eligibility of the remaining portion of the field.

(5) The unit of certification is the lot.

[Statutory Authority: Chapter 15.14 RCW. 00-19-035, § 16-333-071, 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
Anthracnose	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.]

WAC 16-333-090 Caneberry planting stock identification and grading. (1) All caneberry planting stock meeting the requirements and standards of this chapter may be identified with the state of Washington official certified caneberry plant tag or stamp issued by the department.

(2) All containers must be marked with the name and address of the grower, class of certified stock, variety, and lot number.

(3) Quality and grading of planting stock is the responsibility of the grower.

[Statutory Authority: Chapter 15.14 RCW. 00-19-035, § 16-333-090, filed 9/12/00, effective 10/13/00; 85-22-053 (Order 1876), § 16-333-090, filed 11/5/85.]

Chapter 16-334 WAC

RULES RELATING TO THE PRODUCTION OF GARLIC SEED CERTIFICATION

WAC

16-334-010	Definitions.
16-334-020	Garlic seed—General.
16-334-030	Requirements for participation in the seed garlic certification program.
16-334-040	Inspection and testing requirements for certification.
16-334-050	Conditions under which certification may be refused.
16-334-060	Responsibilities of the grower.
16-334-070	Storage requirements for registered and certified garlic seed.
16-334-080	Movement of garlic planting stock—Permit required.

WAC 16-334-010 Definitions. (1) "Certified block" means a planting of a single variety of garlic established from foundation stock, registered stock or certified stock, which complies with the requirements of this chapter.

(2) "Certified stock" means garlic which is produced in a certified block and/or which complies with the requirements of this chapter.

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

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

(5) "Foundation block" means a garlic planting established from stock subjected to a laboratory disease elimination procedure approved by the director, which complies with the requirements of this chapter.

(6) "Foundation stock" means garlic which is produced in a foundation block and which complies with the requirements of this chapter.

(7) "Garlic" means plants, plantlets, cloves, bulbs or any plant part of *Allium sativum* or related varieties.

(8) "Garlic seed" means vegetatively propagated bulbs or cloves of garlic used for planting purposes.

(9) "Off-type" means appearing different by visual examination from the variety listed on the application or exhibiting symptoms of a genetic or nontransmissible disorder.

(10) "Planting stock" means certified stock, registered stock or foundation stock.

(11) "Registered block" means a planting of a single variety of garlic which is established from foundation stock or registered stock and which complies with the requirements of this chapter.

(12) "Registered stock" means garlic which is produced in a registered block and which complies with the requirements of this chapter.

(13) "Stem and bulb nematode" means *Ditylenchus dipsaci*.

(14) "White rot fungus" means *Sclerotinium cepivorum*.

[Statutory Authority: Chapter 15.14 RCW. 98-11-048, § 16-334-010, filed 5/18/98, effective 6/18/98.]

WAC 16-334-020 Garlic seed—General. (1) Issuance of a state of Washington certified plant tag, stamp or other

document means only that the tagged, stamped, or otherwise documented plant materials have been subjected to procedures and requirements described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all expressed or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter.

(3) No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding certification.

(4) Participation in the seed garlic certification program is voluntary.

[Statutory Authority: Chapter 15.14 RCW. 98-11-048, § 16-334-020, filed 5/18/98, effective 6/18/98.]

WAC 16-334-030 Requirements for participation in the seed garlic certification program.

(1) Participants in the seed garlic certification program must submit an annual two-hundred dollar application fee and all applications for plant propagation and certification by July 1 prior to planting. A separate application form must be used for each variety to be certified.

(2) As a condition of participation in the seed garlic certification program, the applicant grower must furnish the department all requested information pertinent to the operation of the program and must give consent to the department to take material for examination and testing.

(3) Garlic seed to be planted into registered or certified blocks must be inspected and tested in compliance with WAC 16-334-030 during the prior growing season by the department or by another certifying agency approved by the department. All such garlic seed must be found to be free of stem and bulb nematode and white rot fungus.

(4) Foundation blocks must be planted with garlic seed that has been through an approved disease elimination process.

(5) Registered blocks must be planted with garlic seed that originates from an approved program as foundation or registered stock.

(6) Certified blocks must be planted with garlic seed that originates from an approved program as foundation stock, registered stock or certified stock. The department may accept other garlic seed as certified stock, if the garlic seed has been inspected, tested, and found free of stem and bulb nematode and white rot fungi, as specified in subsection (3) above, for the previous two growing seasons.

(7) Planting sites for foundation, registered and certified blocks must be inspected and approved by the department at least 30 days prior to planting. At a minimum, planting sites must comply with all of the following criteria:

(a) The site has been out of *Allium spp.* production for at least five years;

(b) The site is found free of stem and bulb nematode based on an official laboratory test;

(c) The site is not infested with white rot fungus;

(d) The site is not likely to become infested with stem and bulb nematode or white rot fungus by drainage, flooding or irrigation;

(e) The site is separated from all other certified, registered, or foundation blocks by a minimum of six feet, unless the department approves alternative precautions to preserve identity;

(f) The site is a minimum of five hundred feet from any planting of noncertified *Allium spp.*

[Statutory Authority: Chapter 15.14 RCW. 98-11-048, § 16-334-030, filed 5/18/98, effective 6/18/98.]

WAC 16-334-040 Inspection and testing requirements for certification. (1) The department shall conduct the following inspections for white rot fungus:

- (a) One growing season inspection for all field plantings;
- (b) One inspection at harvest or during storage;

(2) The department shall collect samples and conduct laboratory analysis for stem and bulb nematode on the following:

- (a) Soil from all sites prior to planting;
- (b) Plants from foundation and registered blocks, collected at approximately 20 foot intervals and composited on a one acre basis;

(c) Plants from certified blocks equal to or greater than one quarter acre intended to be planted back for recertification, collected at approximately 20 foot intervals and composited on a one acre basis;

(d) Plants from certified blocks of less than a quarter acre intended for recertification, comprising a reasonable sample of not more than five percent of the total plants.

(3) The department may require additional inspections or tests as needed.

(4) Inspection fees as established in chapter 16-401 WAC and laboratory analysis fees as established in chapter 16-470 WAC are applicable to this program.

(5) Payment is due upon completion of each inspection or test. Billing may be arranged subject to department policies and processes.

[Statutory Authority: Chapter 15.14 RCW. 00-01-148, § 16-334-040, filed 12/21/99, effective 1/21/00; 98-11-048, § 16-334-040, filed 5/18/98, effective 6/18/98.]

WAC 16-334-050 Conditions under which certification may be refused. Any plant that appears to be growing abnormally or with abnormal appearing bulbs will be collected and examined for the presence of pests or disease. The department may refuse to certify a planting or the harvested bulbs of garlic if:

(1) The garlic is found to be infested with stem and bulb nematode or infected with white rot fungi; or

(2) The garlic is infected with any other pest that the department determines cannot be eliminated by treatment or roguing; or

(3) A plant or plants are off-type, unless the block is rogued to the satisfaction of the department; or

(4) The participant has failed to pay in a timely manner any fees applicable to this program; or

(5) The participant has failed to comply with any requirements in this chapter.

(2009 Ed.)

[Statutory Authority: Chapter 15.14 RCW. 98-11-048, § 16-334-050, filed 5/18/98, effective 6/18/98.]

WAC 16-334-060 Responsibilities of the grower. In addition to other requirements specified in this chapter, a grower participating in this program must perform all of the following:

- (1) Conduct an active program of garlic pest control;
- (2) Use precautions when cultivating, irrigating and moving equipment to prevent the spread of soil-borne pests or diseases;
- (3) Comply with the white rot quarantine regulations in WAC 16-470-300;
- (4) Maintain the identity of each lot.

[Statutory Authority: Chapter 15.14 RCW. 98-11-048, § 16-334-060, filed 5/18/98, effective 6/18/98.]

WAC 16-334-070 Storage requirements for registered and certified garlic seed. (1) Harvested seed garlic shall be stored in:

- (a) Clean bins or containers that have not been used to store noncertified *Allium spp.*; and
- (b) Clean storage areas approved by the department where onions are not stored.

(2) Harvested planting stock must be held in one of the following:

- (a) New bags;
- (b) Bags that have been only used to store certified garlic seed; or

(c) Bags that have been used to store crops other than onions and have been sanitized prior to use for garlic.

[Statutory Authority: Chapter 15.14 RCW. 98-11-048, § 16-334-070, filed 5/18/98, effective 6/18/98.]

WAC 16-334-080 Movement of garlic planting stock—Permit required. In order to move planting stock out of Washington for cracking or other treatment, the participant must comply with all of the following requirements:

(1) The identity of each lot must be maintained at all times;

(2) The participant must obtain a permit from the department prior to movement of the planting stock out of Washington;

(3) The number specified on its permit shall be used to identify each lot;

(4) The permit must accompany the shipping container at all times; and

(5) The permit must accompany certified seed garlic reentering the state.

[Statutory Authority: Chapter 15.14 RCW. 98-11-048, § 16-334-080, filed 5/18/98, effective 6/18/98.]

Chapter 16-350 WAC

REGISTRATION AND CERTIFICATION OF FRUIT TREE PLANTING STOCK

WAC

- 16-350-010 General.
- 16-350-015 Definitions.
- 16-350-020 Requirements.
- 16-350-025 Requirements for registered scion blocks.
- 16-350-030 Requirements for registered seed blocks.

16-350-032	Requirements for registered stool beds.
16-350-035	Requirements for certified nursery planting stock.
16-350-040	Inspection and testing for certification of nursery planting stock.
16-350-045	Application and fees.
16-350-050	Tagging and identity.

1300, § 16-350-010, filed 3/26/73; Order 951 (part), filed 7/2/64; Order 890 (part), effective 9/17/62.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-350-001	Promulgation. [Order 951, Promulgation, filed 7/2/64; Order 890, Promulgation, effective 9/17/62.] Repealed by 00-19-036, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
16-350-003	Promulgation. [Order 1331, § 16-350-003, filed 1/15/74; Order 1300, § 16-350-003, filed 3/26/73; Order 1275, § 16-350-003, filed 7/6/72.] Repealed by 00-19-036, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
16-350-060	Grades and standards for Washington certified fruit tree nursery stock. [Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-060, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-060, filed 1/15/74; Order 1300, § 16-350-060, filed 3/26/73; Order 951, Regulation 6, filed 7/2/64; Order 890, Regulation 6, effective 9/17/62.] Repealed by 00-19-036, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
16-350-065	Statutory declaration of unlawful acts. [Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-065, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-065, filed 1/15/74; Order 1300, § 16-350-065, filed 3/26/73; Order 951 (part), filed 7/2/64; Order 890 (part), effective 9/17/62.] Repealed by 00-19-036, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
16-350-070	Effective date. [Order 1331, § 16-350-070, filed 1/15/74; Order 1300, § 16-350-070, filed 3/26/73.] Repealed by 00-19-036, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
16-350-075	Certifying agency issuance of certificate. [Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-075, filed 11/9/90, effective 12/10/90.] Repealed by 00-19-036, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.

WAC 16-350-010 General. (1) Trees may be registered as rootstock and scion sources for the propagation of certified nursery stock when inspected, tested and found to be discernibly free from harmful virus and virus-like diseases and other conditions by procedures outlined in this program.

(2) Issuance of a certified state of Washington plant tag, stamp or other document under this chapter means only that the tagged, stamped or otherwise documented fruit tree or fruit tree related ornamental stock and rootstock have been subjected to procedures and requirements described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all express or implied warranties, including without limitation implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

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

(4) Participation in the fruit tree planting stock certification program is voluntary.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-010, filed 9/12/00, effective 10/13/00; Order 1331, § 16-350-010, filed 1/15/74; Order

WAC 16-350-015 Definitions. (1) "Indicator plant" means any herbaceous or woody plant used to index or test for virus infection.

(2) "Index" means to test for virus infection by means of inoculation from the plant to be tested to an indicator plant, or by any other method approved by the department.

(3) "NRSP-5" means the United States Department of Agriculture National Research Support Project 5.

(4) "Off-type" means appearing by visual examination to be different from the species or variety certified or exhibiting symptoms of a genetic or nontransmissible disorder.

(5) "Scion block" means a planting of registered trees which serves as a source of scion wood for the propagation of certified nursery stock.

(6) "Seed block" means a planting of registered trees which serves as a source of seed for producing rootstock used in the propagation of certified nursery stock.

(7) "Stool bed" means a clonal planting of self-rooted registered trees for the specific purpose of producing vegetatively propagated rootstock used in the propagation of certified nursery stock.

(8) "Virus-like" means a graft-transmissible disorder resembling a virus disease, including, but not limited to, diseases caused by viroids and phytoplasmas.

(9) "Washington certified nursery stock" means nursery grown seedlings, clonal rootstocks and nursery grown trees of the plant genera *Chaenomeles*, *Cydonia*, *Crataegus*, *Malus*, *Prunus*, *Pyrus* and *Sorbus*, that comply with the requirements of this chapter.

(10) "Washington certified seed" means seed produced on registered seed trees in compliance with this chapter.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-015, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-015, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-015, filed 1/15/74; Order 1300, § 16-350-015, filed 3/26/73; Order 951, Regulation 1, filed 7/2/64; Order 890, Regulation 1, effective 9/17/62.]

WAC 16-350-020 Requirements. (1) The applicant is responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of registered plantings grown under the provisions of this program. The applicant is also responsible for maintaining the identity of all nursery stock entered in this program in a manner approved by the department. Any planting entered in this program must be kept in a thrifty growing condition free of plant pests.

(2) Budding, grafting, or top-working of registered trees is prohibited, except for indexing under the supervision of the department.

(3) Applicants must remove any tree that is infected with virus or virus-like disease or is off-type, following notification by the department.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-020, filed 9/12/00, effective 10/13/00; Order 1331, § 16-350-020, filed 1/15/74; Order 1300, § 16-350-020, filed 3/26/73; Order 951, Regulation 2(a), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-025 Requirements for registered scion blocks. (1) The department will assign a registration number to each registered scion tree.

(2) Only registered trees are permitted in a registered scion block.

(3) Isolation requirements.

(a) *Prunus* trees must be at least one hundred feet from any nonregistered *Prunus* tree.

(b) *Chaenomeles*, *Cydonia*, *Crataegus*, *Malus*, *Pyrus*, and *Sorbus* trees must be at least sixty feet from any nonregistered plant of the Rosaceae family. The department may waive the isolation distance for registered trees of these genera, if the trees are separated by a physical barrier that would prevent the intermingling of roots.

(4) The ground in a scion block and for a distance of twenty feet on all sides around it must be kept either clean cultivated or in ground cover relatively free of broadleaf weeds.

(5) Registered scion trees must be propagated from foundation scion wood obtained from NRSP-5 or other equivalent sources approved by the department and rootstock that complies with the requirements established in this chapter, except:

(a) Registered scion trees of the genus *Malus* may be propagated with scion wood from other registered *Malus* trees, if all of the following three conditions are complied with:

(i) No registered tree utilized is more than two generations from the foundation source.

(ii) The registered tree providing scion wood for a second generation registered tree is identified and its location is known.

(iii) The department monitors the propagation of second generation registered scion trees.

(b) Registered scion trees may be propagated from trees that have been indexed and found free of all known virus and virus-like diseases by NRSP-5 or other programs approved by the department using equivalent indexing methods.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-025, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-025, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-025, filed 1/15/74; Order 1300, § 16-350-025, filed 3/26/73; Order 951, Regulation 2(b), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-030 Requirements for registered seed blocks. (1) The department will assign a registration number to each registered seed tree.

(2) Only registered trees are permitted in a registered seed block.

(3) *Prunus* seed blocks must be located at least one hundred feet from any nonregistered *Prunus* plants.

(4) The ground in a seed block and for a distance of twenty feet on all sides around it must be kept either clean cultivated or in ground cover relatively free of broadleaf weeds.

(5) Registered seed trees must be propagated from foundation or registered scion wood and rootstock that has been demonstrated to be free of all virus or virus-like diseases.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-030, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-030, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-030, filed 1/15/74; Order

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1300, § 16-350-030, filed 3/26/73; Order 951, Regulation 2(c), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-032 Requirements for registered stool beds. (1) Only registered trees are permitted in a registered stool bed.

(2) Registered stool beds must be at least ten feet from nonregistered plants of the Rosaceae family.

(3) The ground in a stool bed and for a distance of at least ten feet on all sides around it must be kept clean cultivated.

(4) Registered stool beds must be planted with foundation or registered planting stock. Certified rootstocks from programs approved by the department may also be used, provided the resulting stock in the stool bed is tested and found free of virus and virus-like diseases prior to harvest of certified rootstock.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-032, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-032, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-032, filed 1/15/74; Order 1300, § 16-350-032, filed 3/26/73.]

WAC 16-350-035 Requirements for certified nursery planting stock. (1) All nursery stock being grown for certification must be propagated on certified rootstock. Certified rootstock must comply with at least one of the following conditions:

(a) Rootstock propagated directly from registered trees.

(b) Rootstock originating from other approved certification programs, if the rootstock was propagated directly from mother plants that have been tested and found free of all known virus and virus-like diseases.

(c) *Prunus persica* seedlings grown from commercial seed, if the seed lot has been tested for transmissible virus content, and not more than five percent of the seed tested positive for transmissible virus content.

(d) Pome fruit seedlings.

(2) Growers must keep records identifying the scion, rootstock, and interstock sources for all Washington certified stock. Upon request, these records must be made available to the department.

(3) Seed may be designated as Washington certified seed only if both of the following conditions are complied with:

(a) The seed was produced on registered seed trees; and

(b) The seed lot has been tested for transmissible virus content, and not more than five percent of the seed tested positive for transmissible viruses.

(4) Washington certified nursery stock must be identified by a blue certification tag.

(5) When it is offered for sale, Washington certified nursery stock must be identified as to variety, interstock and rootstock.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 05-03-042, § 16-350-035, filed 1/11/05, effective 2/11/05. Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-035, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-035, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-035, filed 1/15/74; Order 1300, § 16-350-035, filed 3/26/73; Order 951, Regulation 2(d), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-040 Inspection and testing for certification of nursery planting stock. (1) The department will conduct all inspections, testing and indexing prescribed in this

chapter in a manner and at times the department has determined to be suitable. The methods and procedures used for making the virus and virus-like disease determinations will conform to the standards of NRSP-5.

(2) The department will refuse certification of planting stock that has been propagated from registered trees found to be infected by a virus or virus-like disease, or if other requirements of this chapter have not been complied with.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 04-11-025, § 16-350-040, filed 5/11/04, effective 7/1/04. Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-040, filed 9/12/00, effective 10/13/00; Order 1331, § 16-350-040, filed 1/15/74; Order 1300, § 16-350-040, filed 3/26/73; Order 951, Regulation 3, filed 7/2/64; Order 890, Regulation 3, effective 9/17/62.]

WAC 16-350-045 Application and fees. (1) The applicant must provide the department with all information documenting the eligibility of all registered and certified stock and must allow the department to take samples for indexing or testing purposes.

(2) An application for certification must be filed with the department by June 1 of each year accompanied by an application fee. The application fee will consist of \$100.00 plus \$10.00 for each registered *Prunus* tree and \$2.00 for each registered pome tree.

(3) The application fee will apply toward the annual assessment on the gross wholesale price of all fruit trees and fruit tree related ornamental nursery stock produced in Washington and sold within the state or shipped from the state during any license period, as set forth in RCW 15.13.310. No refund of the application fee will be allowed.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 04-11-025, § 16-350-045, filed 5/11/04, effective 7/1/04. Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-045, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-045, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-045, filed 1/15/74; Order 1300, § 16-350-045, filed 3/26/73; Order 1275, § 16-350-045, filed 7/6/72; Order 951, Regulation 4, filed 7/2/64; Order 890, Regulation 4, effective 9/17/62.]

WAC 16-350-050 Tagging and identity. (1) The department authorizes the use of official certification tags for the identification of nursery stock or seed that meet the requirements of this program. These tags will be supplied by the department to all growers participating in the program. Participating growers will reimburse the department for all certification tags supplied. This reimbursement will be based on the cost incurred by the department.

(2) Any person selling Washington certified nursery stock or Washington certified seed is responsible for the identity of the stock bearing each tag and for such nursery stock or seed meeting the requirements of this program. Persons issued tags authorized by the program must account for stock produced and sold, keep such records, and make them available to the department upon request.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-050, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-050, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-050, filed 1/15/74; Order 1300, § 16-350-050, filed 3/26/73; Order 951, Regulation 5, filed 7/2/64; Order 890, Regulation 5, effective 9/17/62.]

Chapter 16-354 WAC

HOP ROOTSTOCKS—CERTIFICATION

WAC

16-354-005	Hop rootstock—General.
16-354-010	Definitions.
16-354-020	Field standards for production of certified hop rootstock.
16-354-030	Certified mother block inspections.
16-354-040	Hop rootstock certification application and fees.
16-354-050	Hop rootstock tags and identity.
16-354-070	Hop rootstock field standards.
16-354-090	Hop rootstock grades and standards.
16-354-100	Hop rootstock tolerances.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-354-001	Promulgation—Rootstocks classified—Negation of warranty—Participation voluntary. [Order 1023, Promulgation, filed 6/16/66; Order 996, Promulgation, filed 11/30/65; Order 947, Promulgation, filed 4/13/64.] Repealed by Order 1264, filed 5/10/72.
16-354-002	Promulgation. [Order 1264, § 16-354-002, filed 5/10/72.] Repealed by 98-09-049, filed 4/15/98, effective 5/16/98. Statutory Authority: Chapter 15.14 RCW.
16-354-060	Standards for hop rootstock (early and late cluster type). [Order 1023, Regulation VI, filed 6/16/66; Order 996, Regulation VI, filed 11/30/65; Order 947, Regulation VI, filed 4/13/64.] Repealed by Order 1264, filed 5/10/72.
16-354-080	Effective date. [Order 1264, § 16-354-080, filed 5/10/72.] Repealed by 85-15-046 (Order 1867), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.

WAC 16-354-005 Hop rootstock—General. (1) Rootstocks of hops and hop plants (*Humulus Lupulus L.*) may be designated as foundation stock, registered stock or certified stock, if the rootstocks and plants from which they were produced have been inspected and tested in accordance with procedures and requirements outlined in rule. At a minimum, these procedures and requirements deal with Ilar viruses and virus-like diseases, downy mildew, verticillium wilt, crown gall, rootknot nematode, hop cyst nematode and other serious pests.

(2) Issuance of a state of Washington certified plant tag, stamp, or other document under this chapter means only that the tagged, stamped, or otherwise documented rootstock or plant stock has been subjected to procedures and requirements described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all express or implied warranties, including without limitation implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

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

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

[Statutory Authority: Chapter 15.14 RCW. 98-09-049, § 16-354-005, filed 4/15/98, effective 5/16/98. Statutory Authority: RCW 15.14.030 (2), (5). 95-18-034 (Order 5083), § 16-354-005, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-005, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter

15.14 RCW. 85-15-046 (Order 1867), § 16-354-005, filed 7/16/85; Order 1264, § 16-354-005, filed 5/10/72.]

WAC 16-354-010 Definitions. (1) "Broken or mutilated rootstock" means the breaking of the root section or splitting of the plant part or other mechanical injury that would affect the normal growth of the plant.

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

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

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

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

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

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

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

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

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

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

(12) "Foundation rootstock" means planting material taken from hop stocks established and maintained by Washington State University, which are indexed and believed to be free from known viruses. Such stock must, as much as practicable, be genetically uniform.

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

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

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

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

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

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

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

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

(2009 Ed.)

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

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

[Statutory Authority: Chapter 15.14 RCW. 98-09-049, § 16-354-010, filed 4/15/98, effective 5/16/98. Statutory Authority: RCW 15.14.030 (2), (5). 95-18-034 (Order 5083), § 16-354-010, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-010, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-010, filed 7/16/85; Order 1264, § 16-354-010, filed 5/10/72; Order 1023, Regulation 1, filed 6/16/66; Order 996, Regulation 1, filed 11/30/65; Order 947, Regulation 1, filed 4/13/64.]

WAC 16-354-020 Field standards for production of certified hop rootstock. (1) Certified rootstock may be produced only from certified mother blocks. In order to be a certified mother block, a proposed hop planting site must meet all of the following requirements:

(a) The site must be inspected and approved by the department during the growing season immediately prior to planting. An exception may be made to allow inspection and planting during the same growing season, if exclusively greenhouse grown certified plants are planted on or after August 15th.

(b) The site must have been out of hop production, and all poles and trellis removed, for a minimum of three full growing seasons prior to planting.

(c) The site must be entirely free of residual hop plants or hop hullings.

(d) The site must be separated from any other hop plants by a strip of land at least twenty-one feet wide.

(2) A certified mother block must meet the following requirements:

(a) The certified mother block must consist of no more than one hop variety or strain. Certified mother blocks of different varieties or strains must be separated at all points by a strip of land at least twenty-one feet wide and free of hop plants.

(b) Any material planted in a certified mother block must meet one of the following criteria:

(i) Foundation rootstock produced by Washington State University;

(ii) Rootstock from another certified mother block;

(iii) Growing plants or cuttings from foundation mother plants grown by Washington State University; or

(iv) Growing plants or cuttings from another certified mother block.

(c) Plant material, including rootstock and plants described in (b)(ii) and (iv) of this subsection, may be moved from one certified mother block to another certified mother block site only after appropriate testing by a Washington State University plant pathologist and written approval by the department.

(d) A certified mother block must be kept free of hop hullings at all times.

(e) No certified mother block location may retain certification for more than:

(i) Four consecutive growing seasons, if the certified mother block was produced from rootstock; or

(ii) Five consecutive growing seasons, if the certified mother block was produced from cuttings or growing plants.

(f) If a male plant or pollinated female plant is found during any inspection, the grower may harvest certified rootstock from the certified mother block for the subsequent harvest only. After this harvest, the mother block site must be decertified.

(g) Plant pests and weeds must be effectively controlled.

(h) Growers shall rogue (i.e., dig and remove) and immediately destroy all male, diseased, unhealthy appearing or otherwise abnormal plants. For purposes of assessing disease intensity, an exception may be made for plants exhibiting powdery mildew symptoms.

[Statutory Authority: Chapter 15.14 RCW. 98-09-049, § 16-354-020, filed 4/15/98, effective 5/16/98; 93-17-019 (Order 5000), § 16-354-020, filed 8/10/93, effective 9/10/93. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-020, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-020, filed 7/16/85; 79-06-038 (Order 1631), § 16-354-020, filed 5/17/79; Order 1264, § 16-354-020, filed 5/10/72; Order 1023, Regulation II, filed 6/16/66; Order 996, Regulation II, filed 11/30/65; Order 947, Regulation II, filed 4/13/64.]

WAC 16-354-030 Certified mother block inspections. (1) A minimum of three inspections per year will be conducted by the department at each certified mother block. Additional inspections may be conducted as needed.

(2) Timing and inspection methods will vary, depending on weather conditions, the disease or pest being sought, and other factors.

(3) The first inspection is intended primarily to detect downy mildew, as well as other diseases and pests.

(4) The second inspection is intended primarily to detect Ilar viruses and virus-like diseases.

(5) The third inspection is intended primarily to detect powdery mildew, as well as other diseases and pests.

(6) Inspection reports may contain observations and information on diseases, pests, and other factors for which no specific tolerances are established or which do not affect the certification status of the rootstock or hop plants.

(7) The presence of verticillium wilt, detected at any time, shall cause immediate decertification of the site. The grower must dig and destroy all affected plants immediately. Affected material may be removed from the site under suitable precautions only by a Washington State University plant pathologist or the department for diagnostic or verification purposes.

[Statutory Authority: Chapter 15.14 RCW. 98-09-049, § 16-354-030, filed 4/15/98, effective 5/16/98. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-030, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-030, filed 7/16/85; Order 1264, § 16-354-030, filed 5/10/72; Order 1023, Regulation III, filed 6/16/66; Order 996, Regulation III, filed 11/30/65; Order 947, Regulation III, filed 4/13/64.]

WAC 16-354-040 Hop rootstock certification application and fees. (1) Application for inspection and testing of certified mother blocks and certified stock shall be filed with the department by April 1 of each year accompanied by a seven-five dollar application fee.

(2) As a condition of participation in the hop rootstock certification program, the applicant grower must furnish to the department all requested information pertinent to the

operation of the program and must give consent to the department to take material from certified mother blocks and/or greenhouses for examination and testing.

(3) Fees for field inspections or inspection of harvested rootstock for grade, phytosanitary certification, or other purposes are assessed at the appropriate rate established in chapter 16-401 WAC.

(4) Payment for each inspection is due upon completion of the inspection. Billing may be arranged subject to department policies and processes.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 04-24-050, § 16-354-040, filed 11/29/04, effective 12/30/04. Statutory Authority: Chapter 15.14 RCW. 98-09-049, § 16-354-040, filed 4/15/98, effective 5/16/98. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-040, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-040, filed 7/16/85; 79-06-038 (Order 1631), § 16-354-040, filed 5/17/79; Order 1264, § 16-354-040, filed 5/10/72; Order 1023, Regulation IV, filed 6/16/66; Order 996, Regulation IV, filed 11/30/65; Order 947, Regulation IV filed 4/13/64.]

WAC 16-354-050 Hop rootstock tags and identity.

(1) Any person selling or offering for sale hop rootstock bearing a certification tag or otherwise identified as certified is responsible for the following:

(a) Accurately identifying the rootstock as to variety and year of harvest;

(b) Accurately identifying the rootstock as complying with all of the conditions of the certified hop rootstock program.

(2) Any person issued certification tag(s) must keep written records of stock produced and sold. These records must be produced at the request of the department.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 04-24-050, § 16-354-050, filed 11/29/04, effective 12/30/04. Statutory Authority: Chapter 15.14 RCW. 98-09-049, § 16-354-050, filed 4/15/98, effective 5/16/98; 85-15-046 (Order 1867), § 16-354-050, filed 7/16/85; Order 1264, § 16-354-050, filed 5/10/72; Order 1023, Regulation V, filed 6/16/66; Order 996, Regulation V, filed 11/30/65; Order 947, Regulation V, filed 4/13/64.]

WAC 16-354-070 Hop rootstock field standards. (1)

The unit of certification is the entire certified mother block.

(2) Each entire certified mother block may have no more than the following percent of affected plants:

	Tolerance
Downy mildew	1%
Visible nematode damage	1%
Verticillium wilt	0
Ilar viruses	0

[Statutory Authority: Chapter 15.14 RCW. 98-09-049, § 16-354-070, filed 4/15/98, effective 5/16/98. Statutory Authority: RCW 15.14.030 (2), (5). 95-18-034 (Order 5083), § 16-354-070, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-070, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-070, filed 7/16/85; Order 1264, § 16-354-070, filed 5/10/72.]

WAC 16-354-090 Hop rootstock grades and standards. (1) Grades for hop clones which inherently produce slips or rhizomes and/or layered stem cuttings of small caliper shall be determined by a committee appointed by the Washington hop commission.

(2) Washington No. 1 shall consist of hop slips or rhizomes and/or layered stem cuttings of one strain, not less

than five inches in length and not less than five-sixteenths inch in diameter and containing at least one visible bud, crowns not less than six inches in length and not less than three-fourths inch in diameter, with one or more visible buds which are:

- (a) Fairly fresh.
- (b) Firm.
- (c) Moist.
- (d) Fairly clean.
- (e) Free from damage caused by:
- (i) Mold.
- (ii) Freezing injury.
- (iii) Broken or mutilated rootstocks.
- (iv) Crown gall.
- (v) Black rot.

[Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-090, filed 7/16/85.]

WAC 16-354-100 Hop rootstock tolerances. (1) In order to allow for variations incident to proper grading and packing, not more than a combined total of six percent, by count, of the rootstocks in any lot shall fail to meet the requirements of Washington No. 1, and not more than six percent of the rootstock shall have rhizomes or layered stem cuttings less than five inches in length.

(2) In order to insure lot uniformity, no individual container within a lot may contain more than one and one-half times the established tolerance.

(3) Hop plants shall be packed to retain a fresh condition.

(4) The department may inspect rootstock from certified mother blocks after harvest and packing for the purpose of verifying that it meets grades and standards established in rule.

[Statutory Authority: Chapter 15.14 RCW. 98-09-049, § 16-354-100, filed 4/15/98, effective 5/16/98. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-100, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-100, filed 7/16/85.]

Chapter 16-390 WAC

WSDA FRUIT AND VEGETABLE INSPECTION DISTRICTS, INSPECTION FEES AND OTHER CHARGES

WAC

16-390-005	What definitions are important to this chapter?
16-390-010	How many WSDA fruit and vegetable inspection districts are there?
16-390-020	What are the fees for grade and condition certificates for fruit?
16-390-030	What are the fees for grade and condition certificates for vegetables?
16-390-040	What are the fees for grade and condition certificates for fruits and vegetables inspected under the customer assisted inspection program (CAIP)?
16-390-060	Fees for inspecting beans, peas, lentils, hay and straw.
16-390-100	What are the fees for fruit and vegetable certificates?
16-390-150	What requirements apply to shipping permits and certificates of compliance for fruits and vegetables?
16-390-200	What are the fees for platform inspection services?
16-390-210	What is the fee for supervising fumigations?
16-390-220	What is the fee for a field or orchard inspection?
16-390-230	What is the fee for an apple pest certification?
16-390-240	What is the fresh produce audit verification program?
16-390-242	What charges does the department assess for fruit and vegetable audit verification certificates issued under the fresh produce audit verification program?

16-390-245	What requirements apply to certifications using USDA positive lot identification?
16-390-250	What miscellaneous inspection and certification fees does WSDA charge?
16-390-260	Does the department assess extra charges for the inspection and certification services it provides?
16-390-270	Can the department waive fruit and vegetable inspection fees?
16-390-280	What requirements apply to the payment and collection of fruit and vegetable fees and charges?

WAC 16-390-005 What definitions are important to this chapter? "Certification" means the issuance of an official document confirming the inspection results for grade, classification, condition, and the absence or presence of plant pests or diseases and/or other defects.

"Customer assisted inspection program (CAIP)" means a quality and/or condition inspection performed by industry with verification and oversight by WSDA.

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

"Director" means the director of the department or the director's designated representative.

"Grade and condition certificate" means a document issued by the director of a certification confirming the results of an inspection.

"Inspection" means a review or examination of fruits and vegetables in order to determine quality, condition, and/or presence or absence of pests or diseases and/or other defects.

"Platform inspection" means any inspection and/or certification performed on a lot that has no defined per unit charges for the service.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-005, filed 5/18/04, effective 6/18/04.]

WAC 16-390-010 How many WSDA fruit and vegetable inspection districts are there? The department has two fruit and vegetable inspection districts, which are:

(1) Fruit and vegetable inspection district two, which consists of Kittitas, Klickitat, Skamania, Yakima, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Benton, Franklin, Walla Walla, Columbia, Asotin, Whitman and Garfield counties; and

(2) Fruit and vegetable inspection district four, which consists of Grays Harbor, Jefferson, Clallam, Island, Mason, Kitsap, Pierce, Thurston, King, Snohomish, Skagit, Grant, Adams, Ferry, Pend Oreille, Stevens, Spokane, Lincoln, San Juan, Whatcom, Chelan, Douglas and Okanogan counties.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-010, filed 5/18/04, effective 6/18/04.]

WAC 16-390-020 What are the fees for grade and condition certificates for fruit? WSDA fees for grade and condition certificates for all fruits are:

(1) A minimum charge of sixteen dollars.

(2) The fees for **federal-state or state grade and condition certificates** of all fresh market apples, pears, and soft fruits in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Fruit	Fees per CWT or Fraction Thereof
Apples on-line for domestic shipping, CA, etc.	\$0.17
Apples for export	\$0.17
Apricots, cherries, nectarines, peaches, plums, prunes, other soft fruits, grapes and berries	\$0.23
Pears	\$0.17
Pears for export	\$0.17

(3) The department will give a volume discount for apples and pears that are inspected and certified on-line for domestic shipment, controlled atmosphere certification, etc. Packing of up to 4800 cwt per eight-hour shift, the normal inspection fee will be assessed, and every cwt of product above 4800 cwt for that same shift will be charged at \$0.12 cwt. Platform inspection fees will still apply (WAC 16-390-200).

(4) The department charges a fee of three dollars per ton net weight (or fraction thereof) for all apples, pears, stone fruits, berries, and grapes in bulk or in containers that are inspected for processing.

(5) The department charges a fee of thirty-two dollars per hour, with a minimum certificate charge of sixteen dollars, when an inspection is requested only to verify the product, conveyance, markings, or other factors not related to quality.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25 § 309(2), 05-12-054, § 16-390-020, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-020, filed 5/18/04, effective 6/18/04.]

WAC 16-390-030 What are the fees for grade and condition certificates for vegetables? WSDA fees for grade and condition certificates for all vegetables are:

- (1) A minimum charge of sixteen dollars.
- (2) The fees for **federal-state or state grade and condition certificates** for all fresh market vegetables in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Vegetables	Fees per CWT or Fraction Thereof
Asparagus	\$0.23
Cantaloupes and corn	\$0.14
Onions	\$0.09
Potatoes	\$0.07
In-state processing potatoes Complete inspection	\$0.08 Rate shall be reduced for the level of service required
Tomatoes	\$0.21

(3) For the inspection of vegetables not listed, the department charges a fee of thirty-two dollars per hour.

(4) The department charges a fee of three dollars per ton net weight (or fraction thereof) for the inspection of vegetables to be processed, whether in bulk or in containers.

(5) When an inspection is requested only to verify the product, conveyance, markings, or other factors not related to quality, the department charges the rate of thirty-two dollars

per hour, with a minimum certificate charge of sixteen dollars.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25 § 309(2), 05-12-054, § 16-390-030, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-030, filed 5/18/04, effective 6/18/04.]

WAC 16-390-040 What are the fees for grade and condition certificates for fruits and vegetables inspected under the customer assisted inspection program (CAIP)? WSDA fees for grade and condition certificates for all fruits and vegetables issued under the customer assisted inspection program (CAIP) are:

- (1) A minimum charge of sixteen dollars.
- (2) The fees for **federal-state grade and condition certificates** for all fresh market fruits and vegetables in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are:

Type of Fruit or Vegetable	Fees per CWT or Fraction Thereof
Fresh potatoes	Three and one-half cents per cwt., with a minimum charge of thirty-two dollars per hour for each staff hour worked.
All other fresh market fruits and vegetables	Three-fourths of the cwt. rates specified in WAC 16-390-020(2) and 16-390-030(2) but not less than the equivalent rate of thirty-two dollars per staff hour worked. If the cwt. rate results in an inspection fee that is less than the equivalent of thirty-two dollars per staff hour worked, the department will assess additional certification charges. For example, if an inspection takes three staff hours (\$96.00) to complete and the cwt. rate results in a fee of \$85.00, the department will assess additional certification charges of \$11.00.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-040, filed 5/18/04, effective 6/18/04.]

WAC 16-390-060 Fees for inspecting beans, peas, lentils, hay and straw. Inspection fees for beans, peas, lentils, hay, and straw are found in the following rule sections:

Beans, Peas, Lentils	
WAC Section	Title
16-240-010	Definitions.
16-240-020	Washington state grain and commodity service points.
16-240-030	Commodities covered by chapter 22.09 RCW.

Beans, Peas, Lentils	
WAC Section	Title
16-240-032	Grades and standards adopted by Washington state.
16-240-034	Service requests.
16-240-036	Permanent staffing requests.
16-240-038	Revenue minimum.
16-240-040	Official commercial inspection services.
16-240-042	Payment of fees and charges.
16-240-044	GIPSA, FGIS scale authorization.
16-240-046	Straight time rate.
16-240-048	Rates for working outside established business hours (overtime).
16-240-050	Calculating travel time, mileage and per diem.
16-240-052	Fees for stowage examination.
16-240-054	Service cancellation fee.
16-240-060	WSDA grain program fees for service.
16-240-080	Fees for services under the Agricultural Marketing Act of 1946.
16-240-090	Fees for other services performed by WSDA.

Hay, Straw	
WAC Section	Title
16-470-900	Schedule of fees and charges—Billing policies and procedures.
16-470-912	Schedule of fees and charges—Applicable fees and charges.

[Statutory Authority: RCW 15.17.030 and chapter 34.05 RCW. 08-22-084, § 16-390-060, filed 11/4/08, effective 12/5/08. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-060, filed 5/18/04, effective 6/18/04.]

WAC 16-390-100 What are the fees for fruit and vegetable certificates? As shown in the following table, WSDA certificate fees vary with the type of certificate requested:

Type of Certificate Requested	Fee
Consolidation certificates	Fees are specified in WAC 16-390-020 and 16-390-030 with an added charge of three dollars for each additional lot.
Condition certificates for previously inspected lots	Fee is two-thirds of the fee charged for grade and condition certificates, with a minimum charge of sixteen dollars.
Condition certificates for lots not previously inspected for quality or grade with a request that the certificate carry out-bound car, truck, or state lot number	Fees are based upon the applicable grade and condition certificate schedules.
Out-of-state products reported on state certificates	Fees are based either upon the applicable grade and condition certificate schedule or a charge of thirty-two dollars per hour whichever is greater.

(2009 Ed.)

Type of Certificate Requested	Fee
A state condition certificate or quality control inspection for previously certified controlled atmosphere storage apple lots	A state condition certificate or quality control inspection may be issued without additional charge.
Sanitary and quarantine certificates for fruits and vegetables	Sixteen dollars for issuing a certificate, plus the hourly rates specified in WAC 16-390-200(1) when the shipment is not covered by federal-state or state certificates.
Container weight, or check loading certificates	Fee is charged at the rates specified in WAC 16-390-200(1).

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-100, filed 5/18/04, effective 6/18/04.]

WAC 16-390-150 What requirements apply to shipping permits and certificates of compliance for fruits and vegetables? (1) Each shipment of apples, apricots, Italian prunes, peaches, pears, dark sweet cherries, Rainier cherries and asparagus must be covered by a shipping permit. All other sweet cherries, whether certified or not, must have a shipping permit indicating freedom from cherry fruit fly larvae.

(2) Shipments of apricots, cherries, peaches, prunes, and asparagus to processors do not require a shipping permit.

(3) A permit or certificate of compliance may be issued without additional charge if the lot is certified.

(4) If the lot has not been certified, a permit or certificate of compliance may be issued based upon the following charges:

(a) The minimum charge for a permit or certificate of compliance is three dollars.

(b) Two-thirds of the rate for federal-state or state grade and condition certificates applies.

(c) A permit to ship apples and/or pears to a by-product plant outside the state is three dollars.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25 § 309(2). 05-12-054, § 16-390-150, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-150, filed 5/18/04, effective 6/18/04.]

WAC 16-390-200 What are the fees for platform inspection services? (1) Fees for platform inspections, taking samples, extra time, phytosanitary and/or quarantine inspection, and all other platform services are charged at the rate of thirty-two dollars per hour.

(2) When a platform inspector is working full time at one house and is also doing certification inspections, the inspector must allow credit, according to the limits outlined in the schedule for such inspections, for the time spent on the inspection at the rate of thirty-two dollars per hour.

(a) Platform fees will not be assessed if the certificate cwt. fee divided by the respective hourly rates is equal to or exceeds the number of hours worked.

(b) Platform fees will be assessed if the certificate cwt. fee divided by the respective hourly rates is less than the

number of hours worked. The amount assessed will be sufficient to make the total fee equal to the number of hours worked multiplied by the thirty-two dollars per hour rate.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-200, filed 5/18/04, effective 6/18/04.]

WAC 16-390-210 What is the fee for supervising fumigations? (1) The minimum fee for supervising fumigation shall be equivalent to one and one-half hours specified in WAC 16-390-200(1) for the master fumigation certificate. Additional certificates issued from this master certificate will cost sixteen dollars each.

(2) The department will charge for any additional stand-by time at the rate specified in WAC 16-390-200(1).

(3) In facilities that are either temporary or without adequate devices for maintaining acceptable treatment temperatures, fumigations must not start after:

- (a) 3:00 p.m. from October 1 to May 31; or
- (b) 10:00 p.m. from June 1 to September 30.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-210, filed 5/18/04, effective 6/18/04.]

WAC 16-390-220 What is the fee for a field or orchard inspection? The fee for field or orchard inspections made at the applicant's request to determine the presence or absence of disease or insect infestation, or for some other reason is:

- (1) Three dollars per acre or fraction thereof; or
- (2) At the platform inspection rate specified in WAC 16-390-200(1).

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25 § 309(2). 05-12-054, § 16-390-220, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-220, filed 5/18/04, effective 6/18/04.]

WAC 16-390-230 What is the fee for an apple pest certification? The fee for apple pest certification, using the survey method, on all fresh apples produced in Washington state or marketed under Washington state grades and standards, is \$.015 per cwt. or fraction thereof.

[Statutory Authority: Chapters 15.17, 17.24, and 34.05 RCW. 08-21-068, § 16-390-230, filed 10/13/08, effective 11/13/08. Statutory Authority: Chapters 15.17 and 34.05 RCW. 06-19-008, § 16-390-230, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-230, filed 5/18/04, effective 6/18/04.]

WAC 16-390-240 What is the fresh produce audit verification program? The fresh produce audit verification program is a federal-state inspection service program that reviews and verifies a participating company's facility and agronomic practices, along with its documented procedures, to help determine if "good agricultural practices" and "good handling practices" are maintained.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-16-084, § 16-390-240, filed 7/30/07, effective 8/30/07. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-240, filed 5/18/04, effective 6/18/04.]

WAC 16-390-242 What charges does the department assess for fruit and vegetable audit verification certificates issued under the fresh produce audit verification program? Charges assessed by the department for good agri-

cultural practices (GAP) and good handling practices (GHP) audit verification certificates issued under the fresh produce audit verification program are as follows:

(1) The hourly rate for audit time, administration time and applicable travel time is seventy-five dollars per audit hour.

(2) Mileage related to GAP and GHP audit services is charged at the rate established by the office of financial management (OFM) at the time the service was performed.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-16-084, § 16-390-242, filed 7/30/07, effective 8/30/07. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-242, filed 5/18/04, effective 6/18/04.]

WAC 16-390-245 What requirements apply to certifications using USDA positive lot identification? (1) Certification fees using USDA positive lot identification are based upon the rates specified in WAC 16-390-020, 16-390-030, 16-390-040, 16-390-100, 16-390-200, 16-390-210, 16-390-250 and 16-390-260.

(2) The department may add an additional charge of ten percent if an inspector is required to be on-site when no other inspections are requested.

(3) The department responds to requests for positive lot identification services in the following order:

(a) First priority is given to those situations where positive lot identification is a mandatory condition of a sales transaction.

(b) All other requests will be honored based upon adequate notice to the inspection service and the availability of inspectors.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-245, filed 5/18/04, effective 6/18/04.]

WAC 16-390-250 What miscellaneous inspection and certification fees does WSDA charge? (1) Department services provided to other agencies, commissions, and organizations are charged at the rate of thirty-two dollars per hour.

(2) The charge for mileage related to inspection and certification services is at the rate established by the office of financial management (OFM) at the time the service was performed.

(3) The department may charge for telegrams, facsimile, or electronic transmission of inspection documents at the rate of four dollars per transmission in addition to any Western Union charges made directly to the applicant.

(4) The cost of extra copies of original documents is four dollars per set.

(5) The department may charge twenty-five cents per copy for Xerox copies of inspectors' notes, certificates or related documents.

(6) When, through no fault of the inspection service, it is necessary to retype or reissue a document, the cost of retyping or reissuing the document is four dollars per set.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-250, filed 5/18/04, effective 6/18/04.]

WAC 16-390-260 Does the department assess extra charges for the inspection and certification services it provides? The department does assess extra charges on services provided according to the following:

(1) The minimum inspection charge for each commodity and requested document is sixteen dollars.

(2) If, through no fault of the inspection service, excess time is required over the maximum time allowed (as supported by unit rates for each commodity and requested document) the excess time is charged at the rate of thirty-two dollars per hour.

(3)(a) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, a rate equivalent to forty-two dollars will be charged for actual hours spent in performance of duties. Such charges include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

(b) The following are state legal holidays:

Holiday	Date
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day following Thanksgiving Day	Fourth Friday in November
Christmas Day	December 25

(4) Additional hourly or overtime charges will not be assessed when the per unit inspection charge in any one day equals or exceeds the basic hourly and/or overtime charge.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-260, filed 5/18/04, effective 6/18/04.]

WAC 16-390-270 Can the department waive fruit and vegetable inspection fees? The department may waive inspection fees for fruits and vegetables donated to bona fide nonprofit organizations if the shipping containers are conspicuously labeled or marked "not for resale."

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-270, filed 5/18/04, effective 6/18/04.]

WAC 16-390-280 What requirements apply to the payment and collection of fruit and vegetable fees and charges? (1) All fees and charges for services rendered are due within thirty days after the date of the billing statement you receive from the department.

(2) If your payment is not received within thirty days, service may be withheld until your delinquent account is paid.

(3) If your account is delinquent, the department may require that you pay cash for subsequent services.

(4) The department assesses a penalty of eighteen percent per annum on all delinquent account balances.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-280, filed 5/18/04, effective 6/18/04.]

(2009 Ed.)

**Chapter 16-401 WAC
NURSERY INSPECTION FEES**

WAC

- 16-401-019 Schedule of fees and charges—Billing policies and procedures.
- 16-401-021 Schedule of fees and charges—Facility inspection.
- 16-401-023 Schedule of fees and charges—Establishing hourly rates.
- 16-401-027 Schedule of fees and charges—Applicable rates and charges.
- 16-401-032 Schedule of fees and charges—Miscellaneous charges.
- 16-401-041 Nursery dealer license fees.
- 16-401-050 Annual assessment—Fruit tree material.
- 16-401-060 Annual assessment—Grapevines.
- 16-401-070 Annual assessment—Recordkeeping requirement.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-401-001 Promulgation. [Order 1064, Promulgation, filed 8/28/67, effective 9/27/67.] Repealed by Order 1152, filed 5/28/70, effective 7/1/70.
- 16-401-002 Promulgation. [Order 1152, § 16-401-002, filed 5/28/70, effective 7/1/70.] Repealed by 87-19-098 (Order 1953), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
- 16-401-003 Promulgation. [Order 1315, § 16-401-003, filed 5/30/73; Order 1204, § 16-401-003, filed 5/28/71, effective 7/1/71.] Repealed by 79-04-025 (Order 1628), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-401-010 Nonlicensed operators. [Order 1064, Regulation 1, filed 8/28/67, effective 9/27/67.] Repealed by Order 1152, filed 5/28/70, effective 7/1/70.
- 16-401-015 Nonretailer or wholesaler shippers. [Order 1064, Regulation 2, filed 8/28/67, effective 9/27/67.] Repealed by Order 1152, filed 5/28/70, effective 7/1/70.
- 16-401-020 Schedule of fees and charges—Facility inspection—Effective June 30, 1999. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-020, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-020, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-020, filed 9/17/87; Order 1315, § 16-401-020, filed 5/30/73; Order 1204, § 16-401-020, filed 5/28/71, effective 7/1/71; Order 1152, § 16-401-020, filed 5/28/70, effective 7/1/70.] Repealed by 99-21-050, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapters 15.13 and 15.14 RCW.
- 16-401-025 Schedule of fees and charges—Applicable rates and charges—Effective June 30, 1999. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-025, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-025, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-025, filed 9/17/87. Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-025, filed 3/21/79; Order 1315, § 16-401-025, filed 5/30/73; Order 1152, § 16-401-025, filed 5/28/70, effective 7/1/70.] Repealed by 99-21-050, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapters 15.13 and 15.14 RCW.
- 16-401-026 Schedule of fees and charges—Applicable rates and charges—Effective June 30, 2001. [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.] Repealed by 03-10-083, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW.
- 16-401-030 Schedule of fees and charges—Miscellaneous charges—Effective June 30, 1999. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-030, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-030, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-030, filed 9/17/87. Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-030, filed 3/21/79; Order 1315, § 16-401-030, filed 5/30/73; Order 1152, § 16-401-030, filed 5/28/70, effective 7/1/70.] Repealed by 99-21-050, filed 10/18/99,

- effective 11/18/99. Statutory Authority: Chapters 15.13 and 15.14 RCW.
- 16-401-031 Schedule of fees and charges—Miscellaneous charges—Effective June 30, 2001. [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.] Repealed by 03-10-083, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW.
- 16-401-035 Effective date. [Order 1315, § 16-401-035, filed 5/30/73; Order 1204, § 16-401-035, filed 5/28/71, effective 7/1/71; Order 1152, § 16-401-035, filed 5/28/70, effective 7/1/71.] Repealed by 79-04-025 (Order 1628), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-401-040 Nursery dealer license fees—Effective June 30, 1999. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-040, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-040, filed 12/1/92, effective 1/1/93; 92-13-034 (Order 2094), § 16-401-040, filed 6/10/92, effective 7/1/92. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-040, filed 9/17/87.] Repealed by 99-21-050, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapters 15.13 and 15.14 RCW.

WAC 16-401-019 Schedule of fees and charges—Billing policies and procedures. (1) All billable services provided under chapter 15.13 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing service for established accounts. Accounts not paid-in-full within thirty days of billing are considered delinquent.

(2) All delinquent accounts are assessed a late charge equal to one and one-half percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system is twenty dollars. All billable services of less than twenty dollars are due and payable-in-full at the time that service is rendered.

(4) No person with an account ninety days or more in arrears will receive service except on the basis of payment in full at the time service is rendered. Such accounts will not be restored to monthly billing status until all past due accounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety days or more in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-019, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-019, filed 12/1/92, effective 1/1/93.]

WAC 16-401-021 Schedule of fees and charges—Facility inspection. (1) The department may conduct regulatory inspections of any plant material at any nursery facility licensed under chapter 15.13 RCW without additional charge except as provided in subsection (2) of this section. Subsequent to each inspection the department will issue a nursery inspection report to the licensed nursery.

(2) The department may charge a fee for repeated, subsequent inspections of licensed locations where plant material

does not meet the requirements in chapter 15.13 RCW. However, the licensed location cannot be subjected to 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 this chapter.

[Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 03-10-083, § 16-401-021, filed 5/6/03, effective 6/30/03. 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 16-401-023 Schedule of fees and charges—Establishing hourly rates. (1) Requested services are provided at the applicable hourly rate. The nonbusiness hourly rate applies for service provided before 8:00 a.m. or after 5:00 p.m. during the workday and for all services provided on Saturday, Sunday, or a holiday listed in subsection (2) of this section.

(2) Holidays mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.

(3) The hourly charge is assessed in one-half hour increments.

(4) Persons requesting service with less than twenty-four hours notice during nonbusiness hours may be subject to a charge of two additional hours at the nonbusiness hourly rate, if the department is required to pay call back to the employee(s) providing the requested service.

[Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 03-10-083, § 16-401-023, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-023, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-023, filed 12/1/92, effective 1/1/93.]

WAC 16-401-027 Schedule of fees and charges—Applicable rates and charges. The following rates apply for requested inspection services:

(1) Fee or Charge:	
Hourly rate—business hours	\$34.80
Hourly rate—nonbusiness hours	\$44.45
Certificate issued at time of inspection	No charge
Certificate issued more than twenty-four hours after the inspection	\$16.55
Additional certificates	\$5.20
Fumigation lot or container fee	\$13.80
Certificate of plant health for noncommercial movement	\$6.80
Compliance agreement	\$34.80
Inspection tags or stickers (lots of 250)	\$6.80 per lot
Inspection tags or stickers (minimum 10)	\$0.29 each

(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 workday or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applica-

ble 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.

There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.

(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.

(5) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee.

(6) The department may issue 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.

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.

[Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 07-11-011, § 16-401-027, filed 5/3/07, effective 7/1/07; 06-15-043, § 16-401-027, filed 7/11/06, effective 8/11/06; 05-12-110, § 16-401-027, filed 5/31/05, effective 7/1/05; 04-17-037, § 16-401-027, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 15.14, 17.24, and 34.05 RCW. 03-21-166, § 16-401-027, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 03-10-083, § 16-401-027, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-027, filed 5/8/01, effective 6/8/01.]

WAC 16-401-032 Schedule of fees and charges—Miscellaneous charges. 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 this chapter.

[Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 05-12-110, § 16-401-032, filed 5/31/05, effective 7/1/05; 03-10-083, § 16-401-032, filed 5/6/03, effective 6/30/03. 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 \$38.73

(b) Gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee is \$82.99

(c) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$166.00

(2) Wholesale nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than fifteen thousand dollars \$82.99

(b) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$166.00

(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 \$6.70

[Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 07-11-011, § 16-401-041, filed 5/3/07, effective 7/1/07; 06-15-043, § 16-401-041, filed 7/11/06, effective 8/11/06; 05-12-110, § 16-401-041, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapters 15.13, 15.14, 17.24 and 34.05 RCW. 03-21-166, § 16-401-041, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 03-10-083, § 16-401-041, filed 5/6/03, effective 6/30/03. 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.]

WAC 16-401-050 Annual assessment—Fruit tree material. As provided in RCW 15.13.310, an annual assessment of one percent on the gross sale price of the wholesale market value for all fruit trees, fruit tree related ornamental trees, fruit tree seedlings, fruit tree rootstock, and all other rootstock used for fruit tree propagation produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer, is established.

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-050, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-050, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-050, filed 9/17/87.]

WAC 16-401-060 Annual assessment—Grapevines. As provided in RCW 15.13.310, an annual assessment of five percent on the gross sale price of the wholesale market value for all grapevine propagation material produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer, is established.

[Statutory Authority: Chapters 15.13 and 34.05 RCW. 03-09-112, § 16-401-060, filed 4/22/03, effective 5/23/03.]

WAC 16-401-070 Annual assessment—Recordkeeping requirement. Any person selling grapevine, fruit tree or fruit tree related ornamental nursery stock must maintain a set of accurate sales records to facilitate an audit and ensure that the proper assessment amount is paid to the department. The records must be maintained for a minimum of three years from the date of sale. At a minimum, the records must contain sequentially numbered sales invoices that clearly show the amount of assessment owed for each invoice. Sales invoices must be filed either numerically or alphabetically.

[Statutory Authority: Chapters 15.13, 15.14 and 34.05 RCW. 04-11-026, § 16-401-070, filed 5/11/04, effective 6/11/04.]

Chapter 16-402 WAC

PLANT PEST INFESTATIONS AND PLANT LABELING

WAC

16-402-005	Freedom from infestation—General.
16-402-010	Definitions.
16-402-015	Standards for freedom from infestation by plant pests.
16-402-020	Compliance with standards required.
16-402-030	Standards for plant labeling.
16-402-040	Horticultural plants not in compliance.

REPORTING AND HOLDING OF TREE AND SHRUB NURSERY STOCK

16-402-100	Purpose.
16-402-110	Definitions.
16-402-120	Notification requirement.
16-402-130	Hold requirement.

WAC 16-402-005 Freedom from infestation—General. Issuance of any document stating that horticultural plants are apparently free from plant pests means only that the plants were inspected and found to meet the standards for freedom from infestation by plant pests described in this chapter. The department disclaims all expressed or implied warranties, including without limitations implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant material under this chapter. The department is not responsible for disease, genetic disorders, failure of performance or otherwise in connection with this chapter. No grower, nursery dealer, government official or other person is authorized to give any expressed or implied warranties on behalf of the department regarding this chapter.

[Statutory Authority: Chapter 15.13 RCW. 98-17-069, § 16-402-005, filed 8/17/98, effective 9/17/98.]

WAC 16-402-010 Definitions. The definitions in this section shall apply throughout this chapter.

"Collected horticultural plant" means a noncultivated native plant, collected in its native habitat and sold for horticultural purposes.

"Department" means the Washington state department of agriculture.

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

"Established" means a reproducing population of a pest that is expected to have a permanent presence.

"Harmful" means injurious or potentially injurious to horticultural plants.

"Practically free" means horticultural plants which do not exceed:

(a) A 2% infestation level; or

(b) An infestation in an amount expected to result from and be consistent with good culturing and handling practices employed in the production and marketing of the horticultural plants.

"Quarantine pest" means any pest listed in current Washington state quarantines as promulgated in chapter 17.24 RCW.

"Tag" means to identify a horticultural plant or a group of horticultural plants by a bill of lading, invoice, label or other package marking.

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"Unit of sale" means a group of the same plant variety or of mixed varieties placed together at a specific site for retail sale.

[Statutory Authority: Chapters 15.13 and 34.05 RCW. 04-09-084, § 16-402-010, filed 4/20/04, effective 5/21/04. Statutory Authority: Chapter 15.13 RCW. 98-17-069, § 16-402-010, filed 8/17/98, effective 9/17/98.]

WAC 16-402-015 Standards for freedom from infestation by plant pests. Horticultural plants sold, held for sale, shipped or transported into the state must be:

- (1) Free of quarantine pests;
- (2) Free of pests that would be harmful if allowed to become established within the state or county; and
- (3) Practically free of plant pests.

Determination of this standard shall be based on visual inspection by the department.

[Statutory Authority: Chapter 15.13 RCW. 98-17-069, § 16-402-015, filed 8/17/98, effective 9/17/98.]

WAC 16-402-020 Compliance with standards required. (1) Horticultural plants sold, held for sale, shipped or transported in the state must comply with the standards described in WAC 16-402-015.

(2) The director may deny, suspend or revoke the license of any person selling, holding for sale, shipping or transporting horticultural plants in violation of this standard, pursuant to RCW 15.13.490. The director may also issue civil penalties in accordance with RCW 15.13.490 for violations of this standard.

(3) Any horticultural plant sold, held for sale, shipped or transported in violation of WAC 16-402-015 shall be subject to a hold order, issued pursuant to RCW 15.13.430, or an order of condemnation, issued pursuant to RCW 15.13.440. Upon issuance of a hold order or an order of condemnation, the seller or holder of the plant material is entitled to request a hearing under chapter 34.05 RCW.

(4) The department shall issue a nursery inspection record or other official document(s) certifying compliance to WAC 16-402-015.

[Statutory Authority: Chapters 15.13 and 34.05 RCW. 04-09-084, § 16-402-020, filed 4/20/04, effective 5/21/04. Statutory Authority: Chapter 15.13 RCW. 98-17-069, § 16-402-020, filed 8/17/98, effective 9/17/98.]

WAC 16-402-030 Standards for plant labeling. (1) Nursery dealers transporting horticultural plants into the state must legibly tag or identify each species or variety of plant in the shipment in a conspicuous manner with the botanical name and/or the common name.

(2) Nursery dealers displaying horticultural plants for retail sale must tag or identify each variety or species of each unit of sale in a conspicuous manner with the botanical name, and/or the common name, or provide this information to any person upon request.

This requirement does not apply to containers or baskets with mixed species of perennials, annuals or biennials.

(3) Nursery dealers must tag or identify collected horticultural plants with the botanical name, the common name and designate the plants as collected.

(4) To determine compliance with state and federal quarantines, the botanical name of each horticultural plant trans-

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ported or sold in the state must be made available to the director upon request.

[Statutory Authority: Chapters 15.13 and 34.05 RCW. 04-09-084, § 16-402-040, filed 4/20/04, effective 5/21/04.]

WAC 16-402-040 Horticultural plants not in compliance. Pursuant to RCW 15.13.410, the director may order any horticultural plant, not properly tagged or identified, off sale or returned to the consignor for proper tagging. Upon issuance of an order requiring horticultural plants to be removed from sale or returned to the consignor, the seller or holder of the plant material is entitled to request a hearing under chapter 34.05 RCW.

[Statutory Authority: Chapters 15.13 and 34.05 RCW. 04-09-084, § 16-402-040, filed 4/20/04, effective 5/21/04.]

REPORTING AND HOLDING OF TREE AND SHRUB NURSERY STOCK

WAC 16-402-100 Purpose. The intrusion of nonnative, invasive plant pest species into Washington state is a significant public concern. Plant pest species include insects, nematodes, snails, plant diseases, weeds and other species which harm plants or plant products. If established, such plant pests have potential to cause harm to the state's forest, agricultural, horticultural, floricultural and apiary industries, to damage natural resources and the property of private landowners, to reduce environmental quality, and to threaten the diversity and abundance of native species. In recent years, many of these invasive plant pests have entered the state, in some cases causing significant private and public expense for monitoring, control or eradication. This rule is intended to aid in the exclusion, tracking, identification, control and/or eradication of invasive plant pests which may enter the state on or in association with horticultural plants, in order to protect public health, safety, welfare, and the environment.

[Statutory Authority: Chapters 15.13, 17.24, and 34.05 RCW. 04-14-090, § 16-402-100, filed 7/6/04, effective 8/6/04.]

WAC 16-402-110 Definitions. The following definitions apply to WAC 16-402-100 through 16-402-130:

(1) "Tree and shrub nursery stock" means woody forest and ornamental trees, shrubs and vines grown or kept for propagation, distribution or sale, including bareroot, balled and burlaped, and containerized plants, liners, budwood, seedlings and cuttings. Fruit, seeds and tissue culture plantlets are not considered tree and shrub nursery stock.

(2) "Business day" means Monday through Friday, excluding state holidays.

(3) "Receiving nursery" means any nursery dealer within Washington state, including landscape firms and greenhouses required to be licensed as nursery dealers, that acquires tree and shrub nursery stock via interstate or international shipment.

[Statutory Authority: Chapters 15.13, 17.24, and 34.05 RCW. 04-14-090, § 16-402-110, filed 7/6/04, effective 8/6/04.]

WAC 16-402-120 Notification requirement. (1) Receiving nurseries for tree and shrub nursery stock imported into Washington state from any out-of-state source are required to notify the Washington state department of agri-

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culture (WSDA). Notification methods may include U.S. mail, telefacsimile, delivery service or e-mail to: Nursery Inspection Program Supervisor, Plant Protection Division, Washington State Department of Agriculture, 1111 Washington St. S.E., P.O. Box 42560, Olympia, WA 98504-2560; fax 360-902-2094; e-mail: nursery@agr.wa.gov.

(2) Notification must include the species of plant(s), quantities of each species, source of each shipment and the receiving nursery's contact information including telephone numbers and e-mail address (if available). Copies of regular shipping documents, such as load lists, with this information are encouraged.

(3) Notification must arrive at WSDA no later than two business days after arrival of the shipment at the receiving nursery. Notification in advance of the shipment is encouraged.

(4) WSDA may approve alternative notification systems, if the alternative systems allow the provisions of WAC 16-401-130 to be carried out.

[Statutory Authority: Chapters 15.13, 17.24, and 34.05 RCW. 04-14-090, § 16-402-120, filed 7/6/04, effective 8/6/04.]

WAC 16-402-130 Hold requirement. (1) Tree and shrub nursery stock shipments from outside the state must be held separate from other nursery stock for a minimum of one full business day after notification is received by WSDA.

(2) WSDA will contact the nursery before or during the hold period specified in subsection (1) of this section, if the tree and shrub nursery stock must be held for inspection. WSDA will conduct the inspection as soon as practicable.

(3) Unless the receiving nursery has been instructed by WSDA to hold the shipment under subsection (2) of this section, the receiving nursery may distribute the stock before the expiration of the hold period specified in subsection (1) of this section, if the disposition of the stock is fully traceable. Retail sale to cash customers is not permitted during the hold period.

[Statutory Authority: Chapters 15.13, 17.24, and 34.05 RCW. 04-14-090, § 16-402-130, filed 7/6/04, effective 8/6/04.]

Chapter 16-403 WAC

STANDARDS FOR APPLES MARKETED WITHIN THE STATE OF WASHINGTON

WAC

16-403-140	Washington state standards for apples.
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16-403-142	Red Delicious, Delicious, Golden Delicious, Gala, and Jonagold—Minimum firmness.
16-403-143	Granny Smith—Starch-iodine requirements.
16-403-145	Red, partial red or blushed varieties—Washington extra fancy.
16-403-150	Red, partial red or blushed varieties—Washington fancy.
16-403-155	Color requirements.
16-403-160	Green or yellow varieties—Washington extra fancy.
16-403-165	Green or yellow varieties—Washington fancy.
16-403-170	Green or yellow varieties—Washington C grade.
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16-403-190	Tolerances.
16-403-195	Application of tolerances.
16-403-200	Calculation of percentages.
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16-403-220	Marking requirements—Open or closed containers.		
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16-403-235	Fairly well formed.		
16-403-240	Diameter or fruit weight.		
16-403-245	Mature.		
16-403-250	Overripe.	16-403-065	Tolerances. [Order 893, Regulation 5, effective 10/1/62; Order 870, Regulation 5, filed 11/13/61; Order 791, Regulation 5, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-260	Clean.		
16-403-265	Injury.		
16-403-270	Damage.	16-403-070	Containers. [Order 893, Regulation 6, effective 10/1/62; Order 870, Regulation 6, filed 11/13/61; Order 791, Regulation 6, effective 9/15/59, subsection (2)(d) amended by Order 992, filed 8/24/65; Emergency Order 991, filed 8/24/65.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-275	Serious damage.		
16-403-280	Adoption of United States standards as state standards.	16-403-075	Marking requirements—Marking open or closed containers. [Order 1061, Regulation 7, § 2, filed 7/28/67, effective 8/28/67; Order 893, Regulation 7, effective 10/1/62; Order 870, Regulation 7, filed 11/13/61; Order 791, Regulation 7, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-285	Spots showing diameters in fractions of an inch.		
16-403-290	Damage by invisible watercore.		
16-403-295	Inspector's guide for apple bruises at shipping point and market.		
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
16-403-001	Promulgation. [Order 893, Promulgation, filed 8/31/62; Order 870, Promulgation, filed 11/13/61.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.	16-403-080	Other brands and grades. [Order 893, Regulation 8, effective 10/1/62; Order 870, Regulation 8, filed 11/13/61; Order 791, Regulation 8, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-002	Promulgation. [Order 992, filed 8/24/65; Emergency Order 991, filed 8/24/65.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.	16-403-085	Washington state conditions standards. [Order 893, Regulation 9, effective 10/1/62; Order 870, Regulation 9, filed 11/13/61; Order 791, Regulation 9, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-003	Promulgation. [Order 1061, Promulgation, filed 7/28/67, effective 8/28/67.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.	16-403-090	Washington state standards for grades of processing apples. [Order 893, Regulation 10, effective 10/1/62; Order 870, Regulation 10, filed 11/13/61.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-010	Introduction and definitions. [Order 893, General Regulation, § 1, effective 10/1/62; Order 870, General Regulation, § 1, filed 11/13/61; Order 838, Regulation 1, § 1, filed 3/27/61; Order 791, Regulation 1, § 1 (part), filed 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.	16-403-095	United States standards for apples—Grades. [Order 893, Regulation 11, § 1, effective 10/1/62; Order 870, Regulation 11, § 1, filed 11/13/61; Order 791, Regulation 10, § 1, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-015	Red, partial red or blushed varieties—Washington extra fancy. [Order 893, Regulation 1, § 1, effective 10/1/62; Order 870, Regulation 1, § 1, filed 11/13/61; Order 838, Regulation 1 (part), filed 3/27/61; Order 791, Regulation 1, § 1, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.	16-403-100	United States standards for apples—Color requirements. [Order 893, Regulation 11, § 2, effective 10/1/62; Order 870, Regulation 10, § 2, filed 11/13/61; Order 791, Regulation 10, § 2, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-020	Red, partial red or blushed varieties—Washington fancy. [Order 893, Regulation 1, § 2, effective 10/1/62; Order 870, Regulation 1, § 2, filed 3/27/61; Order 838, Regulation 1, § 2, filed 3/27/61; Order 791, Regulation 1, § 2, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.	16-403-105	United States standards for apples—Tolerances. [Order 893, Regulation 11, § 3, effective 10/1/62; Order 870, Regulation 10, § 3, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-025	Red, partial red or blushed varieties—Color requirements. [Order 893, Regulation 1, § 3, effective 10/1/62; Order 870, Regulation 1, § 3, filed 11/13/61; Order 838, Regulation 1, § 3, filed 3/27/61; Order 791, Regulation 1, § 4, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.	16-403-110	United States standards for apples—Condition. [Order 893, Regulation 11, § 4, effective 10/1/62; Order 870, Regulation 11, § 4, filed 11/13/61; Order 791, Regulation 10, § 4, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-030	Green or yellow varieties—Washington extra fancy. [Order 893, Regulation 2, § 1, effective 10/1/62; Order 870, Regulation 2, § 1, filed 11/13/61; Order 791, Regulation 2, § 1, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.	16-403-115	United States standards for apples—Packing and marking. [Order 893, Regulation 11, § 5, effective 10/1/62; Order 870, Regulation 11, § 5, filed 11/13/61; Order 791, Regulation 10, § 5, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-035	Green or yellow varieties—Washington fancy. [Order 1061 (part), filed 7/28/67, effective 8/28/67; Order 893, Regulation 2, § 2, effective 10/1/62; Order 870, Regulation 2, § 2, filed 11/13/61; Order 791, Regulation 2, § 2, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.	16-403-120	United States standards for apples—United States condition standards for export. [Order 893, Regulation 11, § 6, effective 10/1/62; Order 870, Regulation 11, § 6, filed 11/13/61; Order 791, Regulation 10, § 6, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-040	Green or yellow varieties—Washington C grade. [Order 1061 (part), Regulation 2, § 3, filed 7/28/67, effective 8/28/67; Order 893, Regulation 2, § 3, effective 10/1/62; Order 870, Regulation 2, § 3, filed 11/13/61; Order 791, Regulation 2, § 3, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.	16-403-125	United States standards for apples—Definitions. [Order 893, Regulation 11, § 7, effective 10/1/62; Order 870, Regulation 11, § 7, filed 11/13/61; Order 791, Regulation 10, § 7, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-045	Green or yellow varieties—Hail grade. [Order 870, Regulation 2, § 4, filed 11/13/61; Order 791, Regulation 2, § 4, effective 9/15/59.] Superseded by Order 893, filed 8/31/62, effective 10/1/62.	16-403-130	Spot diameters illustrated. [Order 893 (part), effective 10/1/62.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
16-403-050	Green or yellow varieties—Color requirements. [Order 893, Regulation 2, § 4; Order 870, Regulation 2, § 5, filed 11/13/61; Order 791, Regulation 2, § 5, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.	16-403-135	Promulgation. [Order 1374, § 16-403-135, filed 7/26/74, effective 9/1/74.] Repealed by 79-07-068 (Order 1635), filed 6/27/79. Statutory Authority: Chapter 15.17 RCW.
16-403-055	Combination grades. [Order 893, Regulation 3, effective 10/1/62; Order 870, Regulation 3, filed 11/13/61; Order 838, Regulation 3, § 1, filed 6/20/61; Clarification in Order 838, filed 6/20/62; Order 791, Regulation 3,	16-403-13501	Promulgation. [Order 1475, § 16-403-13501, filed 7/2/76.] Repealed by 79-07-068 (Order 1635), filed 6/27/79. Statutory Authority: Chapter 15.17 RCW.
		16-403-255	Carefully hand picked. [Order 1374, § 16-403-255, filed 7/26/74, effective 9/1/74.] Repealed by 06-12-117, filed

6/7/06, effective 7/8/06. Statutory Authority: Chapters 15.17 and 34.05 RCW.
 16-403-300 Effective date. [Order 1374, § 16-403-300, filed 7/26/74, effective 9/1/74.] Repealed by 79-07-068 (Order 1635), filed 6/27/79. Statutory Authority: Chapter 15.17 RCW.

WAC 16-403-140 Washington state standards for apples. Washington state standard apple grades for extra fancy and fancy shall be equivalent to or better than the U.S. standards for grades of apples, except the Fuji variety, effective September 1, 1964, as amended October 1, 1966, July 25, 1972, and March 25, 1976, for U.S. extra fancy and U.S. fancy. Apples meeting the foregoing grades may be marked either with the proper Washington or U.S. grade, or both. In no case shall the grade and condition requirements thereof be interpreted as less than those standards required by said U.S. standards for grades of apples for the comparable Washington grade and variety.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 06-12-117, § 16-403-140, filed 6/7/06, effective 7/8/06. Statutory Authority: Chapter 15.17 RCW. 88-14-128 (Order 1982), § 16-403-140, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-140, filed 7/26/74, effective 9/1/74.]

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 eleven 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: Chapters 15.17 and 34.05 RCW. 02-12-011, § 16-403-141, filed 5/23/02, effective 8/1/02. 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 16-403-142 Red Delicious, Delicious, Golden Delicious, Gala, and Jonagold—Minimum firmness. At the time of shipment, Red Delicious, and Delicious varieties shall pressure test not less than twelve pounds: Provided, That those apples failing to pressure test twelve pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test twelve pounds or more.

At the time of shipment, Golden Delicious variety shall pressure test not less than ten pounds: Provided, That those apples failing to pressure test ten pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test ten pounds or more.

At time of shipment, Gala and Jonagold varieties of apples shall pressure test not less than eleven pounds.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 02-12-011, § 16-403-142, filed 5/23/02, effective 8/1/02. Statutory Authority: Chapter 15.17 RCW. 90-09-032 (Order 2032), § 16-403-142, filed 4/11/90, effective 5/12/90; 89-14-031 (Order 2012), § 16-403-142, filed 6/28/89, effective 9/1/89; 88-14-128 (Order 1982), § 16-403-142, filed 7/6/88, effective 9/1/88.]

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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 16-403-145 Red, partial red or blushed varieties—Washington extra fancy. Washington extra fancy consists of apples of one variety (except when more than one variety is printed on the container) which are mature but not overripe, clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, scab, freezing injury, visible watercore, and broken skins and bruises except those which are slight and incident to proper handling and packing. The apples are also free from injury caused by smooth net-like russetting, sunburn or spray-burn, limb rubs, hail, drought spots, scars, disease, insects, or other means; and free from damage by smooth solid, slightly rough or rough russetting, or stem or calyx cracks, Jonathan spot, bitter pit and free from damage by invisible watercore after January 31st of the year following the year of production: Provided, That smooth net-like russetting and/or invisible watercore shall not be a quality factor of Fuji variety at any time of the year. Each apple of this grade has the amount of color specified in WAC 16-403-155 for the variety.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 06-12-117, § 16-403-145, filed 6/7/06, effective 7/8/06. Statutory Authority: Chapter 15.17 RCW. 94-07-133 (Order 5033), § 16-403-145, filed 3/23/94, effective 4/23/94; Order 1374, § 16-403-145, filed 7/26/74, effective 9/1/74.]

WAC 16-403-150 Red, partial red or blushed varieties—Washington fancy. Washington fancy consists of apples of one variety (except when more than one variety or commodity is printed on the container) which are mature but not overripe, clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, freezing injury, visible watercore, and broken skins and bruises, except those which are incident to proper handling and packing. The apples are also free from damage caused by russetting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, Jonathan spot, bitter pit, disease, insects, invisible watercore after January 31st of the year following the year of production, or damage by other means: Provided, That smooth net-like russetting and/or invisible watercore shall not be a quality factor of Fuji variety at any time of the year. Each apple of this grade has the amount of color specified in WAC 16-403-155 for the variety.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 06-12-117, § 16-403-150, filed 6/7/06, effective 7/8/06. Statutory Authority: Chapter 15.17 RCW. 94-07-133 (Order 5033), § 16-403-150, filed 3/23/94, effective 4/23/94; Order 1374, § 16-403-150, filed 7/26/74, effective 9/1/74.]

WAC 16-403-155 Color requirements. In addition to the requirement specified for the grades set forth in WAC 16-403-145 and 16-403-150, apples of these grades shall have

the percentage of color specified for the variety appearing in this section.

(1) **Solid red varieties.** For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: Provided, That an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade, subject to the limitations set forth below.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Black Ben	66 ⁽¹⁾	40 ⁽³⁾
Gano	66 ⁽¹⁾	40 ⁽³⁾
Winesaps	66 ⁽¹⁾	40 ⁽³⁾
Other similar varieties	66 ⁽¹⁾	40 ⁽³⁾
Red sport varieties ⁽²⁾	66 ⁽⁴⁾	40 ⁽³⁾

- (1) Must have at least 50 percent good shade of red color characteristic of the variety.
- (2) When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.
- (3) Must have at least 33 percent good shade of red color; characteristic of the variety.
- (4) Must have at least 66 percent good shade of red color; characteristic of the variety.

(2) **Striped or partial red varieties.** For the striped or partial red varieties the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade, subject to the limitations set forth below. Faded brown stripes shall not be considered as color.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Delicious	50	25
Rome Beauty	50 ⁽¹⁾	33 ⁽²⁾
Wealthy	50	25
Stayman	50	33
Other similar varieties	50	25
Jonathan	66 ⁽¹⁾	33 ⁽²⁾
McIntosh	50 ⁽¹⁾	33 ⁽²⁾
Cortland	50	33
Akane	33 1/3	15
Jonamac	50	33
Nittany	25	10
Vista Bella	25	10
Other similar varieties	50	33
Red sport varieties ⁽⁵⁾	66 ⁽⁴⁾	40 ⁽³⁾

- (1) Must have at least 35 percent good shade of red color characteristic of the variety.
- (2) Must have at least 15 percent good shade of red color characteristic of the variety.

- (3) Must have at least 33 percent good shade of red color characteristic of the variety.
- (4) Must have at least 66 percent good shade of red color characteristic of the variety.
- (5) When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.

(3) **Red cheeked or blushed varieties.**

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Braeburn	Blush Cheek	Tinge of color
Elstar	Blush Cheek	Tinge of color
Fuji	Blush Cheek	Tinge of color
Gala, (Royal Gala)	Blush Cheek	Tinge of color
Jonagold	Blush Cheek	Tinge of color
Winter Banana	Blush Cheek	Tinge of color
Other similar varieties	Blush Cheek	Tinge of color

(4) In no case shall the color requirements for any variety be less than those required under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972 for the comparable Washington grade and variety.

[Statutory Authority: Chapter 15.17 RCW. 90-13-078 (Order 2045), § 16-403-155, filed 6/19/90, effective 7/20/90; Order 1374, § 16-403-155, filed 7/26/74, effective 9/1/74.]

WAC 16-403-160 Green or yellow varieties—Washington extra fancy. Washington extra fancy consists of apples of one variety (except when more than one variety or commodity is printed on the container) which are mature but not overripe, clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, scab, freezing injury, visible watercore, broken skins and bruises except those which are slight and incident to proper handling and packing. The apples are also free from slightly rough or rough russeting, provided, russeting other than rough or bark-like russeting materially affecting the appearance of the apple shall be permitted in the stem cavity or calyx basin if it cannot be seen when the apple is placed stem end or calyx end down on a flat surface. The apples are also free from injury caused by smooth net-like russeting, smooth solid russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, stem or calyx cracks, or other means; and free from damage by Jonathan spot, bitter pit and by invisible watercore after January 31st of the year following the year of production. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 06-12-117, § 16-403-160, filed 6/7/06, effective 7/8/06. Statutory Authority: Chapter 15.17 RCW. 92-15-056, § 16-403-160, filed 7/13/92, effective 8/13/92; 86-14-026 (Order 1892), § 16-403-160, filed 6/25/86; Order 1374, § 16-403-160, filed 7/26/74, effective 9/1/74.]

WAC 16-403-165 Green or yellow varieties—Washington fancy. Washington fancy consists of apples of one variety (except when more than one variety or commodity is printed on the container) which are mature but not overripe, clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, freezing injury, visible watercore, and broken skins and bruises except those which are incident to proper handling and packing. The apples are also free from damage caused by russeting, sunburn or sprayburn, limb

rubs, hail, drought spots, scars, stem or calyx cracks, Jonathan spot, bitter pit, disease, insects, invisible watercore after January 31st of the year following the year of production, or damage by other means. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 06-12-117, § 16-403-165, filed 6/7/06, effective 7/8/06; Order 1374, § 16-403-165, filed 7/26/74, effective 9/1/74.]

WAC 16-403-170 Green or yellow varieties—Washington C grade. The requirements of this grade are the same as for Washington fancy except for color, russetting and invisible watercore. Apples of this grade are free from excessive damage caused by russetting which means that apples meet the russetting requirements for Washington fancy as defined under the definitions of "damage by russetting," except the aggregate area of an apple which may be covered by smooth net-like russetting shall not exceed 25 percent; and the aggregate area of an apple which may be covered by smooth solid russetting shall not exceed 10 percent: Provided, That in the case of the Yellow Newtown, Granny Smith or similar varieties the aggregate area of an apple which may be covered with smooth solid russetting shall not exceed 20 percent; and the aggregate area of an apple which may be covered with excessively rough or barklike russetting or limb rubs shall not exceed the area of a circle three-fourths of an inch in diameter. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety. There is no requirement in this grade pertaining to invisible watercore.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 06-12-117, § 16-403-170, filed 6/7/06, effective 7/8/06. Statutory Authority: Chapter 15.17 RCW. 79-07-068 (Order 1635), § 16-403-170, filed 6/27/79; Order 1374, § 16-403-170, filed 7/26/74, effective 9/1/74.]

WAC 16-403-175 Green or yellow varieties—Color requirements. (1) Golden Delicious. In extra fancy and fancy grades, 75 percent or more of the surface of the apple shall show white or light green predominating over the green color. In C grade, 33-1/3 percent or more of the surface of the apple shall show white or light green predominating over the green color.

(2) In green and yellow varieties, other than Golden Delicious, characteristic ground color shall be required in extra fancy, fancy or C grade.

(3) In no case shall the color requirements for any variety be less than those required under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972 for the comparable Washington grade and variety.

[Order 1374, § 16-403-175, filed 7/26/74, effective 9/1/74.]

WAC 16-403-180 Combination grades. (1) Combination extra fancy and fancy. When extra fancy and fancy apples are packed together, the boxes may be marked "Washington combination extra fancy and fancy" and shall contain at least 80 percent extra fancy apples, except Newtowns, which shall contain at least 50 percent extra fancy apples. (This is the only combination grade which may be used for red or partial red varieties.)

(2009 Ed.)

(2) Combination extra fancy, fancy and C grade. When extra fancy, fancy and C grade apples are packed together, the boxes may be marked "Washington combination extra fancy, fancy and C grade" and shall contain at least 80 percent extra fancy apples, except Newtowns, which shall contain at least 50 percent extra fancy apples.

(3) Combination fancy and C grade. When fancy and C grade apples are packed together, the boxes may be marked "Washington combination fancy and C grade" but shall contain at least 80 percent fancy apples, except Newtowns, which shall contain at least 50 percent fancy apples.

(4) Jumble pack. The larger sizes of the above grades may be removed and the rest packed and marked "jumble" or "face and fill" in addition to the grade mark.

(5) Gift grade. Gift grade may consist of mixed varieties (apples and pears) and in the case of apples shall meet Washington extra fancy grade as defined in Washington standards for apples, and in the case of pears shall be U.S. No. 1 or higher grade as defined in Washington standards for D'Anjou, Bosc, Winter Nelis and other varieties of winter pears. When gift containers meet the requirements of gift grade, such containers need be marked only "gift grade" and a statement of net contents in weight or count and name and address of packer or shipper.

[Statutory Authority: Chapter 15.17 RCW. 88-14-128 (Order 1982), § 16-403-180, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-180, filed 7/26/74, effective 9/1/74.]

WAC 16-403-185 Culls. (1) Apples which are not graded in conformity with the foregoing grades and which contain not more than 5 percent serious insect damage shall be designated as "culls."

(2) Following is a quotation from RCW 15.17.080 - Fresh fruits—Culls—Container markings—Designation on bills of lading, invoices, etc.:

"It shall be unlawful for any person to sell fresh fruits for fresh consumption classified as culls under the provisions of this chapter or rules adopted hereunder unless such fruit is packed in one-half bushel or one bushel wooden baskets ring faced, with the fruit in the ring face representative of the size and quality of the fruit in such baskets. Such baskets shall be lidded and the words "cull" including the kind of fruit and variety must appear on the top and side of each basket and on any label thereon in clear and legible letters at least two and one-half inches high. Every bill of lading, invoice, memorandum, and document referring to said fruit shall designate them as culls."

[Order 1374, § 16-403-185, filed 7/26/74, effective 9/1/74.]

WAC 16-403-190 Tolerances. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) Defects: Washington extra fancy, Washington fancy and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are

seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(2) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual samples.

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual samples.

(3) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than 1/2 inch in diameter. When size is designated by minimum or maximum diameter or weight, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

(4) Firmness. Not more than ten percent of the apples in any lot of Red Delicious, Delicious, Golden Delicious, Jonagold, and Gala varieties shall fail to meet the firmness requirements as defined in WAC 16-403-142.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 06-12-117, § 16-403-190, filed 6/7/06, effective 7/8/06; 02-12-011, § 16-403-190, filed 5/23/02, effective 8/1/02. Statutory Authority: Chapter 15.17 RCW. 92-15-056, § 16-403-190, filed 7/13/92, effective 8/13/92; 90-09-032 (Order 2032), § 16-403-190, filed 4/11/90, effective 5/12/90; 89-14-031 (Order 2012), § 16-403-190, filed 6/28/89, effective 9/1/89; 88-14-128 (Order 1982), § 16-403-190, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-190, filed 7/26/74, effective 9/1/74.]

WAC 16-403-195 Application of tolerances. The contents of individual samples in the lot, are subject to the following limitations: Provided, That the averages for the entire lot are within the tolerances specified for the grade.

Packages which contain more than 10 pounds:

Samples shall have not more than one and one-half times a specified tolerance of 10 percent or more and not more than double a tolerance of less than 10 percent, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any sample.

Packages which contain 10 pounds or less:

No packages may have more than three times the tolerance specified, except that at least three defective apples may be permitted in any package: Provided, That not more than three apples or more than 18 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 06-12-117, § 16-403-195, filed 6/7/06, effective 7/8/06. Statutory Authority: Chapter 15.17 RCW. 88-14-128 (Order 1982), § 16-403-195, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-195, filed 7/26/74, effective 9/1/74.]

WAC 16-403-200 Calculation of percentages. (1) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(2) When the minimum diameter and/or minimum weight of individual apples, or minimum and maximum diameters and/or weights of individual apples are marked on a container or when the apples are jumbled in a container or

in bulk, percentages shall be calculated on the basis of weight or an equivalent basis.

[Statutory Authority: Chapter 15.17 RCW. 92-15-056, § 16-403-200, filed 7/13/92, effective 8/13/92; Order 1475, § 16-403-200, filed 7/2/76; Order 1374, § 16-403-200, filed 7/26/74, effective 9/1/74.]

WAC 16-403-205 Condition after storage or transit.

(1) Decay, scald or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade, except a separate tolerance in addition to and aside from the regular grade tolerances shall be allowed for apples that are overripe, providing an average of not more than 5 percent overripe in any lot of apples with not more than 10 percent overripe in any one container shall be permitted in any shipment.

[Order 1374, § 16-403-205, filed 7/26/74, effective 9/1/74.]

WAC 16-403-215 Packing requirements. (1) Apples tray packed or cell packed in cartons shall be arranged according to approved and recognized methods. Packs shall be at least fairly tight^a or fairly well filled^b.

(2) Closed cartons containing apples not tray or cell packed shall be fairly well filled^b or the pack shall be sufficiently tight to prevent any appreciable movement of the apples.

(3) Apples on the shown face of any container shall be reasonably representative in size, color and quality of the contents.

(4) Tolerances: In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements.

^a- "Fairly tight" means that apples are of the proper size for molds or cell compartments in which they are packed and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible.

^b- "Fairly well filled" means that the net weight of apples in containers ranging from 2,100 to 2,900 cubic inch capacity is not less than 38 pounds for Jonathan, McIntosh and Golden Delicious varieties and not less than 40 pounds for all other varieties.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 06-12-117, § 16-403-215, filed 6/7/06, effective 7/8/06; Order 1374, § 16-403-215, filed 7/26/74, effective 9/1/74.]

WAC 16-403-220 Marking requirements—Open or closed containers.

(1) The containers shall bear the correct name of the variety or when more than one variety or commodity is in the container, each variety and commodity must be shown, 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: Chapters 15.17 and 34.05 RCW. 06-12-117, § 16-403-220, filed 6/7/06, effective 7/8/06. 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.]

WAC 16-403-225 Other brands and grades. (1) Any person, firm or organization wishing to pack apples under any other grade or brand than according to the foregoing rules shall file a certified copy of the description of such grade or brand with the director of agriculture the year in which the apples so to be packed are grown: Provided, That upon request of such person, firm, or organization, having reregistered such grade or brand for ten or more consecutive years, the grade or brand may be permanently registered.

(2009 Ed.)

(2) If such grade or brand is approved by the director of agriculture, apples may be packed under such grade or brand, instead of the official state grading rules and all boxes of apples so packed shall be marked with that grade or brand: Provided, That private grades or brands for apples may only be registered and approved when they meet the specifications required of Washington fancy grade or better.

Note: Private grades do not meet marking requirements of U.S. Apple and Pear Act and shall not be used on export shipments.

[Statutory Authority: Chapter 15.17 RCW. 86-10-045 (Order 1886), § 16-403-225, filed 5/6/86; Order 1374, § 16-403-225, filed 7/26/74, effective 9/1/74.]

WAC 16-403-230 Well formed. "Well formed" means having the normal shape characteristic of the variety, except that the shape may be slightly irregular provided it does not detract from the general appearance of the apple. Shape shall be determined by the same models used in determining shape under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972.

[Order 1374, § 16-403-230, filed 7/26/74, effective 9/1/74.]

WAC 16-403-235 Fairly well formed. "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance. Shape shall be determined by the same models used in determining shape under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972.

[Order 1374, § 16-403-235, filed 7/26/74, effective 9/1/74.]

WAC 16-403-240 Diameter or fruit weight. When measuring for minimum size, "diameter" means the greatest dimension of the apple measured at right angles to a line from stem to blossom end. When measuring for maximum size "diameter" means the smallest dimension of the apple determined by passing the apple through a round opening in any position. When measuring for minimum weight as a designation of fruit size, the individual apple must meet the minimum weight designation as marked on the container or package.

[Statutory Authority: Chapter 15.17 RCW. 92-15-056, § 16-403-240, filed 7/13/92, effective 8/13/92; Order 1374, § 16-403-240, filed 7/26/74, effective 9/1/74.]

WAC 16-403-245 Mature. (1) "Mature" means that the apples have reached the stage of development which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing different stages of firmness of apples:

(a) "Hard" means apples with a tenacious flesh and starchy flavor.

(b) "Firm" means apples with a tenacious flesh but which are becoming crisp with a slightly starchy flavor, except the Delicious variety.

(c) "Firm ripe" means apples with crisp flesh except that the flesh of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy.

(d) "Ripe" means apples with mealy flesh and soon to become soft for the variety.

[Order 1374, § 16-403-245, filed 7/26/74, effective 9/1/74.]

WAC 16-403-250 Overripe. "Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

[Order 1374, § 16-403-250, filed 7/26/74, effective 9/1/74.]

WAC 16-403-260 Clean. "Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

[Order 1374, § 16-403-260, filed 7/26/74, effective 9/1/74.]

WAC 16-403-265 Injury. (1) "Injury" means any specific defect defined in this section, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which more than slightly detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as injury:

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is injured by russeting. Smooth net-like russeting outside of the stem cavity or calyx basin shall be considered as injury when an aggregate area of more than 10 percent of the surface is covered in the red, partial red and blushed varieties and 5 percent of the surface for green and yellow varieties, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted. Smooth solid russeting when the aggregate area in the green and yellow varieties exceeds more than 1/4 inch in diameter and in the red and partial red varieties when the aggregate area exceeds 3/8 inch in diameter shall also be considered as injury.

(b) Sunburn or sprayburn, when the discolored area does not blend into the normal color of the fruit.

(c) Dark brown or black limb rubs which affect a total area of more than one-fourth inch in diameter for red, partial red or blushed varieties and one-eighth inch for green or yellow varieties, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting.

(d) Hail marks, drought spots, other similar depressions or scars:

(i) When the skin is broken, whether healed or unhealed;

(ii) When there is appreciable discoloration of the surface;

(iii) When any surface indentation exceeds one-sixteenth inch in depth;

(iv) When any surface indentation exceeds one-eighth inch in diameter; or

(v) When the aggregate affected area of such spots exceeds one-half inch in diameter for red, partial red and

blushed varieties or one-fourth inch for green or yellow varieties.

(e) Disease:

(i) Cedar rust infection which affects a total area of more than three-sixteenths inch in diameter.

(ii) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.

(iii) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.

(f) Insects:

(i) Any healed sting or healed stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings.

(ii) Worm holes.

(g) Stem or calyx cracks which more than slightly detract from the appearance or the edible or shipping quality of the apple or stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-eighth inch.

[Order 1374, § 16-403-265, filed 7/26/74, effective 9/1/74.]

WAC 16-403-270 Damage. (1) "Damage" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as damage:

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or barklike russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin shall be considered as damage:

(i) Russeting which is excessively rough or rough on green and yellow varieties.

(ii) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(iii) Smooth solid russeting when an aggregate area of more than 5 percent of the surface is covered and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(iv) Slightly rough russeting which covers an aggregate area of more than one-half inch.

(v) Rough russeting in the red and partial red varieties which covers an aggregate area of more than one-fourth inch in diameter.

(b) Sunburn or sprayburn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russetting.

(c) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russetting.

(d) Hail marks, drought spots, other similar depressions or scars:

(i) When any unhealed mark is present;

(ii) When any surface indentation exceeds one-eighth inch in depth;

(iii) When the skin has not been broken and the aggregate affected area exceeds one-half inch in diameter; or

(iv) When the skin has been broken and well healed, and the aggregate affected area exceeds one-fourth inch in diameter.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(f) Invisible watercore existing around the core and extending to watercore in the vascular bundles; or surrounding the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles.

(g) Disease:

(i) Scab spots which affect a total area of more than one-fourth inch in diameter.

(ii) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.

(iii) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(iv) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(v) Bitter pit or Jonathan spot when one or more spots affects the surface of the apple.

(h) Insects:

(i) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.

(ii) Worm holes.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 06-12-117, § 16-403-270, filed 6/7/06, effective 7/8/06; Order 1374, § 16-403-270, filed 7/26/74, effective 9/1/74.]

WAC 16-403-275 Serious damage. (1) "Serious damage" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as serious damage:

(a) The following types and amounts of russetting shall be considered as serious damage:

(i) Smooth solid russetting, when more than one-half of the surface in the aggregate is covered, including any russetting in the stem cavity or calyx basin, or slightly rough, or excessively rough or barklike russetting, which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russetting permitted.

(b) Sunburn or sprayburn which seriously detracts from the appearance of the fruit.

(c) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(d) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: Provided, That no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well healed hail marks where the skin has been broken.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(f) Visible watercore which affects an area of more than one-half inch in diameter.

(g) Disease:

(i) Scab spots which affect a total area of more than three-fourths inch in diameter.

(ii) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.

(iii) Sooty blotch or fly speck which affects more than one-third of the surface.

(iv) Red skin spots which affect more than one-third of the surface.

(v) Bitter pit or Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit.

(h) Insects:

(i) Healed stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings.

(ii) Worm holes.

[Order 1374, § 16-403-275, filed 7/26/74, effective 9/1/74.]

WAC 16-403-280 Adoption of United States standards as state standards. In addition to the standards for apples prescribed in WAC 16-403-140 through 16-403-275, there are hereby adopted, as additional standards of the state of Washington for apples, the United States standards for grades of apples, effective December 19, 2002, adopted by the United States Department of Agriculture, as they apply to U.S. extra fancy, U.S. fancy, U.S. No. 1 and U.S. No. 1 hail, provided, the color requirements specified for U.S. No. 1 and U.S. No. 1 hail must be good shade of red color and the percentage of color required for U.S. No. 1 and U.S. No. 1 hail for Delicious shall be 25 percent good shade of red color and provided further, that all the United States grades as applied to Red Delicious, Delicious, Golden Delicious, Gala, and Jonagold varieties shall meet the firmness requirements of WAC 16-403-142.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 03-24-007, § 16-403-280, filed 11/20/03, effective 12/21/03; 02-12-011, § 16-403-280, filed 5/23/02, effective 8/1/02. Statutory Authority: Chapter 15.17 RCW. 89-14-031 (Order 2012), § 16-403-280, filed 6/28/89, effective 9/1/89; 88-14-128

(Order 1982), § 16-403-280, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-280, filed 7/26/74, effective 9/1/74.]

WAC 16-403-285 Spots showing diameters in fractions of an inch. Spots showing diameters in fractions of an inch are illustrated below.



One-eighth inch



Three-sixteenths inch



One-fourth inch



Three-eighths inch



One-half inch



Three-fourths inch

[Order 1374, § 16-403-285, filed 7/26/74, effective 9/1/74.]

WAC 16-403-290 Damage by invisible watercore. (See chart below.)

DAMAGE BY INVISIBLE WATERCORE affects:

Wash. extra fancy and Wash. fancy grades, except Fuji variety, after *February 1 of year following production* and affecting U.S. condition standards for export *anytime*.

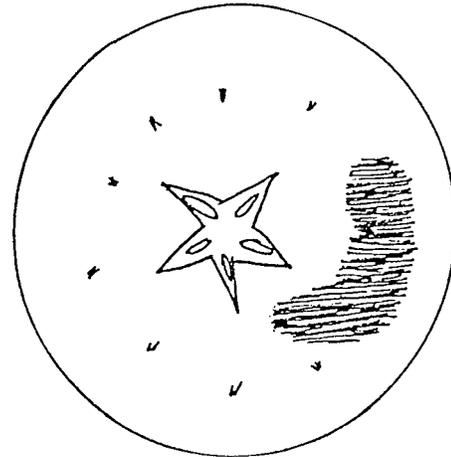
THIS

1. existing around core and extending to watercore in vascular bundles



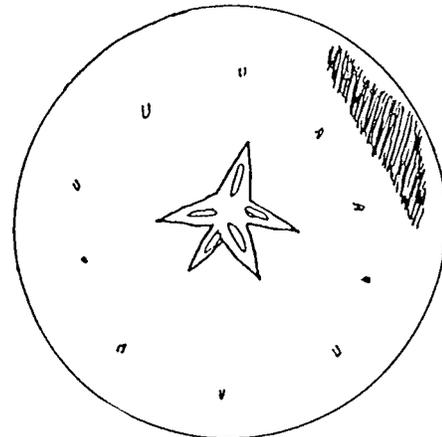
OR THIS

2. surrounding vascular bundles when affected areas around three or more bundles meet or coalesce



OR THIS

3. more than slight degree outside circular area formed by vascular bundles



[Statutory Authority: Chapter 15.17 RCW, 94-07-133 (Order 5033), § 16-403-290, filed 3/23/94, effective 4/23/94; Order 1374, § 16-403-290, filed 7/26/74, effective 9/1/74.]

WAC 16-403-295 Inspector's guide for apple bruises at shipping point and market. (See chart below)

INSPECTOR'S GUIDE FOR APPLE BRUISES
AT SHIPPING POINT AND MARKET
(AREAS BASED ON 125-163 SIZE APPLES)

	ALLOW IN U.S. EXTRA FANCY*		ALLOW IN U.S. FANCY AND U.S. NO. 1**	
	tray or cell	other packs	tray or cell	other packs
SOFT DEPTH	none	same	same	same
AREA ONE BRUISE	1/8"	same	3/16"	same
AGGREGATE AREA	1/2"	same	3/4"	7/8"
	(in proportion to above allowances)			

- * Includes Washington extra fancy - all varieties
- ** Includes Washington fancy - all varieties except summer apples variety susceptibility should be kept in mind when applying above guide

[Order 1374, § 16-403-295, filed 7/26/74, effective 9/1/74.]

**Chapter 16-406 WAC
WASHINGTON STANDARDS FOR APRICOTS**

WAC

16-406-005	What definitions are important to understanding this chapter?
16-406-010	How do you determine the maturity of an apricot?
16-406-012	Do all apricot varieties mature in the same way?
16-406-015	What is considered "damage" and "serious damage" to apricots?
16-406-020	What tolerances apply to apricots?
16-406-025	How are apricot tolerances applied to individual samples?
16-406-030	What marking and packing requirements apply to apricots?
16-406-060	What grades apply to apricots?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-406-001	Promulgation. [Order 1015, Promulgation, filed 4/29/66; Order 771, Promulgation, effective 4/28/58.] Repealed by 03-24-008, filed 11/20/03, effective 12/21/03. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-406-040	Culls for fresh market. [Order 1015, Regulation D, filed 4/29/66; Order 771, effective 4/28/58.] Repealed by 05-12-036, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-406-050	Definition of terms. [Statutory Authority: Chapter 15.17 RCW. 99-17-003, § 16-406-050, filed 8/4/99, effective 9/4/99; Order 1015, Regulation E, filed 4/29/66; Order 771, effective 4/28/58.] Repealed by 05-12-036, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.

WAC 16-406-005 What definitions are important to understanding this chapter? The following definitions are important to this chapter:

"Aggregate" means that injury areas on an apricot's surface may be combined into one circular area with a diameter equal to the maximum diameter specified for the particular injury.

"Damage" means an injury to an apricot that is readily apparent during grading and handling.

(2009 Ed.)

"Department" means the Washington state department of agriculture.

"Diameter" means the greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end.

(1) Apricots having a diameter of 1-1/2 inches or larger, ring measurement, may be considered "large."

(2) Apricots having a diameter of less than 1-1/2 inches may be considered "small."

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Mature" means apricots have reached a growth stage that will insure the proper completion of the ripening process.

"Serious damage" means:

(1) Immaturity; or

(2) Any deformity; or

(3) Injuries either causing skin breaks exceeding 3/8 of an inch in diameter or that seriously affects the apricot's appearance.

"Well formed" means having a shape that is characteristic of the variety.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-12-036, § 16-406-005, filed 5/25/05, effective 6/25/05.]

WAC 16-406-010 How do you determine the maturity of an apricot? The information in the following table must be considered when determining an apricot's maturity:

MATURITY CHARACTERISTIC	EXPLANATION
(1) Ambering	"Ambering," which many authorities on apricots recognize as an indicator of maturity, refers to the replacement of the green colored flesh immediately around the pit with an amber shade of flesh.
(2) Springiness	"Springiness" develops in connection with the separation of the flesh from the pit. It is an indication that the apricot is reaching proper tree maturity for picking for fresh shipment. Springiness may be detected by: •External pressure on the apricot; or •Cutting the apricot in half at right angles to the longitudinal axis and noting how one-half or both halves slip away from the pit.
(3) Taste	On a tree whose fruit is ready for harvest for fresh shipment, it is quite common to find apricots that are fairly palatable because they have lost much of their green taste. However, in using this test, do not be misled by apricots that, because of worm infestation, may be maturing abnormally.
(4) Separation of fruit from the stem	The way apricots separate from their stems is an indication of their maturity. For example, immature apricots tend to tear the adjacent skin and flesh more than apricots that are near proper maturity.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-12-036, § 16-406-010, filed 5/25/05, effective 6/25/05.]

WAC 16-406-012 Do all apricot varieties mature in the same way? Not all varieties of apricots mature in the same way. The varieties listed in the following table have not reached a stage of maturity that will insure a proper completion of the ripening process until they have developed a characteristic yellow color (shades Nos. 3 or 4 on U.S. standard ground color chart) over the minimum surface area shown:

APRICOT VARIETY	MINIMUM YELLOW SURFACE AREA STATED AS A PERCENTAGE OF AN APRICOT'S TOTAL SURFACE AREA
Moorpark	20%
Gilbert or Newcastle	50%
Tilton	40%
Blenheim	40%
Royal	40%

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-12-036, § 16-406-012, filed 5/25/05, effective 6/25/05.]

WAC 16-406-015 What is considered "damage" and "serious damage" to apricots? The following tables explain the differences between "damage" and "serious damage" as applied to apricots:

Table 1

"Damage" and "Serious Damage" for All Varieties of Apricots **except** the Riland Variety

Except for the Riland variety, the following are considered damage :	Except for the Riland variety, the following are considered serious damage :
(1) Well-healed growth cracks over 3/8 of an inch in length.	(1) Well-healed growth cracks that are more than 1/2 inch in length.
(2) Punctures over 3/16 of an inch in diameter.	(2) Any deformity or injury causing the skin to break more than 3/8 of an inch in diameter or which seriously affects the apricot's appearance.
(3) Stem pulls over 3/8 of an inch in diameter.	
(4) Smooth shallow limb rubs more than 1/4 of an inch in diameter.	
(5) Russeting affecting more than ten percent of the apricot's surface.	
(6) Bruises exceeding five percent of the apricot's surface.	(3) Bruises exceeding ten percent of the surface of the apricot.
(7) Hail marks that are:	(4) Hail marks that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.

Table 2

"Damage" and "Serious Damage" for the Riland Variety of Apricots

For the Riland variety, the following are considered damage :	For the Riland variety, the following are considered serious damage :
(1) Growth cracks exceeding 3/8 inches in length.	(1) Growth cracks that are not well healed and are more than 1/2 inch in length.
(2) Punctures exceeding 1/4 of an inch in diameter.	
(3) Stem pulls exceeding 1/2 inch in diameter.	
(4) Smooth shallow limb rubs more than 1/4 of an inch in diameter.	
(5) Russeting affecting more than ten percent of the apricot's surface.	
(6) Bruises exceeding five percent of the apricot's surface.		(2) Bruises exceeding ten percent of the surface of the apricot.
(7) Hail marks that are:	(3) Hail marks that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-20-074, § 16-406-015, filed 10/4/05, effective 11/4/05; 05-12-036, § 16-406-015, filed 5/25/05, effective 6/25/05.]

WAC 16-406-020 What tolerances apply to apricots?

(1) To allow for variations incident to proper grading and handling, the following tolerances apply to apricots:

(a) No more than ten percent of the apricots in any lot may be below grade requirements.

(b) Serious damage by insects must affect no more than five percent of the apricots in any lot.

(c) No more than one percent must be affected by decay or internal breakdown.

(d) In addition, for Washington No. 1 grade, no more than ten percent, by count, of the apricots in any lot may be damaged (but not seriously damaged) by bruising.

(2) When applying the tolerances in subsection (1) of this section to the Washington combination grade:

(a) No part of any tolerance must be used to reduce the percentage of Washington No. 1 apricots required for the combination grade.

(b) However, individual containers may contain forty percent Washington No. 1 grade apricots if the entire lot averages fifty percent.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-12-036, § 16-406-020, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 99-17-003, § 16-406-020, filed 8/4/99, effective 9/4/99; Order 1015, Regulation B, filed 4/29/66; Order 771, effective 4/28/58.]

WAC 16-406-025 How are apricot tolerances applied to individual samples? If the averages for the entire lot are within the tolerances specified for the grade, the contents of individual samples are subject to the following limitations:

Package Weight and/or Apricot Grade	With a Tolerance of:	Individual Sample in Any Lot:	Defects Allowed in a Sample
(1) Packages containing more than ten pounds	Ten percent or more	Must have no more than one and one-half times the tolerance specified	No more than one apricot affected by decay or internal breakdown is permitted in any sample.
(2) Packages containing more than ten pounds	Less than ten percent	Must have no more than double the tolerance specified	No more than one apricot affected by decay or internal breakdown is permitted in any sample.
(3) Washington No. 1 grade packages containing ten pounds or less	Ten percent or less	May have more than three times the tolerances specified	At least one defective apricot may be permitted in any sample and one apricot or more than six percent (whichever is the larger amount) may be affected by decay or internal breakdown.
(4) Washington No. 2 grade packages containing ten pounds or less	Ten percent or less	May have more than three times the tolerances specified	N/A

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-12-036, § 16-406-025, filed 5/25/05, effective 6/25/05; 03-24-008, § 16-406-025, filed 11/20/03, effective 12/21/03. Statutory Authority: Chapter 15.17 RCW. 99-17-003, § 16-406-025, filed 8/4/99, effective 9/4/99.]

WAC 16-406-030 What marking and packing requirements apply to apricots?

Note: The marking requirements in this section do not apply to apricots being sold or shipped to canneries.

(1) When a numerical count is used to pack apricots, the apricots in any container must not vary more than one-quarter inch in diameter.

(2) To allow for variations incident to proper sizing, no more than ten percent, by count, of the apricots in any package may be below the specified minimum size.

(3) Numerical count may be used to determine apricot grades.

(4) When apricots are prepared for market and/or offered for sale in containers (either open or closed), the following information must be clearly stamped on each container:

- Variety;
- Grade;
- Packer's, grower's or shipper's name and address; and
- Count; or
- Net weight and minimum diameter.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-12-036, § 16-406-030, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 99-17-003, § 16-406-030, filed 8/4/99, effective 9/4/99; Order 1015, Regulation C, filed 4/29/66; Order 771, effective 4/28/58.]

WAC 16-406-060 What grades apply to apricots?

The following table identifies apricot grades and describes their characteristics:

WASHINGTON APRICOT GRADES	CHARACTERISTICS
(1) Washington No. 1	Washington No. 1 grade apricots consist of apricots of one variety that are: <ul style="list-style-type: none"> •Mature but not soft •Not overripe or shriveled

WASHINGTON APRICOT GRADES	CHARACTERISTICS
	<ul style="list-style-type: none"> •Well formed •Visibly clean •Free from decay and worm holes •Free from damage caused by dirt, limb rubs, growth cracks, bruises, scale, hail, disease, insects or mechanical or other means. (See tolerances WAC 16-407-060.)
(2) Washington No. 2	Washington No. 2 grade apricots consist of apricots of one variety that are: <ul style="list-style-type: none"> •Mature but not soft •Not overripe or shriveled •Fairly clean •Free from decay and worm holes •Free from serious damage caused by growth cracks, bruises, hail, insect pests, mechanical or other means. (See tolerances WAC 16-407-060.)
(3) Washington combination	<ul style="list-style-type: none"> •Washington combination grade consists of a combination of Washington No. 1 and Washington No. 2 grade apricots. •Washington combination grade apricots may be packed.

WASHINGTON APRICOT GRADES	CHARACTERISTICS
	<ul style="list-style-type: none"> •When packed, at least fifty percent of the apricots in any container must meet the requirements of Washington No. 1 grade. (See tolerances WAC 16-407-060.)
(4) Culls	<ul style="list-style-type: none"> •Culls consist of apricots that are immature or seriously damaged by growth cracks, hail, insect pests, mechanical or other means. (See marking and packing requirements WAC 16-406-030.) •Cull apricots for fresh market must be clearly marked with the word CULLS, in large letters at least two inches high, on closed type of containers.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-12-036, § 16-406-060, filed 5/25/05, effective 6/25/05; Order 1015, Regulation A, filed 4/29/66; Order 771, effective 4/28/58.]

Chapter 16-409 WAC

WASHINGTON STANDARDS FOR ASPARAGUS

WAC

- 16-409-005 Must all Washington fresh asparagus comply with Washington state standards?
- 16-409-015 What definitions are important to this chapter?
- 16-409-020 Standards that apply to all asparagus marketed within Washington state.
- 16-409-022 Asparagus grades.
- 16-409-024 Size requirements for Washington asparagus grades.
- 16-409-026 Adoption of U.S. standards for fresh asparagus as Washington state standards.
- 16-409-030 Tolerances.
- 16-409-035 Application of asparagus tolerances during an inspection.
- 16-409-065 Container requirements.
- 16-409-070 Container marking requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-409-001 Promulgation. [Order 795, Promulgation, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-010 Washington standards—Variations between lot and individual package tolerances. [Order 795, Regulation 1, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-040 Washington standards—Culls. [Order 795, Regulation 2(5), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-050 Washington standards—Definition of terms. [Order 795, Regulation 2(6), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-060 Washington standards—Size designations. [Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-060, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-060, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-060, filed 3/1/83; Order 795, Regulation 2(7), effective 2/16/60.] Repealed by 05-10-092, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.

- 16-409-075 Exemption. [Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-075, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-075, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-075, filed 3/1/83.] Repealed by 05-10-092, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
- 16-409-080 United States standards for fresh asparagus—Authorized U.S. grades—Application of tolerances. [Order 795, Regulation 4(1), (2), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-085 Adoption of United States standards as Washington state standards. [Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-085, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-085, filed 3/1/83.] Repealed by 05-10-092, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
- 16-409-090 United States standards for fresh asparagus—U.S. No. 1 grade. [Order 795, Regulation 4(3), (4), (5), (6), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-100 United States standards for fresh asparagus—U.S. No. 2 grade. [Order 795, Regulation 4(7), (8), (9), (10), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-110 United States standards for fresh asparagus—Diameter classification. [Order 795, Regulation 5, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-120 United States standards for fresh asparagus—Amount of green color. [Order 795, Regulation 6, effective 2/16/60.] Repealed by 85-07-028 (Order 1848), filed 3/15/85. Statutory Authority: Chapter 15.17 RCW.
- 16-409-130 United States standards for fresh asparagus—Stalk length. [Order 795, Regulation 7, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-140 United States standards for fresh asparagus—Definition of terms. [Order 795, Regulation 8, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

WAC 16-409-005 Must all Washington fresh asparagus comply with Washington state standards? The following table explains which Washington fresh asparagus is exempt from some of the requirements of this chapter:

If an individual shipment of fresh Washington asparagus:		Then the shipment is exempt from the requirements in:
(1)	Consists of asparagus for home use and not for resale; and	<ul style="list-style-type: none"> • WAC 16-409-020 through 16-409-060; • WAC 16-409-065 (2), (3), (4), (5), and (7); and • WAC 16-409-070.
(2)	Does not exceed two hundred fifty pounds net weight.	

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-10-092, § 16-409-005, filed 5/4/05, effective 6/4/05.]

WAC 16-409-015 What definitions are important to this chapter? The following definitions are important to this chapter:

"Badly misshapen" means the stalk is so badly flattened, crooked or otherwise so badly deformed that its appearance is seriously affected.

"Clean" means the asparagus is free from excessive dirt, dust, residue or foreign matter.

"Damage" means any defect or combination of defects that materially detract from the appearance, edible quality or marketing quality of the stalk.

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

"**Diameter**" means the greatest thickness of the stalk measured at a point approximately one inch from the butt.

"**Director**" means the director of the Washington state department of agriculture or the director's designee.

"**Fairly uniform in length**" means the stalks within a container must not vary in length more than one and one-half inches.

"**Fairly well trimmed**" means that:

(1) At least one-third of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container; and

(2) The butt is not badly stringy or frayed.

"**Field container**" means an open lug made of wood, plastic, or similar material that is repetitively used for field harvesting.

"**Fresh**" means that the stalk is not limp or flabby.

"**Fresh asparagus**" means asparagus marketed by lot for fresh consumption.

"**Green**" means the portion of the stalk having green, purplish-green or greenish-purple color with purple at the tip.

"**Lot**" means any number of containers of fresh asparagus offered as a unit for inspection, sale, or shipment.

"**Serious damage**" means any defect or combination of defects that seriously detract from the appearance, edible quality or marketing quality of the stalk.

"**Shipment**" means any number of containers of fresh asparagus transported from the production area by a single conveyance.

"**Well trimmed**" means that:

(1) At least two-thirds of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container; and

(2) The butt is not stringy or frayed.

"**White**" means the portion of the stalk near the butt that is white or light purple over white in color. The white is measured from the extreme tip of the butt to the point where the green color begins.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-10-092, § 16-409-015, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-015, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-015, filed 3/1/83.]

WAC 16-409-020 Standards that apply to all asparagus marketed within Washington state. Any lot of fresh asparagus, including "culls," marketed within Washington state must have no more than ten percent of the stalks that have white in excess of two inches.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-020, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-020, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. 97-05-054 (Order 6015), § 16-409-020, filed 2/19/97, effective 3/22/97; 97-01-081 (Order 6008), § 16-409-020, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-020, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-020, filed 3/1/83; Order 795, Regulation 2(1), (2), effective 2/16/60.]

WAC 16-409-022 Asparagus grades. (1) The following table identifies and describes the asparagus grades used in Washington state:

Washington Asparagus Grades:					
Stalk Characteristics:	"Extra Fancy Grade Asparagus"	"Extra Fancy Grade Asparagus Tips"	"Fancy Grade Asparagus"	"Consumer Pack Asparagus"	"Culls"
Stalks must be:					
(a) Clean;	Yes	Yes	Yes	Yes	No
(b) Fresh;	Yes	Yes	Yes	Yes	No
(c) Fairly uniform in length;	Yes	Yes	Yes	Yes	No
(d) Well trimmed;	Yes	Yes	No	No	No
(e) Fairly well trimmed;	No	No	Yes	Yes	No
(f) Fairly straight;	Yes	Yes	No	Yes	No
(g) Not wilted;	Yes	Yes	Yes	Yes	No
(h) Not badly misshapen;	No	No	Yes	No	No
(i) Free from decay;	Yes	Yes	Yes	Yes	No
(j) Free from damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means;	Yes	Yes	Yes	Yes	No
(k) At least eighty-five percent green in color;	Yes	No	Yes	Yes	No
(l) All green.	No	Yes	No	No	No

(2) "Culls" describes asparagus that:

(a) Is not graded in conformity with Washington extra fancy, Washington extra fancy tips, Washington fancy, Washington consumer pack, or U.S. No. 1, or U.S. No. 2; and

(b) Must not be marketed if more than ten percent by count of the stalks show white in excess of two inches.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-022, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-022, filed 5/4/05, effective 6/4/05.]

WAC 16-409-024 Size requirements for Washington asparagus grades. The following size designations apply to all grades of asparagus in Washington state.

- (1) Jumbo: Stalks at least 13/16 inch in diameter.
- (2) Extra large: Stalks at least 10/16 inch in diameter.
- (3) Large: Stalks at least 7/16 inch in diameter.
- (4) Standard: Stalks at least 5/16 inch in diameter.
- (5) Small: Stalks at least 3/16 inch in diameter.
- (6) All size designations, as defined in WAC 16-409-024, may be packed in all grades and in all containers.

[Statutory Authority: RCW 15.17.050 and chapter 34.05 RCW. 08-04-108, § 16-409-024, filed 2/6/08, effective 3/8/08. Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-024, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-024, filed 5/4/05, effective 6/4/05.]

WAC 16-409-026 Adoption of U.S. standards for fresh asparagus as Washington state standards. (1) In

addition to the Washington state fresh asparagus standards contained in this chapter, the Washington state department of agriculture has adopted, as Washington state standards, modified United States fresh asparagus standards for U.S. grades No. 1 and No. 2.

(2) The department's modifications to the U.S. standards are as follows:

(a) U.S. No. 1 must meet or exceed Washington extra fancy grade requirements.

(b) U.S. No. 2 must meet or exceed Washington fancy grade requirements.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-026, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-026, filed 5/4/05, effective 6/4/05.]

WAC 16-409-030 Tolerances. The following table identifies and explains the tolerances adopted for Washington asparagus:

Washington Asparagus Grades to Which Tolerances Apply	Defect, color and trim tolerances adopted for Washington asparagus	Diameter and length tolerances adopted for Washington asparagus
Washington extra fancy Washington extra fancy tips Washington fancy Washington consumer pack	To allow for variations incident to proper grading and handling, the following tolerances are adopted:	To allow for variations in diameter and length incident to proper sizing, the following tolerances are adopted:
	(1) Ten percent, by count, for stalks failing to meet grade requirements other than for trim and color, including no more than one percent for decayed stalks.	(1) Ten percent, by count, for stalks failing to meet the required minimum and maximum diameter defined in WAC 16-409-015 ("fairly uniform in length").
	(2) An additional ten percent, by count, for stalks having less than the required amount of green color.	(2) Ten percent, by count, for stalks failing to meet the required length as established in WAC 16-409-022.
	(3) An additional ten percent, by count, for stalks not meeting trim requirements.	

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-030, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-030, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-030, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-030, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-030, filed 3/1/83; Order 795, Regulation 2(3), (4), effective 2/16/60.]

WAC 16-409-035 Application of asparagus tolerances during an inspection. (1) If the averages for an entire lot are within the tolerances specified in WAC 16-409-030, the limitations in this section, based upon sample inspections, apply to the contents of individual containers in the lot.

(2) Individual containers:

(a) May contain one decayed or otherwise defective stalk, one poorly trimmed stalk, one poorly colored, and one off-size stalk.

(b) Must have no more than one and one-half times the tolerance specified when a tolerance is ten percent or more.

(c) Must have no more than double the tolerance specified when a tolerance is less than ten percent.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-035, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-035, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-035, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-035, filed 3/1/83.]

WAC 16-409-065 Container requirements. (1) All fresh asparagus must be marketed in containers that are clean and free from dirt, trash, and visible contaminants.

(2) All fresh asparagus must not be marketed in field containers.

(3) For testing or trial marketing purposes, the director may allow the use of any experimental container.

(4) Culls must be marketed in wooden pyramid containers with moisture pads.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-065, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-065, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-065, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-065, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-065, filed 3/1/83.]

WAC 16-409-070 Container marking requirements.

(1) All required markings must be placed on one end of the container, but may be duplicated on the opposite end.

(2) Containers must be conspicuously and legibly marked with the:

(a) Name and address of the grower, packer, or distributor;

(b) Grade;

(c) Net weight; and

(d) Size designation or diameter size as defined in WAC 16-409-024.

(3) The grade and size designation required in subsection (2) of this section must be marked in letters at least 3/8 inch in height.

(4) The following abbreviations of grade and size designation are acceptable:

- (a) Washington as Wash. or WA.
- (b) Extra fancy as ex fcy or extra fcy.
- (c) Fancy as fcy.
- (d) Jumbo as jbo.
- (e) Extra large as ex lge.
- (f) Large as lge.
- (g) Standard as std.
- (h) Small as sm.

(5) The use of U.S. No. 1 or U.S. No. 2 grade markings is permissible subject to the requirements in WAC 16-409-026.

(6) If culls are marketed:

The word "culls" must be:

(a) Conspicuously and legibly marked in letters at least one inch in height; and

(b) Predominant in size over any other markings on the container.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-06-047, § 16-409-070, filed 3/1/07, effective 4/1/07; 05-10-092, § 16-409-070, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-070, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-070, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-070, filed 3/1/83; Order 795, Regulation 3, effective 2/16/60.]

Chapter 16-414 WAC

WASHINGTON STANDARDS FOR CHERRIES

WAC

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tion of defects, which materially detracts from the appear-

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-414-015	Northwest No. 1 grade and tolerances defined. [Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-015, filed 6/14/95, effective 7/15/95.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-414-030	Definitions. [Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-030, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-030, filed 3/31/78.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-414-040	Damage. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-040, filed 3/31/78.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-414-050	Diameter. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-050, filed 3/31/78.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-414-060	Serious damage. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-060, filed 3/31/78.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-414-070	Permanent defects. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-070, filed 3/31/78.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-414-080	Condition defects. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-080, filed 3/31/78.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-414-085	What requirements apply to containers used to ship sweet cherries? [Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-12-037, § 16-414-085, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-085, filed 6/14/95, effective 7/15/95.] Repealed by 06-12-116, filed 6/7/06, effective 7/8/06. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-414-095	Adoption of United States standards as state standards. [Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-095, filed 6/14/95, effective 7/15/95.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-414-100	Grades. [Statutory Authority: Chapter 15.17 RCW. 80-08-010 (Order 1708), § 16-414-100, filed 6/20/80.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-414-130	Definitions. [Statutory Authority: Chapter 15.17 RCW. 80-08-010 (Order 1708), § 16-414-130, filed 6/20/80.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.

Part I SWEET CHERRIES

WAC 16-414-005 Definitions. "Clean" means cherries are practically free from dirt, dust, spray residue, or other foreign material. For example, clean means the product is practically free from leaves, fruit spurs, bark, twigs, dirt or foreign material.

"Condition defects" means defects that may develop or change during shipment or storage. Condition defects include, but are not limited to, decayed or soft cherries and such other factors as pitting, shriveling, sunken areas, brown discoloration and bruising that, because of its location appears to have occurred after packing.

"Damage" means any injury or specific defect described in WAC 16-414-045 or any equally objectionable variation of those defects, any other defect, or any combination, or the edible quality or marketing quality of the fruit.

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

"Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

"Director" means the director of the Washington state department of agriculture or the director's designee.

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

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

"Firm" means the cherries:

- (1) Possess a firm, fleshy texture;
- (2) Retain their approximate original shape;
- (3) Are not shriveled; and
- (4) Do not show more than slight collapsed areas of flesh.

"Mature" means cherries have reached the stage of growth that will insure the proper completion of the ripening process. Rainier cherries or other varieties of "light colored sweet cherries" shall meet a minimum of seventeen percent soluble solids as determined from a composite sample by refractometer prior to packing, at time of packing, or at time of shipment; provided that individual lots shall not be combined with other lots to meet soluble solids requirements.

"Permanent defects" means defects that are not subject to change during shipping or storage. Permanent defects include, but are not limited to, factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury that, because of its location, appears to have occurred before shipment.

"Off-size" means a cherry whose diameter fails to meet a designated size when measured at right angles to a line from its stem to its blossom end.

"Serious damage" means any specific defect described in WAC 16-414-065 or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects that seriously detracts from the appearance, edible quality or marketing quality of cherries.

"Shipping point" means:

- (1) The point of origin of the shipment in the producing area or at the port of loading; or
- (2) The port of entry into the United States in the case of shipments from outside the continental United States.

"Similar varietal characteristics" means the cherries in any container are similar in color and shape.

"Well formed" means a cherry has the normal shape characteristic of the variety. Mature well-developed doubles are considered well formed if the halves are approximately evenly formed with a variation of no more than 2/64 of an inch.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-005, filed 6/5/07, effective 7/6/07; 06-12-116, § 16-414-005, filed 6/7/06, effective 7/8/06; 05-12-037, § 16-414-005, filed 5/25/05, effective 6/25/05.]

WAC 16-414-010 Washington No. 1 grade and Northwest No. 1 grade sweet cherry requirements. (1) Washington No. 1 grade and Northwest No. 1 grade sweet

cherries are cherries with similar varietal characteristics that are:

- (a) Mature;
- (b) Not soft, overripe or shriveled;
- (c) Fairly well colored;
- (d) Well formed;
- (e) Clean;
- (f) Free from underdeveloped doubles, decay, or sunscald;
- (g) Free from insect larvae or insect holes; and
- (h) Free from damage by any other cause.

(2) Northwest No. 1 grade sweet cherries must meet the size requirements listed in WAC 16-414-011.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-010, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-010, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-010, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-010, filed 3/31/78.]

WAC 16-414-011 Size requirements—Sweet cherries. (1) The minimum diameter of each cherry must be at least 54/64 inch.

(2) The maximum diameter of the cherries in any lot may be specified according to the facts.

(3) For the Rainier variety and similar varieties commonly referred to as "light colored sweet cherries," at least ninety percent, by count, of the cherries in any lot shall measure not less than 61/64 inch in diameter and not more than five percent, by count, may be less than 57/64 inch in diameter.

(4) When containers of cherries are marked with a row count/row size designation, the row count/row size marked must comply with the corresponding minimum diameter size as shown in the following table:

Row count/Row size	Minimum diameter in inches
8	84/64
8 1/2	79/64
9	75/64
9 1/2	71/64
10	67/64
10 1/2	64/64
11	61/64
11 1/2	57/64
12	54/64

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-011, filed 6/5/07, effective 7/6/07; 06-12-116, § 16-414-011, filed 6/7/06, effective 7/8/06; 05-12-037, § 16-414-011, filed 5/25/05, effective 6/25/05.]

WAC 16-414-012 Tolerances for Washington No. 1 and Northwest No. 1 grade sweet cherries. (1) **Washington No. 1:**

(a) To allow for variations incident to proper grading and handling at the shipping point, the following tolerances, by count, are established:

- (i) Eight percent of cherries that fail to meet the requirements of the grade are allowed.
- (ii) Of the total tolerance of eight percent, no more than four percent is allowed for defects causing serious damage.

(iii) Of the four percent tolerance for serious damage defects, no more than one-half of one percent is allowed for cherries affected by decay.

(b) To allow for variations incident to proper grading and handling en route or at destination, the following tolerances, by count, are established:

(i) Twenty-four percent of cherries in any lot may fail to meet the requirements of the grade.

(ii) Of the total tolerance of twenty-four percent, no more than eight percent is allowed for cherries that fail to meet the grade requirements because of permanent defects.

(iii) Of the total tolerance of twenty-four percent, no more than six percent is allowed for cherries that are seriously damaged, including no more than four percent of cherries seriously damaged by permanent defects and two percent for cherries affected by decay.

(2) Northwest No. 1:

(a) To allow for variations incident to proper grading and handling at the shipping point, the following tolerances are established:

(i) Ten percent of cherries in any inspection lot that fail to meet the requirements of the grade are allowed.

(ii) Of the total tolerance of ten percent, no more than five percent is allowed for defects causing serious damage.

(iii) Of the five percent tolerance for serious damage defects, no more than one percent is allowed for cherries affected by decay.

(iv) The contents of individual samples or containers in any lot must not be limited to the percentage of grade defects discussed in WAC 16-414-020.

(b) To allow for variations incident to proper grading and handling en route or at destination, the following tolerances, by count, are established:

(i) Twenty-four percent of cherries in any lot may fail to meet the requirements of the grade.

(ii) Of the total tolerance of twenty-four percent, no more than ten percent, by count, is allowed for cherries that fail to meet the grade requirements because of permanent defects.

(iii) Of the total tolerance of twenty-four percent, no more than seven percent, by count, is allowed for cherries that are seriously damaged, including no more than five percent for cherries seriously damaged by permanent defects and two percent for cherries affected by decay.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-012, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-012, filed 5/25/05, effective 6/25/05.]

WAC 16-414-014 Tolerances for "off-size" sweet cherries. To allow for variations in size incident to proper grading and handling, the following tolerances, by count, are established for off-size grade sweet cherries:

(1) No more than ten percent of the cherries in any inspection lot must measure less than 54/64 inches in diameter.

(2) Ten percent for cherries that fail to meet any specified maximum diameter when that maximum diameter is marked on the container or specified in terms of fractions of inches.

(3) When containers are marked with row count/row size or a lot is specified by row count/row size, no more than ten percent of the cherries in any inspection lot may fail to meet

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the corresponding diameter size listed in the table in WAC 16-414-011(3).

(4) When containers are marked with a "minimum diameter," no more than five percent of the cherries in the container may fail to meet the corresponding diameter.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-014, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-014, filed 5/25/05, effective 6/25/05.]

WAC 16-414-016 Washington state adopts the U.S. standards for grades of sweet cherries. In addition to the standards for sweet cherries contained in this chapter, the Washington state department of agriculture adopts the United States standards for grades of sweet cherries (effective May 7, 1971) as they apply to U.S. No. 1 grade cherries, except the minimum size of cherries and tolerances for undersize cherries must meet the requirements for Washington No. 1 grade.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-016, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-016, filed 5/25/05, effective 6/25/05.]

WAC 16-414-020 Washington No. 1 and Northwest No. 1 grade sweet cherries—Individual sample tolerances. Tolerances are applied to Washington No. 1 and Northwest No. 1 sweet cherries as follows:

(1) Individual samples must have no more than double the tolerances specified. However, if the averages for the entire lot are within the tolerances specified for the grade, at least two defective and two off-size specimens may be allowed in any sample.

(2) When containers are marked with row count/row size or when a lot is specified by row count/row size, the individual samples or containers must not be limited by the percentage of cherries that are smaller than the diameter corresponding to the particular row count/row size. However, no more than twenty percent, by count, of the cherries in any sample or container must measure less than 54/64 inches in diameter.

(3) When marked with minimum size, individual samples may have no more than double the tolerances specified.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-020, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-020, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-020, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-020, filed 3/31/78.]

WAC 16-414-045 Damage to fresh, sweet cherries—Specific defects. The following defects are considered damage to fresh, sweet cherries:

(1) Cracks within the stem cavity when they are deep or not well healed, or when the cherry's appearance is affected to a greater extent than a cherry that has a superficial well healed crack 1/16 inch in width and extending one-half the greatest circumference of the stem cavity.

(2) Cracks outside the stem cavity when they are deep or not well healed, or when they materially affect the cherry's appearance, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling.

(3) Hail marks when they are deep or not well healed, or when the aggregate area exceeds 3/16 inch in diameter.

(4) Evidence of insects when scale is present, or when any insect materially affects the cherry's appearance.

(5) Limb rubs when they affect the cherry's appearance more than the amount of scarring that is allowed.

(6) Pulled stems when the skin or flesh is slightly torn.

(7) Russeting when it affects the cherry's appearance more than the amount of scarring that is allowed.

(8) Blemishes including bird pecks, sunburn, other blemishes or combinations of blemishes that materially affect the appearance of the cherry, or any materially discolored flesh.

(9) Scars when excessively deep or rough or dark colored and when the aggregate area exceeds 3/16 inch in diameter, or when smooth or fairly smooth, light colored, superficial, and the aggregate area exceeds 1/4 inch in diameter.

(10) Skin breaks when they are not well healed, or when the cherry's appearance is materially affected.

(11) Sutures when they are excessively deep or cause the cherry's shape to be less than well formed.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-045, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-045, filed 5/25/05, effective 6/25/05.]

WAC 16-414-065 Serious damage to fresh, sweet cherries—Specific defects. The following defects are considered serious damage to fresh, sweet cherries:

(1) Cracks when they are not well healed;

(2) Insect larvae or insect holes;

(3) Pulled stems if they cause more than a slight tear in the cherry skin or flesh, or when they cause the cherry to leak;

(4) Skin breaks when they are not well healed; and

(5) Decay.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-065, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-065, filed 5/25/05, effective 6/25/05.]

WAC 16-414-086 Can the director grant exemptions to the container requirements listed in WAC 16-414-085?

(1) Upon the recommendation of the Washington State Horticultural Association's cherry committee, the director may waive the container requirements in WAC 16-414-085 and allow the use of experimental containers for the purpose of test or trial marketing.

(2) Cherries placed in experimental containers:

(a) Must meet the quality requirements of Washington No. 1, U.S. No. 1, or Northwest No. 1 grade; and

(b) At least ninety percent, by count, must measure at least 54/64 inches in diameter.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-12-037, § 16-414-086, filed 5/25/05, effective 6/25/05.]

WAC 16-414-090 Sweet cherry container marking requirements. (1) Containers must be conspicuously and legibly stamped with the:

(a) Name and the address of the grower, packer or shipper;

(b) Net weight; and

(c) True variety name or "sweet cherries."

(2) The containers may be marked with the grade name Washington No. 1, U.S. No. 1, or Northwest No. 1.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-090, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-090, filed 5/25/05,

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effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-090, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-090, filed 3/31/78.]

Part II SULPHURED CHERRIES

WAC 16-414-105 Definitions—Sulphured cherries. "**Damage**" means any injury or specific defect described in WAC 16-414-145 or any equally objectionable variation of those defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible quality or marketing quality of the fruit.

"**Fairly well bleached**" means the cherries possess a reasonably uniform color typical of reasonably well bleached sulphured cherries for that variety.

"**Pit**" means an entire pit or portion of a pit that is attached to a sulphured cherry or located within the pit cavity.

"**Properly matured**" means that stage of ripeness when a cherry is ready for brining.

"**Serious damage**" means any injury that seriously affects the appearance or market quality of the product.

"**Sulphured cherries**" means properly matured whole cherries of similar varietal characteristics packed in a solution of sulphur dioxide of sufficient strength to preserve the cherries without adding hardening agents.

"**Sulphured cherries with pits**" means whole cherries, with or without stems, from which the pits have not been removed. If:

(1) Without stems, not more than twenty percent, by weight, of all the cherries may have the stems removed.

(2) With stems, not more than one-half of one percent, by weight, of all the cherries may have the stems attached.

"**Sulphured cherries without pits**" means whole cherries with or without stems from which the pits have been removed. If:

(1) Without stems (cocktail), not more than seven percent, by weight, of all the cherries may have the stems removed.

(2) With stems, not more than one-half of one percent, by weight, of all the cherries may have the stems attached.

"**Unclassified cherries**" means sulphured cherries that do not conform to the descriptions of "sulphured cherries with pits" or sulphured cherries without pits.

"**Well bleached**" means the cherries possess a practically uniform color that is typical of well bleached sulphured cherries for that variety.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-105, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-105, filed 5/25/05, effective 6/25/05.]

WAC 16-414-107 Washington state grades for sulphured cherries. (1) Washington No. 1 grade sulphured whole cherries are cherries of similar varietal characteristics that are:

(a) Properly matured;

(b) Clean;

(c) Firm;

(d) Well formed;

(e) Well bleached; and

(f) Free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes, or other means.

(2) Washington No. 1 grade sulphured halved cherries are portions of sliced cherries of similar varietal characteristics where no particle is smaller than an estimated one-third or larger than an estimated two-thirds of a whole cherry and are:

- (a) Properly matured;
- (b) Clean;
- (c) Firm;
- (d) Well formed;
- (e) Well bleached; and

(f) Free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes, or other means.

(3) Washington No. 2 grade sulphured whole cherries are cherries of similar varietal characteristics that are:

- (a) Properly matured;
- (b) Clean;
- (c) Fairly firm;
- (d) Well formed;
- (e) Fairly well bleached; and

(f) Free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes, or other means.

(4) Washington No. 2 grade sulphured halved cherries are portions of sliced cherries of similar varietal characteristics that are:

- (a) Properly matured;
- (b) Fairly firm;
- (c) Well formed;
- (d) Fairly well bleached; and

(e) Free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes, or other means.

(5) Washington combination grade sulphured cherries are a combination of Washington No. 1 and Washington No. 2 cherries of any style that are, unless otherwise specified, packed in a lot that averages at least fifty percent Washington No. 1 quality cherries.

(6) Washington No. 3 grade sulphured cherries are cherries that fail to meet the requirements of the above grades and are practically free of stems, leaves, fruit spurs, bark, dirt, or foreign material.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-107, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-107, filed 5/25/05, effective 6/25/05.]

WAC 16-414-108 Tolerances for Washington sulphured cherries. (1) Washington No. 1 grade sulphured whole cherries:

(a) At least ninety-five percent of the cherries in any lot must meet the requirements of "firm."

(b) Not more than ten percent of the cherries in any lot may be below the remaining requirements of this grade, of which not more than one-half or five percent must be allowed for defects classified as serious damage.

(2) Washington No. 1 grade sulphured halved cherries:

(a) At least ninety-five percent of the cherries of any lot must meet the requirements of "firm."

(b) Not more than ten percent of the cherries in any lot may be below the remaining requirements of this grade, of

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which not more than one-half or five percent must be allowed for defects classified as serious damage.

(3) Washington No. 2 grade sulphured whole cherries:

(a) At least ninety-five percent of the cherries of any lot must meet the requirements of "fairly firm."

(b) Not more than ten percent of the cherries in any lot may be below the remaining requirements of this grade.

(4) Washington No. 2 grade sulphured halved cherries:

(a) At least ninety percent of the cherries in any lot must meet the requirements of "fairly firm."

(b) Not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade.

(5) Washington combination grade sulphured cherries:

(a) A tolerance of not more than ten percent is allowed for cherries that are below the requirements of Washington No. 2 grade.

(b) The tolerances for combination grade sulphured cherries are on a container basis. However, individual containers in any lot may vary from the specified tolerances if the averages for the entire lot, based on sample inspections, are within the specified tolerances.

(c) For the entire lot, no part of any tolerance must reduce the requirement that fifty percent of cherries in the combination must be of the higher grade. However, individual containers may have at least thirty-five percent of the higher grade or be more than twenty percent below the requirements of Washington No. 2 grade.

(d) When other combinations are specified, individual containers may not have more than fifteen percent less than the percentage specified of the higher grade or be more than twenty percent below the requirements of Washington No. 2 grade.

(6) Washington No. 3 grade sulphured cherries: There are no applicable tolerances for Washington No. 3 grade sulphured cherries.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-108, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-108, filed 5/25/05, effective 6/25/05.]

WAC 16-414-110 Size requirements for all grades of Washington sulphured whole cherries. (1) The following table lists the standard sizes for all grades of Washington whole sulphured cherries.

SIZE DESIGNATION	SIZE RANGE
Extra small	14 mm to and including 16 mm
Small	16 mm to and including 18 mm
Medium	18 mm to and including 20 mm
Large	20 mm to and including 22 mm
Extra large	22 mm and over

(2) The following tolerances are allowed:

(a) Five percent for cherries that fail to meet the specified minimum diameter; and

(b) Ten percent for cherries that fail to meet the specified maximum diameter.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-110, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-110, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 80-08-010 (Order 1708), § 16-414-110, filed 6/20/80.]

WAC 16-414-120 Tolerance requirements for the certification of lots of Washington No. 1 and Washington No. 2 grade sulphured cherries. (1) Tolerances for the certification of lots of Washington No. 1 or Washington No. 2 grades of sulphured cherries must be on a container basis.

(2) At least one-sixth of the individual containers in any lot may vary from the specified tolerances if the averages for the entire lot, based on sample inspection, are within the specified tolerances.

(3) For a tolerance of ten percent or more, individual containers in any lot may contain no more than one and one-half times the specified tolerance.

(4) For a tolerance of less than ten percent, individual containers in any lot may contain no more than double the specified tolerances.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-120, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-120, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 80-08-010 (Order 1708), § 16-414-120, filed 6/20/80.]

WAC 16-414-125 Tolerances for sulphured pitted cherries. The following tolerances apply to sulphured pitted cherries:

(1) For extra small and small sized cherries, the tolerance is no more than two pits per each forty ounces of cherries.

(2) For medium, large, or mixed size cherries, the tolerance is no more than one pit per each forty ounces of cherries.

(3) For extra large size cherries, the tolerance is no more than one pit per each sixty ounces of cherries.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-125, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-125, filed 5/25/05, effective 6/25/05.]

WAC 16-414-145 Damage to sulphured cherries—Specific defects. The following defects are considered damage to sulphured cherries:

(1) Mechanical injury. Any of the following mechanical injuries are considered damage:

(a) Open pitter hole;

(b) Pitter hole where there is a material loss of flesh;

(c) One or more pitter tears; or

(d) Other mechanical injuries that materially affect the appearance of the cherry.

(2) Surface discoloration of Washington No. 1 whole cherries when:

(a) Light surface discoloration exceeds, in the aggregate, one-eighth of the cherry's surface; or

(b) Dark surface discoloration exceeds, in the aggregate, an area 3/16 inch in diameter, but does not exceed one-eighth of the cherry's surface.

(3) Surface discoloration of Washington No. 1 halved cherries when:

(a) Light surface discoloration exceeds, in the aggregate, one-eighth of the cherry's surface; or

(b) Dark surface discoloration exceeds, in the aggregate, an area 1/16 inch in diameter.

(4) Rain cracks on Washington No. 1 whole cherries if they are in the stem basin and more than 1/4 inch in length, or if they are outside the stem basin and are more than 3/16 inch in length, measured on the circumference.

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(5) Rain cracks on Washington No. 1 halved cherries if they are in the stem basin and more than 1/8 inch in length. No rain cracks are allowed outside the stem basin.

(6) Blemishes including insect injury, bird pecks, limb rub, hail marks, sunburn, solution cracks, other blemishes or combinations of blemishes that materially affect the appearance of the cherry, or any materially discolored flesh.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-145, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-145, filed 5/25/05, effective 6/25/05.]

WAC 16-414-155 Serious damage to sulphured cherries—Specific defects. The following defects are considered serious damage for sulphured cherries:

(1) Any deformed or double sulphured cherry.

(2) Mechanical injury to Washington No. 2 whole and No. 2 halved cherries if it causes:

(a) Open pitter holes;

(b) Pitter hole with a serious loss of flesh;

(c) Pitter tears; or

(d) Other mechanical injury that seriously affects the cherry's appearance.

(3) Surface discoloration when:

(a) Light surface discoloration exceeds, in the aggregate, one-half of the cherry's surface; or

(b) Dark surface discoloration exceeds, in the aggregate, one-eighth of the cherry's surface.

(4) Rain cracks on Washington No. 2 whole cherries if they are in the stem basin and more than 1/2 inch in length, or are outside the stem basin and more than 3/8 inch in length, measured on the circumference.

(5) Rain cracks on Washington No. 2 halved cherries if they are in the stem basin and more than 1/4 inch in length, or are outside the stem basin and more than 3/16 inch in length, measured on the circumference.

(6) Blemishes when they affect the appearance of the cherry or discolor the cherry's flesh.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-155, filed 6/5/07, effective 7/6/07; 05-20-075, § 16-414-155, filed 10/4/05, effective 11/4/05; 05-12-037, § 16-414-155, filed 5/25/05, effective 6/25/05.]

Chapter 16-436 WAC

WASHINGTON STANDARDS FOR PEACHES

WAC

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DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

16-436-001	Promulgation. [Order 1014, Promulgation, filed 4/29/66; Order 919, filed 6/4/63; Order 860, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71.
16-436-002	Promulgation. [Order 1203, § 16-436-002, filed 5/14/71, effective 6/14/71.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-436-003	Promulgation. [Order 1212, § 16-436-003, filed 9/17/71, effective 10/18/71.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-436-010	Grades. [Order 1014, Regulation A, filed 4/29/66; Order 919, Regulation 1, filed 6/4/63; Order 860, Regulation 1, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71.
16-436-020	Application of tolerances to individual packages. [Order 1014, Regulation B, filed 4/29/66; Order 919, Regulation 2, filed 6/4/63; Order 860, Regulation 2, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71.
16-436-030	Marking requirements. [Order 1014, § 16-436-030, filed 6/4/68, effective 7/5/68; Order 1014, Regulation C, filed 4/29/66; Order 919, Regulation 3, filed 6/4/63; Order 860, Regulation 3, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71.
16-436-040	Cull peach requirements. [Order 1014, Regulation D, filed 4/29/66; Order 919, Regulation 4, filed 6/4/63; Order 860, Regulation 4, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71.
16-436-050	Definitions. [Order 1014, Regulation E, filed 4/29/66; Order 919, Regulation 5, filed 6/4/63; Order 860, Regulation 5, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71.
16-436-130	Washington No. 2 grade. [Order 1203, § 16-436-130, filed 5/14/71, effective 6/14/71.] Repealed by 92-11-076, filed 5/20/92, effective 6/20/92. Statutory Authority: Chapter 15.17 RCW.
16-436-150	Cull peach requirements. [Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-150, filed 5/20/92, effective 6/20/92; Order 1203, § 16-436-150, filed 5/14/71, effective 6/14/71.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see WAC 16-436-140.
16-436-166	Tolerances—Size. [Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-166, filed 5/20/92, effective 6/20/92.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see WAC 16-436-160.
16-436-170	Tolerances. [Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-170, filed 5/16/88; Order 1203, § 16-436-170, filed 5/14/71, effective 6/14/71.] Repealed by 92-11-076, filed 5/20/92, effective 6/20/92. Statutory Authority: Chapter 15.17 RCW.
16-436-186	Containers. [Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-186, filed 5/20/92, effective 6/20/92.] Repealed by 06-11-052, filed 5/11/06, effective 6/11/06. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-436-200	Definitions. [Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-200, filed 5/20/92, effective 6/20/92; Order 1203, § 16-436-200, filed 5/14/71, effective 6/14/71.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see WAC 16-436-060.
16-436-225	Adoption of United States standards as state standards. [Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-225, filed 5/20/92, effective 6/20/92.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW. Later promulgation, see WAC 16-436-080.
16-436-230	Effective date. [Order 1212, § 16-436-230, filed 9/17/71, effective 10/18/71; Order 1203, § 16-436-230, filed 5/14/71, effective 6/14/71.] Repealed by 07-12-075, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapters 15.17 and 34.05 RCW.

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WAC 16-436-060 Definitions. The following definitions are important to this chapter, and where appropriate, apply to all Washington state commercial grades of peaches:

"At destination" means the final point of delivery by a commercial carrier or the wholesale or retail facility where the peaches are held.

"Damage" means any injury or defect that materially affects a peach's appearance, edible quality, or shipping quality.

"Department" means the Washington state department of agriculture.

"Diameter" means the greatest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

"Director" means the director of the department or the director's designee.

"En route" means the peaches have left their original shipping point and are in transit or are being held in an intermediate storage facility before arriving at their final destination.

"Fairly well formed" means that the shape of the peach must be consistent with the characteristic shape of the variety and must not be so misshapen that the appearance is more than moderately affected.

"Loose or jumble pack" means the peaches are not placed in the container in cups, compartments, or trays.

"Mature" means a peach has reached a stage of growth that will ensure a proper completion of the ripening process.

"Not badly misshapen" means a peach may be more irregularly shaped than "fairly well formed" but must not be deformed as to seriously affect its utility or general appearance.

"Serious damage" means any injury or defect that seriously affects the appearance, edible quality, or shipping quality of the peach.

"Soft or overripe" means a peach has very little resistance to pressure. Such peaches are also called "dead ripe."

"Standard peach box" means a container with minimum inside dimensions of 4-1/4 to 6 inches by 11-1/2 to 16 inches.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-060, filed 6/5/07, effective 7/6/07.]

WAC 16-436-080 Standards and grades of Washington grown peaches. (1) The following grades apply to peaches grown in Washington state:

- (a) Washington extra fancy;
- (b) Washington fancy;
- (c) Washington combination extra fancy and fancy; and
- (d) Cull peaches.

(2) In addition to the standards contained in this chapter for Washington grown peaches, the department adopts the United States Standards for Grades of Peaches, effective May 21, 2004, for use by producers or shippers. Peaches must meet the Washington state standards contained in this chapter.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-080, filed 6/5/07, effective 7/6/07.]

WAC 16-436-100 Washington extra fancy peaches.

(1) Washington extra fancy peaches consist of one variety that are:

- (a) Mature, but not soft or overripe;
- (b) Fairly well formed;
- (c) Free from decay, broken skin, worms, or worm holes;
- (d) Free from damage caused by bruises, dirt or other foreign material, bacterial spot, scab, scale, growth cracks, hail injury, leaf or limb rubs, russeting, split pits, stem pull, rough suture, and other diseases, insects or mechanical or other means.

(2) Washington extra fancy peaches must be at least 2-1/4 inches in diameter and must also meet the minimum size requirements of WAC 16-436-187.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-100, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-100, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-100, filed 5/16/88; Order 1203, § 16-436-100, filed 5/14/71, effective 6/14/71.]

WAC 16-436-110 Washington fancy peaches.

(1) Washington fancy peaches consist of one variety that meet all Washington extra fancy requirements, except:

- (a) Split pits no more than 3/8 inch in length are allowed; and
- (b) Damage, but not serious damage, for rough suture is allowed.

(2) Washington fancy peaches must be at least 2-1/4 inches in diameter and must also meet the minimum size requirements of WAC 16-436-187.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-110, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-110, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-110, filed 5/16/88; Order 1212, § 16-436-110, filed 9/17/71, effective 10/18/71; Order 1203, § 16-436-110, filed 5/14/71, effective 6/14/71.]

WAC 16-436-120 Washington combination extra fancy and fancy peaches. (1) Washington combination peaches consists of extra fancy and fancy peaches packed together in the same container.

(2) Containers must be marked "Washington combination extra fancy and fancy" and must contain at least seventy-five percent Washington extra fancy peaches.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-120, filed 6/5/07, effective 7/6/07; Order 1203, § 16-436-120, filed 5/14/71, effective 6/14/71.]

WAC 16-436-140 Cull peaches. Cull peaches are peaches not graded in conformity with the foregoing grades described in this chapter.

(1) The words "cull peaches" must be marked clearly and legibly in at least 2-1/2 inch letters on the top and side of the container and on any container label.

(2) The container lid or labels must be marked in at least 1/2 inch letters with the:

- (a) Name and address of the grower, shipper, or packer;
 - (b) Variety;
 - (c) Minimum diameter; and
 - (d) Net weight.
- (3) Peaches identified as culls must be packed in one-bushel baskets with lids and ring faced with the peaches in

the ring representative of the size and quality of those in the container.

(4) Every bill of lading, invoice, memorandum, or other document referring to the peaches must identify the peaches as culls.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-140, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-140, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-140, filed 5/16/88; Order 1203, § 16-436-140, filed 5/14/71, effective 6/14/71.]

WAC 16-436-160 Tolerances for Washington extra fancy and combination extra fancy and fancy peaches. In order to allow for variations incident to proper grading, handling, and sizing the following tolerances, by count, apply to Washington extra fancy and Washington combination extra fancy and fancy peaches.

(1) Not more than ten percent of the peaches in any lot may fail to meet grade requirements.

(a) Not more than five percent is allowed for defects causing serious damage.

(b) Not more than one percent is allowed for decay at the shipping point.

(2) At the time of packing, an additional tolerance of not more than ten percent is allowed in any lot for damage, but not serious damage, by bruising.

(3) Not more than ten percent of the peaches in any lot may be below the specified minimum size.

(4) Not more than fifteen percent of the peaches in any lot may be above any specified maximum size.

(5) When applying these tolerances to combination grades, no part of any tolerance is allowed to reduce, for the lot as a whole, the seventy-five percent of peaches of the higher grade required in the combination. Individual containers must have at least sixty-five percent of the higher grade.

(6) En route or at destination, an additional tolerance of two percent is allowed for soft, overripe, or decayed peaches.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-160, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-160, filed 5/16/88; Order 1203, § 16-436-160, filed 5/14/71, effective 6/14/71.]

WAC 16-436-165 Tolerances for Washington fancy peaches. In order to allow for variations incident to proper grading, handling, and sizing, the following tolerances, by count, apply to Washington fancy peaches.

(1) Not more than twenty percent of the peaches in any lot may fail to meet the grade requirements.

(a) Not more than five percent is allowed for defects causing serious damage.

(b) Not more than one percent is allowed for decay.

(2) Not more than ten percent of the peaches in any lot may be below the specified minimum size.

(3) Not more than fifteen percent of the peaches in any lot may be above any specified maximum size.

(4) En route or at destination, an additional tolerance of two percent is allowed for soft, overripe, or decayed peaches.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-165, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-165, filed 5/16/88.]

WAC 16-436-180 Application of tolerances to individual packages. The contents of individual packages of peaches in a lot are subject to the following limitations as long as the average for the entire lot of peaches of a specific grade is within the tolerances specified for that grade.

(1) Packages containing more than ten pounds with a tolerance of ten percent or more must have no more than 1-1/2 times the tolerance specified.

(2) Packages containing more than ten pounds with a tolerance of less than ten percent must have no more than double the tolerance specified.

(3) Packages containing ten pounds or less are not restricted as to the percentage of defects and sizes. However, only one peach that is seriously damaged by insects or affected by decay may be in any package.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-180, filed 6/5/07, effective 7/6/07; Order 1203, § 16-436-180, filed 5/14/71, effective 6/14/71.]

WAC 16-436-185 Requirements for Washington standard packs. To allow for variations incident to proper packing, no more than ten percent of the packages in any lot may be out of compliance with the following requirements. These requirements apply to all grades except culls.

(1) Each package must be packed so that the peaches in the shown face are reasonably representative in size, color, and quality of the contents in the package.

(2) Peaches packed in U.S. Standard bushel baskets or half-bushel baskets with lids must be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the packages.

(3) Peaches packed in standard western boxes must comply with the following:

(a) The peaches must be reasonably uniform in size and arranged in packages, such as tray packed, place packed, or jumble filled, according to the approved and recognized methods.

(b) When wrapped, each peach must be fairly well enclosed by its individual wrapper.

(c) All packages must be well filled and tightly packed but the contents must not show excessive or unnecessary bruising because of being over-filled.

(d) The number of peaches must not vary by more than four from the number indicated on the container.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-185, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-185, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-185, filed 5/16/88; Order 1203, § 16-436-185, filed 5/14/71, effective 6/14/71.]

WAC 16-436-187 Minimum size requirements. (1) Fresh peaches, except for Elberta varieties, must be at least 2-3/8 inches in diameter when packed and marketed in any container except a standard peach box.

(2) Fresh peaches of any variety must be at least 2-1/4 inches in diameter when packed and marketed in a standard peach box.

(3) Fresh Elberta varieties of peaches must be at least 2-1/4 inches in diameter when marketed in any container.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-187, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-187, filed 5/20/92, effective 6/20/92.]

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WAC 16-436-190 Marking requirements. The following marking requirements apply to all grades except culls.

(1) All containers must be conspicuously and legibly stamped with the:

- (a) Name and address of the grower, shipper or packer;
- (b) Fruit variety;
- (c) Grade; and
- (d) Numerical count or minimum diameter.

(2) When the numerical count is not shown on the container, the minimum diameter and net weight must be plainly stamped or otherwise marked on the container.

(3) Minimum size must be stated on the container in terms of:

- (a) Whole inches, such as 3 inches minimum; or
- (b) Whole and half inches, such as 2-1/2 inches minimum; or
- (c) Whole and quarter inches, such as 2-1/4 inches minimum; or
- (d) Whole and eighth inches, such as 2-3/8 inches minimum.

(4) Both minimum and maximum diameters may be stated on the container.

(5) The grade must be stamped on the container in letters that are at least 1/4 inch high. The following abbreviations may be used:

- (a) Washington: Wash or WA;
- (b) Extra fancy: Ex fcy or extra fcy;
- (c) Fancy: Fcy; and
- (d) Combination: Comb.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-190, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-190, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-190, filed 5/16/88; Order 1203, § 16-436-190, filed 5/14/71, effective 6/14/71.]

WAC 16-436-210 Damage—Specific defects. Any of the following defects or combination of them are considered damage when the seriousness of the combination exceeds the maximum allowed for any specific defect.

(1) Bruises on peaches 2-1/4 inches or smaller in diameter are considered damage if they:

- (a) Discolor the flesh to a depth greater than 3/16 of an inch; or
- (b) Discolor the skin in an area greater than 1/2 inch in diameter; or
- (c) Are an aggregate of smaller bruises totaling more than 1/2 inch in diameter.

(2) Bruises on peaches larger than 2-1/4 inches in diameter are considered damage when any discoloring of the flesh or skin affects correspondingly greater areas or depths than identified in subsection (1) of this section. The following lists the depths and diameters of flesh discoloration allowed before the discoloring is considered damage on peaches that are:

- (a) 2-1/2 inches in diameter: Discoloration 5/24 inch deep and 5/9 inch in diameter;
- (b) 2-3/4 inches in diameter: Discoloration 11/48 inch deep and 11/18 inch in diameter;
- (c) 3 inches in diameter: Discoloration 1/4 inch deep and 2/3 inch in diameter;

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(d) 3-1/4 inches in diameter: Discoloration 13/48 inch deep and 13/18 inch in diameter;

(e) 3-1/2 inches in diameter: Discoloration 7/24 inch deep and 7/9 inch in diameter;

(f) 3-3/4 inches in diameter: Discoloration 5/16 inch deep and 15/18 inch in diameter;

(g) 4 inches in diameter: Discoloration 1/3 inch deep and 8/9 inches in diameter.

(3) Bacterial spot when cracked or aggregating more than 3/8 inch in diameter.

(4) Scab spot when cracked or aggregating more than 3/8 inch in diameter.

(5) Scale when concentrated or scattered and aggregating more than 1/4 inch in diameter.

(6) Growth cracks when unhealed or more than 1/2 inch in length.

(7) Hail injury when unhealed or deep, or when aggregating more than 1/4 inch in diameter or more than 1/8 inch in depth.

(8) Leaf or limb rubs or russetting when exceeding 1-1/4 inches in diameter when smooth and light colored, or when exceeding 1/2 inch in diameter when rough or dark colored.

(9) Split pit when causing any unhealed crack or when causing any crack that is readily apparent, or when affecting the peach's shape to the extent that the fruit is not fairly well formed.

(10) Stem pulls larger than 1/2 inch in diameter, including stem area.

(11) Rough suture when the length is more than half way down side of peach and exceeds 1/4 inch wide and 1/32 inch high.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-210, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-210, filed 5/20/92, effective 6/20/92; Order 1203, § 16-436-210, filed 5/14/71, effective 6/14/71.]

WAC 16-436-220 Serious damage—Specific defects.

Any of the following defects or any combination of them, when the seriousness of the combination exceeds the maximum allowed for any specific defect, is considered serious damage.

(1) Bruises when aggregated and causing a waste in excess of ten percent by area on any peach or when any one bruise causes a waste in excess of five percent by area or exceeding 3/8 inch in depth.

(2) Bacterial spot when any cracks are not well healed, or when the aggregate area is more than 1/2 inch in diameter.

(3) Scab spots when cracked or when healed and aggregating more than one inch in diameter.

(4) Scale when the aggregate area is more than 1/2 inch in diameter.

(5) Growth cracks when unhealed or more than 5/8 inch in length.

(6) Hail injury when:

(a) Unhealed; or

(b) Shallow and the aggregate area is more than 3/4 inch in diameter; or

(c) Deep and seriously deforming the peach; or

(d) Aggregating more than 1/2 inch in diameter; or

(e) Aggregating more than 1/8 inch in depth.

(7) Leaf or limb rubs or russetting when the aggregate area is more than 1-1/2 inches in diameter when smooth and light, or when the aggregate area is more than 1/2 inch in diameter when dark and bark-like.

(8) Split pit when causing any unhealed crack, or when it is healed and the aggregate area is more than 1/2 inch in length including any part of the crack that might be covered by the stem.

(9) Stem pulls when they are larger than 5/8 inch in diameter, including stem area.

(10) Punctures when they are not on the shoulder area, or when they are on the shoulder area and are larger than 3/16 of an inch in diameter.

(11) Rough suture when the entire length of the suture exceeds 1/4 inch wide and 1/16 inch high.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-075, § 16-436-220, filed 6/5/07, effective 7/6/07. Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-220, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-220, filed 5/16/88; Order 1203, § 16-436-220, filed 5/14/71, effective 6/14/71.]

Chapter 16-439 WAC

PEARS, SUMMER AND FALL

WAC

16-439-001	Purpose.
16-439-200	Definitions.
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16-439-210	Grades.
16-439-212	Washington extra fancy.
16-439-213	Washington fancy.
16-439-214	Washington C grade.
16-439-215	Washington combination grade.
16-439-216	Culls.
16-439-217	Damage defects.
16-439-218	Serious damage defects.
16-439-220	Tolerances.
16-439-225	Condition after storage or transit.
16-439-240	Containers, pack, and size requirements.
16-439-260	Minimum weight for Bartlett pears.
16-439-270	Container marking requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-439-010	through 16-439-120. [Order 188, effective 6/30/33; Order 632, effective 8/9/52.] Superseded by Emergency Order 922 and Permanent Order 930. See WAC 16-439-200 et seq.
16-439-230	Culls. [Order 1033, Regulation 3, filed 10/10/66, effective 11/10/66; Order 930, Regulation 3, filed 8/6/63; Emergency Order 922, filed 6/7/63.] Decodified and amended by 09-01-095, filed 12/16/08, effective 1/16/09. Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. Recodified as WAC 16-439-216.
16-439-250	Containers. [Order 1033, Regulation 5, filed 10/10/66, effective 11/10/66; Order 930, Regulation 5, filed 8/6/63; Emergency Order 922, filed 6/7/63.] Repealed by 09-01-095, filed 12/16/08, effective 1/16/09. Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW.
16-439-280	United States standards for summer and fall pears. [Order 1033, Regulation 8, filed 10/10/66, effective 11/10/66; Order 930, Regulation 8, filed 8/6/63; Emergency Order 922, filed 6/7/63.] Decodified and amended by 09-01-095, filed 12/16/08, effective 1/16/09. Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. Recodified as WAC 16-439-205.

WAC 16-439-001 Purpose. This chapter establishes standards for Bartlett and other summer and fall pears that are packed and marketed within the state of Washington.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-001, filed 12/16/08, effective 1/16/09; Order 1033, Promulgation, filed 10/10/66, effective 11/10/66; Order 930, Promulgation, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-200 Definitions. In addition to the definitions found in RCW 15.17.020, the following definitions apply to all varieties and grades under this chapter:

"Aggregate area" means areas under consideration on a pear's surface that may be combined into an area with a diameter equal to the maximum diameter specified.

"Carefully picked" means pears do not show evidence of either rough handling or having been on the ground.

"Clean" means reasonably free from dust, dirt, or honey dew.

"Department" means the Washington state department of agriculture.

"Director" means the director of the department or the director's representative.

"Free from damage" means the fruit is free from any blemish that materially affects the appearance of the fruit.

"Free from serious damage" means the fruit is not seriously deformed or disfigured or the edible or culinary value is not seriously affected by defects. Healed insect depressions or other surface blemishes that do not prevent the cutting of one good half are not considered serious damage.

"Hard end pear" means a pear that shows an abnormally yellow or green color at the blossom end, or an abnormally smooth, rounded base with little or no depression at the calyx, or a pear with an abnormally dry and tough or woody flesh near the calyx. Hard end pears are considered defects of all grades.

"Mature" means pears that have reached a stage of maturity that will ensure proper completion of the ripening process.

"Not seriously misshapen" means the pear must have a shape that permits the cutting of three fairly uniform quarters, is not excessively flattened or elongated for the variety, and is free from excessive creases or folds.

"Rat tail pear" means any rat tail shaped or second bloom pear that is tough or ridged. Rat tail pears are considered defects of all grades.

"Sound" means pears, at the time of packing, are free from visible defects such as decay, breakdown, scald, bitter pit, or from physical injury that affects keeping quality.

"Well formed" means having the shape characteristic of the variety.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-200, filed 12/16/08, effective 1/16/09; Order 1033, § 1, filed 10/10/66, effective 11/10/66; Order 930, General Regulation, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-205 Adoption of United States standards for summer and fall pears. (1) In addition to the standards contained in this chapter for summer and fall pears, the Washington state department of agriculture adopts the United States Department of Agriculture United States Standards for Summer and Fall Pears, 7 CFR § 51.1260 et seq., effective August 20, 1955.

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(2) The department maintains a copy of this document for public inspection. The information may be found on the internet at: <http://www.ams.usda.gov/standards/pears-mer.pdf>.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, amended and recodified as § 16-439-205, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 8, filed 10/10/66, effective 11/10/66; Order 930, Regulation 8, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-210 Grades. (1) The following grades apply to summer and fall pears packed and marketed in Washington state:

- (a) Washington extra fancy;
- (b) Washington fancy;
- (c) Washington combination; and
- (d) Washington C grade.

(2) All pears packed and marketed in Washington state that are graded to U.S. grade standards must also meet the requirements of the lowest Washington state grade or better.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-210, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 1, filed 10/10/66, effective 11/10/66; Order 930, Regulation 1, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-212 Washington extra fancy. (1) Washington extra fancy pears are mature, carefully picked, clean, well formed, sound; free from drought spot, cork spot, visible black end, hard end, and rat tail pears; and free from damage caused by broken skin, bruises, limb rubs, sunburn, sprayburn, hail marks, russeting, disease, insects, and damage caused by mechanical or other means.

(2) Bartlett pears must have a characteristic pyriform shape of a length not less than one and one-fourth times the diameter of the pear. Bartlett pears may be slightly irregular as long as the shape does not detract from the general appearance of the pear.

(3) Other varieties shall have shapes characteristic of the varieties or slightly irregular shapes as long as they do not detract from the general appearance of the fruit.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-212, filed 12/16/08, effective 1/16/09.]

WAC 16-439-213 Washington fancy. Washington fancy pears are mature, carefully picked, clean, not seriously misshapen, sound, and free from cork spot, visible black end, hard end, and rat tail pears; free from damage caused by broken skin; and free from serious damage caused by bruises, limb rubs, sunburn, sprayburn, hail marks, drought spot, russeting, disease, insects, and caused by mechanical or other means.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-213, filed 12/16/08, effective 1/16/09.]

WAC 16-439-214 Washington C grade. Washington C grade pears are mature, carefully picked, clean, sound and free from hard end or rat tail pears; and free from serious damage caused by broken skin exceeding one-fourth inch in diameter; free from serious damage caused by insects, disease, hail marks, limb rubs, heavy russet, or other means, and

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are not excessively elongated or flattened as to preclude the cutting of one good half.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-214, filed 12/16/08, effective 1/16/09.]

WAC 16-439-215 Washington combination grade.

Washington combination grade pears consist of more than one grade packed together.

(1) When extra fancy and fancy pears are packed together, the packages may be marked "Washington combination extra fancy and fancy." At least fifty percent of the pears, by count, shall be extra fancy.

(2) When extra fancy, fancy, and C grade pears are packed together, the packages may be marked "Washington combination extra fancy, fancy, and C grade." At least fifty percent of the pears, by count, must be extra fancy.

(3) When extra fancy and C grade pears are packed together, the packages may be marked "Washington combination extra fancy and C grade." At least fifty percent of the pears, by count, must be extra fancy.

(4) When fancy and C grade pears are packed together, the packages may be marked "Washington combination fancy and C grade." At least fifty percent of the pears, by count, must be fancy.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-215, filed 12/16/08, effective 1/16/09.]

WAC 16-439-216 Culls.

(1) Culls are pears that do not conform to the grades and standards of pears in this chapter or contain serious insect damage of not more than five percent.

(2) Infested culls are pears that do not conform to the grades and standards of pears in this chapter and contain at least five percent infestation from codling moth, San Jose scale, or other horticultural pests.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, amended and recodified as § 16-439-216, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 3, filed 10/10/66, effective 11/10/66; Order 930, Regulation 3, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-217 Damage defects.

(1) More than the following shall be considered damage:

(a) Slight handling bruises and carton bruises that are incident to proper handling.

(b) Sunburn or sprayburn, if there is no change in the normal color of the fruit, softening of the flesh, or blistering or cracking of the skin.

(c) Russeting at the calyx end of Bartlett pears, as long as the russeting is not visible for more than one-half inch when the pear is placed calyx end down on a flat surface.

(d) Light russeting that is not characteristic of the variety, when the affected area does not exceed an aggregate of fifteen percent of the surface.

(e) Slight pebbling on Bartlett pears that does not materially detract from the appearance.

(2) In addition, a pear may show one or a combination of the following as long as the aggregate area does not exceed three-fourths inch in diameter:

(a) Limb rubs that are light, not soft, and affect an aggregate area not to exceed three-fourths inch in diameter.

(b) Hail marks when the injury is superficial and affects an aggregate area not to exceed one-fourth inch in diameter.

(c) Heavy russeting, such as is characteristic of frost injury, as long as the aggregate area does not exceed one-half inch in diameter.

(d) Two slight, healed depressions that do not materially affect the general appearance of the fruit.

(e) Sooty blotch that affects an aggregate area of ten percent when the blotch is slight or thin, or one-half inch when the blotch is moderate, or three-eighths inch when the blotch is heavy.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-217, filed 12/16/08, effective 1/16/09.]

WAC 16-439-218 Serious damage defects. (1) More than the following shall be considered serious damage:

(a) Slight handling bruises and carton bruises that are incident to proper handling.

(b) Sunburn or sprayburn, if there is only a slight change to the normal color of the fruit and no softening of the flesh or blistering or cracking of the skin.

(c) Russeting that is characteristic of the variety.

(d) Pebbling on Bartlett pears that does not seriously affect the culinary or edible value of the fruit.

(e) Limb rubs that are light, not soft, and do not affect an aggregate area to exceed ten percent of the surface of the fruit.

(f) Drought spots that affect an aggregate area not to exceed one-fourth inch in diameter.

(2) In addition, a pear may show any one or a combination of the following as long as the aggregate area does not exceed the maximum area specified for each variety mentioned below:

(a) Heavy or dark heavy limb rubs that are not soft and do not affect an aggregate area exceeding three-fourths of an inch in diameter.

(b) Hail marks when they affect an aggregate area exceeding three-fourths inch in diameter.

(c) Frost damage.

(i) Frost rings on Bartlett pears that do not completely encircle the pear and when the surface is only slightly grooved.

(ii) Frost damage on Bartlett pears such as occurs at the calyx end and does not materially detract from the appearance of the pear.

(iii) On other varieties other than Bartlett, heavy russeting by frost that is not soft and affects an aggregate area not to exceed three-fourths inch in diameter.

(d) Scab spot affecting an aggregate area not to exceed one-half inch in diameter.

(e) Shallow healed depressions not seriously affecting the general appearance of the fruit and affecting an aggregate area not to exceed three-fourths of an inch in diameter.

(f) Sooty blotch that affects an aggregate area of not more than fifty percent of the surface when the spots are thin and widely scattered, or not more than one and one-fourth inch in diameter when the blotch is moderate, or not more than three-fourths inch in diameter when the blotch is heavy.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-218, filed 12/16/08, effective 1/16/09.]

WAC 16-439-220 Tolerances. (1) Tolerances that apply at time of packing:

(a) In order to allow for variations incident to commercial grading and handling, not more than ten percent, by count, of the pears in any lot may be below the requirements of the grade, and not more than one percent, by count, of that amount is allowed for decay or internal breakdown. Slight imperfections that are not discernible in good commercial sorting practice are not considered defects of grade.

(b) In order to allow for variations incident to proper sizing, not more than five percent, by count, of the pears in any lot may be below any specified minimum size and not more than ten percent, by count, of the pears in any lot may be above any specified maximum size.

(c) For a tolerance of ten percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified. For tolerances less than ten percent, individual packages in any lot may contain not more than double the tolerance specified. At least one specimen that does not meet the requirements is allowed in any one package.

(2) Additional tolerance: No more than fifteen percent of the pears in any container may have more than one skin break measuring one-eighth inch to three-sixteenths inch, inclusive, in diameter or depth. Small inconspicuous skin breaks less than one-eighth inch in diameter or depth are not considered damage.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-220, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 2, filed 10/10/66, effective 11/10/66; Order 930, Regulation 2, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-225 Condition after storage or transit.

After pears have been placed in storage or in transit, defects that develop or become evident and affect a pear's keeping quality, such as scald, breakdown, decay, bitter pit, or physical injury are defined as applying to condition rather than to grade.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-225, filed 12/16/08, effective 1/16/09.]

WAC 16-439-240 Containers, pack, and size requirements. The following lists the terms and describes the degrees of uniform sizing required of pears packed in containers. Packing shall conform to industry practices.

(1) A ten percent tolerance for all defects from the standards for uniformity of size, wrapping, and tightness of pack is allowed. To compute the tolerance, the pears considered below standard must be counted, weighed, or measured.

(2) **Uniform:** The container must not contain more than two sizes of pears, and the majority of the pears must be the size that is marked on the container.

(3) **Fairly uniform:** The container contains a range of three sizes or less, and pears are one size larger and/or one size smaller than the size marked on the container.

(4) **Slightly irregular:** No more than ten percent of the pears in the container can exceed the three-size range "fairly uniform" requirement in subsection (3) of this section.

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(5) Irregular:

(a) More than ten percent of the pears in the container exceed the three-size range mentioned in the fairly uniform requirement.

(b) Packages describing the content size as "irregular" do not comply with Washington state grading and packing regulations and cannot be legally shipped in Washington state.

(6) Standard carton packs:

(a) Except when jumbled, all packed pears must be arranged in clean cartons according to industry approved and recognized methods.

(b) Pears in standard carton packs must be tightly packed and all packages must be well filled.

(c) Each wrapped pear must be well wrapped.

(7) Tray packs:

(a) All pears packed in tray pack containers must be uniformly sized and arranged according to the approved method for the tray pack.

(b) Pears packed in trays must be properly sized to minimize movement.

(c) Tray packs must be packed with the same size and count of fruit as listed on the container.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-240, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 4, filed 10/10/66, effective 11/10/66; Order 930, Regulation 4, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-260 Minimum weight for Bartlett pears. (1) The minimum carton weight for fresh Bartlett pears shall be at least fourteen pounds net weight, except for overwrap trays or other consumer type packages packed in master containers.

(2) Upon request, the director may approve the use of experimental shipping containers.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-260, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 6, filed 10/10/66, effective 11/10/66; Order 930, Regulation 6, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-270 Container marking requirements.

The following information must be printed on the container label or stamped on the end of the container:

(1) Correct name of the variety or marked "variety unknown," or when more than one variety and/or commodity is in the container, the name of each variety and/or commodity;

(2) Name and address of the grower, packer, or shipper;

(3) Grade;

(4) Correct number of pears and the net contents either in terms of dry measure or weight.

(5) Consumer packages and jumbled packs must be marked with minimum diameter. Count may be used if pears can be readily counted.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-095, § 16-439-270, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 7, filed 10/10/66, effective 11/10/66; Order 930, Regulation 7, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

Chapter 16-442 WAC
WINTER PEARS

WAC

16-442-005	Purpose.
16-442-006	Definitions.
16-442-008	Adoption of United States standards for winter pears.
16-442-020	Washington extra fancy or U.S. extra No. 1.
16-442-030	U.S. No. 1.
16-442-040	Washington fancy or U.S. No. 2.
16-442-050	Washington combination or U.S. combination grade.
16-442-060	Washington commercial.
16-442-070	Washington third grade.
16-442-080	Culls.
16-442-082	Injury defects.
16-442-085	Damage defects.
16-442-095	Serious damage.
16-442-100	Tolerances for winter pears.
16-442-110	Condition after storage or transit.
16-442-120	Standard pack.
16-442-150	Container marking requirements.
16-442-160	Other grades and brands.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

16-442-010	Introduction. [Order 322, effective 7/29/40.] Repealed by 09-01-094, filed 12/16/08, effective 1/16/09. Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW.
16-442-090	Definitions of terms. [Order 610, effective 8/21/51; Order 322, effective 7/29/40.] Decodified and amended by 09-01-094, filed 12/16/08, effective 1/16/09. Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. Recodified as WAC 16-442-006.
16-442-130	Tolerances for standard pack. [Order 322, effective 7/29/40.] Repealed by 09-01-094, filed 12/16/08, effective 1/16/09. Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW.
16-442-140	Box packs. [Order 322, effective 7/29/40.] Repealed by 09-01-094, filed 12/16/08, effective 1/16/09. Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW.

WAC 16-442-005 Purpose. This chapter establishes standards for D'Anjou, Bosc, Winter Nellis and all other varieties of winter pears that are packed or marketed within the state of Washington.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-005, filed 12/16/08, effective 1/16/09; Order 322, effective 7/29/40.]

WAC 16-442-006 Definitions. In addition to the definitions found in RCW 15.17.020, the following definitions apply to this chapter:

"Aggregate area" means areas under consideration on a pear's surface that may be combined into one circular area with a diameter equal to the maximum diameter specified for the particular blemish.

"Black end" means a blemish that is evidenced by an abnormally deep green color around the calyx; or black spots usually occurring on one-third of the surface nearest to the calyx; or by an abnormally shallow calyx cavity.

"Carefully picked" means the pears do not show evidence of rough handling or of having been on the ground.

"Clean" means a pear free from excessive dirt, dust, spray residue or other foreign material.

"Department" means the Washington state department of agriculture.

"Director" means the director of the department or the director's representative.

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"Ground color" means green, light green, yellowish green, and yellow.

"Hard end" means the pear shows an abnormally yellow color at the blossom end; or has a smooth, rounded base with little or no depression at the calyx; or there is dry, tough or woody flesh near the calyx. Hard end pears are defects of all grades.

"Lot" means any number of containers of fresh winter pears offered as a unit for inspection, sale, or shipment.

"Mature" means the pear has reached the stage of maturity which will ensure the proper completion of the ripening process.

Before a mature pear becomes overripe, it will show varying degrees of firmness depending upon the stage of the ripening process. Therefore, a statement of firmness should be given in order to indicate the state of the ripening process. A description of the ground color should also be given.

The following terms should be used for describing the firmness of pears:

"Hard" means the flesh of the pear is solid and does not yield appreciably even to considerable pressure. Hard pears are in suitable condition for long storage periods for the variety.

"Firm" means the flesh of the pear is fairly solid but yields somewhat to moderate pressure. The ripening process in firm pears is further advanced than in hard pears and they cannot be held in storage as long. Winter varieties at the firm stage may be held longer than the early varieties.

"Firm ripe" means the flesh of the pear yields readily to moderate pressure. A firm ripe pear is approaching the stage at which it is in prime eating condition but may be held for a brief period, although winter varieties can be held longer than the early varieties.

"Ripe" means the pear is at the stage where it is in its most desirable condition for eating.

"Overripe" means the pear is dead ripe, very mealy, soft, and has no commercial value.

"Shape." The following terms define the shapes of winter pears:

"Well formed" means pear is considered well formed when its shape is characteristic of the variety. Pears with slight irregularities of shape that do not appreciably detract from the general appearance of the fruit are considered well formed.

"Fairly well formed" means a pear is considered fairly well formed when its shape is slightly abnormal, but not to an extent that it materially detracts from the appearance of the fruit. Winter Nellis pears with characteristic slight sutures or with slight flattening on one side and/or slight irregularities that do not materially detract from the general appearance of the pear are considered fairly well formed.

"Seriously misshapen" means the pear is excessively flattened or elongated for the variety or constricted or deformed so that it cannot be cut into three fairly uniform good quarters or is so badly misshapen that the appearance is seriously affected.

"Very seriously misshapen" means the pear is excessively flattened or elongated for the variety or is constricted or deformed so that it cannot be cut into one good half or two fairly uniform quarters.

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"Size" means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end.

"Sound" means pears, at the time of packing, are free from visible defects such as decay, breakdown, scald, bitter pit, or free from physical injury affecting keeping quality.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, amended and recodified as § 16-442-006, filed 12/16/08, effective 1/16/09; Order 610, effective 8/21/51; Order 322, effective 7/29/40.]

WAC 16-442-008 Adoption of United States standards for winter pears. (1) In addition to the standards contained in this chapter, the Washington state department of agriculture adopts the United States Department of Agriculture United States Standards for Grades of Winter Pears, 7 CFR § 51.1300 et seq., effective September 10, 1955.

(2) The department maintains a copy of this document for public inspection. The standards may be found on the internet at: <http://www.ams.usda.gov/standards/pearswin.pdf>.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-008, filed 12/16/08, effective 1/16/09.]

WAC 16-442-020 Washington extra fancy or U.S. extra No. 1. Washington extra fancy or U.S. extra No. 1 are pears that are mature, but not overripe, carefully picked, clean, well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, hard end, and drought spot; and free from injury caused by russetting, limb rubs, hail, scars, cork spot, sunburn, sprayburn, stings or other insect injury, or injury from mechanical or other means. Washington extra fancy or U.S. extra No. 1 pears must be free from damage caused by bruises, broken skins, or disease.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-020, filed 12/16/08, effective 1/16/09; Order 322, effective 7/29/40.]

WAC 16-442-030 U.S. No. 1. U.S. No. 1 are pears that are mature but not overripe, carefully picked, clean, fairly well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end; and free from damage caused by hard end, bruises, broken skins, russetting, limb rubs, hail, scars, cork spot, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or damage from mechanical or other means.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-030, filed 12/16/08, effective 1/16/09; Order 322, effective 7/29/40.]

WAC 16-442-040 Washington fancy or U.S. No. 2. Washington fancy or U.S. No. 2 are pears that are mature but not overripe, carefully picked, clean, not seriously misshapen, free from decay, internal breakdown, scald, freezing injury, worm holes, black end; and free from damage caused by hard end, or broken skins. The pears must also be free from serious damage, caused by bruises, russetting, limb rubs, hail, scars, cork spot, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or serious damage caused by mechanical or other means.

(2009 Ed.)

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-040, filed 12/16/08, effective 1/16/09; Order 322, effective 7/29/40.]

WAC 16-442-050 Washington combination or U.S. combination grade. A combination of U.S. No. 1 and U.S. No. 2 may be packed. When such a combination is packed, at least fifty percent of the pears in any container must meet the requirements of U.S. No. 1.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-050, filed 12/16/08, effective 1/16/09; Order 322, effective 7/29/40.]

WAC 16-442-060 Washington commercial. A combination of extra fancy and fancy may be packed together as "Washington commercial grade" when at least fifty percent of the pears in any container meet the requirements of Washington extra fancy and the remainder meet the requirements of Washington fancy. Broken skins or skin punctures not to exceed three-sixteenths of an inch in diameter are not considered a defect for this grade.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-060, filed 12/16/08, effective 1/16/09; Order 322, effective 7/29/40.]

WAC 16-442-070 Washington third grade. Washington third grade shall consist of pears that are mature, carefully picked, clean, sound, not very seriously misshapen, free from black end, free from damage caused by hard end, broken skins, and from serious damage caused by cork spot or bruises.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-070, filed 12/16/08, effective 1/16/09; This paragraph—Order 610, effective 8/21/51.]

WAC 16-442-080 Culls. Pears, which are not graded in conformity with the foregoing grades, must be designated as culls.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-080, filed 12/16/08, effective 1/16/09; Order 322, effective 7/29/40.]

WAC 16-442-082 Injury defects. The following specific defects, or any combination of them when the combined seriousness exceeds the maximum allowed for any one defect, are considered injury to winter pears.

(1) **Russetting:** On any winter pear varieties, any amount of characteristic russetting is permitted, whether caused by natural or by artificial means. Leaf whips or light limb rubs that resemble and blend into russet areas are considered russet.

(a) **Slightly rough russetting or thick russetting** characteristic of frost injury is considered injury when the aggregate area exceeds one-half inch in diameter on Comice, Anjou, and other smooth-skinned varieties.

(b) **Smooth solid russetting** is considered injury when the aggregate area exceeds one-half inch in diameter on Anjou or other smooth-skinned varieties or when smooth netlike russetting exceeds fifteen percent of the pear's surface.

(c) **Smooth solid or smooth netlike russetting** is considered injury when the aggregate area exceeds one-third of the surface on Comice pears. On Anjou, Comice, and other

smooth-skinned varieties, any amount of characteristic smooth russeting is permitted on the portion of the calyx end that is invisible for more than one-half inch along the contour of the pear when the pear is placed calyx end down on a flat surface.

(d) **Rough or thick russeting**, none allowed, except russeting characteristic of frost injury is considered damage when the aggregate area exceeds one-half inch in diameter for Bosc, Seckel, and other similar varieties.

(2) **Limb rubs** are considered injury when they are cracked or softened or more than very slightly depressed or not light in color or exceed an aggregate area of three-fourths inch in diameter.

(3) **Hail marks** or other similar depressions or scars are considered injury when they are not very shallow or superficial or when they affect an aggregate area of more than one-fourth inch in diameter.

(4) **Cork spots** are considered injury when a pear shows depressions or other external evidence of the disease.

(5) **Sunburn or sprayburn** is considered injury when the normal color of the pear has been materially changed or the skin is blistered or cracked or the flesh is softened or discolored.

(6) **Insect stings** are considered injury when there are more than two healed slight stings or depressions or the stings materially affect the general appearance of a pear.

(7) **Blister mite or canker worm injury** is considered injury when it is not shallow and superficial or when it affects an aggregate area of more than one-fourth inch in diameter.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-082, filed 12/16/08, effective 1/16/09.]

WAC 16-442-085 Damage defects. The following specific defects or any combination of them, when the combined seriousness exceeds the maximum allowed for any one defect, are considered damage to winter pears:

(1) **Russeting:**

(a) **Excessively rough russeting** that shows "frogging" or slight cracking on all pear varieties when the russeting exceeds one-half inch in diameter and is excessively rough.

(b) **Slightly rough or thick russeting** that is characteristic of frost injury on Anjou and other smooth-skinned varieties when it exceeds three-fourths inch in diameter.

(c)(i) **Smooth solid or smooth netlike russeting** that exceeds one-third of the surface on Anjou pears or covers more than fifteen percent of the surface on other smooth-skinned varieties.

(ii) On Anjou and other smooth-skinned varieties, any amount of characteristic smooth russeting is permitted on the portion of the calyx end that is invisible for more than one-half inch along the contour of the pear when the pear is placed calyx end down on a flat surface.

(d)(i) **Rough or thick russeting** that is characteristic of frost injury when it exceeds three-fourths inch in diameter on Bosc, Seckel, and other similar varieties.

(ii) On Bosc, Seckel, and similar varieties, any amount of characteristic russeting is permitted, whether caused by natural or artificial means.

(iii) Light limb rubs that resemble and blend into russet areas are considered russet.

(2) **Hard end** pears are considered defects of all grades.

(3) **Skin breaks** when the pear has one skin break that is more than three-sixteenths inch in diameter or deeper than three-sixteenths inch or has more than one skin break that is at least one-eighth inch in diameter or at least one-eighth inch deep.

(a) Small inconspicuous skin breaks that are less than one-eighth inch in diameter or less than one-eighth inch deep are not considered damage.

(b) At a maximum, fifteen percent of the pears in any container may have no more than one skin break per pear ranging in size from one-eighth inch to three-sixteenths inch in diameter or depth.

(4) **Limb rubs** when they cause:

(a) Cracks, softening, or more than slight depressions; or

(b) Black discoloration that exceeds an aggregate area of three-eighths inch in diameter; or

(c) Dark brown discoloration or excessive roughness that exceeds an aggregate area of one-half inch in diameter; or

(d) A slightly rough, light colored discoloration that exceeds an aggregate area of three-fourths inch in diameter; or

(e) Smooth, light colored discoloration that exceeds an aggregate area of one inch in diameter.

(5) **Hail marks** or other similar depressions or scars that are not shallow or superficial or when they affect an aggregate area of more than three-eighths inch in diameter.

(6) **Cork spot** when more than one spot is externally visible or when the externally visible injury affects an aggregate area of more than three-eighths inch in diameter.

(7) **Drought spot** when there is more than one spot or the external injury exceeds an aggregate area of three-eighths inch in diameter or the appearance of the flesh is materially affected by corky tissue or brownish discoloration.

(8)(a) **Sunburn or sprayburn** when the skin is blistered, cracked, or shows any light tan or brownish color or the shape is appreciably flattened or the flesh is appreciably softened or changed in color.

(b) Sprayburn of a russet character must be considered under the definition of russeting in subsection (1) of this section.

(9) **Insect stings** when there are more than two healed codling moth stings or a sting is over three thirty-seconds of an inch in diameter or when other insect stings affect the pear's appearance.

(10) **Blister mite or canker worm injury** that is not shallow or superficial or when it affects an aggregate area of more than three-eighths inch in diameter.

(11)(a) **Scab spots** when they are black and cover an aggregate area of more than one-eighth inch in diameter.

(b) Scab spots of a russet character must be considered under the definition of russeting in subsection (1) of this section.

(12) **Sooty blotch** when it is thinly scattered over more than five percent of the pear's surface or when it appears as dark, heavily concentrated spots affecting an aggregate area of more than three-eighths inch in diameter.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-085, filed 12/16/08, effective 1/16/09.]

WAC 16-442-095 Serious damage. The following defects, or any combination of them when the combined seri-

ousness exceeds the maximum allowed for any one defect, are considered serious damage to winter pears:

(1) **Russetting:**

(a) **Excessively rough russetting** that shows "frogging" or slight cracking and exceeds three-fourths inch in diameter on all winter pear varieties.

(b) **Thick russetting** characteristic of frost injury that covers fifteen percent of the pear's surface on all varieties.

(c)(i) **Smooth solid or smooth netlike russetting** that exceeds two-thirds of the surface of Anjou pears.

(ii) On Anjou, any amount of characteristic smooth russetting is permitted on the portion of the calyx end that is invisible for more than one-half inch along the contour of the pear when the pear is placed calyx end down on a flat surface.

(2) **Limb rubs** when they are:

(a) More than slightly cracked or excessively rough; or

(b) Dark brown or black in color and exceed an aggregate area of three-fourths inch in diameter.

(c) Other limb rubs when they exceed an aggregate area of one-tenth of the surface of the pear.

(3) **Hail marks** or other similar depressions or scars when they affect an aggregate area of more than three-fourths inch in diameter or materially deform or disfigure the pear.

(4) **Cork spot** when more than two spots are externally visible or the externally visible injury affects an aggregate area of more than one-half inch in diameter.

(5) **Drought spot** when:

(a) There are more than two or the external injury affects an aggregate area of more than three-fourths inch in diameter; or

(b) The appearance of the flesh is seriously affected by corky tissue or brownish discoloration.

(6)(a) **Sunburn or sprayburn** when the skin is blistered, cracked, or shows any brownish color or the shape is materially flattened or the flesh is softened or materially changed in color.

(b) Sprayburn of a russet character must be considered under the definition of russetting in subsection (1) of this section.

(7) **Worm holes** when any worm holes are evident.

(8) **Insect stings** when there are more than three healed codling moth stings, of which not more than two may be over three thirty-seconds inch in diameter or when other insect stings affect the pear's appearance.

(9) **Blister mite or canker worm injury** when it affects an aggregate area of more than three-fourths inch in diameter or materially deforms or disfigures the pear.

(10)(a) **Scab spots** when they are black and cover an aggregate area of more than one-fourth inch in diameter.

(b) Scab spots of a russet character must be considered under the definition of russetting in subsection (1) of this section.

(11) **Sooty blotch** when it is thinly scattered over more than fifteen percent of the surface of the pear or appears as dark, heavily concentrated spots affecting an aggregate area of more than three-fourths inch in diameter.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-095, filed 12/16/08, effective 1/16/09.]

WAC 16-442-100 Tolerances for winter pears. (1)(a) For all grades, no more than ten percent of the pears in any (2009 Ed.)

container may be below the grade requirements of this chapter, including no more than five percent may be seriously damaged by insects, and not more than one percent may be allowed for decay or internal breakdown.

(b) No more than five percent of the pears in any container may be out of compliance with the size requirements of this chapter, except when both maximum and minimum sizes are stated on the container.

(c) When both maximum and minimum sizes are stated on the container, an additional ten percent tolerance is allowed for pears that are larger than the maximum stated size.

(d) No more than ten percent of the containers in any lot may be out of compliance with the packing requirements of this chapter.

(2) When applying the tolerances in subsection (1) of this section to the U.S. combination grade, tolerances may not be used to reduce the percentage of U.S. No. 1 pears required in the combination. However, if the entire lot averages within the specified percentage, individual containers may contain up to ten percent less than the percentage of U.S. No. 1 pears required.

(3) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances if the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(a) For a tolerance of ten percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified. When the package contains fifteen specimens or less, individual packages may contain not more than double the tolerance specified.

(b) For a tolerance of less than ten percent, individual packages in any lot may contain not more than double the tolerance specified. At least one specimen that does not meet the requirements is allowed in any one package.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-100, filed 12/16/08, effective 1/16/09; Order 322, effective 7/29/40.]

WAC 16-442-110 Condition after storage or transit.

Decay, scald or other deterioration, which may have developed on pears after they have been in storage or transit, shall be considered as affecting condition and not the grade.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-110, filed 12/16/08, effective 1/16/09; Order 322, effective 7/29/40.]

WAC 16-442-120 Standard pack. (1) Except when jumbled, all packed pears must be arranged in clean cartons according to industry approved and recognized methods.

(2) When packed, pears in any container must be tightly packed and all packages must be well filled. The pears must not show excessive or unnecessary bruising because of overfilling. Any wrapped pear must be well wrapped.

(3) The pears in the top layer of each package must be reasonably representative of the size and quality of the pears in the package.

(4) When the numerical count is marked on the container, percentages must be calculated on the basis of count.

(5) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages must be calculated on the basis of weight or an equivalent basis.

(6) When the pears are in bulk, percentages must be calculated on the basis of weight or an equivalent basis.

(7) The numerical count or the minimum size of the pears packed in closed containers must be indicated on the container. The number of pears in a carton must not vary more than three from the number indicated on the carton.

(8) When the numerical count is not shown, the minimum size must be plainly stamped, stenciled or otherwise marked on the container in terms of:

- (a) Whole inches (such as 2 inches);
- (b) Whole and half inches (2 1/2 inches);
- (c) Whole and quarter inches (2 1/4 inches); or
- (d) Whole and eighth inches (2 3/8 inches).

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-120, filed 12/16/08, effective 1/16/09; Order 322, effective 7/29/40.]

WAC 16-442-150 Container marking requirements.

(1) When pears are shipped, the container must bear the:

(a) Correct name of the variety or marked "variety unknown," or, when more than one variety and/or commodity is in the container, the name of each variety and/or commodity;

(b) The name and address of the grower, packer, or shipper; and

(c) The grade and the number of pears or the net contents either in terms of dry measure or weight.

(2) Consumer packages and jumbled packs must be marked with minimum diameter. Count may be used if pears can be readily counted.

(3) Any marking requirements of subsections (1) and (2) of this section may be printed on the container label, but if they are not, they must be shown on the principal display panel.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-150, filed 12/16/08, effective 1/16/09; Order 322, effective 7/29/40.]

WAC 16-442-160 Other grades and brands. (1) Any person, firm, or organization wishing to pack pears under a grade or brand not covered by this chapter, must file with the director a certified copy of the description of the private grade or brand before the first day of August of the year in which the pears are grown.

(2) If the director approves the private grade or brand, pears may be packed under the private grade or brand instead of the official state grading rules. All boxes of pears packed under the private grade or brand must be marked with that grade or brand.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-01-094, § 16-442-160, filed 12/16/08, effective 1/16/09; Order 322, effective 7/29/40.]

Chapter 16-445 WAC

WASHINGTON STANDARDS FOR ITALIAN PRUNES

WAC

16-445-015	What definitions are important to this chapter?
16-445-025	What does "damage" and "serious damage" mean?
16-445-040	What is a "Washington No. 1 grade" Italian prune?
16-445-045	What tolerances apply to Italian prunes?
16-445-060	How does the department apply its Italian prune tolerances during an inspection?
16-445-070	What are the "standard pack" requirements for Italian prunes?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-445-001	Promulgation. [Order 1262, § 16-445-001, filed 5/5/72.] Repealed by 05-10-093, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-445-005	Non-Italian type prunes. [Order 662, effective 7/8/53.] Repealed by Order 1262, filed 5/5/72.
16-445-010	U.S. No. 1 grade—Tolerances. [Order 662, effective 7/8/53.] Repealed by Order 1262, filed 5/5/72.
16-445-020	U.S. No. 2 grade—Tolerances. [Order 662, effective 7/8/53.] Repealed by Order 1262, filed 5/5/72.
16-445-030	U.S. combination grade—Tolerances. [Order 662, effective 7/8/53.] Repealed by Order 1262, filed 5/5/72.
16-445-050	Culls. [Order 1262, § 16-445-050, filed 5/5/72; Order 662, effective 7/8/53.] Repealed by 05-10-093, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-445-080	Definitions of terms. [Order 1262, § 16-445-080, filed 5/5/72; Order 662, effective 7/8/53.] Repealed by 05-10-093, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-445-090	Effective date. [Order 1262, § 16-445-090, filed 5/5/72.] Repealed by 05-10-093, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.

WAC 16-445-015 What definitions are important to this chapter? The following definitions are important to this chapter and apply only to Italian prunes:

"Badly misshapen" means prunes so malformed or rough that they appear to be seriously damaged. Doubles that have approximately equal sized halves are not considered "badly misshapen."

"Culls" mean prunes that are immature, or seriously damaged by growth cracks, hail, insect pests, mechanical or other means.

"Department" means the Washington state department of agriculture.

"Diameter" means the greatest distance measured through the center of a prune at right angles to a line running from the stem to the blossom end.

"Fairly uniform size" means that the prunes in each packed container must not show a variation of more than one-fourth of an inch in diameter.

"Fairly well colored" means that at least three-fourths of the surface of a prune is purple color.

"Mature" means that a prune has reached the stage of maturity that will insure proper completion of the ripening process.

"Sunscald" means an apparent softening or collapse of a prune's flesh that is caused by the sun.

"Well colored" means that except for the portion of allowed russeting, ninety-five percent of the surface of a prune is purple color.

"Well-formed" means that a prune has the shape characteristic of the variety. Doubles are not considered well-formed.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-10-093, § 16-445-015, filed 5/4/05, effective 6/4/05.]

WAC 16-445-025 What does "damage" and "serious damage" mean? The following table explains the differences between "damage" and "serious damage" as the terms apply to Italian prunes:

"Damage" means:	"Serious damage" means:
(1) Any injury or defect that materially affects the prune's appearance, or its edible or shipping quality.	(1) Any injury or defect that seriously affects the prune's appearance, or its edible or shipping quality.
Note: Internal growth cracks, cavities or gum spots are not considered damage.	
(2) Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, is "damage":	(2) Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, is "serious damage":
(a) Broken skins that are unhealed. Note: <ul style="list-style-type: none"> Broken skins caused by pulled stems where the skin is not torn beyond the stem basin are not damage. Broken skins that have healed are considered scars. 	(a) Broken skins that are unhealed and more than one-eighth inch in diameter or depth. Note: <ul style="list-style-type: none"> Broken skins caused by pulled stems where the skin is not torn beyond the stem basin are not serious damage. Broken skins that have healed are considered scars.
(b) Heat injury that is extensive or not light in color.	(b) Heat injury that causes any softening or dark discoloration of the flesh. Note: <ul style="list-style-type: none"> Heat injury may cause internal or external discoloration, and may or may not be serious. Heat injury should not be confused with sunscald, which causes softening or collapse of the tissue, and which is always classed as serious damage.

"Damage" means:	"Serious damage" means:
(c) External growth cracks , when: <ul style="list-style-type: none"> There are more than one on a prune; or One is deep; or One is not well healed; or One is more than 1/4 inch in length. 	(c) External growth cracks that are: <ul style="list-style-type: none"> Not well healed; or More than 3/16 inch in depth; or More than 1/2 inch in length.
(d) Sunburn that has: <ul style="list-style-type: none"> Materially changed the normal color of a prune; or Caused the skin to blister or crack. 	(d) Sunburn that causes: <ul style="list-style-type: none"> Decided flattening of a prune; or Blistering, cracking, or noticeable brownish discoloration of the skin.
(e) Split pit that: <ul style="list-style-type: none"> Causes a readily apparent crack at the stem end; or Affects a prune's shape so it is not well-formed. 	(e) Split pit that: <ul style="list-style-type: none"> Causes a crack at the stem end more than 3/16 inch in length, including any part that may be covered by the stem; or Affects the shape to the extent that the fruit is badly misshapen.
(f) Hail marks , or other similar depressions or scars that: <ul style="list-style-type: none"> Are not shallow or superficial; or Total more than 3/8 inch in diameter; or Break the skin. 	(f) Hail marks that: <ul style="list-style-type: none"> Are more than 3/16 inch deep; or Total more than 1/2 inch in diameter.
(g) Drought spots or external gum spots that are more than 1/4 inch in diameter.	(g) Drought spots or external gum spots that total more than 1/2 inch in diameter.
(h) Russetting that is: <ul style="list-style-type: none"> Not excessively rough but totals more than 1/10 of a prune's surface; or Excessively rough and totals more than 1/4 inch in diameter. 	(h) Russetting that is: <ul style="list-style-type: none"> Not excessively rough but totals more than 1/3 of a prune's surface; or Excessively rough and totals more than 1/2 inch in diameter.
(i) Scars : <ul style="list-style-type: none"> Dark, rough or depressed scars totaling more than 1/4 inch in diameter. 	(i) Scars that are: <ul style="list-style-type: none"> Very dark or excessively rough and total more than 1/2 inch in diameter; or

<p>"Damage" means:</p> <ul style="list-style-type: none"> Fairly smooth, superficial scars that total more than 1/2 inch in diameter. An example is fairly light discoloration such as that caused by handling or packing or by prunes rubbing against each other while on the tree. Thorn and limb scratches that are not well healed, or that total more than 1/2 inch in length. 	<p>"Serious damage" means:</p> <ul style="list-style-type: none"> More than 3/16 inches deep.
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[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-10-093, § 16-445-025, filed 5/4/05, effective 6/4/05.]

WAC 16-445-040 What is a "Washington No. 1 grade" Italian prune? To be labeled "Washington No. 1 grade," Italian prunes must be:

- (1) Of one variety;
- (2) A purplish color over at least 2/3 of their surface;
- (3) Well-formed;
- (4) At least 1-1/4 inches in diameter unless otherwise specified;
- (5) Mature but not overripe, soft or shriveled;
- (6) Free from decay and sunscald; and
- (7) Free from damage caused by:
 - (a) Broken skins;
 - (b) Heat injury;
 - (c) Growth cracks;
 - (d) Sunburn;
 - (e) Split pits;
 - (f) Hail marks;
 - (g) Drought spots;
 - (h) Russeting;
 - (i) Scars; or
 - (j) Dirt, other foreign material, disease, insects or mechanical or other means.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-10-093, § 16-445-040, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. 78-04-061 (Order 1549), § 16-445-040, filed 3/31/78; Order 1262, § 16-445-040, filed 5/5/72; Order 698, (1), effective 6/15/54; Order 662, effective 7/8/53.]

WAC 16-445-045 What tolerances apply to Italian prunes? The following tolerances apply to prunes in any container and are adopted to allow for variations that are incidental to proper grading and handling:

<p>(1) Tolerances that apply at the shipping point:</p>	<p>(2) Tolerances that apply to the destination or en route to the destination:</p>
<p>(a) Other than color and size, no more than ten percent, by count, may fail to meet the grade requirements for defects.</p>	<p>(a) No more than eighteen percent, by count, may fail to meet grade requirements.</p>

<p>(1) Tolerances that apply at the shipping point:</p>	<p>(2) Tolerances that apply to the destination or en route to the destination:</p>
<p>(b) No more than five percent, by count, may have serious damage defects.</p>	<p>(b) No more than ten percent, by count, may fail to meet grade requirements due to other permanent defects.</p>
<p>(c) No more than one percent, by count, may be decayed.</p>	<p>(c) No more than seven percent, by count, may have defects that cause serious damage, including no more than five percent for permanent defects and no more than two percent for decay.</p>
<p>(d) No more than ten percent, by count, may fail to meet the color requirements.</p>	<p>(d) No more than ten percent, by count, may fail to meet color requirements.</p>
<p>(e) No more than ten percent, by count, may fail to meet the size specifications.</p>	<p>(e) No more than ten percent, by count, may fail to meet minimum size requirements.</p>
<p>(f) The combined tolerance for all defects must not exceed fifteen percent by count.</p>	

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-10-093, § 16-445-045, filed 5/4/05, effective 6/4/05.]

WAC 16-445-060 How does the department apply its Italian prune tolerances during an inspection? If the averages for an entire lot are within the specified tolerances, the following limitations apply to the contents of the individual containers in the lot. Based upon sample inspections, the individual containers in the lot:

- (1) May contain at least one defective and one under-sized prune.
- (2) Must have no more than one and one-half times the tolerance specified when a tolerance is ten percent or more.
- (3) Must have no more than double the tolerance specified when a tolerance is less than ten percent.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-10-093, § 16-445-060, filed 5/4/05, effective 6/4/05; Order 1262, § 16-445-060, filed 5/5/72; Order 662, effective 7/8/53.]

WAC 16-445-070 What are the "standard pack" requirements for Italian prunes? (1) A standard pack of Italian prunes must:

- (a) Contain prunes of fairly uniform size;
 - (b) Be tightly packed according to industry-approved methods; and
 - (c) Contain prunes in the top layer that are not noticeably superior in quality or size to those below the top layer.
- (2) In order to allow for variations incident to proper packing, no more than ten percent of the containers in any lot, by count, may fail to meet the standard pack requirements of this section.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-10-093, § 16-445-070, filed 5/4/05, effective 6/4/05; Order 1262, § 16-445-070, filed 5/5/72; Order 662, effective 7/8/53.]

Chapter 16-450 WAC

**CONTROLLED ATMOSPHERE STORAGE
REQUIREMENTS FOR WASHINGTON FRUITS AND
VEGETABLES**

(Formerly chapters 16-449, 16-459 and 16-690 WAC)

WAC

16-450-005	What definitions are important to this chapter?
16-450-010	What are "controlled atmosphere fruits and vegetables"?
16-450-012	Where must the letters "CA" appear?
16-450-014	When must controlled atmosphere fruit enter commercial trade channels?
16-450-016	What is controlled atmosphere storage?
16-450-020	Is a license required to operate or lease a controlled atmosphere storage facility in Washington state?
16-450-022	How can I obtain a license to operate or lease a controlled atmosphere storage facility in Washington state?
16-450-024	When must I apply for a license to operate or lease a controlled atmosphere storage facility in Washington state?
16-450-026	Can I renew my license after August 31?
16-450-028	What requirements affect all licensed controlled atmosphere storage facility operators?
16-450-032	Violations of this chapter and/or chapter 15.30 RCW.
16-450-040	What requirements apply to controlled atmosphere storage facilities?
16-450-042	What are the specific controlled atmosphere storage requirements for Bartlett pears?
16-450-044	What are the specific controlled atmosphere requirements for winter pears?
16-450-046	When must controlled atmosphere fruits and vegetables be identified for certification?
16-450-048	What inspection, certification and marking requirements apply to controlled atmosphere fruits and vegetables?
16-450-050	When is a reinspection of controlled atmosphere fruit and vegetables required?
16-450-060	What are the shipping standards for controlled atmosphere storage fruits and vegetables?
16-450-070	What if my fruit does not comply with the requirements of this chapter?

WAC 16-450-005 What definitions are important to this chapter? "Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Person" means an individual, firm, partnership, corporation, or association.

"CA number" means the license number assigned to a facility by the director.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-005, filed 2/18/04, effective 3/20/04.]

WAC 16-450-010 What are "controlled atmosphere fruits and vegetables"? "Controlled atmosphere fruits and vegetables" are fruits and vegetables that are:

(1) Inspected by the director of the Washington state department of agriculture (WSDA) or the director's designee;

(2) Stored in containers or subcontainers marked with a CA number and either a dated state lot number or a sequential state lot number; and

(3) Identified by a certificate documenting:

(a) Their quality and condition;

(b) That they have been stored in a CA facility licensed according to the requirements of this chapter; and

(c) That they comply with all of the requirements of this chapter.

(2009 Ed.)

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-010, filed 2/18/04, effective 3/20/04.]

WAC 16-450-012 Where must the letters "CA" appear? The letters "CA" or a similar designation must appear only on containers or subcontainers of fruits or vegetables that comply with the requirements of this chapter.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-012, filed 2/18/04, effective 3/20/04.]

WAC 16-450-014 When must controlled atmosphere fruit enter commercial trade channels? (1) Controlled atmosphere (CA) fruits or vegetables must enter commercial trade channels within two weeks following a CA inspection and certification.

(2) If the CA fruits and/or vegetables do not enter commercial channels within the two weeks following a CA inspection and certification, they must be reinspected to meet controlled atmosphere conditions and maturity requirements before they are shipped.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-014, filed 2/18/04, effective 3/20/04.]

WAC 16-450-016 What is controlled atmosphere storage? (1) Controlled atmosphere storage is an area of one or more rooms in a facility where atmospheric gases are controlled by amount and degrees of temperature.

(2) The purpose of a controlled atmosphere storage area is to control the condition and maturity of any fresh fruits or vegetables stored there so when those fruits and vegetables are removed from storage they can be designated as having been exposed to controlled atmosphere.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-016, filed 2/18/04, effective 3/20/04.]

WAC 16-450-020 Is a license required to operate or lease a controlled atmosphere storage facility in Washington state? (1) Before any person can operate or lease a controlled atmosphere storage facility, they must obtain a license from the department. These are annual licenses that expire each year on August 31.

(2) When the WSDA director issues a controlled atmosphere storage facility license, the licensee receives a facility number preceded by the letters "WN CA" or "WA CA."

(a) These letters and numbers are the "CA number" of the storage facility.

(b) This CA number verifies that the fruits or vegetables meet the requirements for controlled atmosphere storage.

(c) This CA number must appear on all containers, after they are certified, in which CA fruits or vegetables are packed.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-020, filed 2/18/04, effective 3/20/04.]

WAC 16-450-022 How can I obtain a license to operate or lease a controlled atmosphere storage facility in Washington state? (1) To apply for a license, you must complete and submit WSDA form 6074 (Application for a Controlled Atmosphere License) to the department.

(2) You can obtain this form (and any others required by this chapter) by *writing*:

WA State Department of Agriculture
 Commodity Inspection Division
 Fruit & Vegetable Inspection Program
 P.O. Box 42560
 Olympia, WA 98504;

Or *calling* 360-902-1828 or *faxing* 360-902-2085 or *on-line* at agr.wa.gov.

(3) Your application for an annual license to operate a controlled atmosphere storage warehouse or warehouses must be accompanied by an annual license fee of five dollars per room, with a minimum fee of twenty-five dollars for five rooms or less.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-022, filed 2/18/04, effective 3/20/04.]

WAC 16-450-024 When must I apply for a license to operate or lease a controlled atmosphere storage facility in Washington state? You must apply for your initial license before September 1 of any given year. Once issued, your license is valid for one year and must be renewed each year on or before August 31.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-024, filed 2/18/04, effective 3/20/04.]

WAC 16-450-026 Can I renew my license after August 31? (1) You can renew your license after August 31 but such a renewal is considered "late." Late renewals are regulated by RCW 15.30.070, which requires that you pay your original license fee plus a late renewal penalty of two dollars and fifty cents.

(2) You do not have to pay a late renewal penalty if you submit an affidavit to the department declaring that you have not operated or leased a controlled atmosphere storage facility since your previous license expired.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-026, filed 2/18/04, effective 3/20/04.]

WAC 16-450-028 What requirements affect all licensed controlled atmosphere storage facility operators? (1) Every licensed operator or lessee must submit to the manager of their local WSDA fruit and vegetable inspection district a signed, completed copy of WSDA form 6075A (Storage Closing and Inventory - Operator) or a form approved by the director whenever they close a CA room in one of their facilities. The completed form must contain the following information:

- (a) Location of the room;
- (b) Storage room number;
- (c) Date the room was sealed;
- (d) Quantity of loose fruit in the room identified by variety; and
- (e) Quantity of packed fruit in the room identified by variety.

(2) Every licensed operator or lessee must, at least once a day, record the following information on a form approved by the director:

- (a) The percentage of carbon dioxide and oxygen inside the sealed storage area;
- (b) The temperature inside the sealed storage area; and

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(c) The time the percentages and temperature were measured.

(3) WSDA fruit and vegetable inspectors have the right to audit the forms required in this section. Upon completing an audit, the inspector must report their audit results on WSDA form 6076 (Audit of Daily Log) or a form approved by the director.

(4) All Standard and Red Delicious apple varieties must be stored in sealed controlled atmosphere storage on or before December 15 of each year to qualify and be identified as Washington controlled atmosphere storage apples.

(5) For auditing purposes, all licensed operators must notify their local WSDA inspection office before they open any controlled atmosphere storage rooms or before they pack any controlled atmosphere storage fruit.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-028, filed 2/18/04, effective 3/20/04.]

WAC 16-450-032 Violations of this chapter and/or chapter 15.30 RCW. Any willful violation of either chapter 15.30 RCW or this chapter by any controlled atmosphere operator or lessee is sufficient cause for the suspension of their license by the department.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-032, filed 2/18/04, effective 3/20/04.]

WAC 16-450-040 What requirements apply to controlled atmosphere storage facilities? All controlled atmosphere facilities must comply with the following controlled atmosphere requirements:

(1) The oxygen content of each storage room must be reduced to five percent within twenty calendar days after the room is sealed.

(2) Stored fruits or vegetables must be kept in controlled atmosphere storage under required degrees of temperature and percentage of air components for the specified period, including the following:

Apple Varieties:	Storage Period:
<ul style="list-style-type: none"> • Gala and Jonagold varieties 	<ul style="list-style-type: none"> • At least forty-five continuous calendar days
<ul style="list-style-type: none"> • Other varieties 	<ul style="list-style-type: none"> • At least sixty continuous calendar days
Pear Varieties:	Storage Period:
<ul style="list-style-type: none"> • Bartlett varieties 	<ul style="list-style-type: none"> • At least forty-five continuous calendar days
<ul style="list-style-type: none"> • Other summer varieties 	<ul style="list-style-type: none"> • At least sixty continuous calendar days
<ul style="list-style-type: none"> • Bosc variety 	<ul style="list-style-type: none"> • At least forty-five continuous calendar days
<ul style="list-style-type: none"> • Other winter varieties 	<ul style="list-style-type: none"> • At least sixty continuous calendar days

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-040, filed 2/18/04, effective 3/20/04.]

WAC 16-450-042 What are the specific controlled atmosphere storage requirements for Bartlett pears? To qualify as controlled atmosphere storage pears, Bartlett pears must comply with the requirements in chapter 15.30 RCW, this chapter and the following additional requirements:

(1) Oxygen content of each room where the pears are stored must be reduced to five percent within twenty calendar days after the room is sealed.

(2) The pears must be kept in controlled atmosphere storage, under the required degrees of temperature and percentage of air components, for at least forty-five continuous calendar days.

(3) At the time of shipment, the pears marked with a CA number must:

(a) Be no further advanced in maturity than "mostly hard—some firm."

(b) Not exceed an average of two percent decay and/or breakdown.

(4) Pears that fail to meet any requirement in this section:

(a) Must not be sold as CA storage fruit; and

(b) Their containers must not be marked with a CA number.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-042, filed 2/18/04, effective 3/20/04.]

WAC 16-450-044 What are the specific controlled atmosphere requirements for winter pears? To qualify as controlled atmosphere storage pears, winter pears must comply with the requirements in chapter 15.30 RCW, this chapter and the following additional requirements:

(1) Oxygen content of each room where the pears are stored must be reduced to five percent within twenty calendar days after the room is sealed.

(2) The pears must be kept in controlled atmosphere storage, under the required degrees of temperature and percentage of air components, for:

(a) At least forty-five continuous calendar days for Bosc pears; and

(b) At least sixty continuous calendar days for all other varieties of winter pears.

(3) All CA-marked winter pears must meet the following standards when shipped:

(a) **Condition standards:**

- No more than two percent decay;
- No more than two percent scald; and
- A five percent maximum aggregate for all condition factors including cork.

(b) **Maturity standards:**

• No more than five percent must be advanced beyond "firm."

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-044, filed 2/18/04, effective 3/20/04.]

WAC 16-450-046 When must controlled atmosphere fruits and vegetables be identified for certification? (1) All fruits and vegetables intended for controlled atmosphere storage certification must be identified before being placed in the controlled atmosphere storage room.

(2) Before the controlled atmosphere room is sealed, all packed fruit or vegetable containers intended for controlled atmosphere storage must be:

(a) Marked either with "WSDA and (year of production)" or with a department-supplied stamp; and

(b) Marked under the supervision of WSDA inspection personnel.

(2009 Ed.)

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-046, filed 2/18/04, effective 3/20/04.]

WAC 16-450-048 What inspection, certification and marking requirements apply to controlled atmosphere fruits and vegetables? All Washington state fruits and vegetables sold as CA fruits or vegetables:

(1) Must be inspected and certified as to grade and condition; and

(2) At time of certification, all containers holding CA fruits and vegetables must be marked with both a dated state lot number and a CA number.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-048, filed 2/18/04, effective 3/20/04.]

WAC 16-450-050 When is a reinspection of controlled atmosphere fruit and vegetables required? (1) If CA fruits or vegetables are not shipped within two weeks after they are inspected and certified, they must be reinspected to meet controlled atmosphere and maturity requirements in order to qualify for an additional two-week shipping period.

(2) If identification of a reinspected lot:

(a) Can be accomplished without a problem, the reinspected containers do not have to be restamped with a current date state lot number.

(b) May be a problem, the reinspected containers must be restamped with a current date state lot number.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-050, filed 2/18/04, effective 3/20/04.]

WAC 16-450-060 What are the shipping standards for controlled atmosphere storage fruits and vegetables?

(1) When shipped, all controlled atmosphere fruits and vegetables must be certified and marked with a CA number and dated state lot stamp.

(2) Apples must meet U.S. condition standards for export.

(3) Pears must meet the maturity requirements of WAC 16-450-042 (3)(a) and (b) or 16-450-044 (3)(b).

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-060, filed 2/18/04, effective 3/20/04.]

WAC 16-450-070 What if my fruit does not comply with the requirements of this chapter? If your fruit does not comply with any of the requirements in this chapter, you are prohibited from:

(1) Selling your fruit as controlled atmosphere storage fruit; or

(2) Representing your fruit using terms, words or symbols that imply that it has been exposed to controlled atmosphere storage. For example, the words "controlled atmosphere" or the symbol "CA" must be removed from the container and/or subcontainer.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 04-05-117, § 16-450-070, filed 2/18/04, effective 3/20/04.]

Chapter 16-461 WAC
INSPECTION REQUIREMENTS FOR
FRUITS AND VEGETABLES

WAC

16-461-006	Definitions.
16-461-010	Inspection certificate and/or permit required.
16-461-015	Effective date.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

16-461-001	Promulgation. [Order 1098, Promulgation, § 16-461-001, filed 8/30/68, effective 9/30/68; Order 968, filed 3/26/65.] Superseded by WAC 16-461-002.
16-461-002	Promulgation. [Order 1122, filed 8/14/69, effective 9/14/69.] Superseded by WAC 16-461-003.
16-461-003	Promulgation. [Order 1122, filed 5/29/70, effective 7/1/70; Order 1122, filed 8/14/69, effective 9/14/69.] Superseded by WAC 16-461-004.
16-461-004	Promulgation. [Order 1122, filed 8/23/71; Order 1122, filed 5/29/70, effective 7/1/70; Order 1122, filed 8/14/69, effective 9/14/69.] Superseded by WAC 16-461-005.
16-461-005	Promulgation. [Order 1324, § 16-461-005, filed 8/3/73; Order 1122, § 16-461-005, filed 5/5/72, effective 6/5/72.] Repealed by 83-06-050 (Order 1788), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

WAC 16-461-006 Definitions. (1) Commercial lot shall mean any number of any type of containers or any quantity in bulk of agricultural products listed in WAC 16-461-010, which are sold or bartered: Provided, That quantities of less than five hundred pounds net weight, when sold by any producer where grown by the producer and sold directly to the ultimate consumer, shall not be considered as a commercial lot.

(2) Fruit/produce stands, as used in this chapter, shall mean any facilities from which the predominance of the edible commodity sales to the public are of seasonal fresh fruits and/or vegetables produced within the state of Washington, and shall include roadside stands, farmer's markets, trucks or other conveyances from which sales of commodities are made, and temporary open air parking lot stands other than those owned or operated by retail grocery stores. Such facilities may or may not be owned, leased, or otherwise operated by the producer of fruits and/or vegetables.

(3) Zone of production shall be defined as one of two geographical areas: Zone 1: All counties west of the Cascade Mountain Range; Zone 2: The counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

[Statutory Authority: Chapter 15.17 RCW. 92-18-103, § 16-461-006, filed 9/2/92, effective 10/3/92; 92-06-085, § 16-461-006, filed 3/4/92, effective 4/4/92.]

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

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

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

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

(d) Cherries in closed or open containers for fresh market. No permit will be issued on cherries infested with live cherry fruit fly larvae.

(e) Apples in closed or open containers for fresh market.

(i) Apples may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of apples having the approval of the director to issue the certificates of compliance.

(ii) Apples of the Red Delicious and Delicious varieties must be certified as to quality and condition and must meet all the requirements of chapter 16-403 WAC, Standards for apples marketed within the state of Washington. Apples of the Red Delicious and Delicious varieties not allowed to enter channels of commerce within twenty-one days following the original date of inspection as indicated by a state lot stamp, will require recertification for meeting the minimum firmness requirement as stated in WAC 16-403-142.

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

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

(h) Apples in containers or bulk, for processing.

(i) Apples for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of apples having the approval of the director to issue the certificates of compliance.

(ii) Apples for processing entering in-state commerce do not require a permit.

(i) Pears in containers or bulk, for processing.

(i) Pears for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of pears having the approval of the director to issue the certificates of compliance.

(ii) Pears for processing entering in-state commerce do not require a permit.

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

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

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

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

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

(b) The certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so.

(i) Apples, pears, cherries, and asparagus about to be shipped or transported must be in full compliance with the requirements of chapter 15.17 RCW, Standards of grades and packs, rules adopted under chapter 15.17 RCW, and administrative directives of the director.

(ii) Apricots, cherries, peaches, prunes, or pears about to be shipped or transported must be in full compliance with an existing federal marketing order requiring quality and condition certification and Washington state lot identification or federal-state lot identification.

(iii) Cherries of the dark sweet varieties must be certified as to quality, condition, and size and shall meet all of the requirements of chapter 16-414 WAC, Washington standards for cherries. Cherries of the Rainier variety or other varieties of "light colored sweet cherries" must meet only the requirements of WAC 16-414-005 "mature" and WAC 16-414-011(3) size requirement.

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

(d) Any shipper or packer whose authority to issue certificates of compliance has been suspended, revoked, or denied by the director will be subject to those provisions of chapter 15.17 RCW and the regulations requiring the issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, prunes, and asparagus may be shipped or transported.

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

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

shall be deposited with the director of agriculture in the same manner as fees for shipping permits.

[Statutory Authority: Chapters 15.17 and 34.05 RCW, 07-23-088, § 16-461-010, filed 11/20/07, effective 12/21/07; 06-12-116, § 16-461-010, filed 6/7/06, effective 7/8/06. Statutory Authority: Chapter 15.17 RCW, 99-14-036, § 16-461-010, filed 6/29/99, effective 7/30/99; 95-13-038, § 16-461-010, filed 6/14/95, effective 7/15/95; 92-18-103, § 16-461-010, filed 9/2/92, effective 10/3/92; 92-06-085, § 16-461-010, filed 3/4/92, effective 4/4/92; 83-06-050 (Order 1788), § 16-461-010, filed 3/1/83; Order 1523, § 16-461-010, filed 4/20/77; Order 1324, § 16-461-010, filed 8/3/73; Order 1122, § 16-461-010, filed 5/5/72, effective 6/5/72; Order 1122, § 16-461-010, filed 8/23/71; Order 1122, § 16-461-010, filed 5/29/70, effective 7/1/70; Order 1122, § 16-461-010, filed 8/14/69, effective 9/14/69; Order 1098, § 16-461-010, filed 8/30/68, effective 9/30/68; Order 968, filed 3/26/65.]

WAC 16-461-015 Effective date. This order shall become effective on and after September 4, 1973.

[Order 1324, § 16-461-015, filed 8/3/73; Order 1122, § 16-461-015, filed 5/5/72, effective 6/5/72.]

Chapter 16-462 WAC

GRAPE PLANTING STOCK—REGISTRATION AND CERTIFICATION

WAC

16-462-010	Grape planting stock program—General.
16-462-015	Definitions.
16-462-020	Requirements for participation in the grape planting stock program.
16-462-021	Requirements for registered blocks.
16-462-022	Requirements for certified planting stock.
16-462-025	Foundation, registered, and certified grape planting stock—Inspections.
16-462-030	Certified grape planting stock—Application and fees.
16-462-035	Certified grape planting stock—Tagging and identity.
16-462-050	Certified grape planting stock—Requirements.
16-462-055	Certified grape planting stock—Grades and standards.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-462-001	Promulgation. [Order 1397, § 16-462-001, filed 4/7/75; Order 1193, § 16-462-001, filed 4/19/71; Order 1084, § 16-462-001, filed 4/2/68.] Repealed by 86-08-078 (Order 1883), filed 4/2/86. Statutory Authority: Chapter 15.14 RCW.
16-462-040	Grades and standards. [Order 1084, § 16-462-040, filed 4/2/68.] Repealed by Order 1193, filed 4/19/71.
16-462-045	Effective date. [Order 1397, § 16-462-045, filed 4/7/75; Order 1193, § 16-462-045, filed 4/19/71.] Repealed by 99-12-025, filed 5/25/99, effective 6/25/99. Statutory Authority: Chapter 15.14 RCW.
16-462-060	Certified grape nursery stock—Aseptic shoot tip propagation. [Statutory Authority: Chapter 15.14 RCW, 90-10-043, § 16-462-060, filed 4/27/90, effective 5/28/90.] Repealed by 99-12-025, filed 5/25/99, effective 6/25/99. Statutory Authority: Chapter 15.14 RCW.

WAC 16-462-010 Grape planting stock program—General. (1) Grapevines or parts of grape plants may be designated as registered stock or certified stock, if they and the stock from which they were produced have been inspected, indexed, and tested in accordance with procedures and requirements outlined in this chapter and found to be in compliance with all standards and requirements established in this chapter.

(2) The issuance of a state of Washington plant tag, stamp, or other document under this chapter means only that the tagged, stamped or otherwise documented planting stock has been subjected to standards and procedures described in this chapter and determined to be in compliance with its stan-

dards and requirements. The department disclaims all expressed or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

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

(4) Participation in the grape planting stock certification program is voluntary.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 06-19-009, § 16-462-010, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 15.14 RCW. 99-12-025, § 16-462-010, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-010, filed 4/2/86; Order 1193, § 16-462-010, filed 4/19/71; Order 1084, § 16-462-010, filed 4/2/68.]

WAC 16-462-015 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

"Aseptic shoot tip propagation" means aseptically removing a vegetative shoot tip from growth arising from a dormant cutting from a foundation plant or from green growth (i.e., softwood) from a foundation plant during the growing season and aseptically transferring this shoot tip to a suitable vessel containing an appropriate culture medium.

"Certified grape planting stock" means vines, rooted cuttings, cuttings or grafted plants taken or propagated directly from foundation vines, registered vines or certified in compliance with the provisions of this chapter.

"Department" means the department of agriculture of the state of Washington.

"Director" means the director of the department of agriculture or the director's designee.

"Foundation block" means a planting of grapevines established, operated and maintained by Washington State University, or other equivalent sources approved in writing by the director, that are indexed and found free from viruses designated in this chapter and that are not off-type.

"Index" means determining whether a virus infection is present by means of inoculation from the plant to be tested to an indicator plant or by any other testing method approved by the department.

"Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

"Mother vine" means a grapevine used as a source for propagation material.

"Off-type" means appearing under visual examination to be different from the variety listed on the application for registration and certification, or exhibiting symptoms of a genetic or nontransmissible disorder.

"Registered block" means a planting of registered grapevines maintained by a nursery and used as a source of propagation material for certified grapevines.

"Registered vine" means any vine propagated from a foundation block approved by the director, identified to a single vine source, and registered with the Washington state

department of agriculture, in compliance with provisions of this chapter.

"Virus-like" means a graft-transmissible disorder with symptoms resembling a characterized virus disease, including, but not limited to, disorders caused by viroids and phytoplasmas.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 06-19-009, § 16-462-015, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 15.14 RCW. 02-11-100, § 16-462-015, filed 5/20/02, effective 6/20/02; 99-12-025, § 16-462-015, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-015, filed 4/2/86; 78-10-072 (Order 1583), § 16-462-015, filed 9/27/78; Order 1397, § 16-462-015, filed 4/7/75; Order 1193, § 16-462-015, filed 4/19/71; Order 1084, § 16-462-015, filed 4/2/68.]

WAC 16-462-020 Requirements for participation in the grape planting stock program. (1) The applicant shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of registered blocks and planting stock.

(2) The applicant must maintain records identifying the foundation source of registered vines and certified planting stock. The applicant must make these records available to the department upon request.

(3) The applicant shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to planting stock entered in this program. The applicant shall keep all registered blocks and certified planting stock clean cultivated except for approved cover crops.

(4) Following notification by the department the applicant shall remove and destroy immediately any registered vine or certified planting stock found to be off-type or affected by a virus or virus-like disease or a quarantine pest.

(5) Registered blocks and certified planting stock must be located at least one hundred feet from any land on which noncertified or nonregistered grapevines have been grown within the past ten years. This does not apply to registered and certified stock grown in a fully enclosed greenhouse, screenhouse or laboratory provided the facility does not contain noncertified grapevines.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 06-19-009, § 16-462-020, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 15.14 RCW. 02-11-100, § 16-462-020, filed 5/20/02, effective 6/20/02; 99-12-025, § 16-462-020, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-020, filed 4/2/86; 78-10-072 (Order 1583), § 16-462-020, filed 9/27/78; Order 1193, § 16-462-020, filed 4/19/71; Order 1084, § 16-462-020, filed 4/2/68.]

WAC 16-462-021 Requirements for registered blocks. (1) All registered grapevines must be identified by the number assigned to the single vine source in the foundation block from which they were taken.

(2) With the exception of practices allowed in subsections (3), (4), and (5) of this section, registered plants must be propagated directly from cuttings taken from a foundation block.

(3) Plants propagated from a foundation block by aseptic shoot tip propagation and grown entirely under laboratory or greenhouse conditions may serve as a source of softwood cuttings or shoot tip culture used to establish a registered block or registered grapevines.

(4) Registered grapevines may be propagated from other registered grapevines within the same registered block for the

purpose of increasing the size of the registered block or for replacement grapevines.

(5) The department may permit participating nurseries to propagate registered grapevines from other registered grapevines for the purpose of establishing or increasing other registered blocks within the nursery under the following conditions:

(a) Mother vines were propagated directly from a foundation vine;

(b) Propagation is under environmentally controlled conditions to prevent the introduction of pests; and

(c) Mother vine is no more than two years old, or has been tested and found free of regulated viruses within the past two years.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 06-19-009, § 16-462-021, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 15.14 RCW. 02-11-100, § 16-462-021, filed 5/20/02, effective 6/20/02; 99-12-025, § 16-462-021, filed 5/25/99, effective 6/25/99.]

WAC 16-462-022 Requirements for certified planting stock. (1) Certified planting stock must be propagated from cuttings taken from registered or foundation grapevines.

(2) Cuttings from registered blocks must be sorted and kept separate by variety and selection number or clone.

(3) Treatment to control nematodes and other soil-borne pests may be required at any time by the department.

(4) All certified planting stock other than greenhouse grown plants must comply with the grades and standards for Washington certified grape planting stock as listed in WAC 16-462-055.

(5) Certification is based solely on compliance with the requirements prescribed in WAC 16-462-050 and other requirements of this chapter.

[Statutory Authority: Chapter 15.14 RCW. 02-11-100, § 16-462-022, filed 5/20/02, effective 6/20/02; 99-12-025, § 16-462-022, filed 5/25/99, effective 6/25/99.]

WAC 16-462-025 Foundation, registered, and certified grape planting stock—Inspections. (1) Inspections and indexing of registered grapevines and certified planting stock will be performed by the department at times determined to be suitable for the detection of virus and virus-like disease symptoms. Washington State University will inspect and index the foundation block.

(2) The department will index registered grapevines by methods listed in Appendix 1 of the North American Plant Protection Organization (NAPPO) Grapevine Standard.

(3) The department will conduct at least two inspections of registered grapevines during each growing season.

(4) The department will inspect certified planting stock at least three times per year, twice during the growing season and once during or after harvest.

(5) The department will refuse or withdraw registration or certification for any planting stock that is infested or infected with any regulated pest.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 06-19-009, § 16-462-025, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 15.14 RCW. 02-11-100, § 16-462-025, filed 5/20/02, effective 6/20/02; 99-12-025, § 16-462-025, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-025, filed 4/2/86; Order 1193, § 16-462-025, filed 4/19/71; Order 1084, § 16-462-025, filed 4/2/68.]

(2009 Ed.)

WAC 16-462-030 Certified grape planting stock—Application and fees. (1) The applicant shall furnish all information requested on the application form and shall give consent to the department to take samples from any planting stock enrolled in the program as registered or certified grapevines for inspection or indexing.

(2) Application for registration and certification shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.

(3) Inspection, phytosanitary certification, indexing and testing fees are due upon completion of services.

(4) Fees for inspection, phytosanitary certification, and testing shall be assessed at the appropriate rate established in chapters 16-401 and 16-470 WAC. Mileage for inspections and other on-site services shall be charged at a rate established by the state office of financial management.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 06-19-009, § 16-462-030, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 15.14 RCW. 02-11-100, § 16-462-030, filed 5/20/02, effective 6/20/02; 00-01-149, § 16-462-030, filed 12/21/99, effective 1/21/00; 99-12-025, § 16-462-030, filed 5/25/99, effective 6/25/99; 93-17-022 (Order 5001), § 16-462-030, filed 8/11/93, effective 9/11/93; 86-08-078 (Order 1883), § 16-462-030, filed 4/2/86; 78-10-072 (Order 1583), § 16-462-030, filed 9/27/78; Order 1397, § 16-462-030, filed 4/7/75; Order 1193, § 16-462-030, filed 4/19/71; Order 1084, § 16-462-030, filed 4/2/68.]

WAC 16-462-035 Certified grape planting stock—Tagging and identity. (1) Certification tags issued by the department must be securely attached by the grower to each certified planting stock, including rooted cuttings, cuttings and grafted plants.

(2) Any person selling Washington certified grape planting stock is responsible for the identity of such planting stock. Persons issued tags authorized by this chapter must account by variety for stock produced and sold. They must keep and allow the department to inspect and copy records necessary to verify this.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 06-19-009, § 16-462-035, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 15.14 RCW. 99-12-025, § 16-462-035, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-035, filed 4/2/86; Order 1193, § 16-462-035, filed 4/19/71; Order 1084, § 16-462-035, filed 4/2/68.]

WAC 16-462-050 Certified grape planting stock—Requirements. Certified plants must be free of grapevine fanleaf virus, grapevine leafroll-associated viruses, grapevine corky bark disease agent, grapevine rupestris stem pitting virus, arabis mosaic virus, tomato ringspot virus, grape phylloxera, and vine mealy bug. It must also be free of root knot nematode, crown gall and other visible diseases or serious pest injuries.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 06-19-009, § 16-462-050, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 15.14 RCW. 02-11-100, § 16-462-050, filed 5/20/02, effective 6/20/02; 99-12-025, § 16-462-050, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-050, filed 4/2/86.]

WAC 16-462-055 Certified grape planting stock—Grades and standards. All field-grown certified stock offered for sale must be bundled in accordance with commercial practice and correctly identified by one or more legible printed labels.

(1) Grades for rooted cuttings are as follows:

[Title 16 WAC—p. 491]

(a) Grade No. 1 must have one live cane at least nine inches long and must be well rooted.

(b) Grade No. 2 must have one live cane at least six inches long and must be well rooted.

(2) Cuttings must have at least three buds and be at least nine inches long. The basal bud must be within one-half inch of the basal end.

(3) Two-year plants shall meet the same standard as rooted cutting Grade No. 1.

(4) In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent by count, of the plants or cuttings in any lot may fail to meet the requirements of the grades set forth in this section.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 06-19-009, § 16-462-055, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 15.14 RCW. 02-11-100, § 16-462-055, filed 5/20/02, effective 6/20/02; 99-12-025, § 16-462-055, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-055, filed 4/2/86.]

Chapter 16-463 WAC

PROHIBITING THE SALE AND/OR MOVEMENT OF INFESTED CHERRIES

WAC

16-463-001	Promulgation.
16-463-010	Conditions for shipment, transfer and sale of cherries.

WAC 16-463-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.17 and 15.08 RCW after due notice and public hearing held in Yakima, Washington on June 27, 1968, pursuant to chapters 42.32 and 34.04 RCW do hereby adopt the following rules*.

[Order 1099, § 16-463-001, filed 8/30/68, effective 9/30/68.]

*Reviser's Note: WAC 16-463-001 applies to WAC 16-463-010 only.

WAC 16-463-010 Conditions for shipment, transfer and sale of cherries. No person shall ship or transfer from the area of production, or within the area of production, or offer for sale for human consumption, any cherries that are infested with live cherry fruit fly larvae.

[Order 1099, § 16-463-010, filed 8/30/68, effective 9/30/68.]

Chapter 16-465 WAC

RULES AND REGULATIONS FOR THE OFFICIAL DETERMINATION OF BACTERIAL RING ROT IN SEED POTATOES

WAC

16-465-010	Sampling procedures for seed potatoes produced in Washington.
16-465-020	Sampling procedure for potato planting stock for seed or commercial production.
16-465-030	Handling and shipment of official samples.
16-465-040	Official reporting and diagnosis.
16-465-050	Disposition.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-465-001	Promulgation. [Order 1138, § 16-465-001, filed 2/2/70.] Repealed by 03-05-079, filed 2/19/03, effective 3/22/03. Statutory Authority: Chapters 15.08, 17.24, 15.14, 15.17, and 34.05 RCW.
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16-465-060 Effective date. [Order 1138, § 16-465-060, filed 2/2/70.] Repealed by 03-05-079, filed 2/19/03, effective 3/22/03. Statutory Authority: Chapters 15.08, 17.24, 15.14, 15.17, and 34.05 RCW.

WAC 16-465-010 Sampling procedures for seed potatoes produced in Washington. (1) Official sample must be taken by authorized Washington state department of agriculture personnel.

(2) Samples may consist of stems, roots and/or tubers.

(3) Samples may be taken from a field lot, bin or other container.

(4) Samples may be taken any time during field inspection, harvesting or shipping.

[Order 1138, § 16-465-010, filed 2/2/70.]

WAC 16-465-020 Sampling procedure for potato planting stock for seed or commercial production. (1) Upon request, official samples will be taken by authorized Washington state department of agriculture personnel.

(2) Lot from which sample has been requested must be held until official diagnosis is made. Disposition will be in accordance with diagnosis result.

(3) Samples must be selected from containers with positive identification.

[Order 1138, § 16-465-020, filed 2/2/70.]

WAC 16-465-030 Handling and shipment of official samples. (1) A sample shall consist of a minimum of three to five tubers and/or affected stems or root systems.

(2) Lower stems and root systems shall be placed in a dry plastic bag for transportation.

(3) Affected tubers shall be wrapped in dry newspapers and placed in a box.

(4) Official sample and reporting form delivered to the state plant pathologist for diagnosis will be in a container sealed with a Washington state department of agriculture seal.

(5) Keep sample cool and deliver promptly to the state plant pathologist designated by the Washington state department of agriculture.

[Order 1138, § 16-465-030, filed 2/2/70.]

WAC 16-465-040 Official reporting and diagnosis. (1) The official diagnosis shall be recorded on a form designated by the Washington state department of agriculture.

(2) This completed form with the results attested to by the designated state plant pathologist will be the official determination of the state of Washington.

[Order 1138, § 16-465-040, filed 2/2/70.]

WAC 16-465-050 Disposition. (1) Lots of potato planting stock officially determined to be infected with bacterial ring rot shall not be used for propagation purposes and will be disposed of in the following manners.

(a) Processing plant.

(b) Fresh consumption.

(c) Diverted outside of state of Washington at growers expense and discretion, if not grown in state of Washington.

(d) Disposition by burning.

[Order 1138, § 16-465-050, filed 2/2/70.]

Chapter 16-470 WAC

QUARANTINE—AGRICULTURAL PESTS

WAC

16-470-010	Definitions.	
16-470-020	Quarantine—Gypsy moth—Area under order.	16-470-110
16-470-030	Quarantine/gypsy moth hosts and carriers.	
16-470-040	Gypsy moth quarantine restrictions—Interior.	
16-470-050	Gypsy moth quarantine restrictions—Exterior.	
16-470-060	Special permits.	
16-470-101	Establishing quarantine for apple maggot and plum curculio.	16-470-120
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.	
16-470-111	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?	16-470-200
16-470-115	Within Washington state, what is required to ship fruit into the pest free area for apple maggot from quarantined areas?	
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?	16-470-210
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.	16-470-220
16-470-127	What do you need to ship commodities regulated for plum curculio into Washington?	
16-470-130	Special permits.	
16-470-300	Quarantine—Onion white rot disease.	
16-470-305	Onion white rot disease—Definitions.	
16-470-310	Onion white rot disease—Area under order.	16-470-230
16-470-320	Onion white rot disease—Restrictions—Control—Prevention—Sanitation.	
16-470-330	Onion white rot disease—Enforcement.	
16-470-340	Onion white rot disease—Research.	
16-470-400	Quarantine—Chestnut.	16-470-240
16-470-410	Chestnut—Area under quarantine.	
16-470-420	Chestnut—Pests.	
16-470-430	Chestnut pests—Hosts and carriers—Commodities under quarantine.	16-470-500
16-470-440	Chestnut quarantine—Restrictions—Requirements.	
16-470-700	Quarantine—Japanese beetle.	
16-470-705	Areas under quarantine.	
16-470-710	Regulated articles.	
16-470-715	Conditions governing the movement of regulated articles into Washington state.	16-470-510
16-470-720	Special permits.	
16-470-900	Schedule of fees and charges—Billing policies and procedures.	
16-470-905	Schedule of fees and charges—Establishing hourly rates.	16-470-520
16-470-912	Schedule of fees and charges—Applicable fees and charges.	
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16-470-921	Schedule of fees and charges—Miscellaneous fees.	16-470-530

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.

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.

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.

Quarantine—Honey bee tracheal mite. [Statutory Authority: Chapter 17.24 RCW. 86-07-020 (Order 1881), § 16-470-200, filed 3/12/86. Statutory Authority: Chapters 17.24 and 15.60 RCW. 85-15-008 (Order 1863), § 16-470-200, filed 7/8/85.] Repealed by 90-20-001 (Order 2053), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.24 RCW.

Articles under quarantine—Honey bee tracheal mite hosts and carriers. [Statutory Authority: Chapters 17.24 and 15.60 RCW. 85-15-008 (Order 1863), § 16-470-210, filed 7/8/85.] Repealed by 90-20-001 (Order 2053), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.24 RCW.

Honey bee tracheal mite—Area under quarantine—Exterior. [Statutory Authority: Chapters 17.24 and 15.60 RCW. 85-15-008 (Order 1863), § 16-470-220, filed 7/8/85.] Repealed by 90-20-001 (Order 2053), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.24 RCW.

Honey bee tracheal mite—Restrictions. [Statutory Authority: Chapters 17.24 and 15.60 RCW. 85-15-008 (Order 1863), § 16-470-230, filed 7/8/85.] Repealed by 90-20-001 (Order 2053), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.24 RCW.

Honey bee tracheal mite—Enforcement. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 86-14-097 (Order 1896), § 16-470-240, filed 7/2/86.] Repealed by 90-20-001 (Order 2053), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.24 RCW.

Apple ermine moth—Quarantine. [Statutory Authority: Chapter 17.24 RCW. 87-04-027 (Order 1916), § 16-470-500, filed 1/30/87.] Repealed by 92-06-024, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.13 and 17.24 RCW.

Apple ermine moth—Area under quarantine. [Statutory Authority: Chapter 17.24 RCW. 87-04-027 (Order 1916), § 16-470-510, filed 1/30/87.] Repealed by 92-06-024, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.13 and 17.24 RCW.

Apple ermine moth—Commodities under quarantine. [Statutory Authority: Chapter 17.24 RCW. 87-04-027 (Order 1916), § 16-470-520, filed 1/30/87.] Repealed by 92-06-024, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.13 and 17.24 RCW.

Apple ermine moth quarantine—Restrictions—Requirements. [Statutory Authority: Chapter 17.24 RCW. 87-04-027 (Order 1916), § 16-470-530, filed 1/30/87.] Repealed by 92-06-024, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.13 and 17.24 RCW.

Quarantine—Varroa mite. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-600, filed 7/25/88.] Repealed by 92-06-023, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.60 and 17.24 RCW.

Varroa mite—Regulated articles. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-605, filed 7/25/88.] Repealed by 92-06-023, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.60 and 17.24 RCW.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-470-015	Penalties. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-015, filed 7/25/88. Statutory Authority: Chapter 17.24 RCW. 85-15-007 (Order 1862), § 16-470-015, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-015, filed 5/1/84, effective 7/1/84.] Repealed by 00-23-098, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.	16-470-600
16-470-100	Quarantine—Apple maggot and plum curculio—Area under order. [Statutory Authority: RCW 17.24.041. 98-	16-470-605

- 16-470-610 Varroa mite—Area under quarantine—Exterior. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-610, filed 7/25/88.] Repealed by 92-06-023, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.60 and 17.24 RCW.
- 16-470-615 Varroa mite—Conditions governing the movement of regulated articles into Washington state. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-615, filed 7/25/88.] Repealed by 92-06-023, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.60 and 17.24 RCW.
- 16-470-620 Varroa mite—Attachment and disposition of certificates. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-620, filed 7/25/88.] Repealed by 92-06-023, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.60 and 17.24 RCW.
- 16-470-625 Varroa mite—Treatment. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-625, filed 7/25/88.] Repealed by 92-06-023, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.60 and 17.24 RCW.
- 16-470-630 Varroa mite—Area under quarantine—Interior. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-630, filed 7/25/88.] Repealed by 92-06-023, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.60 and 17.24 RCW.
- 16-470-635 Varroa mite—Restrictions—Interior. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-635, filed 7/25/88.] Repealed by 92-06-023, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.60 and 17.24 RCW.
- 16-470-800 Establishing quarantine for longhorned beetles of the genus Anoplophora. [Statutory Authority: Chapter 17.24 RCW. 02-09-099, § 16-470-800, filed 4/17/02, effective 5/18/02.] Repealed by 06-24-125, filed 12/6/06, effective 1/6/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-470-810 Prohibiting possession, transportation or distribution of living beetles of the genus Anoplophora. [Statutory Authority: Chapter 17.24 RCW. 02-09-099, § 16-470-810, filed 4/17/02, effective 5/18/02.] Repealed by 06-24-125, filed 12/6/06, effective 1/6/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-470-820 What is the area under quarantine for citrus longhorned beetle? [Statutory Authority: Chapter 17.24 RCW. 02-09-099, § 16-470-820, filed 4/17/02, effective 5/18/02.] Repealed by 06-24-125, filed 12/6/06, effective 1/6/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-470-830 Prohibition on moving living plants from the area under quarantine for citrus longhorned beetle. [Statutory Authority: Chapter 17.24 RCW. 02-09-099, § 16-470-830, filed 4/17/02, effective 5/18/02.] Repealed by 06-24-125, filed 12/6/06, effective 1/6/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-470-840 Prohibition on moving wood and prunings from the area under quarantine for citrus longhorned beetle. [Statutory Authority: Chapter 17.24 RCW. 02-09-099, § 16-470-840, filed 4/17/02, effective 5/18/02.] Repealed by 06-24-125, filed 12/6/06, effective 1/6/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-470-850 Exemption for articles in transit. [Statutory Authority: Chapter 17.24 RCW. 02-09-099, § 16-470-850, filed 4/17/02, effective 5/18/02.] Repealed by 06-24-125, filed 12/6/06, effective 1/6/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-470-860 Disposal of articles regulated under longhorned beetle quarantine. [Statutory Authority: Chapter 17.24 RCW. 02-09-099, § 16-470-860, filed 4/17/02, effective 5/18/02.] Repealed by 06-24-125, filed 12/6/06, effective 1/6/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-470-870 Special permits—Longhorned beetle. [Statutory Authority: Chapter 17.24 RCW. 02-09-099, § 16-470-870, filed 4/17/02, effective 5/18/02.] Repealed by 06-24-125, filed 12/6/06, effective 1/6/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-470-910 Schedule of fees and charges—Applicable fees and charges—Effective June 30, 1999. [Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-910, filed 5/26/99, effective 6/26/99; 92-07-023, § 16-470-910, filed 3/10/92, effective 4/10/92.] Repealed by 99-21-049, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapter 17.24 RCW.
- 16-470-911 Schedule of fees and charges—Applicable fees and charges—Effective June 30, 2001. [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.] Repealed by 03-10-082, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-470-915 Schedule of fees and charges—Fees for post entry inspection services—Effective June 30, 1999. [Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-915, filed 5/26/99, effective 6/26/99; 92-07-023, § 16-470-915, filed 3/10/92, effective 4/10/92.] Repealed by 99-21-049, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapter 17.24 RCW.
- 16-470-916 Schedule of fees and charges—Fees for post entry inspection services—Effective June 30, 2001. [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.] Repealed by 03-10-082, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 17.24 and 34.05 RCW.
- 16-470-920 Schedule of fees and charges—Miscellaneous fees—Effective June 30, 1999. [Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-920, filed 5/26/99, effective 6/26/99; 92-07-023, § 16-470-920, filed 3/10/92, effective 4/10/92.] Repealed by 99-21-049, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapter 17.24 RCW.

WAC 16-470-010 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 16-470-020 Quarantine—Gypsy moth—Area under order. (1) Interior quarantine. Real and personal properties within Washington state and adjacent properties where the department has identified multiple gypsy moth life stages and where occupants and/or owners of those properties have been notified by the department of the gypsy moth infestation and to the effect that the subject property is under quarantine pursuant to chapter 16-470 WAC rules and requirements.

(2) Exterior quarantine. All areas of the United States and Canada that are declared high risk by the United States Department of Agriculture, animal, plant, health inspection service, plant protection and quarantine.

(3) The following definition shall apply to WAC 16-470-020 through 16-470-060: "Gypsy moth (*Lymantria dispar*)" means a lepidopterous insect of the family Lymandriidae which in the larval stage defoliates many species of trees and shrubs.

[Statutory Authority: Chapter 17.24 RCW. 86-07-020 (Order 1881), § 16-470-020, filed 3/12/86; 84-10-039 (Order 1822), § 16-470-020, filed 5/1/84, effective 7/1/84.]

WAC 16-470-030 Quarantine/gypsy moth hosts and carriers. The following articles and commodities are placed under quarantine when located within or originating from an area as described in WAC 16-470-020:

(1) Trees, shrubs with persistent woody stems, Christmas trees and parts of such trees and shrubs (except seeds, fruits and cones).

(2) Timber and building materials, including but not limited to such items as lumber, planks, poles, logs, firewood, pulpwood, fencing and building blocks.

(3) Mobile homes, recreational vehicles, trailers, boats, camping gear, and associated equipment.

(4) Outdoor household articles including but not limited to such items as furniture, toys, garden tools, garden machinery, animal houses.

(5) Any other items or means of conveyance not covered above when that item or conveyance presents a hazard of the spread of any life stage of gypsy moth.

[Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-030, filed 5/1/84, effective 7/1/84.]

WAC 16-470-040 Gypsy moth quarantine restrictions—Interior. Items under quarantine are prohibited movement from the area under quarantine except as follows:

(1) Any item under quarantine may be inspected and certified for movement by a department inspector if, in the inspector's judgment, it is free of all stages of gypsy moth.

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Any item that in the judgment of the department inspector is too large or for other reasons cannot be adequately inspected for all stages of gypsy moth will not be certified except as indicated in WAC 16-470-040 (3) and (4).

(2) Garden prunings from trees and shrubs may be moved under Washington state department of agriculture permit to the city or county dumps where such material is to be buried, incinerated, composted, or otherwise treated or handled in a manner that is approved by a department inspector and does not pose a hazard to the spread of gypsy moth life stages. A department permit is not necessary for such material picked up by city or county vehicles or trucking companies under contract to haul such material to county approved facilities for disposal.

(3) Any item which cannot be adequately inspected as stated in WAC 16-470-040(1) may be moved from the quarantine area if cleaned or treated as prescribed by the director and in a manner satisfactory to the department inspector. Such items cleaned or treated shall be certified by a department inspector before movement from the quarantine area.

(4) Department inspectors may also certify items for movement when in their judgment the item has not been exposed to infestation, or has not been exposed to infestation after being properly inspected, cleaned or treated.

(5) Expense of cleaning or treatment of articles or commodities for gypsy moth shall be the responsibility of the person in possession of the articles or commodities, or the consignee in case of commercial shipment by common carriers of household goods.

[Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-040, filed 5/1/84, effective 7/1/84.]

WAC 16-470-050 Gypsy moth quarantine restrictions—Exterior. Quarantined articles and commodities are prohibited entry into Washington state except as follows:

(1) Articles and commodities covered originating in the area under quarantine may enter this state: Provided, That the articles or commodities are accompanied by a certificate issued by an authorized agricultural official in the state or province of origin which contains the following information:

(a) The designation of the articles and commodities.

(b) The county and state or province of origin.

(c) A statement verifying that all the articles and commodities were inspected for all stages of gypsy moth, and:

(i) They originated in noninfested premises in the area under quarantine and have not been exposed to gypsy moth while in the area under quarantine; or

(ii) Upon inspection, they were found to be free of any stage of gypsy moth; or

(iii) They were treated at origin under the direction of an agricultural official to destroy any stage of gypsy moth; the method of treatment used and the date of the treatment shall also be stated; or

(iv) They were grown, produced, manufactured, stored or handled in such a manner that no stage of gypsy moth would be transmitted on them.

(d) The original or facsimile signature of the authorized agricultural official.

(2) The certificate required under WAC 16-470-050(1) may be issued by a private enterprise: Provided, That the enterprise has been approved by the director, or by the United

States Department of Agriculture, animal and plant health inspection service, plant protection and quarantine as having employees who have successfully completed a training program approved by the director or the United States Department of Agriculture, conducted by private organizations or state government officials, in the inspection for and treatment of gypsy moth; and the inspection and any treatment was performed, and the certificate issued by, one of those employees.

(3) Any certificate issued by a private enterprise shall contain the information required in WAC 16-470-050(1): Provided, That the statement relating to treatment at origin in WAC 16-470-050 (1)(c) shall verify that the articles and commodities were treated at origin by an employee who has successfully completed an approved training program in the inspection for and treatment of gypsy moth; and the signature required in WAC 16-470-050 (1)(d), shall be that of the employee issuing the certificate.

(4) The certificate required in WAC 16-470-050(1) shall be securely attached to the outside of the container containing the articles or commodities, or securely attached to the article or commodity itself if not in a container, or securely attached to the consignee's copy of the weighbill or other shipping document.

(5) Any article or commodity covered in WAC 16-470-030 which originated in the area under quarantine and is not accompanied by the certificate required may:

(a) Enter Washington, if, in the determination of the department, the article or commodity is:

(i) Cleaned or treated to destroy gypsy moth at the point of entry; or

(ii) Cleaned or treated to destroy gypsy moth in the county of destination, under the supervision of the department, prior to release of the article or commodity. Any shipment containing articles or commodities to be cleaned or treated in the county of destination shall be sealed at point of entry or origin and held under quarantine in that county until the treatment or cleaning is to occur.

(b) Be refused entry in Washington, if, in the opinion of the department inspector that:

(i) Cleaning or treatment to destroy gypsy moth at the point of entry would interfere with the movement of interstate commerce; and/or

(ii) Cleaning or treatment to destroy gypsy moth in the county of destination presents a high risk of dissemination of gypsy moth during transit or it is not possible to effectively clean or treat due to lack of facilities and/or needed equipment or lack of personnel in that county.

(c) Expense of cleaning or treatment of articles and commodities for gypsy moth at point of arrival in Washington state, or in the county of destination shall be the responsibility of the person in possession of the articles and commodities or the consignee in the case of commercial shipment by common carrier of household goods.

(6) No certificate is required for movement into Washington of articles and commodities covered in WAC 16-470-030 that originated outside an area under quarantine when the point of origin is clearly indicated, their identify has been maintained and they have been safeguarded against infestation by gypsy moth while in the area under quarantine.

[Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-050, filed 5/1/84, effective 7/1/84.]

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WAC 16-470-060 Special permits. The director may issue special permits admitting articles or commodities covered in WAC 16-470-030 not otherwise eligible for entry from the area under quarantine, subject to such conditions and provisions deemed necessary for protection of Washington agriculture.

[Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-060, filed 5/1/84, effective 7/1/84.]

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 significant portions of 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: Chapters 17.24 and 34.05 RCW. 06-14-004, § 16-470-101, filed 6/22/06, effective 8/1/06. 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.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 05-09-005, § 16-470-103, filed 4/7/05, effective 8/15/05. 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 portions of Washington state:

(a) Counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Stevens, Walla Walla, and Whitman.

(b) The portion of Kittitas County designated as follows: Beginning at the point where Interstate Highway No. 90 crosses longitude 120°31' W; thence southerly to the Kittitas

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- Yakima County line; thence easterly along the county line to the Columbia River; thence northerly along the Columbia River to Interstate Highway No. 90; thence westerly along Interstate Highway No. 90 to the point of beginning.

(c) Yakima County, except for the area designated in subsection (2)(c) of this section.

(2) A quarantine for apple maggot is declared for the following portions of Washington state:

(a) Counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Snohomish, Spokane, Skagit, Skamania, Thurston, Wahkiakum, and Whatcom.

(b) Kittitas County, except for the area designated in subsection (1)(b) of this section.

(c) The portion of Yakima County designated as follows: Beginning at the northeastern corner of Yakima County on the west bank of the Columbia River; thence southerly along the Columbia River to the Yakima-Benton County line; thence southerly along the county line to latitude N46°30'; thence west to longitude W120°20'; thence north to latitude N46°30.48'; thence west to longitude W120°25'; thence north to latitude N46°31.47'; thence west to longitude W120°28'; thence north to latitude N46°32'; thence west to longitude W120°36'; thence south to latitude N46°30'; thence west to longitude W120°48'; thence southerly to the Klickitat-Yakima County line; thence westerly along the county line to the Yakima-Skamania County line; thence northerly along the county line to the Lewis-Yakima County line; thence easterly and northerly along the county line to the Pierce-Yakima County line; thence northerly and easterly along the county line to the Kittitas-Yakima County line; thence easterly and southerly along the county line to the west bank of the Columbia River and the point of beginning.

(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: Chapters 17.24 and 34.05 RCW. 06-14-004, § 16-470-105, filed 6/22/06, effective 8/1/06; 05-09-005, § 16-470-105, filed 4/7/05, effective 8/15/05; 04-09-027, § 16-470-105, filed 4/13/04, effective 8/16/04. 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.]

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WAC 16-470-111 What commodities are regulated for apple maggot? All fresh fruit of apple (including crab apple), cherry (except cherries that are commercial fruit), hawthorn (haw), pear (except pears that are commercial fruit from California, Idaho, Oregon, Utah, and Washington), plum, prune, and quince are regulated under quarantine for apple maggot.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 06-14-004, § 16-470-111, filed 6/22/06, effective 8/1/06. 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 areas? 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-

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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: Chapters 17.24 and 34.05 RCW. 06-14-004, § 16-470-115, filed 6/22/06, effective 8/1/06. 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 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: Chapters 17.24 and 34.05 RCW. 06-14-004, § 16-470-118, filed 6/22/06, effective 8/1/06. Statutory Authority: Chapter 17.24 RCW. 01-14-075, § 16-470-118, filed 7/3/01, effective 8/3/01.]

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 16-470-300 Quarantine—Onion white rot disease. Onion white rot is a potentially devastating disease of onions and closely related species, which causes greatly decreased yields and reduced storage quality. It is spread primarily by movement of contaminated water, soil, equipment, tools, machinery, and infested plants and plant parts. Onion white rot disease is caused by *Sclerotium cepivorum*, a fungus. Once a field is infested, the disease remains indefinitely in the soil. The director finds that onion white rot disease is detrimental to the onion industry of Washington state and establishes a quarantine to prevent introduction and spread of the disease within noninfested areas of Washington state.

[Statutory Authority: Chapter 17.24 RCW. 01-01-013, § 16-470-300, filed 12/6/00, effective 1/6/01; 86-07-020 (Order 1881), § 16-470-300, filed 3/12/86; 85-20-043 (Order 1873), § 16-470-300, filed 9/25/85.]

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WAC 16-470-305 Onion white rot disease—Definitions. The following definitions apply to WAC 16-470-300 through 16-470-340:

(1) "Onion" means any plant of the *Allium* genus, including, but not limited to, onion, garlic, leek, chive and shallots.

(2) "Pest-free area for onion white rot" means Adams, Franklin and Grant counties.

[Statutory Authority: Chapter 17.24 RCW. 01-01-013, § 16-470-305, filed 12/6/00, effective 1/6/01.]

WAC 16-470-310 Onion white rot disease—Area under order. The area under exterior quarantine for onion white rot disease is all states of the United States. The area under interior quarantine for onion white rot disease is all counties of Washington state.

[Statutory Authority: Chapter 17.24 RCW. 01-01-013, § 16-470-310, filed 12/6/00, effective 1/6/01; 85-20-043 (Order 1873), § 16-470-310, filed 9/25/85.]

WAC 16-470-320 Onion white rot disease—Restrictions—Control—Prevention—Sanitation. The following restrictions are declared to be the proper methods for the control and prevention of the introduction of onion white rot disease, which shall be used in the pest-free area for onion white rot:

(1) No person shall import onion bulbs, sets or seedlings into the pest-free area for onion white rot for the purpose of planting or propagation, except those produced in and shipped from any area of this state or other states where onion white rot is not known to occur. Each shipment must be certified to be free from white rot disease by the pest protection organization of the state where the onion planting stock was produced.

(2) Except as provided in this chapter, no person shall in any manner import or move soil, machinery, tools, or equipment into the pest-free area for onion white rot. If the soil, machinery, tools, or equipment have been previously used in any manner in fields outside the pest-free area for onion white rot. Machinery, tools or equipment may be imported or moved into the pest-free area for onion white rot with prior approval from the department. The soil, machinery, tools or equipment must be cleaned and sanitized to the satisfaction of the department prior to movement into the pest-free area for onion white rot. The cleaning shall include the thorough removal of all soil and debris by the use of steam under pressure. Sanitation must be accomplished by the use of steam or other methods approved by the department. For the purposes of this section, "machinery, tools or equipment" includes but is not limited to vehicles, farm trucks, harvesters, and tillage equipment.

(3) The department may stop the movement into or within the pest-free area for onion white rot of any machinery, tools or equipment that has not been cleaned and sanitized as provided in this section.

(4) No person shall knowingly import into the pest-free area for onion white rot livestock which have been pastured on irrigated fields known to be infested with white rot or which have been fed white rot infested plant parts. Onion white rot infested plant parts may not be imported into the quarantine area for livestock feed. Onion white rot infested

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plant parts found in the pest-free area for onion white rot may not be fed to livestock. No restrictions are imposed by this section on livestock moving to feed lots, sale yards, or exhibition sites (such as fairgrounds, shows, etc.) in the pest-free area for onion white rot.

[Statutory Authority: Chapter 17.24 RCW. 01-01-013, § 16-470-320, filed 12/6/00, effective 1/6/01; 85-20-043 (Order 1873), § 16-470-320, filed 9/25/85.]

WAC 16-470-330 Onion white rot disease—Enforcement. (1) The department may inspect any onions or onion planting areas within the pest-free area for onion white rot during any time of the year to determine whether the disease organism is present. If the department finds the disease organism in onions at any stage of production or transportation or in land, the department may seize any infested onions which are separated from the land on which they were grown, or by written order direct the control and eradication of an infestation.

(2) Movement of infested onions within the pest-free area for onion white rot or removal of infested onions from the pest-free area for onion white rot must be carried out only with the department's prior approval and under its supervision.

(3) Control and eradication methods that may be used are limited to those approved by the department. They may include:

- (a) The destruction of any infested onions;
- (b) A directive that a specific part or all of any infested area be taken out of onion production;
- (c) A directive that any infested area be fenced, properly diked to prevent off-flow of irrigation or rainwater, and planted to an approved crop which will prevent soil erosion and will not require annual tillage;
- (d) Prohibiting the pasturing of animals on any infested area;
- (e) A directive that equipment, tools and machinery used on an infested area be cleaned and sanitized as described in WAC 16-470-320 prior to removal from the area.

[Statutory Authority: Chapter 17.24 RCW. 01-01-013, § 16-470-330, filed 12/6/00, effective 1/6/01; 85-20-043 (Order 1873), § 16-470-330, filed 9/25/85.]

WAC 16-470-340 Onion white rot disease—Research. The department may, with the consent of the owner, allow use of an infested growing area as an experimental plot by Washington State University for onion white rot research. Use of the growing area for research shall be subject to the prior approval of, and supervised by the department.

[Statutory Authority: Chapter 17.24 RCW. 85-20-043 (Order 1873), § 16-470-340, filed 9/25/85.]

WAC 16-470-400 Quarantine—Chestnut. The director finds that chestnut pests not known to occur in Washington may be detrimental to the chestnut industry of Washington state and a quarantine is established to prevent the introduction of designated chestnut pests into Washington state.

[Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-400, filed 10/3/85.]

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WAC 16-470-410 Chestnut—Area under quarantine. The area under quarantine for designated chestnut pests includes all states and districts of the United States.

[Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-410, filed 10/3/85.]

WAC 16-470-420 Chestnut—Pests. The following are designated chestnut pests: Chestnut bark disease (*Endothia parasitica*); large chestnut weevil (*Curculio caryatrypes*); small chestnut weevil (*Curculio sayi*); nut curculio (*Conotrachelus carinifer*); and the oriental chestnut gall wasp (*Dryocosmus kuriphilus*).

[Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-420, filed 10/3/85.]

WAC 16-470-430 Chestnut pests—Hosts and carriers—Commodities under quarantine. Commodities under quarantine are all known carriers of designated pests listed in WAC 16-470-420, including but not limited to all species and varieties of chestnut (*Castanea* spp.) and chinquapin (*Castanopsis* spp.) trees, plants and parts thereof including grafts, cuttings, scions, nuts, logs and firewood.

[Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-430, filed 10/3/85.]

WAC 16-470-440 Chestnut quarantine—Restrictions—Requirements. Commodities under quarantine for designated chestnut pests are prohibited entry into Washington state from areas under quarantine (see WAC 16-470-410) except as provided below:

(1) Commodities under quarantine produced in Arizona, California, Idaho, Nevada, Oregon and Utah may be shipped into Washington state: Provided, That each shipment is identified by proper origin certification stating the shipment originated in that state.

(2) Commodities under quarantine produced in any area of Montana, Wyoming, Colorado, New Mexico, or any states east thereof may be shipped into Washington state: Provided, That each shipment is accompanied by a certificate bearing original or facsimile signature of the authorized agricultural official affirming that chestnut bark disease, large chestnut weevil, small chestnut weevil, nut curculio, and oriental chestnut gall wasp are not known to occur within the production area of the origin state.

(3) Commodities under quarantine produced in any area where chestnut bark disease, large chestnut weevil, small chestnut weevil, nut curculio, and oriental chestnut gall wasp are known to occur may be shipped into Washington state: Provided, That the commodities under quarantine have been treated in a manner recommended by the origin department of agriculture or university extension service and approved by the department. Each shipment shall be accompanied by a certificate bearing the original or facsimile signature of the authorized agricultural official stating the commodity is free from quarantined pests, and stating in detail the treatment used.

(4) No restrictions are placed on the nuts of all species and varieties of chestnut and chinquapin that are grown in and imported from foreign countries as regulated by the United States Department of Agriculture and reshipped into

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Washington state when shipped in unopened, original containers.

(5) In addition to all other penalties prescribed in WAC 16-470-015, all host material listed in WAC 16-470-430 entering Washington state in violation of this quarantine will immediately be shipped out of Washington or destroyed by the person or persons in possession of the material in a manner approved by the department at no cost to the department.

[Statutory Authority: Chapter 17.24 RCW, 85-21-003 (Order 1875), § 16-470-440, filed 10/3/85.]

WAC 16-470-700 Quarantine—Japanese beetle. A quarantine is established under this chapter against all life stages of the insect pest Japanese beetle (*Popillia japonica* Newman), a member of the family Scarabaeidae. The Japanese beetle is a persistent, serious and highly destructive pest, attacking the roots, leaves, and fruits of over three hundred kinds of plants including fruit trees, ornamentals, and field and vegetable crops. The director of agriculture has determined that the regulation and exclusion of Japanese beetle is necessary to protect the environmental quality, forests, floriculture and agricultural crops of the state of Washington.

[Statutory Authority: Chapter 17.24 RCW, 00-23-098, § 16-470-700, filed 11/21/00, effective 12/22/00; 90-15-042 (Order 2049), § 16-470-700, filed 7/16/90, effective 8/16/90.]

WAC 16-470-705 Areas under quarantine. (1) The entire states of Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, the Provinces of Ontario and Quebec, and any other state, province, parish, or county where infestations of Japanese beetle are detected are declared to be under quarantine for Japanese beetle.

(2) The director may exempt individual counties of the states under quarantine from meeting the conditions in WAC 16-470-715 if the director determines that:

(a) The state has adopted and is enforcing restrictions on the interstate and intrastate movement of regulated articles that are equivalent to or exceed the restrictions placed on the movement of regulated articles as provided in WAC 16-470-715; and

(b) Annual surveys are conducted in such counties and the results of these surveys are negative for Japanese beetle; and

(c) One or more neighboring counties are not subject to an unacceptable heavy Japanese beetle infestation.

(3) A plant health official of any state may request exemption of one or more counties under subsection (2) of this section. The request must be in writing, and it must state the area surveyed, the survey method, personnel conducting the survey, and dates of any previous Japanese beetle infestations in that county.

[Statutory Authority: Chapter 17.24 RCW, 00-23-098, § 16-470-705, filed 11/21/00, effective 12/22/00; 90-15-042 (Order 2049), § 16-470-705, filed 7/16/90, effective 8/16/90.]

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WAC 16-470-710 Regulated articles. The following are declared to be hosts or possible carriers of Japanese beetle and are prohibited entry into this state from an area under quarantine as declared in WAC 16-470-705 either directly, indirectly, diverted or reconsigned, except as provided for in WAC 16-470-715:

(1) Soil, humus, compost, and manure (except when commercially packaged);

(2) All plants with roots (except bareroot plants free from soil in amounts that could contain concealed Japanese beetle eggs, larvae or pupae);

(3) Grass sod;

(4) Plant crowns or roots for propagation (except when free from soil);

(5) Bulbs, corms, tubers, and rhizomes of ornamental plants (except when free of soil);

(6) Any other plant, plant part, article, or means of conveyance when it is determined by the director to present a hazard of spreading live Japanese beetle due to either infestation, or exposure to infestation.

[Statutory Authority: Chapter 17.24 RCW, 00-23-098, § 16-470-710, filed 11/21/00, effective 12/22/00; 90-15-042 (Order 2049), § 16-470-710, filed 7/16/90, effective 8/16/90.]

WAC 16-470-715 Conditions governing the movement of regulated articles into Washington state. (1) Prior notification is required. Persons shipping regulated articles as specified in WAC 16-470-710 into this state from areas under quarantine must notify the department's plant services program by sending via telefacsimile or other method a copy of the applicable phytosanitary certificate as described in subsection (2) of this section for each shipment. The phytosanitary certificate must state the nature and quantity of the shipment, its expected date of arrival at destination, the name of the intended receiver and the destination. The person to whom the commodities are shipped must hold the shipment until it is inspected and released by the department.

(2) Each shipment of regulated articles must be accompanied by a phytosanitary certificate from the state of origin certifying that the commodity, soil, or means of conveyance is treated with methods and procedures approved and prescribed by the director. Approved methods and procedures include those specified in the National Plant Board U.S. Domestic Japanese Beetle Harmonization Plan Appendix 1. Shipment to Category 1 States.

(3) Privately owned houseplants grown indoors may be allowed entry into this state if a department official inspects the plants and determines that they are free from Japanese beetle.

[Statutory Authority: Chapter 17.24 RCW, 00-23-098, § 16-470-715, filed 11/21/00, effective 12/22/00; 90-15-042 (Order 2049), § 16-470-715, filed 7/16/90, effective 8/16/90.]

[Statutory Authority: Chapter 17.24 RCW, 00-23-098, § 16-470-715, filed 11/21/00, effective 12/22/00; 90-15-042 (Order 2049), § 16-470-715, filed 7/16/90, effective 8/16/90.]

WAC 16-470-720 Special permits. The director may issue special permits admitting regulated articles specified in WAC 16-470-710 that are not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the introduction, escape, or spread of Japanese beetle.

[Statutory Authority: Chapter 17.24 RCW. 00-23-098, § 16-470-720, filed 11/21/00, effective 12/22/00; 90-15-042 (Order 2049), § 16-470-720, filed 7/16/90, effective 8/16/90.]

WAC 16-470-900 Schedule of fees and charges—Billing policies and procedures. (1) All billable services provided under chapter 17.24 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing. Accounts not paid in full within thirty days of billing are considered delinquent.

(2) All delinquent accounts are assessed a late charge equal to one and one-half percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system is twenty dollars. All billable services of less than twenty dollars are due and payable on the date that service is rendered.

(4) No person with an account ninety days or more in arrears will receive service except on the basis of payment in full at the time service is rendered. Such accounts are not restored to monthly billing status until all past due amounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety days or more in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 05-12-111, § 16-470-900, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-900, filed 5/26/99, effective 6/26/99; 92-07-023, § 16-470-900, filed 3/10/92, effective 4/10/92.]

WAC 16-470-905 Schedule of fees and charges—Establishing hourly rates. (1) Requested services are provided at the applicable hourly rate except as provided in subsection (5) of this section. The hourly rate for nonbusiness hours applies for service provided before 8:00 a.m. or after

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+ samples
nematode	36.15 ea	33.30 ea	30.55 ea	29.80 ea	27.75 ea

Note: To receive volume rates, samples must be submitted as a unit and identification requests must be for one specific nematode, unless more than one nematode can be detected in a single test without additional inputs.

(4) The department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate for projects with at least one of the following characteristics:

- (a) Projects greater than one hundred samples;
- (b) Projects requiring materials not readily available; or
- (c) Projects requiring special handling or prolonged incubation periods.

The rate charged shall not be less than the cost to the department of performing the tests.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-012, § 16-470-912, filed 5/3/07, effective 7/1/07; 06-15-044, § 16-470-912, filed 7/11/06, effective 8/11/06; 05-12-111, § 16-470-912, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapters 17.24, 15.14, and 34.05 RCW. 05-01-180, § 16-470-912, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapters 17.24 and 34.05 RCW. 04-17-036, § 16-470-912, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 15.14, 17.24, and 34.05 RCW. 03-21-166, § 16-470-912, filed 10/22/03, effective 11/22/03. Statutory

5:00 p.m. during the workday and for all services provided on Saturday, Sunday, or on a holiday listed in subsection (2) of this section.

(2) Holidays shall mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.

(3) Charges are assessed in one-half hour increments.

(4) Persons requesting service with less than twenty-four hours notice during nonbusiness hours, may be subject to a charge of two additional hours at the nonbusiness hourly rate if the department is required to pay call back pay to the employee(s) providing the requested service.

(5) The department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate for projects with one of the following characteristics:

- (a) Projects requiring multiple periodic inspections and/or certificates; or
- (b) Projects requiring field inspections of crops not regulated under chapter 15.13 or 15.14 RCW.

The rate charged shall not be less than the cost to the department of providing the services.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 03-10-082, § 16-470-905, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapter 17.24 RCW. 99-12-035, § 16-470-905, filed 5/26/99, effective 6/26/99; 92-07-023, § 16-470-905, filed 3/10/92, effective 4/10/92.]

WAC 16-470-912 Schedule of fees and charges—Applicable fees and charges. (1) Hourly rate.

Hourly rate - business hours	\$34.80
Hourly rate - nonbusiness hours	\$44.45

(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) Nematology laboratory diagnostic fees are as follows:

Authority: Chapters 17.24 and 34.05 RCW. 03-10-082, § 16-470-912, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 17.24 and 15.14 RCW. 01-11-033, § 16-470-912, filed 5/8/01, effective 6/8/01.]

WAC 16-470-917 Schedule of fees and charges—Fees for post entry inspection services. (1) Post entry site inspection and/or permit review and approval. . . . \$69.85

(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 34.05 RCW. 07-11-012, § 16-470-917, filed 5/3/07, effective 7/1/07; 06-15-044, § 16-470-917, filed 7/11/06, effective 8/11/06; 05-12-111, § 16-470-917, filed 5/31/05, effective 7/1/05; 04-17-036, § 16-470-917, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 15.14, 17.24, and 34.05 RCW. 03-21-166, § 16-470-917, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 17.24 and 34.05 RCW. 03-10-082, § 16-470-917, filed 5/6/03, effective 6/30/03.

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. (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 will be charged back to the applicant at the actual cost.

(3) Certificates of inspection, phytosanitary certificates, and other official documents will be provided to the applicant subject to the charges and conditions established in chapter 16-401 WAC.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 03-10-082, § 16-470-921, filed 5/6/03, effective 6/30/03. 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 16-472 WAC

BARBERRY AND BLACK STEM RUST

WAC

16-472-010	Establishing quarantine—Promulgation.
16-472-020	Duty to destroy rust susceptible barberry bushes.
16-472-030	This rule does not apply to rust-resistant <i>Berberis</i> , <i>Mahonia</i> , and <i>Mahoberberis</i> plants or seeds.
16-472-040	All packages to be plainly labelled or stamped.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-472-050	Revisions of previous conflicting regulations. [Order 556, effective 9/1/49.] Repealed by 00-20-069, filed 10/3/00, effective 11/3/00. Statutory Authority: Chapters 17.24, 15.13, and 15.08 RCW.
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WAC 16-472-010 Establishing quarantine—Promulgation. The common barberry, (*Berberis vulgaris*) and many of its horticultural varieties as well as certain other species of *Berberis*, *Mahonia*, and *Mahoberberis* are the alternate host plants of the disease black stem rust, caused by the organism *Puccinia graminis*. Black stem rust attacks wheat, oats, barley, rye, and many other cultivated and wild grasses, often resulting in material financial loss to growers of these crops in Washington. Without access to alternate host plants, *Puccinia graminis* cannot reproduce, and black stem rust is eliminated or greatly decreased. The director of agriculture, under authority granted by chapters 17.24, 15.13 and 15.08 RCW, has determined that the regulation and exclusion of rust susceptible varieties of barberry and related *Berberis*, *Mahonia*, and *Mahoberberis* species is necessary to protect agricultural crops of the state of Washington.

[Statutory Authority: Chapters 17.24, 15.13, and 15.08 RCW. 00-20-069, § 16-472-010, filed 10/3/00, effective 11/3/00; Order 556, effective 9/1/49.]

WAC 16-472-020 Duty to destroy rust susceptible barberry bushes. (1) Persons owning or controlling public (2009 Ed.)

or private lands in Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, or Yakima counties are required to destroy all rust-susceptible barberry bushes and to keep the land free from such plants.

(2) No person who is or should be licensed as a nursery dealer under provisions of chapter 15.13 RCW may sell, offer for sale, ship or grow any rust susceptible variety of barberry or related *Berberis*, *Mahonia*, and *Mahoberberis* species, as defined in 7 C.F.R. 301.38-2.

[Statutory Authority: Chapters 17.24, 15.13, and 15.08 RCW. 00-20-069, § 16-472-020, filed 10/3/00, effective 11/3/00; Order 556, effective 9/1/49.]

WAC 16-472-030 This rule does not apply to rust-resistant *Berberis*, *Mahonia*, and *Mahoberberis* plants or seeds. No restrictions are placed by this rule on the growing or intrastate movement of rust-resistant *Berberis*, *Mahonia*, and *Mahoberberis* plants, plant parts or seeds, as defined in United States Department of Agriculture Animal and Plant Health Inspection Service regulations in 7 C.F.R. 301.38-2.

This rule does not apply to cuttings (without roots) of *Mahonia* shipped for decorative purposes and not for propagation.

[Statutory Authority: Chapters 17.24, 15.13, and 15.08 RCW. 00-20-069, § 16-472-030, filed 10/3/00, effective 11/3/00; Order 556, effective 9/1/49.]

WAC 16-472-040 All packages to be plainly labelled or stamped. (1) All intrastate and interstate shipments and/or individual packages of *Berberis*, *Mahonia* or *Mahoberberis* plants, seeds, or parts capable of propagation must be plainly labelled or stamped on the outside of the package with botanical species or horticultural variety and the name and address of the consignee and consignor. In addition, when required by federal regulations in 7 C.F.R. 301.38, each shipment and/or individual package containing *Berberis*, *Mahonia* or *Mahoberberis* plants or seeds must have securely attached to the outside, a valid shipping permit issued by the United States Department of Agriculture authorizing its interstate movement.

(2) Any *Berberis*, *Mahonia* and *Mahoberberis* plants, plant parts or seeds that are in violation of this barberry and black stem rust quarantine are subject to destruction, shipment out-of-state or other disposition in a manner prescribed by the department. Any such action will be at the expense of the owner or owner's agent and without compensation.

[Statutory Authority: Chapters 17.24, 15.13, and 15.08 RCW. 00-20-069, § 16-472-040, filed 10/3/00, effective 11/3/00; Order 556, effective 9/1/49.]

Chapter 16-473 WAC

LENTIL ANTHRACNOSE QUARANTINE

WAC

16-473-001	Promulgation—Establishing quarantine.
16-473-010	Regulated articles.
16-473-015	Quarantine areas.
16-473-020	Prohibited acts.
16-473-025	Permits.

WAC 16-473-001 Promulgation—Establishing quarantine. The disease anthracnose of lentils (caused by the plant pathogen *Colletotrichum truncatum* (Schwein)) is

potentially devastating to the Washington lentil crop. The disease has become established in central Canada and contiguous lentil growing areas of North Dakota and South Dakota, all of which produce lentil varieties grown in Washington. Anthracnose of lentils is a seed borne disease. In order to prevent its introduction, the director, under authority provided in chapter 17.24 RCW, establishes a quarantine.

[Statutory Authority: RCW 17.24.041. 97-11-015, § 16-473-001, filed 5/12/97, effective 6/12/97.]

WAC 16-473-010 Regulated articles. Regulated articles include lentils used, or intended to be used, as seed.

[Statutory Authority: RCW 17.24.041. 97-11-015, § 16-473-010, filed 5/12/97, effective 6/12/97.]

WAC 16-473-015 Quarantine areas. Quarantine areas are the Canadian provinces of Manitoba, Saskatchewan, and Alberta, the states of North Dakota and South Dakota, and any other states and territories of the United States and foreign countries known to have confirmed the presence of anthracnose of lentils.

[Statutory Authority: RCW 17.24.041. 97-11-015, § 16-473-015, filed 5/12/97, effective 6/12/97.]

WAC 16-473-020 Prohibited acts. The sale, offering to sell, transporting, disposing of, distributing and/or planting of regulated articles as defined in WAC 16-473-010 from or originating in the quarantine area as listed in WAC 16-473-015 is prohibited.

[Statutory Authority: RCW 17.24.041. 97-11-015, § 16-473-020, filed 5/12/97, effective 6/12/97.]

WAC 16-473-025 Permits. The director may allow, by special permit, the transportation, distribution, disposal of or planting of regulated articles, listed in WAC 16-473-010. Such permit shall specify terms and conditions, pursuant to RCW 17.24.041 and 17.24.091. Permits may be requested from the Washington state department of agriculture, plant protection program at telephone number (360) 902-2071.

[Statutory Authority: RCW 17.24.041. 97-11-015, § 16-473-025, filed 5/12/97, effective 6/12/97.]

Chapter 16-478 WAC EUROPEAN CORN BORER

WAC

16-478-010	Establishing quarantine for European corn borer.
16-478-020	Area under quarantine.
16-478-030	Definitions.
16-478-040	Regulated articles.
16-478-050	Requirements for shipping regulated articles from an area under quarantine.
16-478-065	Special permits.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-478-001	Promulgation. [Order 607, Promulgation, effective 7/23/51.] Repealed by 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.
16-478-00101	Promulgation. [Order 1476, § 16-478-00101, filed 7/2/76.] Repealed by 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.

16-478-060	Enforcing powers. [Order 607, effective 7/23/51.] Repealed by 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.
16-478-070	Federal shipments exempt. [Order 607, effective 7/23/51.] Repealed by 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.
16-478-080	Commodities covered subject to other rules and regulations. [Order 607, effective 7/23/51.] Repealed by 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.
16-478-090	Disposition of violations and penalties. [Order 607, effective 7/23/51.] Repealed by 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.
16-478-100	Common carrier agents must hold shipments. [Order 607, effective 7/23/51.] Repealed by 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.

WAC 16-478-010 Establishing quarantine for European corn borer. European corn borer (*Ostrinia nubilalis*) is a nonnative, invasive insect which has infested most of North America since its introduction in the early 1900's. Its host range constitutes a wide range of plants, including important food and nursery crops grown in this state. The director of agriculture, pursuant to authorities in chapter 17.24 RCW, has determined that the exclusion of European corn borer at all stages of its life cycle is necessary to protect the environmental quality and agricultural crops of the state of Washington.

[Statutory Authority: Chapter 17.24 RCW. 00-23-097, § 16-478-010, filed 11/21/00, effective 12/22/00; Order 607, effective 7/23/51.]

WAC 16-478-020 Area under quarantine. All states and districts of the United States except the states of Arizona, California, Idaho, Nevada, Oregon and Utah.

[Order 607, effective 7/23/51.]

WAC 16-478-030 Definitions. (1) "European corn borer inspection certificate" means a certificate issued by an authorized agent of the agricultural regulatory agency of the state of origin, which includes all of the following information:

- Kind and quantity of the commodity in the shipment lot.
- Railway car number or vehicle identification of the carrier.
- Names and addresses of both the shipper and the consignee.
- Date issued.
- Identity of issuing agent.
- Any other information required in WAC 16-478-050.

If the certificate includes information regarding fumigation as a treatment method, the certificate must include the material(s) used, the dosage schedule, temperature, period of exposure, and date of treatment.

(2) "Infested area" means any area located within the following:

- Entire states of Alabama, Arkansas, Connecticut, Colorado, Delaware, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania,

Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, or the District of Columbia; or

(b) Portions of the state of Texas in Bailey, Carson, Castro, Dallam, Deaf Smith, Floyd, Gray, Hale, Hansford, Hartley, Hutchinson, Lamb, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Robers, Sherman and Swisher counties; or

(c) Portions of the state of Florida in Escambia and Santa Rosa counties.

(3) "Noninfested area" means all locations in the area under quarantine as designated in WAC 16-478-020 that are not listed as infested in WAC 16-478-030(2).

(4) "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.

[Statutory Authority: Chapter 17.24 RCW. 00-23-097, § 16-478-030, filed 11/21/00, effective 12/22/00; Order 607, effective 7/23/51.]

WAC 16-478-040 Regulated articles. The following products and commodities are regulated under this quarantine as hosts or possible carriers of European corn borer:

(1) Corn, broomcorn, sorghums, and Sudan grass plants and plant parts (including, but not limited to, seed and shelled grain, and stalks, ears, cobs, and all other parts, fragments, or debris).

(2) Beans in the pod, beets, celery, bell pepper fruits, endive, Swiss chard, and rhubarb (cut or plants with roots).

(3) Cut flowers or entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia, Japanese hop, dahlia (except tubers without stems) and gladiolus (except corms without stems).

[Statutory Authority: Chapter 17.24 RCW. 00-23-097, § 16-478-040, filed 11/21/00, effective 12/22/00; Order 607, effective 7/23/51.]

WAC 16-478-050 Requirements for shipping regulated articles from an area under quarantine. (1) For shelled grain, seed, and stalks, ears, cobs and other parts, fragments, or debris from an infested area, unless the shipment is addressed in subsection (3) of this section. Shelled grain, seed, and stalks, ears, cobs, and other parts, fragments, or debris of corn, broomcorn, sorghums, and Sudan grass, grown in or shipped from the infested area described in WAC 16-478-030, will be admitted into the state of Washington only when each lot or shipment is accompanied by a European corn borer inspection certificate stating that the conveyance (such as a railcar or truck) was inspected and found free of regulated articles and that at least one of the following conditions has been complied with:

(a) The grain or seed has been passed through a 1/2 inch or less mesh screen or otherwise cleaned prior to loading and is believed to be free from stalks, cobs, stems or other plant parts capable of harboring larvae of the European corn borer;

(b) The grain, seed, or stalks, ears, cobs or other parts, fragments, or debris has been treated, sterilized, or disinfected in a manner approved by the director as adequate to control European corn borer.

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(2) For shelled grain, seed, or stalks, ears, cobs, or other parts, fragments, or debris from a noninfested area, unless the shipment is addressed in subsection (3) of this section. Shelled grain, seed, and stalks, ears, cobs, or other parts, fragments or debris of corn, broomcorn, sorghums, and Sudan grass, grown in or shipped from the noninfested area described in WAC 16-478-030(3) will be admitted into the state of Washington only when each shipment or lot is accompanied by a European corn borer inspection certificate stating both of the following:

(a) That all grain, seed, or stalks, ears, cobs, or other parts, fragments or debris in the shipment was produced in an area where European corn borer is not known to exist based on negative survey data; and

(b) That the continued identity of the shipment has been maintained to assure the shipment was not blended or mixed with grain, seed, plants, plant parts, fragments, or debris produced in or shipped from an infested area.

(3) For small lots and packages of seed. Individual shipments or lots of one hundred pounds or less of clean shelled grain or seed and shipments comprised of packages of less than ten pounds, are exempted from the requirement for a European corn borer inspection certificate stated in subsections (1) and (2) of this section. These small lots are admitted into this state subject to inspection and freedom from other plant parts, fragments, and debris capable of harboring European corn borer.

(4) For vegetable and ornamental plants and plant products. Beans in the pod, beets, celery, bell pepper fruits, endive, Swiss chard, and rhubarb (cut or plants with roots), cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia, Japanese hop, dahlia, (except tubers without stems) and gladiolus (except corms without stems), produced in or shipped from the infested area described in WAC 16-478-030 above will be admitted into the state of Washington only when each lot or shipment is accompanied by a phytosanitary certificate stating that all plants, products or cut flowers in the shipment or lot have been inspected and that one of the following is true:

(a) The shipment was found free from infestation by the European corn borer; or

(b) The plants, products, or cut flowers were grown in a greenhouse in which all host plants have been regularly inspected during the growing season and no evidence of European corn borer was found; or

(c) The plants, products or cut flowers have been treated, sterilized or disinfected in a manner approved by the director as adequate to control European corn borer.

(5) Exemptions.

(a) The requirement for a phytosanitary certificate is waived for shipments or lots of 10 pounds or less of beans in the pod, beets, bell peppers, endive, Swiss chard or rhubarb (cut or plants with roots).

(b) During the period November 30 to May 1, the requirement for a phytosanitary certificate is waived for divisions without stems of the previous year's growth, rooted cuttings, seedling plants and cut flowers of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia and Japanese hop.

(c) No restrictions are placed by this chapter on movement of regulated articles listed in WAC 16-478-040 which

are processed or manufactured in such a manner as to eliminate all danger of carrying European corn borer.

[Statutory Authority: Chapter 17.24 RCW. 00-23-097, § 16-478-050, filed 11/21/00, effective 12/22/00; Order 1476, § 16-478-050, filed 7/2/76; Order 607, effective 7/23/51.]

WAC 16-478-065 Special permits. The director may issue special permits to allow regulated articles grown in or shipped from a quarantine area to enter the state. A special permit may be issued if the director determines that the conditions of the permit are sufficient to protect the environmental quality and agricultural crops of the state of Washington.

[Statutory Authority: Chapter 17.24 RCW. 00-23-097, § 16-478-065, filed 11/21/00, effective 12/22/00.]

Chapter 16-481 WAC GRAPE INSECT PESTS

WAC

16-481-010	Establishing quarantine.
16-481-015	Definitions.
16-481-020	Quarantine area.
16-481-025	Regulated products.
16-481-030	Conditions governing shipments—External.
16-481-050	Equipment cleaning requirements.
16-481-060	Notification requirements.
16-481-070	Disposition of products shipped in violation of this quarantine—Violations.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-481-040	Regulated products. [Order 384, § 4, effective 3/30/43.] Repealed by 91-21-042, filed 10/11/91, effective 11/11/91. Statutory Authority: Chapters 15.13 and 17.24 RCW.
16-481-075	Violations—Penalties. [Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-075, filed 10/11/91, effective 11/11/91.] Repealed by 04-17-035, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 17.24, and 34.05 RCW.

WAC 16-481-010 Establishing quarantine. Grape phylloxera and the vine mealybug are insect pests injurious to grapevines. Grape phylloxera can cause severe reductions in grape yield and ultimately the death of the grapevine. This pest is widely distributed throughout the United States and the world. The vine mealybug injures grapevines by damaging grape bunches and transmitting grape viruses. Introductions of these pests into the state of Washington through infested grapevines, rootstock, and plant cuttings or on contaminated grape cultivation or harvesting equipment could have a severe economic impact on the Washington grape industry. The director, under the authority provided in chapters 17.24 and 15.13 RCW, has established a quarantine to prevent their introduction into the state.

[Statutory Authority: Chapters 15.13, 17.24, and 34.05 RCW. 04-17-035, § 16-481-010, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-010, filed 10/11/91, effective 11/11/91; Order 384, § 1, effective 3/30/43.]

WAC 16-481-015 Definitions. "Department" means the Washington state department of agriculture.

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

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"Grape phylloxera" means the insect *Daktulosphaira vitifoliae* (Fitch) of the order *Homoptera* and family *Phylloxeridae*.

"Hardwood cutting" means a cutting from a grapevine taken during the period of dormancy and not including portions of the trunk of the plant produced during previous growing seasons.

"Infested area" means all states and territories of the United States and all areas outside the United States.

"Softwood cutting" means any cutting taken when the grape plant is not fully dormant.

"Vine mealybug" means the insect *Planococcus ficus* (Signoret) of the order *Homoptera* and family *Pseudococcidae*.

[Statutory Authority: Chapters 15.13, 17.24, and 34.05 RCW. 04-17-035, § 16-481-015, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-015, filed 10/11/91, effective 11/11/91.]

WAC 16-481-020 Quarantine area. There is established under this chapter, an external quarantine area for grape phylloxera and vine mealybug including all states and territories of the United States and all territories outside the United States.

[Statutory Authority: Chapters 15.13, 17.24, and 34.05 RCW. 04-17-035, § 16-481-020, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-020, filed 10/11/91, effective 11/11/91; Order 384, § 2, effective 3/30/43.]

WAC 16-481-025 Regulated products. Products regulated under the grape insect pests quarantine include:

(1) All grapevines, rootstock, and softwood cuttings, rooted or not. Hardwood cuttings meeting the definition in WAC 16-481-016 and dried grapevines used for ornamental purposes are exempt from the requirements in this chapter.

(2) All equipment that has been used for cultivation or harvesting of grapes in a quarantine area.

[Statutory Authority: Chapters 15.13, 17.24, and 34.05 RCW. 04-17-035, § 16-481-025, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-025, filed 10/11/91, effective 11/11/91.]

WAC 16-481-030 Conditions governing shipments—External. (1) Each shipment of grapevines, grape rootstock and/or softwood cuttings from an infested area must be accompanied by a certificate issued by the plant protection organization in the state or country of origin stating that:

(a) The grapevines, rootstock and/or softwood cuttings were grown in and shipped from an area known to be free from grape phylloxera and vine mealybug; or

(b) The grapevines, rootstock or softwood cuttings were grown under an approved sterile media system; or

(c) For small shipments (five hundred articles or less), softwood cuttings were carefully inspected by an authorized inspector and were found to be free from grape phylloxera and vine mealybug; or

(d) The grapevines, rootstock, and/or softwood cuttings were subject to one of the two treatments outlined in subsection (2) of this section or such additional methods as may be determined to be effective and are approved in writing by the director and were stored in a manner after treatment that would prevent reinfestation.

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(2) Acceptable treatments shall include:

(a) Hot water treatment. Dormant, rooted grapevines or rootstock shall be washed to remove all soil or other propagative media. Dormant rooted plants or rootstock shall be immersed in a hot water bath for a period of not less than three minutes nor more than five minutes at a temperature of not less than 125 degrees F. (52 degrees C.) nor more than 130 degrees F. (55 degrees C.) at any time during immersion; or

(b) Methyl bromide fumigation. Grapevines, rootstock or softwood cuttings may be treated by methyl bromide fumigation. Fumigation shall be in an approved gastight fumigation chamber, equipped with a heating unit, fan for dispersal of gas and clearing the chamber of gas after fumigation, and interior thermometer readable from the outside. Fumigation shall be with a dosage of two pounds (0.908 kg.) of methyl bromide per one thousand cubic feet (twenty-eight cubic meters) for a period of three hours at a temperature of between 65 degrees F. (18.3 degrees C.) and 70 degrees F. (21.1 degrees C.). The fan shall be operated for a period of ten minutes after the injection of the gas.

(3) All shipments of grapevines, rootstock and/or softwood cuttings from an infested area shall be plainly marked with the contents on the outside of the package or container as "grapevines," "grape rootstock," or "grape cuttings."

(4) Notification requirements of WAC 16-481-060 are met.

[Statutory Authority: Chapters 15.13, 17.24, and 34.05 RCW. 04-17-035, § 16-481-030, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-030, filed 10/11/91, effective 11/11/91; Order 384, § 3, effective 3/30/43.]

WAC 16-481-050 Equipment cleaning requirements.

(1) All equipment used for cultivation or harvesting of grapes in grape insect pests quarantine areas outside the state or infested properties within the state must be thoroughly washed or steam cleaned to remove all soil and plant material prior to entry into the state of Washington. Such equipment shall be subject to inspection by authorized inspectors of the department of agriculture.

(2) Any equipment found to be in violation of the cleaning requirement shall be subject to detention by the department until such equipment is thoroughly cleaned at the expense of the owner or shipper or provision made to transport the equipment directly out of the state.

[Statutory Authority: Chapters 15.13, 17.24, and 34.05 RCW. 04-17-035, § 16-481-050, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-050, filed 10/11/91, effective 11/11/91; Order 384, § 5, effective 3/30/43.]

WAC 16-481-060 Notification requirements. The plant protection division of the department of agriculture shall be notified by United States mail or telefacsimile to: Plant Protection Division, Washington State Department of Agriculture, 1111 Washington St. S.E., P.O. Box 42560, Olympia, WA 98504-2560; fax 360-902-2094, prior to the shipment of grapevines and/or cuttings under the grape insect pests quarantine into this state from an infested area. Such notice shall include, but not be limited to, the approximate number of the grapevines, rootstock and/or softwood cut-

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tings; the shipper; the consignee; the method of treatment used, if applicable; and the approximate date of delivery.

[Statutory Authority: Chapters 15.13, 17.24, and 34.05 RCW. 04-17-035, § 16-481-060, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-060, filed 10/11/91, effective 11/11/91; Order 384, § 6, effective 3/30/43.]

WAC 16-481-070 Disposition of products shipped in violation of this quarantine—Violations. Any shipment of grapevines, rootstock, and/or softwood shipped into or entering the state of Washington from an infested area and not accompanied by the required certificate and/or not complying with the notification requirement in WAC 16-481-060 shall be returned to the point of origin, or destroyed at the option and expense of the owner or owners, or their responsible agent or agents.

[Statutory Authority: Chapters 15.13, 17.24, and 34.05 RCW. 04-17-035, § 16-481-070, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-070, filed 10/11/91, effective 11/11/91; Order 384, § 7, effective 3/30/43.]

Chapter 16-482 WAC

SEED POTATO QUARANTINE

WAC

16-482-001	Promulgation—Establishing quarantine.
16-482-003	Definitions.
16-482-005	Regulated articles.
16-482-006	Quarantine area.
16-482-010	Regulations—Certified seed requirement.
16-482-015	Regulations—Certified seed—Exceptions.
16-482-016	Exceptions—Permit requirement.
16-482-017	Recordkeeping requirement.
16-482-020	Disposition of material shipped in violation of this quarantine.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-482-007	Regulated area. [Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-007, filed 3/13/91, effective 4/13/91.] Repealed by 07-11-013, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
16-482-030	Violation and penalty. [Order 1126, § 16-482-030, filed 10/9/69, effective 11/10/69.] Repealed by 91-07-016 (Order 2075), filed 3/13/91, effective 4/13/91. Statutory Authority: Chapter 17.24 RCW.
16-482-040	Effective date. [Order 1126, § 16-482-040, filed 10/9/69, effective 11/10/69.] Repealed by 91-07-016 (Order 2075), filed 3/13/91, effective 4/13/91. Statutory Authority: Chapter 17.24 RCW.

WAC 16-482-001 Promulgation—Establishing quarantine. The commercial production of potatoes both for food and for seed in the state of Washington is one of the major agricultural industries. The introduction and spread of serious bacterial, fungal, viral and nematode diseases of potatoes represents a serious economic threat to the industry. A quarantine is established under this chapter requiring the planting of certified seed potatoes in commercial potato production areas to mitigate this threat.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-001, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-001, filed 10/9/69, effective 11/10/69.]

WAC 16-482-003 Definitions. "Department" means the Washington state department of agriculture.

"State National Harmonization Program for seed potatoes" means the United States Department of Agriculture program regarding phytosanitary certification standards for seed potatoes and pest management.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-013, § 16-482-003, filed 5/3/07, effective 6/3/07.]

WAC 16-482-005 Regulated articles. All seed potatoes used throughout the state for commercial plantings in excess of one acre or for any acreage of seed potato production are regulated articles.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-013, § 16-482-005, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-005, filed 3/13/91, effective 4/13/91.]

WAC 16-482-006 Quarantine area. All states and territories of the United States and all counties within the state of Washington.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-006, filed 3/13/91, effective 4/13/91.]

WAC 16-482-010 Regulations—Certified seed requirement. (1) Except as provided in WAC 16-482-015, all seed potatoes planted within the state for commercial or for seed production shall be certified seed, produced as a part of a certified seed potato program in the state or country of origin that meets the requirements of Article 4 of the State National Harmonization Program for seed potatoes.

(2) The department may sample and test any lot of seed potatoes or conduct field inspections for the purpose of testing and verification of compliance with this chapter.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-013, § 16-482-010, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-010, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-010, filed 10/9/69, effective 11/10/69.]

WAC 16-482-015 Regulations—Certified seed—Exceptions. The certified seed requirement shall not be applicable to:

(1) Potatoes planted for personal use or other noncommercial purposes;

(2) Commercial production, other than for production of seed potatoes, of not more than one acre; or

(3) Experimental or seed trial plots as provided in WAC 16-482-016.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-013, § 16-482-015, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-015, filed 3/13/91, effective 4/13/91.]

WAC 16-482-016 Exceptions—Permit requirement. The director may allow planting of seed potatoes, otherwise prohibited, by special permit. Such permit shall specify the conditions under which planting is allowed and shall be obtained prior to planting. Prior to issuance of a permit, the director shall consult with a committee composed of one member from the Washington state seed potato commission and two members of the Washington state potato commission, appointed by the respective commission chairs, as to the need for and terms of such permit.

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[Statutory Authority: Chapter 17.24 RCW. 94-11-069 (Order 5042), § 16-482-016, filed 5/13/94, effective 6/13/94; 91-07-016 (Order 2075), § 16-482-016, filed 3/13/91, effective 4/13/91.]

WAC 16-482-017 Recordkeeping requirement. All commercial potato growers are required to obtain certification documents or tags to verify that all seed potatoes planted in this state comply with the terms of this chapter. Growers must retain certification documents for at least three years and provide them to the department within thirty days of a written request. Such documents shall include the total weight of certified seed potatoes and shall be issued by an official certifying agency in the state or country of origin. Falsification of seed potato documents shall subject the grower to penalties provided in law.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-013, § 16-482-017, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-017, filed 3/13/91, effective 4/13/91.]

WAC 16-482-020 Disposition of material shipped in violation of this quarantine. (1) Seed potatoes shipped in violation of this quarantine may be returned to the point of origin, diverted to nonseed use, or destroyed at the option and expense of the owner or owners or their responsible agents.

(2) Seed potatoes planted and growing in violation of the terms of this quarantine may be destroyed or placed under quarantine, with terms and conditions for that quarantine specified by the director, at the option and expense of the grower or owners or their responsible agents. Potatoes, placed under quarantine for violation of the terms of this chapter and found to be infested or infected with a viral, fungal, bacterial or nematode disease by subsequent inspection or testing shall be destroyed at the expense of the grower, without compensation.

(3) In addition to the actions specified in subsections (1) and (2) of this section, any grower violating the terms of this quarantine shall be subject to civil and/or criminal penalties provided in law.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 07-11-013, § 16-482-020, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-020, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-020, filed 10/9/69, effective 11/10/69.]

Chapter 16-483 WAC GRAPE VIRUS QUARANTINE

WAC

16-483-001	Grape virus quarantine—Establishing quarantine.
16-483-005	Grape virus quarantine—Definitions.
16-483-010	Grape virus quarantine—Quarantine area.
16-483-020	Grape virus quarantine—Regulated articles.
16-483-030	Grape virus quarantine—Regulations.
16-483-040	Grape virus quarantine—Disposition of material shipped in violation.
16-483-050	Grape virus quarantine—Exemption.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-483-060	Grape virus quarantine—Violation and penalty. [Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-060, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-060, filed 3/16/70, effective 5/1/70.] Repealed by 00-05-105, filed 2/16/00, effective 3/18/00. Statutory Authority: Chapter 17.24 RCW.
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16-483-070 Effective date. [Order 1146, § 16-483-070, filed 3/16/70, effective 5/1/70.] Repealed by 91-21-042, filed 10/11/91, effective 11/11/91. Statutory Authority: Chapters 15.13 and 17.24 RCW.

WAC 16-483-001 Grape virus quarantine—Establishing quarantine. The production of wine grapes, juice grapes, and grape planting stock are important industries in the state of Washington. The director has determined that these industries are threatened by the introduction and establishment of the virus diseases known as leafroll, fanleaf and corky bark that are not known to occur in the state of Washington. The presence of these virus diseases cannot be determined by the most rigorous visual examination of dormant grape planting stock. The introduction and establishment of these virus diseases would entail great economic loss to the grape industries of the state. To minimize this risk, the director, under the authority provided in chapter 17.24 RCW, has established a quarantine setting forth rules for the importation of grape planting stock into the state of Washington.

[Statutory Authority: Chapter 17.24 RCW. 00-23-096, § 16-483-001, filed 11/21/00, effective 12/22/00; 00-05-105, § 16-483-001, filed 2/16/00, effective 3/18/00. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-001, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-001, filed 3/16/70, effective 5/1/70.]

WAC 16-483-005 Grape virus quarantine—Definitions. "Department" means the Washington state department of agriculture.

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

"Grape planting stock" means live plants, hardwood cuttings, softwood cuttings, rootstocks, and any other parts of the grape plant (*vitis* species), except fruit, capable of propagation.

"Official certificate" means a document issued by an official plant protection organization including but not limited to phytosanitary certificates, inspection certificates, or other letters, tags, stamps, or similar documents certifying plant quality or condition.

[Statutory Authority: Chapter 17.24 RCW. 00-05-105, § 16-483-005, filed 2/16/00, effective 3/18/00. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-005, filed 10/11/91, effective 11/11/91.]

WAC 16-483-010 Grape virus quarantine—Quarantine area. Areas under quarantine include all states and territories of the United States outside of the territorial borders of the state of Washington.

[Statutory Authority: Chapter 17.24 RCW. 00-05-105, § 16-483-010, filed 2/16/00, effective 3/18/00. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-010, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-010, filed 3/16/70, effective 5/1/70.]

WAC 16-483-020 Grape virus quarantine—Regulated articles. All grape planting stock is regulated under the terms of this quarantine.

[Statutory Authority: Chapter 17.24 RCW. 00-05-105, § 16-483-020, filed 2/16/00, effective 3/18/00. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-020, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-020, filed 3/16/70, effective 5/1/70.]

(2009 Ed.)

WAC 16-483-030 Grape virus quarantine—Regulations. Grape planting stock will be admitted into the state of Washington provided the following provisions are complied with:

(1) The grape planting stock has been certified in accordance with the regulations of an official grapevine certification program that includes inspection and testing by methods approved by the director for fanleaf, leafroll and corky bark virus diseases. An official certificate issued by the plant protection organization of the state of origin certifying that the grapevines meet the requirements of this chapter must accompany the grape planting stock into the state.

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

(3) Persons shipping or transporting grape planting stock into this state from areas under quarantine shall notify the department by mail or telefacsimile prior to shipment. The notification must include the nature of the grape planting stock (such as live plants, hardwood cuttings, softwood cuttings, rootstocks, or other similar categories), the quantity in each shipment, the expected date of arrival, the name of the intended receiver and the destination. The person to whom the articles are shipped shall hold the articles until the grape planting stock is inspected and/or released by the department.

[Statutory Authority: Chapter 17.24 RCW. 00-23-096, § 16-483-030, filed 11/21/00, effective 12/22/00; 00-05-105, § 16-483-030, filed 2/16/00, effective 3/18/00. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-030, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-030, filed 3/16/70, effective 5/1/70.]

WAC 16-483-040 Grape virus quarantine—Disposition of material shipped in violation. The department will refuse admittance into the state grape planting stock not meeting the requirements of this chapter. For grape planting stock shipped into the state in violation of this chapter, the department will give the owner or the owner's responsible agent the option of destroying the material or immediately sending it out of the state.

[Statutory Authority: Chapter 17.24 RCW. 00-05-105, § 16-483-040, filed 2/16/00, effective 3/18/00. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-040, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-040, filed 3/16/70, effective 5/1/70.]

WAC 16-483-050 Grape virus quarantine—Exemption. The restrictions on the movement of regulated articles set forth in this chapter do not apply to grape planting stock imported for experimental or trial purposes by the United States Department of Agriculture or Washington State University: Provided, a permit issued by the director is obtained.

[Statutory Authority: Chapter 17.24 RCW. 00-05-105, § 16-483-050, filed 2/16/00, effective 3/18/00. Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-050, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-050, filed 3/16/70, effective 5/1/70.]

Chapter 16-487 WAC

PRUNUS DISEASE QUARANTINE

WAC

16-487-005	Definitions.
16-487-010	Disposition of materials moved in violation.
16-487-015	Notification requirement.
16-487-017	Special permits.

16-487-020	Peach yellows, little peach, and red suture diseases—Establishing quarantine.
16-487-023	Peach yellows, little peach, and red suture disease quarantine—Regulated articles.
16-487-025	Peach yellows, little peach, and red suture disease quarantine—Species not regulated.
16-487-030	Peach yellows, little peach, and red suture disease quarantine—Quarantine area.
16-487-040	Peach yellows, little peach, and red suture disease quarantine—Absolute quarantine for symptomless carriers.
16-487-050	Peach yellows, little peach, and red suture disease quarantine—Conditions for movement of regulated articles.
16-487-060	Peach yellows, little peach, and red suture disease quarantine—Reshipment permitted under certificate.
16-487-100	Peach rosette disease quarantine—Establishing quarantine.
16-487-110	Peach rosette disease quarantine—Regulated articles.
16-487-120	Peach rosette disease quarantine—Species not regulated.
16-487-130	Peach rosette disease quarantine—Quarantine area.
16-487-140	Peach rosette disease quarantine—Absolute quarantine for symptomless carriers.
16-487-150	Peach rosette disease quarantine—Conditions for movement of regulated articles.
16-487-160	Peach rosette disease quarantine—Reshipment permitted under certification.
16-487-200	Peach mosaic virus—Establishing quarantine.
16-487-210	Peach mosaic virus quarantine—Regulated articles.
16-487-220	Peach mosaic virus quarantine—Regulated area.
16-487-230	Peach mosaic virus quarantine—Requirements.
16-487-250	Peach mosaic virus—Reshipment permitted under certificate.
16-487-300	Peach rosette mosaic virus—Establishing quarantine.
16-487-310	Peach rosette mosaic virus quarantine—Regulated articles.
16-487-320	Peach rosette mosaic virus quarantine—Regulated area.
16-487-330	Peach rosette mosaic virus quarantine—Requirements.
16-487-335	Peach rosette mosaic virus quarantine—Permits for movement of regulated articles.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-487-240	Peach mosaic virus quarantine—Special permits. [Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-240, filed 10/11/91, effective 11/11/91.] Repealed by 00-24-022, filed 11/28/00, effective 12/29/00. Statutory Authority: Chapter 17.24 RCW.
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WAC 16-487-005 Definitions. (1) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

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

(3) "Growing ground" means any property within the area under quarantine on which planting stock produced for distribution or sale.

(4) "Indicator plant" means any herbaceous or woody plant used to index or test for infection.

(5) "Index" means to test for infection by means of inoculation from the plant to be tested to an indicator plant, or by any other method approved by the department.

(6) "Planting stock" means any plant material used in the propagation of horticultural, floracultural or viticultural plants for the purpose of being sold, offered for sale or distributed for planting or reproduction purposes.

(7) "Symptomless carrier" means a plant which may be infected by or capable of hosting a disease agent but which does not show visible disease symptoms.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-005, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-005, filed 10/11/91, effective 11/11/91.]

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WAC 16-487-010 Disposition of materials moved in violation. Regulated articles, shipped in violation of this chapter, will be denied entry into the state and returned to the point of origin or destroyed at the option and expense of the owner(s) or their responsible agent.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-010, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-010, filed 10/11/91, effective 11/11/91; Order 386, § 1, effective 3/30/43.]

WAC 16-487-015 Notification requirement. Persons shipping regulated articles into the state of Washington from areas under quarantine by the provisions of this chapter must notify the plant services program of the department prior to shipment. At a minimum, notification must include the nature and quantity of each shipment, its destination, its expected date of arrival, and the name of the intended receiver.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-015, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-015, filed 10/11/91, effective 11/11/91.]

WAC 16-487-017 Special permits. (1) The provisions of this chapter do not apply to plants or propagative parts of plants imported for experimental purposes by the United States Department of Agriculture or the Washington State University agricultural experiment stations, if a permit to import has been issued by the department.

(2) The department may issue special permits allowing entry of regulated articles otherwise prohibited in this chapter. The permit will state mandatory provisions or conditions under which entry is allowed.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-017, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-017, filed 10/11/91, effective 11/11/91.]

WAC 16-487-020 Peach yellows, little peach, and red suture diseases—Establishing quarantine. The director has determined that peach yellows, little peach, and red suture diseases do not exist in the state of Washington and that the introduction of these diseases into the state would cause economic loss to the horticultural industries within the state. To prevent this loss, a quarantine is hereby established against the host plants and possible carriers of peach yellows, little peach and red suture diseases.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-020, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-020, filed 10/11/91, effective 11/11/91; Order 386, § 2, effective 3/30/43.]

WAC 16-487-023 Peach yellows, little peach, and red suture disease quarantine—Regulated articles. All planting stock of the genus *Prunus*, except seeds, is regulated under the peach yellows, little peach, and red suture disease quarantine, except those listed in WAC 16-487-025.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-023, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-023, filed 10/11/91, effective 11/11/91.]

WAC 16-487-025 Peach yellows, little peach, and red suture disease quarantine—Species not regulated. The following species have been determined not to be hosts of peach yellows, little peach, and red suture diseases and are not regulated under WAC 16-487-021 through 16-487-060:

(2009 Ed.)

Prunus avium, sweet cherry
Prunus besseyi, western sand cherry
Prunus cerasus, sour cherry
Prunus caroliniana, American cherry laurel, Carolina cherry laurel

Prunus ilicifolia, California cherry, hollyleaf cherry
Prunus laurocerasus, cherry laurel, English laurel
Prunus lusitanica, Portugal laurel
Prunus lyonii, Catalina cherry

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-025, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-025, filed 10/11/91, effective 11/11/91.]

WAC 16-487-030 Peach yellows, little peach, and red suture disease quarantine—Quarantine area. The entire states of Alabama, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia are declared to be quarantine areas for peach yellows, little peach, and red suture diseases.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-030, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-030, filed 10/11/91, effective 11/11/91; Order 386, § 3, effective 3/30/43.]

WAC 16-487-040 Peach yellows, little peach, and red suture disease quarantine—Absolute quarantine for symptomless carriers. The following *Prunus* species are symptomless carriers of peach yellows, little peach, and red suture diseases. All planting stock of these species, except seeds, is prohibited entry into Washington state:

Prunus americana, American plum
Prunus cerasifera, cherry plum, myrobalan plum, "Antropurpurea" purple leaf plum
Prunus domestica, European plum, prune
Prunus hortulana, hortulan plum
Prunus munsoniana, wild goose plum
Prunus salicina, Japanese plum

hybrids of any of the species named in this section and wild native species of plum.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-040, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-040, filed 10/11/91, effective 11/11/91; Order 386, § 4, effective 3/30/43.]

WAC 16-487-050 Peach yellows, little peach, and red suture disease quarantine—Conditions for movement of regulated articles. Regulated articles, as listed in WAC 16-487-023, other than symptomless carriers listed in WAC 16-487-040, may be permitted entry into the state if the plant protection organization of the state in which the planting stock was grown issues a certificate verifying that all four of the following requirements have been met:

(1) Each species and variety is properly labeled as to scientific name and state of origin.

(2) One of the following two conditions has been fulfilled:

(a) The planting stock was produced in accordance with an official certification program of the state in which the planting stock was grown. The official certification program must include inspection and indexing on suitable indicator

(2009 Ed.)

plants for peach yellows, little peach and red suture diseases; or

(b) The planting stock was tested and found free of the causal phytoplasma using a laboratory test protocol approved by the department. In order to ensure accurate test results, samples for testing must be collected late in the growing season.

(3) Peach yellows, little peach, and red suture disease symptoms were not found on the growing grounds during the period when the planting stock was growing or budwood taken.

(4) No symptomless carriers existed on the growing grounds during the production of the planting stock, except symptomless carrier planting stock that meets the requirements of subsection (2) of this section.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-050, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-050, filed 10/11/91, effective 11/11/91; Order 386, § 5, effective 3/30/43.]

WAC 16-487-060 Peach yellows, little peach, and red suture disease quarantine—Reshipment permitted under certificate. Regulated articles, as listed in WAC 16-487-023, may be reshipped into Washington state from a quarantine area, as listed in WAC 16-487-030, if all three of the following conditions are fulfilled:

(1) The planting stock was propagated in a nonquarantine state; and

(2) The planting stock remained dormant at all times while it was in the quarantine area; and

(3) A certificate issued by the plant protection organization of the state under quarantine accompanies the planting stock. The certificate must name the state where the planting stock was produced and declare that the planting stock remained dormant at all times while within the quarantine area.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-060, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-060, filed 10/11/91, effective 11/11/91; Order 386, § 5, effective 3/30/43.]

WAC 16-487-100 Peach rosette disease quarantine—Establishing quarantine. The director has determined that peach rosette disease is not present in the state of Washington and that the introduction of this disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the host plants and possible carriers of the phytoplasma that causes peach rosette disease.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-100, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-100, filed 10/11/91, effective 11/11/91.]

WAC 16-487-110 Peach rosette disease quarantine—Regulated articles. All planting stock, except seed, of all species of the genus *Prunus* except those listed in WAC 16-487-120 is regulated under the peach rosette disease quarantine in WAC 16-487-100 through 16-487-160.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-110, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-110, filed 10/11/91, effective 11/11/91.]

WAC 16-487-120 Peach rosette disease quarantine—Species not regulated. The following species have been determined not to be carriers of peach rosette disease and are not regulated under the peach rosette disease quarantine in WAC 16-487-100 through 16-487-160:

Prunus caroliniana, American cherry laurel, Carolina cherry laurel

Prunus ilicifolia, holly leaf cherry, California cherry

Prunus laurocerasus, cherry laurel, English laurel

Prunus lusitanica, Portugal laurel

Prunus lyonii, Catalina cherry

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-120, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-120, filed 10/11/91, effective 11/11/91.]

WAC 16-487-130 Peach rosette disease quarantine—Quarantine area. The entire states of Alabama, Arkansas, Florida, Georgia, Mississippi, Oklahoma, South Carolina, Tennessee, and West Virginia are declared to be quarantined areas for peach rosette disease.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-130, filed 10/11/91, effective 11/11/91.]

WAC 16-487-140 Peach rosette disease quarantine—Absolute quarantine for symptomless carriers. The following *Prunus* species and cultivars are symptomless carriers of peach rosette disease. All planting stock (except seed) of these species and cultivars are prohibited entry into Washington state:

Prunus armeniaca, the "Wilson" cultivar of apricot

Prunus cerasifera x *P. Munsoniiana*, Mariana plums

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-140, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-140, filed 10/11/91, effective 11/11/91.]

WAC 16-487-150 Peach rosette disease quarantine—Conditions for movement of regulated articles. Regulated articles, as listed in WAC 16-487-110, other than symptomless carriers listed in WAC 16-487-140, may be permitted entry into the state if the planting stock is accompanied by a certificate issued by the plant protection organization of the state in which the planting stock was grown. At a minimum, the certificate must state that all four of the following requirements have been met:

(1) Each species and variety is properly labeled as to scientific name and state of origin.

(2) One of the following two conditions has been complied with:

(a) The planting stock was grown in compliance with the conditions of an official certification program in the state in which the planting stock was grown, which includes inspection and indexing on suitable indicator plants to verify freedom from peach rosette disease; or

(b) The planting stock was tested through laboratory methods approved by the department and found free of the causal phytoplasma of peach rosette disease. Sampling for this test must be performed late in the growing season.

(3) Peach rosette disease symptoms were not found during the period when the planting stock was growing or budwood taken.

(4) No symptomless carrier listed in WAC 16-487-140 existed on the growing grounds during the production of the planting stock, except symptomless carrier planting stock that fulfills the requirements in subsection (2) of this section.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-150, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-150, filed 10/11/91, effective 11/11/91.]

WAC 16-487-160 Peach rosette disease quarantine—Reshipment permitted under certification. Regulated articles, as listed in WAC 16-487-110, may be reshipped into Washington state from a quarantine area, as listed in WAC 16-487-130, if all three of the following conditions are fulfilled:

(1) The planting stock was propagated in a nonquarantine state; and

(2) The planting stock remained dormant at all times while it was in the quarantine state; and

(3) A certificate issued by the plant protection organization of the state under quarantine accompanies the planting stock. The certificate must name the state where the planting stock was produced and declare that the planting stock remained dormant at all times while within the quarantine area.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-160, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-160, filed 10/11/91, effective 11/11/91.]

WAC 16-487-200 Peach mosaic virus—Establishing quarantine. The director has determined that peach mosaic virus is not present in the state of Washington and that the introduction of this disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the host plants and possible carriers of peach mosaic virus.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-200, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-200, filed 10/11/91, effective 11/11/91.]

WAC 16-487-210 Peach mosaic virus quarantine—Regulated articles. All planting stock, except seeds of all species, varieties, and hybrids of almond, apricot, peach, plum, prune, Manchu cherry (*Prunus tomentosa*) and western sand cherry (*Prunus besseyi*) is regulated under the peach mosaic virus quarantine.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-210, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-210, filed 10/11/91, effective 11/11/91.]

WAC 16-487-220 Peach mosaic virus quarantine—Regulated area. The following are declared to be areas under quarantine for peach mosaic virus:

(1) The entire states of Arizona and New Mexico.

(2) In Colorado, the counties of Delta, Garfield, Mesa, Montezuma, and Montrose.

(3) In Oklahoma, the counties of Alfalfa, Bryan, Johnson, and Woods.

(4) In Texas, the counties of Brown, Callahan, Camp, Cherokee, Comanche, Dallas, Eastland, El Paso, Erath, Fisher, Floyd, Freestone, Hale, Harrison, Hudspeth, Jones,

Limestone, Palo Pinto, Runnels, San Saba, Smith, Tarrant, Taylor, Upshur, and Young.

(5) In California, the counties of Los Angeles, Riverside, San Bernardino, and San Diego.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-220, filed 10/11/91, effective 11/11/91.]

WAC 16-487-230 Peach mosaic virus quarantine—Requirements. All regulated articles listed in WAC 16-487-210 from areas under quarantine, as listed in WAC 16-487-220, are prohibited entry into Washington state.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-230, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-230, filed 10/11/91, effective 11/11/91.]

WAC 16-487-250 Peach mosaic virus—Reshipment permitted under certificate. Regulated articles, as listed in WAC 16-487-210, may be reshipped into Washington state from a quarantine area, as listed in WAC 16-487-220, if all three of the following conditions are fulfilled:

- (1) The planting stock was propagated outside the quarantine area; and
- (2) The planting stock remained dormant at all times while it was in the quarantine area; and
- (3) A certificate issued by the state plant protection organization for the quarantine area accompanies the planting stock. The certificate must name the state where the planting stock was produced and declare that the planting stock remained dormant at all times while within the quarantine area.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-250, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-250, filed 10/11/91, effective 11/11/91.]

WAC 16-487-300 Peach rosette mosaic virus—Establishing quarantine. The director has determined that peach rosette mosaic virus is not present in the state of Washington and that the introduction of the disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the host plants and possible carriers of peach rosette mosaic virus.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-300, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-300, filed 10/11/91, effective 11/11/91.]

WAC 16-487-310 Peach rosette mosaic virus quarantine—Regulated articles. All planting stock, except seeds, of peach (*Prunus persica*) and American grape (*Vitis lubrusca*) is regulated under the peach rosette mosaic virus quarantine.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-310, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-310, filed 10/11/91, effective 11/11/91.]

WAC 16-487-320 Peach rosette mosaic virus quarantine—Regulated area. The areas under quarantine for peach rosette mosaic virus disease are:

- (1) For peach planting stock, the counties of Berrien, Kalamazoo, and Van Buren in the state of Michigan.
- (2) For American grape, the entire state of Michigan.

(2009 Ed.)

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-320, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-320, filed 10/11/91, effective 11/11/91.]

WAC 16-487-330 Peach rosette mosaic virus quarantine—Requirements. All regulated articles listed in WAC 16-487-310 from the applicable areas under quarantine, as listed in WAC 16-487-320, are prohibited entry into Washington state, unless the shipment is accompanied by a permit as described in WAC 16-487-335.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-330, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-330, filed 10/11/91, effective 11/11/91.]

WAC 16-487-335 Peach rosette mosaic virus quarantine—Permits for movement of regulated articles. Regulated articles, as listed in WAC 16-487-310, grown in the areas under quarantine, as listed in WAC 16-487-320, may be permitted entry into the state if the plant protection organization of the state in which the planting stock was grown issues a certificate verifying that both of the following requirements have been met:

- (1) Each species and variety is properly labeled as to scientific name and state of origin.
- (2) The planting stock was produced in accordance with an official certification program of the state in which it was grown. The official certification program must include inspection and indexing for peach rosette mosaic virus.

[Statutory Authority: Chapter 17.24 RCW. 00-24-022, § 16-487-335, filed 11/28/00, effective 12/29/00; 91-21-041, § 16-487-335, filed 10/11/91, effective 11/11/91.]

Chapter 16-488 WAC

FRESH FRUIT OF BLUEBERRY QUARANTINE

WAC

16-488-002	Definitions.
16-488-006	Blueberry maggot—Establishing quarantine.
16-488-010	Blueberry quarantine—Commodity covered.
16-488-015	Blueberry quarantine—Areas under quarantine.
16-488-025	Blueberry quarantine exemptions.
16-488-030	Blueberry quarantine disposition of material shipped in violation of this quarantine.
16-488-990	Permits.
16-488-995	Penalty and violation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-488-001	Promulgation. Establishing quarantine. [Order 1327, § 16-488-001, filed 10/10/73.] Repealed by 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.
16-488-005	Pest. [Order 1327, § 16-488-005, filed 10/10/73.] Repealed by 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.
16-488-020	Areas not infested. [Order 1327, § 16-488-020, filed 10/10/73.] Repealed by 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.
16-488-035	Violation and penalty. [Order 1327, § 16-488-035, filed 10/10/73.] Repealed by 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.
16-488-040	Effective date. [Order 1327, § 16-488-040, filed 10/10/73.] Repealed by 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.

WAC 16-488-002 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.

[Statutory Authority: Chapter 17.24 RCW. 86-19-002 (Order 1906), § 16-488-002, filed 9/5/86.]

WAC 16-488-006 Blueberry maggot—Establishing quarantine. Blueberry maggot (*Rhagoletis mendax*) is known to infest blueberries in various states situated in the eastern part of the United States, and blueberries produced in this state are susceptible to infestation by blueberry maggot (*Rhagoletis mendax*); therefore, a quarantine is established to prevent shipments or receipt of blueberries from such eastern states which may constitute a direct threat or hazard to blueberry production in Washington state.

[Statutory Authority: Chapter 17.24 RCW. 86-19-002 (Order 1906), § 16-488-006, filed 9/5/86.]

WAC 16-488-010 Blueberry quarantine—Commodity covered. The movement or shipment into Washington state of all fresh fruit of blueberry from areas under quarantine (see WAC 16-488-015) shall be prohibited except as provided for in WAC 16-488-025.

[Statutory Authority: Chapter 17.24 RCW. 86-19-002 (Order 1906), § 16-488-010, filed 9/5/86; Order 1327, § 16-488-010, filed 10/10/73.]

WAC 16-488-015 Blueberry quarantine—Areas under quarantine. The following areas are declared by the director to be under quarantine for blueberry maggot: All states and districts of the United States east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

[Statutory Authority: Chapter 17.24 RCW. 86-19-002 (Order 1906), § 16-488-015, filed 9/5/86; Order 1327, § 16-488-015, filed 10/10/73.]

WAC 16-488-025 Blueberry quarantine exemptions. Fresh fruit of blueberry may be moved or shipped from quar-

antined areas into Washington state under the following conditions:

(1) No restrictions are placed by this section on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(2) Commodities covered which are held in cold storage for a continuous period of forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees fahrenheit or less, may be admitted: Provided, That a lot or shipment is accompanied by a certificate issued by an official governmental agency from the state of origin evidencing compliance with the minimum requirements of this section.

(3) Each shipment of blueberries that have been fumigated with methylbromide at atmospheric pressure by one of the following schedules may be permitted entry into Washington state: Provided, That residues on fresh fruit of blueberries do not exceed the Federal Food and Drug Administration's allowable tolerances.

32 g/m³ (2 lbs./1,000 ft.³) for 2 hours at 27.7°C (82°F) or above; or

32 g/m³ (2 lbs./1,000 ft.³) for 2 1/2 hours at 22.2°C - 27.2°C (72°F-81°F); or

32 g/m³ (2 lbs./1,000 ft.³) for 3 hours at 16.6°C - 21.6°C (62°F-71°F); or

32 g/m³ (2 lbs./1,000 ft.³) for 3 1/2 hours at 10°C - 16.1°C (50°F-61°F).

(a) The fumigation shall be done by applicators who are registered or certified in fumigation pest control in the state of origin;

(b) Each fumigation shall be monitored and supervised by an authorized representative of the origin state department of agriculture;

(c) Each shipment of blueberries shall be accompanied by a phyto-sanitary certificate issued by an authorized representative of the origin state department of agriculture evidencing compliance with the fumigation requirements. The certificate shall state the number of cartons in the shipment and the name and address of the consignee. In addition, a copy of the phyto-sanitary certificate and the estimated date of arrival shall be sent, by mail or electronically, to the Washington state department of agriculture, plant services division, prior to the shipment of the blueberries; and

(d) All shipping containers (flats) shall be stamped or tagged indicating the fresh fruit of blueberries have undergone fumigation.

[Statutory Authority: Chapter 17.24 RCW. 90-12-123 (Order 2040), § 16-488-025, filed 6/6/90, effective 7/7/90; 88-17-014 (Order 1985), § 16-488-025, filed 8/9/88; 86-19-002 (Order 1906), § 16-488-025, filed 9/5/86; Order 1327, § 16-488-025, filed 10/10/73.]

WAC 16-488-030 Blueberry quarantine disposition of material shipped in violation of this quarantine. All fresh fruit of blueberry not meeting the requirements of this chapter shall be returned to the point of origin, or destroyed at the option and expense of the owner(s) or the owner(s) responsible agent(s).

[Statutory Authority: Chapter 17.24 RCW. 86-19-002 (Order 1906), § 16-488-030, filed 9/5/86; Order 1327, § 16-488-030, filed 10/10/73.]

WAC 16-488-990 Permits. The director may issue special permits admitting commodities under quarantine not otherwise eligible for entry from the area under quarantine, 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. 86-19-002 (Order 1906), § 16-488-990, filed 9/5/86.]

WAC 16-488-995 Penalty and violation. All violations of this chapter shall be dealt with according to the provisions of RCW 17.24.100.

[Statutory Authority: Chapter 17.24 RCW. 86-19-002 (Order 1906), § 16-488-995, filed 9/5/86.]

Chapter 16-489 WAC

BLUEBERRY SCORCH VIRUS QUARANTINE

WAC

16-489-010	Blueberry scorch virus.
16-489-020	Blueberry scorch virus—Definitions.
16-489-030	Blueberry scorch virus—Area under quarantine.
16-489-040	Blueberry scorch virus—Regulated articles.
16-489-050	Blueberry scorch virus—Restrictions.
16-489-060	Blueberry scorch virus—Recordkeeping.
16-489-070	Blueberry scorch virus—Exceptions.

WAC 16-489-010 Blueberry scorch virus. Blueberry scorch virus is an aphid-borne virus that causes necrosis of leaves and flowers in susceptible blueberry varieties, leading to a decline in productivity. A strain of blueberry scorch virus benign to varieties commonly grown in the Pacific Northwest has been historically present in Washington. Now a more virulent strain of blueberry scorch virus has been identified in western North America. If this virulent strain is introduced into the state, it will have a severe economic impact on Washington's blueberry industry. The strains of blueberry scorch virus cannot be readily distinguished by standard laboratory testing methods, making it necessary to eliminate all strains of this virus from Washington. A quarantine is established under authority of chapters 17.24 and 15.13 RCW, in order to prevent introduction and spread of all strains of blueberry scorch virus.

[Statutory Authority: Chapters 17.24, 15.13 RCW. 02-13-125, § 16-489-010, filed 6/19/02, effective 7/20/02.]

WAC 16-489-020 Blueberry scorch virus—Definitions. The following definitions apply to chapter 16-489 WAC.

(1) "Blueberry plants" means all plants and plant parts of *Vaccinium corymbosum*, except fruit that is free of leaf tissue.

(2) "Blueberry scorch virus" means any and all strains of blueberry scorch carlavirus.

(3) "Pest free area" means an area where no strain of blueberry scorch virus occurs, as demonstrated by scientific evidence, and in which, where appropriate, this blueberry scorch virus free condition is being officially maintained.

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

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(5) "Micropropagated plants" means plants propagated using aseptic laboratory techniques and an artificial culture medium.

[Statutory Authority: Chapters 17.24, 15.13 RCW. 02-13-125, § 16-489-020, filed 6/19/02, effective 7/20/02.]

WAC 16-489-030 Blueberry scorch virus—Area under quarantine. All states and territories of the United States and all counties within the state of Washington.

[Statutory Authority: Chapters 17.24, 15.13 RCW. 02-13-125, § 16-489-030, filed 6/19/02, effective 7/20/02.]

WAC 16-489-040 Blueberry scorch virus—Regulated articles. All blueberry plants and plants of other *Vaccinium* species shown to be hosts for blueberry scorch virus are regulated articles. Blueberry fruit that is free of leaf tissue is not regulated under this chapter; however, please note that blueberry fruit may be regulated for other pests under provisions of chapter 16-488 WAC.

[Statutory Authority: Chapters 17.24, 15.13 RCW. 02-13-125, § 16-489-040, filed 6/19/02, effective 7/20/02.]

WAC 16-489-050 Blueberry scorch virus—Restrictions. (1) All regulated articles planted, sold, offered for sale or transported within the state must be demonstrated free of blueberry scorch virus by meeting at least one of the following conditions:

- They must originate from a pest free area;
- They are certified in accordance with the regulations of an official certification program in the state of origin that includes testing and inspection for blueberry viruses and is approved by the director;
- They are shown to be free of blueberry scorch virus, based on an official laboratory test using a protocol approved by the director; or
- They are micropropagated and/or grown in an insect-proof greenhouse or screenhouse and originate from mother plants that have been tested and found free of blueberry scorch virus.

(2) Persons importing regulated articles into the state must obtain a phytosanitary certificate from the plant protection organization of the place of origin verifying that one of the conditions in subsection (1) of this section has been met. A copy of the phytosanitary certificate must accompany the shipment.

[Statutory Authority: Chapters 17.24, 15.13 RCW. 02-13-125, § 16-489-050, filed 6/19/02, effective 7/20/02.]

WAC 16-489-060 Blueberry scorch virus—Recordkeeping. (1) All persons planting or growing regulated articles in the state are required to retain records as specified in subsection (2) of this section for a period of not less than one calendar year from acquisition of the plants.

(2) These records shall contain the number and variety of plants, the name and address of the propagator, and applicable phytosanitary certificates, certification tags or documentation, and laboratory testing reports.

(3) The grower must provide a copy of the records to the plant services program of the state department of agriculture upon request of the director.

[Statutory Authority: Chapters 17.24, 15.13 RCW. 02-13-125, § 16-489-060, filed 6/19/02, effective 7/20/02.]

WAC 16-489-070 Blueberry scorch virus—Exceptions. The director may issue special permits to allow blueberry plants otherwise prohibited in this chapter to be planted, sold, offered for sale, or transported. Such special permits must be in writing and must be obtained prior to planting, sale, and/or transportation.

[Statutory Authority: Chapters 17.24, 15.13 RCW. 02-13-125, § 16-489-070, filed 6/19/02, effective 7/20/02.]

Chapter 16-497 WAC

HOP DISEASE QUARANTINE

WAC

16-497-001	Establishing quarantine.
16-497-005	Hop disease quarantine—Definitions.
16-497-010	Quarantine area.
16-497-020	Regulated articles.
16-497-030	Regulations—Conditions governing the movement of regulated articles.
16-497-040	Disposition of material shipped in violation of this quarantine.
16-497-050	Exemption.
16-497-060	Violation and penalty.

WAC 16-497-001 Establishing quarantine. The introduction of dangerous diseases of hops into the state of Washington would entail great losses to the horticultural interests of the state, and the most rigid examinations cannot determine the presence of disease on dormant hop plants or parts of plants; therefore this quarantine is established by the director of agriculture, pursuant to the authority provided in chapter 17.24 RCW, setting forth the rules for the importation of hop plants into the state of Washington.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-001, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-001, filed 12/31/79, effective 6/1/80.]

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

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

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

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

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

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

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WAC 16-497-010 Quarantine area. All areas outside of the territorial borders of the state of Washington.

[Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-010, filed 12/31/79, effective 6/1/80.]

WAC 16-497-020 Regulated articles. Plants and all parts thereof (except the kiln dried cone) of hops (*Humulus Lupulus* L.)

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-020, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-020, filed 12/31/79, effective 6/1/80.]

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

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

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

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

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

WAC 16-497-040 Disposition of material shipped in violation of this quarantine. All regulated articles arriving in the state of Washington in violation of this quarantine shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, or their responsible agents.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-040, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-040, filed 12/31/79, effective 6/1/80.]

WAC 16-497-050 Exemption. The restrictions on the movement of regulated articles set forth in this chapter shall not apply to hop plants or parts of plants imported for experimental or trial purposes by the United States Department of

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Agriculture or the state experiment stations in the state of Washington.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-050, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-050, filed 12/31/79, effective 6/1/80.]

WAC 16-497-060 Violation and penalty. Violations of this quarantine shall be punishable by the criminal and/or civil penalties provided by law in addition to any other inspection costs that may be assessed.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-060, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-060, filed 12/31/79, effective 6/1/80.]

Chapter 16-501 WAC

WSDA PROCEDURAL RULES—COMMODITY BOARDS OR COMMISSIONS

WAC

- 16-501-005 Definitions.
 - 16-501-010 Commodity commission financial contribution.
 - 16-501-015 Calculation of a commodity board or commission's contribution.
- Procedural Rules for Administrative Function for Commodity Commissions Elections
- 16-501-525 Unsigned ballot envelopes: Advisory votes, referenda, and board member elections.

WAC 16-501-005 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout the chapter:

"**Assessment level**" means the total annual assessment collected by an agricultural commodity board or commission under the provisions of its marketing order or authorizing statute.

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

"**Total financial contribution**" means the contributions from all agricultural commodity boards and commissions to cover one-half the annual salary and benefits of the department's commodity commission coordinator for commodity boards and commissions plus the annual costs for goods and services, travel, training and equipment necessary to support the commodity commission coordinator.

[Statutory Authority: Chapters 15.65, 15.66, 15.24, 16.67, 15.44, 15.28, 15.26, 15.88, and 43.23 RCW. 02-16-045, § 16-501-005, filed 8/1/02, effective 9/1/02.]

WAC 16-501-010 Commodity commission financial contribution. (1) Under the provisions of RCW 43.23, the director may establish, by rule, a method to fund staff support for all commodity boards and commissions.

(2) Before July 1 of each fiscal year, the department will determine the total financial contribution required from all commodity boards or commissions and calculate, according to the provisions of WAC 16-501-015, each board or commission's share of that total contribution. The board or commission's contribution shall be based on the previous fiscal year's assessment level.

(3) On or around July 1 of each fiscal year, the department will bill each commodity board or commission for its

portion of the total financial contribution. The board or commission shall remit to the department the amount billed within thirty days of the billing date.

(4) The department will provide each commodity board or commission with an annual report regarding the department's activities on behalf of the boards or commissions.

[Statutory Authority: Chapters 15.65, 15.66, 15.24, 16.67, 15.44, 15.28, 15.26, 15.88, and 43.23 RCW. 02-16-045, § 16-501-010, filed 8/1/02, effective 9/1/02.]

WAC 16-501-015 Calculation of a commodity board or commission's contribution. The total financial contribution for each commodity board or commission shall be calculated using the following steps:

(1) Step 1 - Using a board or commission's assessment level, the base assessment portion of a commodity board or commission's share of the total financial contribution is established as follows:

Contribution Categories

Assessment Level	Base Assessment
> \$100,000	\$ 250.00
100,001 - 250,000	500.00
250,001 - 500,000	750.00
500,001 - 1,000,000	1,000.00
1,000,001 - 5,000,000	2,000.00
5,000,001 - 10,000,000	3,000.00
10,000,001 and above	4,000.00

A percentage is calculated for each board or commission by dividing the board or commission's base assessment by the total base assessment for all boards and commissions.

For example, assuming commission A's base assessment is \$4,000 divided by an assumed total base assessment of \$80,000 results in 5% (.05)

(2) Step 2 - The difference between the total financial contribution and the total base assessment is apportioned to each board or commission using the percentage calculated in subsection (1) subject to a \$7,500 cap on any one board or commission;

For example, assuming a total financial contribution of \$105,000 minus the assumed total base assessment of \$80,000 results in a difference of \$25,000. \$25,000 multiplied by commission A's .05 equals \$1,250. This is commission A's portion of the difference.

(3) Step 3 - If any commission reaches the \$7,500 cap in Step 2, the difference between the amount calculated for that board or commission in subsection (2) and \$7,500 would be recalculated among the remaining commissions or boards using a percentage of each commission's base assessment to the total base assessment less the base assessment of the commission that reached the cap.

For example, assume that commission A's percentage remains 5% but that the difference between the total financial contribution and the total base assessment is \$180,000. \$180,000 multiplied by .05 equals \$9,000. \$9,000 exceeds the \$7,500 cap for commission A by \$1,500. This \$1,500 would be apportioned between the other boards and commissions excluding commission A.

For example, assume that commission B's base assessment is \$3,000. The total base assessment excluding commission A is now \$76,000 (\$80,000 less commission A's \$4,000). Commission B's base assessment of \$3,000 divided by \$76,000 results in .04 rounded (4%). \$1,500 (the excess over the cap for commission A) multiplied by .04 equals \$60, which is commission B's share of the excess.

(4) Step 4 - A commodity commission or board's contribution is the sum of the base assessment from subsection (1) and the calculations in subsections (2) or (3) whichever is applicable.

For example, using the calculations in subsection (2), commission A's contribution is \$5,250 (\$4,000 base assessment plus \$1,250 apportioned share).

Using the calculations in subsection (3), commission A's contribution is \$11,500 (\$4,000 base assessment plus the \$7,500 cap).

[Statutory Authority: Chapters 15.65, 15.66, 15.24, 16.67, 15.44, 15.28, 15.26, 15.88, and 43.23 RCW. 02-16-045, § 16-501-015, filed 8/1/02, effective 9/1/02.]

Procedural Rules for Administrative Function for Commodity Commissions Elections

WAC 16-501-525 Unsigned ballot envelopes: Advisory votes, referenda, and board member elections. The director of the department of agriculture is responsible for administering elections for advisory votes, marketing order referenda and board member selection as required in chapters 15.65 and 15.66 RCW.

(1) The department will mail ballots to those eligible to vote in each election according to the terms of the applicable statute and marketing order. Each voter will be provided an official ballot, instructions for voting, a security envelope and return ballot-mailing envelope with a "Certificate of Eligibility" (certification) printed on the reverse side of the envelope.

(2) After casting its vote in the election, an eligible voter must place the ballot in the security envelope. The security envelope is then to be placed in the ballot-mailing return envelope with the certification on the reverse side. To validate its ballot, the voter is required to complete, sign and date the certification.

(3) In the event a ballot is submitted to the department and the certification is not signed and dated in accordance with the instructions contained on the outside of the ballot-mailing return envelope or the ballot is returned in a different envelope without a certification, the department shall process the ballot and the ballot-mailing return envelope as follows, if the department is able to ascertain the identity of the eligible voter from the envelope:

(a) The department will not open the ballot-mailing return envelope, but will make a copy of the reverse side of the ballot-mailing return envelope with the printed certification. The original ballot-mailing return envelope will be held by the department.

(b) The department will provide the eligible voter with a copy of the ballot-mailing return envelope with the certification and require the voter to sign the copy of the certification

and mail it back to the department so that it is received not later than the date specified in the correspondence accompanying the certification.

(c) The department shall advise the voter about the correct procedures for completing the unsigned certification and that, in order for the ballot to be counted, the voter must sign and date the copy of the certification, and mail it back to the department so that it does not arrive later than the specified date.

(d) The signed certification must be received by the department within fourteen calendar days from the date the copy of the certification was mailed to the voter as evidenced by the United States mail date stamp, for the voter's ballot to be validated.

(e) If the department does not receive the signed certification with the requested information within the specified time frame, the original ballot-mailing envelope will not be opened nor will the ballot it contains be counted. The unopened ballot-mailing envelope will be set aside and retained in accordance with the appropriate records retention schedule.

(4) A record shall be kept of the date on which the department mailed the copy of the certification to the eligible voter, the date on which the voter signed the certification and the date that the department received the certification. That record will be retained in accordance with applicable records retention schedules for ballots.

(5) Only validated ballots will be included in a ballot count.

(6) This rule applies to elections and runoffs required by statute that are conducted after the effective date of this rule. However, subsections (3) and (4) do not apply in an election once any election ballots have been counted or in a runoff election once any runoff election ballots have been counted.

(7) This rule does not apply if the recount period specified in the applicable statute has expired.

[Statutory Authority: RCW 15.65.047 and 15.66.055. 05-08-078, § 16-501-525, filed 4/1/05, effective 5/2/05.]

Chapter 16-505 WAC

WASHINGTON BEER COMMISSION

WAC

16-505-010	Collection of assessment.
16-505-015	Failure to pay assessment.

WAC 16-505-010 Collection of assessment. (1) The Washington beer commission is authorized under RCW 15.89.040 and 15.89.110(1) to collect an assessment upon beer produced by an affected producer. The annual assessment is ten cents per barrel of beer produced, up to ten thousand barrels per location, as verified by federal excise tax reports.

(2) The commission shall directly bill affected producers by providing written notice in the form of an assessment invoice. Affected producers shall calculate their assessment on the assessment invoice using the annual production figure as based upon their federal excise tax report. Affected producers must submit the completed assessment invoice, the assessment payment due and a copy of the affected producer's

ducer's federal excise tax report for verification to the commission at the address specified on the assessment invoice.

(3) The first assessment will be due and payable to the commission no sooner than July 2007 and will be based upon beer production during the fourth quarter of 2006.

(4) The second assessment will be due and payable to the commission no sooner than January 2008 and will be based upon beer production during the calendar year of 2007.

(5) Assessments thereafter will be due and payable to the commission annually no sooner than January and will be based upon the previous year's production.

(6) At this time, assessments due and payable to the commission shall not be reduced based on in-kind contributions.

(7) Failure to receive an invoice for the previous year's product does not relieve an affected producer of its obligation to pay any assessment when due.

[Statutory Authority: RCW 15.89.110(2) and chapter 34.05 RCW. 07-13-005, § 16-505-010, filed 6/7/07, effective 7/8/07.]

WAC 16-505-015 Failure to pay assessment. (1) In the event any affected producer fails to pay the commission the full amount of such assessment or such other sum on or before the date due, the commission may add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collection of the amount due.

(2) In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the commission may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.89.110(2) and chapter 34.05 RCW. 07-13-005, § 16-505-015, filed 6/7/07, effective 7/8/07.]

Chapter 16-512 WAC

FRYERS, BROILERS AND ROASTERS

WAC

16-512-005	Marketing order—Policy statement.
16-512-006	Marketing order purposes.
16-512-010	Definitions.
16-512-020	Fryer commission—Structure, powers, duties, and procedure.
16-512-040	Assessments and assessment funds.
16-512-050	Information reports.
16-512-060	Separability.
16-512-070	Effective time.

RULES OF THE WASHINGTON FRYER COMMISSION

16-512-101	Promulgation.
16-512-110	Labeling.
16-512-120	Fryer processor and grower report form.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-512-002	Director's findings and decision approving a marketing order. [Director's Finding and Decision, effective 3/4/57.] Repealed by 04-07-128, filed 3/22/04, effective 4/22/04. Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055.
16-512-030	Marketing order purposes. [Statutory Authority: Chapter 15.66 RCW. 80-03-019 (Order 1664), § 16-512-030, filed 2/15/80; Marketing Order, Article III, effective

4/15/57.] Repealed by 04-07-128, filed 3/22/04, effective 4/22/04. Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055.

WAC 16-512-005 Marketing order—Policy statement. (1) The marketing of fryers, broilers, and roasters within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its fryers, broilers, and roasters be properly promoted by:

(a) Enabling producers of fryers, broilers, and roasters to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the fryers, broilers, and roasters they produce; and

(b) Working towards stabilizing the agricultural industry by increasing consumption of fryers, broilers, and roasters within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the fryer, broiler, and roaster industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that fryers, broilers, and roasters be promoted individually, and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's fryers, broilers, and roasters;

(b) Increase the sale and use of Washington state's fryers, broilers, and roasters in local, domestic, and foreign markets;

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's fryers, broilers, and roasters;

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's fryers, broilers, and roasters and products; and

(e) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of fryers, broilers, and roasters produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.66 RCW through the adoption of this marketing order.

(4) The Washington state fryer commission exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the commission is authorized to speak on behalf of Washington state government with regard to fryers, broilers, and roasters under the provisions of this marketing order.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055. 04-07-128, § 16-512-005, filed 3/22/04, effective 4/22/04; Marketing Order for Washington Fryers, Broilers and Roasters, effective 4/15/57.]

WAC 16-512-006 Marketing order purposes. This marketing order is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; or increasing production efficiency, ensuring a fair regulatory environment; or increasing per capita consumption of fryers in Washington state. The Washington state fryer commission is designated by the director to conduct the following programs in accordance with chapter 15.66 RCW:

(1) Marketing and sales promotion plans.

(a) Subject to the provisions of the act, the commission is hereby authorized to prepare plans, administer and conduct

programs, and expend moneys for marketing and sales promotion for promoting the sale of fryers, including, but not necessarily limited to the following:

(i) Increasing the sale and consumption of Washington-produced fryers through the use of the press, radio, television, and all other marketing media;

(ii) Dealer service work, trade promotion, publicity, market development, and expansion activities;

(iii) Prevention, modification, or elimination of trade barriers which restrict the free flow of fryers produced in this state;

(iv) Presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which affect the marketing of fryers produced in this state, including cooperation with any agency or group in efforts to increase per capita consumption of fryers, and such other activities and programs which are consistent with the objectives of this marketing order and the act.

(b) In carrying out any marketing and sales promotion plans or programs, the commission may engage or hire such advertising media as may be necessary to accomplish the purposes of the act and this order, arrange for marketing space, display material and other marketing material, conduct dealer service work, or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating new and larger domestic or foreign markets for fryers, or in maintaining existing markets. The commission may also engage in cooperative efforts in the domestic or foreign marketing of fryer food products.

(c) Programs and plans adopted by the commission under this marketing order shall be directed towards promoting the sale of fryers without reference to any particular private brand or trade name and sales promotion and marketing programs so conducted shall not disparage the value, quality, sale, or use of any other agricultural commodity or make use of any unwarranted or false claims on behalf of fryers.

(2) Research.

(a) The commission, subject to the provisions of the act, is hereby authorized to carry on or cause to be carried on any necessary and proper marketing, production, transportation, processing, or handling research or survey studies relating to fryers and to expend moneys for such purposes.

(b) The commission is authorized to engage in research and survey studies that may include, but shall not necessarily be limited to, the following:

(i) Production problems.

(ii) Developing objective quality factors for fryers.

(iii) Disease control.

(iv) Developing and improving methods of processing fryers for the purpose of increasing and expanding their use for food purposes.

(v) Improving packaging and handling techniques which promote more efficient operation in the marketing and distribution of fryers.

(vi) Investigating transportation rates and service costs.

(c) The commission may, in addition to the activities enumerated above, carry on any other proper and necessary research and/or survey programs and activities consistent with, and subject to, the limitations of the act. Research and/or survey studies may include the collection of data and

information relating to fryers; the analysis of the data and information; the dissemination of the data, information and analysis; and other investigation that falls within the scope of the marketing, producing, transportation, processing or handling of fryers.

(3) Labeling.

(a) The commission may adopt rules, subject to the provisions of chapter 34.05 RCW, to provide for the improving of standards and grades for fryers by defining, establishing and providing labeling requirements, as provided in the act, and not inconsistent with the laws of this state, with respect to the same, and to expend moneys for such purposes.

(b) The commission shall be authorized to cooperate with state and federal agencies or departments responsible for revising and modernizing grades and standards and labeling of fryers.

(c) All chickens commonly referred to as fryers, broilers, or fryer-roasters and including any and all breeds or varieties of chicken under the age of six months, sold or offered for sale in the state of Washington, must be labeled as to the state of origin at the point of retail sale. The state of origin is defined as the state wherein the bird has been raised to market weight. Specific requirements for labeling shall be made by the fryer commission pursuant to rules promulgated in accordance with the provisions of chapter 34.05 RCW.

(4) **Unfair trade practices.** The commission may investigate and take necessary action to prevent unfair trade practices and to correct, where possible, trade practices which hinder marketing of Washington-produced fryers. Information acquired in an investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act.

(5) **Standards, grades, labels and trade practices.** The provisions covering standards, grades, labels and trade practices shall apply with respect to fryers produced in Washington state.

(6) The commission is authorized, subject to the provisions of the act, to provide information and communicate on matters pertaining to the production, processing, transportation, marketing, or uses of fryers produced in Washington state to any elected official or officer or employee of any agency.

(7) **Information and education.** The commission may conduct programs for the purpose of providing information and education including:

(a) Marketing information and services for producers of fryers;

(b) Information and services enabling producers to meet their resource conservation objectives;

(c) Fryer-related education and training.

(8) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for advertising and promotion of fryers; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of fryers may be encouraged, expanded, improved, or made more efficient.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055. 04-07-128, § 16-512-006, filed 3/22/04, effective 4/22/04.]

WAC 16-512-010 Definitions. Definitions for terms used in this chapter are also found in chapter 15.66 RCW, Washington State Agricultural Commodity Commissions Act. For purposes of the fryers, broilers, and roasters marketing order, the following additional definitions shall apply:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him or her concerning some matter under this chapter;

(2) "Act" means the Washington State Agricultural Commodity Commissions Act, chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals or any unit or agency of local or state government;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market in commercial quantities fryers as herein defined. "To produce" means to act as a producer;

(5) "Commercial quantities" shall mean and include one or more pound;

(6) "Pound" or "affected unit" are synonymous and mean and include each pound unit or any combination of packages making a one-pound unit of fryers;

(7) "Fryers" means and includes any and all breeds or varieties of chickens under the age of six months marketed for human consumption as fryers, broilers or fryer-roasters;

(8) "Fryer commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-512-020;

(9) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning January 1 of any year and ending upon the last day of December, both dates inclusive;

(10) "Handler" means any person who acts, either as principal, agent, or otherwise, in the processing, selling, marketing, or distributing of fryers that are not produced by the handler. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler;

(11) "Affected producer" means any producer who is subject to this marketing order;

(12) "Sale" means a transaction wherein the property in or to fryers is transferred from the producer to a purchaser for consideration. "Sale" shall also include an agreement to acquire such property for a consideration;

(13) "Affected area" or "area of production" are synonymous and mean and include all of the state of Washington;

(14) "District" means the geographical divisions of the affected area of fryer production established pursuant to the provisions of WAC 16-512-020 of this order;

(15) "Affected handler" means any handler of fryers.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055. 04-07-128, § 16-512-010, filed 3/22/04, effective 4/22/04; Marketing Order, Article I, effective 4/15/57.]

WAC 16-512-020 Fryer commission—Structure, powers, duties, and procedure. (1) **Establishment and membership.** A fryer commission is hereby established to administer this marketing order which shall be composed of six members who shall be affected producers appointed at

large by the director as provided in subsection (2) of this section and two members who shall be appointed by the commission members. In addition, the director shall be a voting member of the commission.

(2) **Representative membership.** For the purpose of nomination and appointment of producer members of the commission, the affected area of the state of Washington shall be one representative district. Producer positions appointed at large by the director shall be numbered one through six. Positions appointed by the commission members shall be numbered seven and eight. The director's position shall be position nine.

(3) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of eighteen years. Producer members of the commission shall be producers of fryers in this state. The qualifications of producer members of the commission as herein set forth must continue during their term of office. Members appointed by the commission shall be either fryer producers or others active in matters relating to fryers.

(4) **Term of office.**

(a) The term of office of the commission members shall be three years from the date of their appointment and until their successors are appointed and qualified.

(b) The initial members of the commission shall serve from the effective date of this marketing order in terms terminating as follows: Positions 3 and 6 shall terminate December 31, 1957; positions 1 and 5 shall terminate December 31, 1958; and positions 2 and 4 shall terminate December 31, 1959. One appointed member's term, being position 7, shall terminate December 31, 1958, and the second appointed member's term, being position 8, shall terminate December 31, 1959.

(i) The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting of said commission.

(ii) With respect to the establishment of positions at large, commission members in office shall serve out their terms.

(c) To accomplish the transition to a commodity commission structure where the director appoints a majority of the commission members, the names of the currently elected or appointed commission members in positions one through six shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

(5) **Nomination and appointment of commission members.** Nomination and appointment of director-appointed commission members shall be as set forth in chapter 15.66 RCW and specified by the director. Dates will be set as follows:

(a) Not earlier than September 17 and not later than October 2 of each year, the director shall give notice by mail to all affected producers of an open commission position(s) and call for nominations. Nominating petitions shall be signed by five persons qualified to vote. The notice shall state the final date for filing nomination petitions which shall be not earlier than October 8 and not later than October 13 of each year.

(b) The director shall conduct an advisory vote by mail to all affected producers not earlier than October 18 and not

later than November 2 of each year. Ballots shall be returned not later than December 2 of each year. The advisory vote shall be conducted in a manner so that it shall be a secret ballot in accordance with rules adopted by the director. An affected producer is entitled to one vote.

(c) When only one nominee is nominated by the affected producers for a director-appointed position, RCW 15.66.120 shall apply.

(d) Except with respect to the initial fryer commission, the members of the commission not elected by the producers or appointed by the director shall be appointed by a majority of the commission within ninety days prior to the expiration of the term.

(6) Vacancies.

(a) In the event of a vacancy in a commission-appointed position, the remaining members shall select a qualified person to fill the term. The appointment shall be made at the commission's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in chapter 15.66 RCW.

(7) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman and such other officers as the commission may deem advisable;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings, before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor.

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this order;

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year. The commission, at least sixty days prior to the beginning of its fiscal year, shall prepare and submit to the director for

approval its research plan, its commodity-related education and training plan, and its budget;

(l) To accept and receive gifts, grants, and contributions from private persons or private and public agencies and expend the same to effectuate the purposes of the act and this order;

(m) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes set forth in this marketing order;

(n) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes set forth in this marketing order. Personal service contracts must comply with chapter 39.29 RCW;

(o) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of fryers, broilers, and roasters;

(p) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general;

(q) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by this marketing order;

(r) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, manufacture, regulation, transportation, distribution, sale, or use of fryers, broilers, and roasters including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(s) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each producer's production for a minimum three-year period pursuant to RCW 15.66.140;

(t) To maintain a list of the names and addresses of persons who handle fryers within the affected area and data on the amount and value of the fryers handled for a minimum three-year period by each person pursuant to RCW 15.66.140;

(u) To maintain a list of names and addresses of all affected persons who produce fryers and the amount, by unit, of fryers produced during the past three years pursuant to RCW 15.66.143;

(v) To maintain a list of all persons who handle fryers and the amount of fryers handled by each person during the past three years pursuant to RCW 15.66.143;

(w) To establish a foundation using commission funds as grant money for the purposes established in this marketing order;

(x) To request records and audit the records of producers or handlers of the affected commodity during normal business hours to determine whether the appropriate assessment has been paid;

(y) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to the affected commodity; and

(z) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this marketing order.

(8) Procedure for commission.

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

(b) The commission shall hold regular meetings at least quarterly, with the time and date thereof to be fixed by the resolution of the commission. Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

(c) The commission may hold special meetings as it may deem advisable and shall establish by resolution the time, place, and manner of calling such special meetings with reasonable notice to the members: Provided, That the notice to a member of any special meeting may be waived by a waiver from that member of the commission. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

(d) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(e) A quorum of the commission shall consist of at least five members.

(f) No member of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission which shall not exceed the compensation rate set by RCW 43.03.230 for each day spent in the actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expenses in accordance with RCW 43.03.050 and 43.03.060. The commission may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members of the commission in carrying out the provisions of this marketing order pursuant to RCW 15.66.130.

(9) Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee, or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and

not joint and no member shall be liable for the default of any other member.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, 04-07-128, § 16-512-020, filed 3/22/04, effective 4/22/04; Order 1405, § 16-512-020, filed 7/7/75; Marketing Order, Article II, effective 4/15/57.]

WAC 16-512-040 Assessments and assessment funds.

(1) Assessments levied. On and after the effective date of this amendment, there is hereby levied and there shall be collected by the commission as provided in the act, upon all fryers, roasters and broilers under the age of 6 months, an assessment of .35 of one cent per lb. live weight. Such assessment shall be paid by the producer thereof upon each and every pound of fryers, roasters, or broilers sold, delivered for sale or processed by him or her: Provided, That no assessment shall be collected on the following:

(a) Sales on a producer's premises by a producer direct to a consumer of thirty pounds or less of fryers from a producer's own production;

(b) Fryers of a producer's own production used by him for personal consumption; or

(c) Fryers donated or shipped for relief or charitable purposes.

No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such fryers sold, processed or delivered for sale or processing by all producers of fryers for the fiscal year to which the assessment applies.

(2) Collection of assessment.

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefor. To collect assessments, the commission may require:

(i) Stamps to be known as "Washington fryer commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any stamps shall be canceled immediately upon being attached or fixed and the date of the cancellation shall be placed thereon;

(ii) Payment of producer assessments before the fryers are shipped off the farm or payment of assessments at different or later times and in that event, any person subject to the assessments shall give adequate assurance or security for its payment as the commission shall require.

(iii) Every producer subject to the assessment under this order to deposit with the commission in advance an amount based on the estimated number of affected units upon which the person will be subject to assessments in any one year during which this marketing order is in force, but in no event shall a deposit exceed twenty-five percent of the estimated total annual assessment payable by the person. At the close of the marketing season the sums so deposited shall be adjusted to the total of assessments payable by the person.

(iv) Handlers receiving fryers from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and all moneys so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at times required by rule, file with the commission a return under oath

on forms to be furnished by the commission, stating the quantity of fryers handled, processed, delivered and/or shipped during the period prescribed by the commission.

(b) The commission is authorized to adopt rules in accordance and conformity with the act and with this section to effectuate the collection of assessments. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season.

(c) No affected units of fryers shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp canceled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any fryers for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for the exemptions.

(d) Any producer or handler who fails to comply with the provisions of this section as herein provided shall be guilty of a violation of this order.

(3) Funds.

(a) Moneys collected by the fryer commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all fryers sold, processed, delivered for sale or processing during that period. Refund may be made only upon satisfactory proof given by the producer, which may include bills of lading, bills of sale, or receipts.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055. 04-07-128, § 16-512-040, filed 3/22/04, effective 4/22/04. Statutory Authority: Chapter 15.66 RCW. 80-14-020 (Order 1714), § 16-512-040, filed 9/24/80, effective 11/1/80; Marketing Order, Article IV, effective 4/15/57.]

WAC 16-512-050 Information reports. All persons subject to the provisions of this marketing order shall make and render reports and furnish such information to the director or the commission as may be necessary or required under the act or this order to effectuate the purposes thereof. Any financial and commercial information and records obtained by the director or commission are exempted from public disclosure under the provisions of RCW 15.66.105 and 42.17.-31907 but shall not be disclosed to any person save to a person with like right to obtain the same or any attorney employed by the director or the commission to give legal advice thereon or by court order.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055. 04-07-128, § 16-512-050, filed 3/22/04, effective 4/22/04; Marketing Order, Article V, effective 4/15/57.]

WAC 16-512-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of

the remainder hereof or of the applicability thereof to any person, circumstances, or thing shall not be affected thereby.

[Marketing Order, Article VI, effective 4/15/57.]

WAC 16-512-070 Effective time. The provisions hereof shall become effective at such time as the director may declare above his signature attached hereto and shall continue in force until terminated as specified in the act.

[Marketing Order, Article VII, effective 4/15/57.]

RULES OF THE WASHINGTON FRYER COMMISSION

WAC 16-512-101 Promulgation. The Washington fryer commission, by virtue of the authority vested in it by chapter 15.66 RCW, and the marketing order issued by J.D. Dwyer, the Washington state director of agriculture, effective April 15, 1957, does hereby make and promulgate the following regulation; (WAC 16-512-110).

[Regulation I, Promulgation, effective 8/20/57.]

WAC 16-512-110 Labeling. (1) All chickens commonly referred to as fryers, broilers or fryer roasters and including any and all breeds or varieties of chicken under the age of six months, sold or offered for sale in the state of Washington, must be labeled as to state of origin, regardless of where produced. Such labeling is mandatory on and after August 20, 1957.

(2) "State of origin" is defined as that state where the bird has been raised to market weight.

(3) To effect this marketing step being taken under authority of WAC 16-512-030(3), the following points are mandatory:

(a) Each fryer, whole, half, cut-up or packaged parts thereof, sold at retail, must bear the state of origin label. (The identifying phrase must include "grown in (state)," or "(state) grown.")

(b) Such label must appear, plainly visible on the top face of the package, at the point of retail so as to provide ready identification by the consumer.

(c) Each shipping carton, container or box must also bear the state of origin label either imprinted or by a specially attached tag or label.

(d) The state of origin identification may be as large as desired, but must be no less than 1" x 1 3/4" in area and identifying phrases must be legible and printed in not less than a 14 point san serif bold type face with the state name to appear in 14 point san serif bold upper case letters.

(e) The actual label medium is not designated. It may be imprinted on any form of paper, tag or card stock meeting with normal food packaging standards. The labeling may be included as one element of an overwrap, bag, tag or carton design provided it is plainly visible. Furthermore, it must be (as stated in requirement no. 1) affixed to each individual fryer or package thereof however presented to the consumer at retail.

(f) In the case of institutional or bulk pack, each whole or half fryer must be individually labeled at wholesale with the exception that a pack of parts (consisting of smaller pieces

than 1/2 chicken in size) may bear the label affixed to the shipping carton or box.

(g) In meat case display where fryer parts are displayed of less than 1/2 chicken in size, each display utensil must show an identification 5" x 7" in size with the state of origin shown in letters not less than 3/4" high.

(4) As a further guide the Washington fryer commission suggests that each state of origin label bear the outline or facsimile of the state's geographic shape with the phrase "this fryer grown in"

For example: Washington grown fryers may bear such a label as this:



(This label as reproduced requires a space approximately 1" x 1 3/4".) This regulation shall be effective August 20, 1957.

[Regulation I, effective 8/20/57.]

WAC 16-512-120 Fryer processor and grower report form.

(1) Front.

JUNE 1959 - 11 -

WASHINGTON FRYER COMMISSION

FRYER PROCESSOR & GROWER REPORT FORM (Month)

FRYER PROCESSOR, submit report to commission on or before 10th of each month

FRYER GROWER: Growers who sell fryers out of the state of Washington must submit report & assessment 10 days after sale of fryers.

SEND REPORT TO: Washington Fryer Commission, 1019 Securities Building, Seattle 1, Washington

(See instruction on reverse side)

Table with 5 columns: Grower's Name and Address, No. of Head, Total Weight, Amount Collected, Do Not Use. Includes rows for assessment details and a total assessment submitted row.

I DECLARE, under the penalties of perjury that this return, including any and all accompanying schedules and statements, have been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.

Signature Title Firm Date

(2) Reverse side.

REPORTING INSTRUCTIONS

1. Assessment rate of .0017¢ per lb. live weight.
EXAMPLE: 1000 head — 3300 lbs @ .0017¢ equals \$5.61.
2. File this report by 10th of each month whether or not money is due.
3. If no money is due, print across face of return —
NO ACTIVITY.
4. Pay assessment by check, draft, or money order only. Make payable to the Washington fryer commission.
5. Attach completed return to assessment check.
6. Growers who sell fryers out of the state of Washington will make reports not later than 10 days following the marketing of such fryers, but will not be required to report each month unless they market each month.
7. Be sure return is COMPLETE and PROPERLY SIGNED.
8. If birds are sold dressed weight, assessment rate is .0022¢ per lb.
9. Address all correspondence to:

WASHINGTON FRYER COMMISSION
1019 Securities Building
Seattle 1, Washington

Phone No: MUtual 2-8877

[Form, (codified as WAC 16-512-120), filed 3/21/60.]

Chapter 16-516 WAC
WASHINGTON POTATOES

WAC

16-516-003	Director's order making marketing order effective and creating a potato commission.
16-516-005	Marketing order for Washington potatoes—Policy statement.
16-516-006	Marketing order purposes.
16-516-010	Definitions.
16-516-020	Potato commission.
16-516-040	Assessments and assessment funds.
16-516-050	Information reports.
16-516-060	Separability.

RULES OF THE WASHINGTON STATE POTATO COMMISSION

16-516-100	Definitions.
16-516-110	Commission rules—Reporting and paying assessments.
16-516-125	Commission rules—Penalty assessments.
16-516-130	Commission rules—Assessments on field run or ungraded potatoes.
16-516-150	Notice to director.
16-516-160	Exemption from prepayment.
16-516-170	Rules for implementation of hosting by the Washington state potato commission.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-516-002	Director's findings and decision approving a marketing order. [Director's Findings and Final Decision, effective 6/6/56.] Repealed by 06-03-003, filed 1/4/06, effective 2/4/06. Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW.
16-516-030	Marketing order purposes. [Marketing Order, Article III, effective 7/23/56.] Repealed by 06-03-003, filed 1/4/06, effective 2/4/06. Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW.
16-516-070	Effective time. [Marketing Order, Article VII, effective 7/23/56.] Repealed by 06-03-003, filed 1/4/06, effective 2/4/06. Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW.

16-516-140

Conditions for prepayment of assessments and maximum payable. [Order XII, § 16-516-140, filed 7/2/73.] Repealed by 06-03-002, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapters 15.66 and 34.05 RCW, specifically RCW 15.66.140(2).

WAC 16-516-003 Director's order making marketing order effective and creating a potato commission. (1)

Whereas, the director of agriculture of the state of Washington acting pursuant to and by virtue of the authority vested in him by the provisions of the Washington Agricultural Enabling Act, being chapter 15.66 RCW, issued on June 6, 1956, that certain marketing order entitled, "Marketing Order for Washington Potatoes Providing for the Creation of a Washington Potato Commission," for the written referendum assent of the affected producers in accordance with RCW 15.66.090 and,

(2) Whereas, the director of agriculture has found that more than fifty-one percent of the affected producers have replied to the written referendum within the time specified by the director and that said marketing order for Washington potatoes has been assented to in writing by more than sixty-five percent of the producers who produced more than fifty-one percent by volume of the said potatoes reported produced in the state of Washington during the past five years; said determination being based upon the official affected producer list of potato producers established by the director pursuant to the provisions of RCW 15.66.060, which list is now on file in the department; said affected producers being qualified to assent to said marketing order;

(3) Now therefore, I, Sverre N. Omdahl, director of the department of agriculture of the state of Washington, acting pursuant to and by virtue of the authority vested in me by said act, do hereby make effective the said marketing order for

Washington potatoes providing for the creation of a Washington potato commission, said order to be effective at 12:01 a.m. July 23, 1956.

[Order and Findings, effective 7/23/56.]

WAC 16-516-005 Marketing order for Washington potatoes—Policy statement. (1) The production of potatoes within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its potatoes be properly encouraged by enabling producers of potatoes to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the potatoes they produce.

(2) It is in the overriding public interest that support for the potato industry be clearly expressed and that adequate protection be given to the industry and its activities and operations as part of a comprehensive agricultural industry to:

(a) Eliminate or limit impediments affecting the sale and use of Washington state's potatoes in local, domestic, and foreign markets;

(b) Respond to public requests for information regarding the quality, care, and methods used in the production of Washington state's potatoes;

(c) Respond to public requests for information regarding the nutritional, health-giving qualities and dietetic value of Washington state's potatoes and products; and

(d) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, transportation and utilization of potatoes produced in Washington state.

(3) The director is authorized to implement and administer chapter 15.66 RCW through this marketing order.

(4) The Washington state potato commission exists primarily for the benefit of the people of the state of Washington and its economy.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 06-03-003, § 16-516-005, filed 1/4/06, effective 2/4/06. Marketing Order for Washington Potatoes, effective 7/23/56.]

WAC 16-516-006 Marketing order purposes. The purpose of this marketing order is to promote the general welfare of the state and to maintain and protect existing markets, increase production efficiency, and ensure a fair regulatory environment for potatoes produced in Washington. The commission is designated by the director to conduct the following programs in accordance with chapter 15.66 RCW:

(1) Unfair trade practices and foreign regulatory barriers.

(a) The commission, subject to the provisions of the act, may investigate alleged unfair trade practices and foreign regulatory barriers that hinder the sale, production, transport, or export of Washington-produced potatoes or potato products.

(b) If the commission finds as a result of an investigation that trade or foreign regulatory barriers are restricting the free flow of potatoes produced in this state, the commission may institute appropriate action before any agency or body deemed necessary to correct the situation.

(c) If the commission finds as a result of an investigation that transportation rates and service costs are restricting the free flow of potatoes produced in this state, the commission

may institute proper action before the interstate commerce commission or such other agency or body deemed necessary to correct the situation.

(d) Information and records acquired in any such investigation are exempt from public disclosure to the extent provided in RCW 15.66.105 and 42.17.31907 or any other applicable statute, except that such information may be released, to the extent necessary to effectuate the purposes of the act, in the presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which affect the production, irrigation, transport, use, consumption, export, or sale of potatoes grown in this state, as authorized in RCW 15.66.105.

(2) Research.

(a) The commission, subject to the provisions of the act, may carry on or cause to be carried on any necessary and proper production, irrigation, processing, transportation or handling research relating to potatoes and to expend moneys for those purposes.

(b) The commission, subject to the provisions of the act, may engage in research that may include, but shall not necessarily be limited to, the following:

(i) Production problems, such as soil, seed, fertilizers, irrigation, insecticides, fungicides, herbicides and the like;

(ii) Developing and testing new potato cultivars with improved disease resistance, processing, nutritional, or horticultural characteristics;

(iii) Improving techniques and methods of harvesting potatoes;

(iv) Developing and improving methods of processing potatoes and potato by-products for the purpose of increasing and expanding their use for food and industrial purposes;

(v) Improving packing and handling techniques which promote more efficient operation in the marketing and distribution of potatoes;

(vi) Determining any special nutritive, nutraceutical or pharmaceutical qualities of potatoes produced in Washington;

(vii) Improving production practices, resource requirements and availability, and similar issues or matters that may impact the continued production of potatoes in Washington.

(c) The commission may, in addition to the activities enumerated above, carry on any other proper and necessary research programs and activities consistent with and subject to the limitations of the act. Such research may include the collection of data and information relating to potatoes; the analysis of such data and information; and the dissemination of such data, information and analysis to potato producers and handlers and in response to public requests.

(d) The commission, subject to the provisions of the act, is authorized to coordinate potato producers' potato crop protection chemical registrations and integrated pest management (IPM) implementation.

(3) Standards and grades.

(a) The potato commission, subject to the provisions of the act and chapter 34.05 RCW, may adopt rules to define, establish and provide labeling requirements for improving standards and grades for potatoes, as provided in the act, not inconsistent with the horticultural laws of this state with respect to the same, and to expend moneys for such purposes.

(b) The commission shall give reasonable written notice to all producers, handlers and persons directly affected by the labeling requirements issued pursuant to this section in accordance with rule-making proceedings conducted under chapter 34.05 RCW.

(c) The commission may cooperate with state and federal agencies or departments responsible for revising and modernizing grades and standards and labeling of potatoes.

(d) Nothing in this section shall be construed as authorizing the commission to set minimum grades, sizes or maturity of potatoes which a producer may sell, offer for sale or ship.

(4) Public education. The commission may respond to requests from the public for information regarding:

(a) The economic, environmental and nutritional value and benefits of potatoes and the Washington potato industry;

(b) The quality, care and methods used in the production of Washington potatoes;

(c) The handling, preparation and utilization of Washington potatoes and potato products;

(d) The effects of trade, transportation and regulatory barriers on the Washington potato industry.

(5) Grower and industry education. The commission, subject to the provisions of the act, may conduct programs to provide information and education to the Washington state potato industry including:

(a) Public opinion or awareness research information for producers of potatoes;

(b) Industry-related education and training;

(c) Information and services enabling producers to meet resource conservation objectives and keep current with issues impacting their business.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 06-03-003, § 16-516-006, filed 1/4/06, effective 2/4/06.]

WAC 16-516-010 Definitions. The following terms shall have the meanings given in RCW 15.66.010, supplemented by the following additional definitions:

(1) "Act" means the Washington state agricultural commodity commissions statute, chapter 15.66 RCW;

(2) "Affected area" or "area of production" are synonymous and mean all of the state of Washington;

(3) "Affected commodity" means potatoes as defined in this section;

(4) "Affected handler" means any handler of potatoes;

(5) "Affected producer" means any producer who is subject to this marketing order;

(6) "Agricultural development" means activities intended to increase the efficiency, productivity, or fair market access of Washington potatoes and potato products;

(7) "Commercial quantities" shall mean and include five hundredweight or more per growing season;

(8) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him or her concerning some matter under this chapter;

(9) "District" means the geographical divisions of the area of potato production established pursuant to the provisions of WAC 16-516-020;

(10) "Handler" means any person who acts, either as principal, agent, or otherwise, in the processing, packing, shipping, selling, marketing, or distributing of potatoes that

are not produced by the handler. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler;

(11) "Hundredweight" or "affected unit" are synonymous and mean and include each one hundred pound unit or any combination of packages making a one hundred pound unit of potatoes;

(12) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning July 1 of any year and ending upon the last day of June, both dates inclusive;

(13) "Person" includes any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals or any unit or agency of local or state government;

(14) "Potato commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-516-020;

(15) "Potatoes" means and includes all kinds and varieties of Irish potatoes grown in the state of Washington and marketed, sold or intended for use for human consumption;

(16) "Producer" means any person engaged in the production of potatoes grown in Washington for market in commercial quantities, and it includes a landowner, landlord, tenant or other person that participates in the growing or producing of the affected commodity and who has a proprietary interest in the potatoes so produced. "To produce" means to act as a producer;

(17) "Research" means scientific research conducted by a university or other accredited researcher on pest and disease surveys; pest and disease control tools or techniques; planting, harvesting, handling and other production or processing tools or techniques; health or nutritional qualities or benefits of potatoes or potato products; and environmental issues including, but not limited to, water use, water quality, water quantity, and erosion control related to production of potatoes or potato products. Results of agricultural research conducted under the provisions of this marketing order shall be public information;

(18) "Sale" means a transaction wherein the property in or to potatoes is transferred from the producer to a purchaser for consideration. "Sale" shall also include an agreement to acquire such property for a consideration;

(19) "Unfair trade practice" means any practice that is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16, and 69 RCW and chapters 9.16, 19.77, 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the Federal Trade Commission Act of 1914, as amended (38 Stat. 719; 15 U.S.C. Sec. 41 et seq.) or the violation of or failure to accurately label as to grades and standards in accordance with any lawfully established grades or standards or labels.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 06-03-003, § 16-516-010, filed 1/4/06, effective 2/4/06. Statutory Authority: RCW 15.66.020. 00-11-180, § 16-516-010, filed 5/24/00, effective 6/24/00; Marketing Order, Article I, effective 7/23/56.]

WAC 16-516-020 Potato commission. (1) Establishment and membership. A potato commission is hereby established to administer this marketing order which shall be com-

posed of nine members who shall be producers elected from districts as provided in subsections (2) and (3) of this section and five members who shall be appointed by the elected producer members as provided in subsection (4) of this section. In addition, the director shall appoint one member to the commission to represent the director as a voting member of the commission.

(2) Representative districts. For the purpose of nomination and selection of producer members of the commission, the affected area of the state of Washington shall be divided into three representative districts as follows:

(a) "District No. 1" shall be and include the counties of Douglas, Chelan, Okanogan, Grant, Adams, Ferry, Stevens, Pend Oreille, Spokane, Whitman and Lincoln.

(b) "District No. 2" shall be and include the counties of Kittitas, Yakima, Klickitat, Benton, Franklin, Walla Walla, Columbia, Garfield, and Asotin.

(c) "District No. 3" shall be and include the counties of Skagit and all other counties in the state of Washington.

(3) Elected membership. Producer members shall be elected from the districts as follows:

(a) Positions 1, 2, 3, and 4 shall be elected from District No. 1.

(b) Positions 5, 6, 7, and 8 shall be elected from District No. 2.

(c) Position 9 shall be elected from District No. 3.

(4) Appointed membership.

(a) Positions 10, 11, 12, 13, and 14 shall be appointed by the elected producers as provided in subsections (1) and (5)(b) of this section.

(b) Position 15 shall be appointed by the director as provided in subsection (1) of this section.

(5) Membership qualifications. Commission members shall be citizens and residents of this state, over the age of eighteen years.

(a) Producer members of the commission shall be producers of potatoes in the district in and for which they are nominated and elected. The producer members shall be and have been actively engaged in producing potatoes for a period of at least three years, and shall derive a substantial proportion of their incomes from the sale of potatoes. A producer member of the commission must have paid an assessment to the commission on potatoes in each of the preceding three calendar years. The qualifications of producer members of the commission as herein set forth must continue during their term of office.

(b) Members of the commission appointed by the elected producers to positions 10, 11, 12, 13, and 14 shall be potato producers or handlers or others active in matters directly relating to Washington state potatoes and have a demonstrated record of service in the potato industry in Washington state.

(6) Term of office. The term of office of the elected and appointed producer members of the commission shall be three years from the date of their election or appointment and until their successors are elected or appointed and qualified. Commencing on July 1, 2005, the term of office for members of the commission shall be as follows: Positions 1, 5 and 7 shall terminate June 30, 2008; positions 3, 4 and 6 shall terminate June 30, 2006; positions 2, 8 and 9 shall terminate June 30, 2007; positions 10 and 11 shall terminate June 30,

2008; positions 12 and 14 shall terminate June 30, 2006; and position 13 shall terminate June 30, 2007.

(7) Nomination and election of commission members. Nomination and election of commission members shall be as set forth in the act and specified by the director. Dates will be set as follows:

(a) Not earlier than March 18 and not later than April 2 of each year, the director shall give notice by mail to all producers in each district in which one or more open positions will occur in the commission and call for nominations. Nominating petitions shall be signed by five persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than April 7 and not later than April 12 of each year.

(b) Not earlier than April 17 and not later than May 2 of each year, the director shall mail ballots to all affected producers in each district in which one or more open positions will occur. Ballots must be received by the director not later than June 1 of such year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules adopted by the director. An affected producer is entitled to one vote.

(c) Each appointed producer member of the commission shall be elected by majority vote of the elected commissioners in a public vote at a public meeting held within ninety days prior to the expiration of the appointed member's term.

(8) Vacancies. In the event of a vacancy on the board in an elected or commission-appointed position, the remaining members shall select a qualified person to fill the unexpired term. The appointment shall be made at the board's first or second meeting after the position becomes vacant. Any member so appointed shall serve until the normal expiration of his or her term.

(9) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman and such other officers as the commission may deem advisable; and to select subcommittees of commission members;

(c) To adopt, rescind, and amend rules reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor;

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this marketing order;

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year. The commission, at least forty-five days prior to the beginning of its fiscal year, shall prepare and submit to the director its budget, research plan, and its commodity-related education and training plan;

(l) To accept and receive gifts and grants from private persons or private and public agencies and expend the same to effectuate the purposes of the act and this order;

(m) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes set forth in this marketing order;

(n) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes set forth in this marketing order. Personal service contracts must comply with chapter 39.29 RCW;

(o) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, use, distribution and trade barriers impacting potatoes and potato products;

(p) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general;

(q) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale or use of potatoes as requested by any elected official or officer or employee of any agency and as authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(r) To assist and cooperate with the department or any other local, state, or federal government agency in the investigation and control of exotic pests and diseases that could damage or affect trade of the affected commodity;

(s) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to the affected commodity;

(t) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by this marketing order;

(u) To establish a foundation using commission funds as grant money for the purposes established in this marketing order;

(v) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each producer's production for a minimum three-year period pursuant to RCW 15.66.140(18);

(w) To maintain a list of the names and addresses of persons who handle potatoes within the affected area and data on

the amount and value of the potatoes handled by each person pursuant to RCW 15.66.140(19) for a minimum three-year period;

(x) To maintain a list of names and addresses of all affected persons who produce potatoes and the amount, by unit, of potatoes produced during the past three years pursuant to RCW 15.66.143(1);

(y) To maintain a list of all persons who handle potatoes and the amount of potatoes handled by each person during the past three years pursuant to RCW 15.66.143(2);

(z) To check records of producers or handlers of the affected commodity during normal business hours to determine whether the appropriate assessment has been paid; and

(aa) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(10) Procedure for commission.

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

(b) The commission shall hold regular meetings at least quarterly, with the time and date thereof to be fixed by the resolution of the commission. Notice of the meetings shall be published in the potato commission newsletter and sent to the appropriate general and agricultural media outlets.

(c) The commission may hold such special meetings as it may deem advisable and shall establish by resolution the time, place and manner of calling such special meetings with reasonable notice as required in RCW 42.30.080.

(d) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(e) A quorum of the commission shall consist of at least nine members.

(f) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission, which shall not exceed the compensation rate set by RCW 43.03.230 or state travel expense rates in accordance with RCW 43.03.050 and 43.03.060 for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, except the commission may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members of the commission in carrying out the provisions of this marketing order pursuant to RCW 15.66.130.

(11) Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individ-

ually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 06-03-003, § 16-516-020, filed 1/4/06, effective 2/4/06. Statutory Authority: RCW 15.66.020. 00-11-180, § 16-516-020, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 15.66.090. 80-05-073 (Order 1684), § 16-516-020, filed 4/28/80, effective 6/1/80; Marketing Order, Article II, effective 7/23/56.]

WAC 16-516-040 Assessments and assessment funds.

(1) Assessments levied.

(a) On and after the effective date of this order, there is hereby levied and there shall be collected by the commission, as provided in the act, upon all potatoes grown in the state an annual assessment of four cents per hundredweight which shall be paid by the producer thereof upon each and every hundredweight of potatoes sold, processed, delivered for sale or processing by him or her or stored or delivered for storage when storage or delivery for storage shall be outside the boundaries of this state: Provided, That no assessment shall be collected on the following:

- (i) Potatoes grown and sold for seed under an established seed certification program;
- (ii) Potatoes sold for livestock feed, regardless of grade;
- (iii) Potatoes sold for nonfood products, such as industrial starch;
- (iv) Potatoes of a producer's own production used by him or her on his or her own premises for seed, feed or personal consumption;
- (v) Potatoes donated or shipped for relief or charitable purposes; or
- (vi) Sales on a producer's premises by a producer direct to a consumer of five hundred pounds or less of potatoes from a producer's own production.

(b) The commission may provide by rule for an assessment discount not to exceed twenty-five percent of the total hundredweight on field run or ungraded potatoes to allow for cull potatoes not used or intended for use for human consumption.

(c) No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all potatoes sold, processed or delivered for sale or processing by all producers of potatoes for the fiscal year to which the assessment applies.

(2) Collection of assessment.

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefore.

(b) Handlers receiving potatoes from the producer, including warehousemen and processors shall collect producer assessments from producers whose production they handle, and all moneys so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler

shall at times required by rule file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of potatoes handled, processed, delivered and/or shipped during the period prescribed by the commission.

(c) Producer assessments may be paid before the potatoes are shipped off the farm or at different or later times. If assessments are paid after the potatoes are shipped off the farm, any person subject to the assessment shall give adequate assurance or security for its payments as the commission shall require by rule.

(d) The commission may adopt rules in accordance and conformity with the act and with this section to effectuate the collection of assessments. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season and of the assessment discount, if any, allowable on field run or ungraded potatoes.

(e) No affected units of potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business. When any potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for the exemptions.

(f) Any producer or handler who fails to comply with the provisions of this subsection as herein provided shall be guilty of a violation of this order.

(3) Funds.

(a) Moneys collected by the potato commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by the producer in excess of three percent of the total market value of all potatoes sold, processed, delivered for sale or processing during that period. Refund may be made only upon satisfactory proof given by the producer, which may include bills of lading, bills of sale, or receipts.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 06-03-003, § 16-516-040, filed 1/4/06, effective 2/4/06. Statutory Authority: RCW 15.66.040. 90-09-068, § 16-516-040, filed 4/18/90, effective 7/1/90. Statutory Authority: RCW 15.66.090. 80-05-073 (Order 1684), § 16-516-040, filed 4/28/80, effective 6/1/80; Marketing Order, Article IV, effective 7/23/56.]

WAC 16-516-050 Information reports. All persons subject to the provisions of this marketing order shall make and render reports and furnish information to the director or the commission as required under the act or this order. Information and records obtained by the director or commission are exempt from public disclosure to the extent provided in RCW 15.66.105 and 42.17.31907 or any other applicable statute.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 06-03-003, § 16-516-050, filed 1/4/06, effective 2/4/06. Marketing Order, Article V, effective 7/23/56.]

WAC 16-516-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Marketing Order, Article VI, effective 7/23/56.]

RULES OF 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.

"Trade relations hosting" means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations for Washington state potatoes and potato products.

[Statutory Authority: Chapters 15.66 and 34.05 RCW, specifically RCW 15.66.140(2). 06-03-002, § 16-516-100, filed 1/4/06, effective 2/4/06. 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 16-516-110 Commission rules—Reporting and paying assessments. Effective with the growing season of 1962, the following procedure is established for the reporting and paying assessments levied pursuant to RCW 15.66.150 and WAC 16-516-040:

(1) The commission shall have the discretion to determine which one or more of the methods hereinafter set forth shall be respectively followed by each respective affected producer and or handler in reporting and paying assessments.

(2) Assessments shall be paid in accordance with one or more of the following methods as prescribed by the commission, in its discretion, for each respective affected producer and or handler:

(a) By means of collection from producers by handlers at the time the potatoes are first handled, and payment by said handlers to the commission of the assessments so collected.

(i) The commission shall bill each handler at such intervals, not less frequently than monthly, as the commission may from time to time determine, for the assessments due upon potatoes handled in the preceding period for which billing has not previously been made, and upon which assessments have not been paid, computed on the basis of the quantity of potatoes so handled as recorded on potato shipping records pertaining to each handler prepared by the state of Washington department of agriculture in behalf of the commission, and filed with the commission, or, with respect to handlers who are packers or processors, on the basis of the quantity of potatoes so handled as recorded on potato shipping records pertaining to such packer or processor prepared by such packer or processor and filed with the commission.

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(ii) In the event potatoes subject to assessment are handled by processors or other handlers under circumstances in which no potato shipping record is filed with the commission with respect to the potatoes so handled the handler shall, at the time of submitting the report required by subsection (a)(iii) immediately following, pay in full the assessment on the potatoes so reported.

(iii) Each handler shall, in any event, file a monthly report, under oath, on forms provided by the commission, showing the name and address of the handler making the report, the quantity of potatoes handled during the preceding calendar month, the name, address, handler's lot number, and quantity of potatoes handled, for each respective producer, and the representative district as defined in WAC 16-516-020, within which the potatoes were grown. The report shall be filed with the commission not later than the 20th day of the month following that in which the potatoes were handled.

(b) By means of payment in cash by the producer, or handler, as determined by the commission in each respective instance, prior to the time the potatoes are shipped in either interstate or intrastate commerce.

[Statutory Authority: Chapters 15.66 and 34.05 RCW, specifically RCW 15.66.140(2). 06-03-002, § 16-516-110, filed 1/4/06, effective 2/4/06. Rule XII, filed 6/25/62; Rule XII, § 1, filed 4/7/61; Rule XII, filed 3/3/60.]

WAC 16-516-125 Commission rules—Penalty assessments. Pursuant to authority granted by RCW 15.66.170 and by WAC 16-516-020(8), in the event that any assessment is not paid within 90 days after the date of the billing therefore by the commission, or within 90 days after the due date of the report required by WAC 16-516-110 (b)(iii) and (iv) a sum equal to 10% of such unpaid assessment of unpaid portion thereof shall be added thereto and be due and owing to the commission.

[Commission Rule XI, § 16-516-125, filed 6/26/72; Rule XI, filed 6/25/62; Rule XI, filed 3/3/60.]

WAC 16-516-130 Commission rules—Assessments on field run or ungraded potatoes. Assessments shall be levied upon potatoes sold on a field run or ungraded basis as follows:

(1) If payment to the grower for said potatoes is based upon the gross weight of potatoes sold and not upon the yield of any particular grade of potatoes as determined by any type of sorting or inspection, then upon 90% of the gross hundred weight of potatoes so sold.

(2) If payment to the grower for said potatoes is based upon the net weight of potatoes intended for human consumption derived from the potatoes so sold as determined by any type of sorting or inspection, then upon the total net weight of such potatoes intended for human consumption.

[Order XII, § 16-516-130, filed 7/2/73; Rule XIII, filed 3/3/60.]

WAC 16-516-150 Notice to director. The commission shall notify the director in writing of any handler who has not established a record of prompt payment, and such handler shall be subject to the provisions of WAC 16-516-040 (2)(e) which states as follows: No affected units of potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assess-

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ment herein provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business. When any potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions.

[Statutory Authority: Chapters 15.66 and 34.05 RCW, specifically RCW 15.66.140(2), 06-03-002, § 16-516-150, filed 1/4/06, effective 2/4/06. Order XII, § 16-516-150, filed 7/2/73.]

WAC 16-516-160 Exemption from prepayment. Any handler who has established a record of prompt payment during the entire previous potato shipping season and continues to maintain such record of prompt payment shall not be subject to the prepayment requirements set forth in WAC 16-516-140, such handler shall however at all times be subject to WAC 16-516-125.

[Order XII, § 16-516-160, filed 7/2/73.]

WAC 16-516-170 Rules for implementation of 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 hosting expenditures by agricultural commodity commission employees, agents, or commissioners. The rules governing agricultural development or trade relations hosting expenditures for the Washington state potato commission shall be as follows:

(1) Budget approval: Commission expenditures for agricultural development or trade relations 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: Individual commissioners and commission staff shall make agricultural development or trade relations 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 for the Washington state potato industry, 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 trade relations for the Washington state potato industry.

[Statutory Authority: Chapters 15.66 and 34.05 RCW, specifically RCW 15.66.140(2), 06-03-002, § 16-516-170, filed 1/4/06, effective 2/4/06. 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 16-520 WAC SEED POTATOES

WAC

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RULES OF THE WASHINGTON STATE SEED POTATO COMMISSION

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WAC 16-520-002 Director's findings and final decision approving a marketing order. Whereas, it is provided in RCW 15.66.020, as follows:

(1) "The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of this act to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale of such commodities;" and

(2) Whereas, it is further provided in RCW 15.66.040, that marketing orders and orders modifying or terminating existing marketing orders shall be promulgated by the director; and

(3) Whereas, the director of agriculture having reason to believe that the issuance of a marketing order would tend to effectuate the declared policy of the act with respect to seed potatoes, did upon receipt of the industry petition signed by five percent of the seed potato producers of the state of Washington, and pursuant to the provisions of the act, issue on the 10th day of July, 1956 notice of public hearing to be held in Lynden, Washington on the 23rd of July, 1956, upon a pro-

posed marketing order for seed potatoes grown in the state of Washington providing for the creation of a Washington seed potato commission and did upon said date and at said place, personally, and through his duly authorized representative, Phyllis Dolvin Schoedel, marketing act administrator, state department of agriculture, conduct a public hearing thereon and did give due notice of such hearing and opportunity to be heard to all persons directly affected by any action of the director pursuant to the provisions of said act whose names appear on the official affected producer list for the seed potato producers in the state of Washington, whose names are on file in the office of the director of agriculture; and

(4) Whereas, the director of agriculture has reviewed the provisions of such marketing order which authorizes the purposes set forth in RCW 15.66.030 with provisions relating to the advertising and sales promotion; research; improving standards and grades; and investigating and preventing unfair trade practices, hereby finds that:

(a) The proposed issuance of said marketing order is reasonably calculated to attain the objective sought in such marketing order;

(b) The proposed issuance is in conformity with the provisions of chapter 15.66 RCW, known as the Washington Agricultural Enabling Act, and within the applicable limitations and restrictions set forth therein will tend to effectuate the declared purposes and policies of said act;

(c) Said marketing order will protect the interests of consumers of seed potatoes by exercising the powers of said chapter of the laws of the state of Washington only to such extent as is necessary to attain the objectives sought in the act; and

(5) Whereas, this marketing order embraces all producers who are engaged in the production of seed potatoes in the state of Washington; and

(6) Whereas, the director of agriculture did execute and issue his findings and recommended decision of issuance of the marketing order for Washington seed potatoes on the 2nd day of August, 1956 and did cause copies of said findings and recommended decision to be mailed to all parties of record appearing at the public hearing, or their attorneys of record, and did give proper and due consideration to such objections as were duly filed with the director, all as required by the act;

(7) Now therefore, I Sverre N. Omdahl, director of agriculture of the state of Washington, do hereby execute and issue this final decision approving a Washington seed potato marketing order providing for the creation of a Washington seed potato commission and herewith submit this order for the referendum assent of the affected seed potato producers on the official affected seed potato producer list of the state department of agriculture.

[Director's Findings and Decision, effective 8/17/56.]

WAC 16-520-003 Director's order creating seed potato commission and making marketing order effective. (1) Whereas, the director of agriculture of the state of Washington acting pursuant to and by virtue of the authority vested in him by the provisions of the Washington Agricultural Enabling Act, being chapter 15.66 RCW, issued on August 17, 1956, that certain marketing order entitled, "Marketing order for Washington seed potatoes providing for the

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creation of a Washington seed potato commission," for the written referendum assent of the affected producers in accordance with RCW 15.66.090 and,

(2) Whereas, the director of agriculture has found that more than fifty-one percent of the affected producers have replied to the written referendum within the time specified by the director and that said marketing order for Washington seed potatoes has been assented to in writing by more than sixty-five percent of the producers who produced more than fifty-one percent by volume of the said seed potatoes reported produced in the state of Washington during the past five years; said determination being based upon the official affected producer list of seed potato producers established by the director pursuant to the provisions of RCW 15.66.060, which list is now on file in the department; said affected producers being qualified to assent to said marketing order;

(3) Now therefore, I, Sverre N. Omdahl, director of the department of agriculture of the state of Washington, acting pursuant to and by virtue of the authority vested in me by said act, do hereby make effective the said act, do hereby make effective the said marketing order for Washington seed potatoes providing for the creation of a Washington seed potato commission, said order to be effective at 12:01 a.m. October 1, 1956.

[Order and Findings, issued 9/18/56.]

WAC 16-520-005 Marketing order—Policy and purpose. The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of the "act" and of this "Washington seed potato marketing order" to promote the general welfare of the state by enabling seed potato producers to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing and standardizing of the seed potatoes they produce, and in promoting and increasing the sale of such seed potatoes.

[Marketing Order for Washington Seed Potatoes, effective 10/1/56.]

WAC 16-520-010 Definitions. As used in this marketing order, the following terms shall have the following meanings:

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

(2) "Act" means the Washington Agricultural Enabling Act, being chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market in commercial quantities seed potatoes as herein defined grown in the state of Washington;

(5) "Commercial quantities" shall mean and include five hundred weight or more;

(6) "Hundredweight" or "affected unit" are synonymous and mean and include each one hundred pound unit or any combination of packages making a one hundred pound unit of seed potatoes;

(7) "Seed potatoes" means and include all kinds and varieties of Irish seed potatoes grown in the state of Washington and marketed, sold or intended for use for seed purposes;

(8) "Seed potato commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-520-020;

(9) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning July 1 of any year and ending upon the last day of June, both dates inclusive;

(10) "Handler" means any person engaged in the business of handling, selling, processing, storing, shipping, or distributing seed potatoes which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, and shall include any lending agencies for commodity credit corporation loan to producers, but shall not include a producer engaged in transporting seed potatoes produced by him for grading, washing, sorting, sacking, or otherwise preparing for marketing or market;

(11) "Sale" means a transaction wherein the property in or to seed potatoes is transferred from the producer to a purchaser for consideration. "Sale" shall also include an agreement to acquire such property for a consideration;

(12) "Affected area" or "area of production" are synonymous and mean and include all of the state of Washington.

[Marketing Order, Article I, effective 10/1/56.]

WAC 16-520-020 Seed potato commission—Structure, powers, duties, and procedure. (1) **Establishment and membership.** A seed potato commission is hereby established to administer this marketing order which shall be composed of five members who shall be producers elected by the producers as provided in the act, and two members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of twenty-five years and producer members of the commission shall be producers of seed potatoes in the state of Washington. The qualifications of producer members of the commission as herein set forth must continue during their term of office. Members appointed by the elected producers shall be either seed potato producers, others active in matters relating to seed potatoes or persons not so related.

(3) **Term of office; initial commission.** The term of office of commission members shall be three years from the date of their election and until their successors are elected and qualified so that one-third of the terms will commence as nearly as practicable each year provided, however, that the initial members of the commission shall serve from the effective date of this marketing order in terms terminating as follows: Two producer members, being positions 1 and 2 shall be elected for one year terms terminating June 30, 1957; two producer members, being positions 3 and 4 shall be elected for 2 year terms terminating June 30, 1958; and one producer member, being position 5 shall be elected for a 3 year term terminating June 30, 1959.

The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the

first meeting of said commission. One appointed member being position 6, shall be appointed for a two year term expiring June 30, 1958, and one appointed member, being position 7, shall be appointed for a three year term, expiring June 30, 1959.

(4) Nomination and election of commission members.

(a) Not earlier than March 19 and not later than April 3 of each year, the director shall give notice by mail to all producers that a vacancy or vacancies will occur in the commission and call for nominations. Nominating petitions shall be signed by five persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than April 7 and not later than April 12 of such year.

(b) The director shall submit ballots by mail to all producers in the district wherein the vacancy will occur not earlier than April 17 and not later than May 2 of each year. Ballots shall be returned not later than June 1 of such year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules and regulations to be promulgated by the director.

(c) With respect to the initial seed potato commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The ballot specified herein shall be forwarded to the producers at the time the director's proposed marketing order is mailed to the producers for their referendum assent.

(d) Except with respect to the initial seed potato commission, the members of the commission not elected by the producers shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(5) Vacancies.

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election in the manner provided in subsection (4) of this section.

(b) To fill nonelective vacancies caused by other reasons than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(6) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman and such other officers as the commission may deem advisable; and to select subcommittees of commission members;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor;

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this marketing order.

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

(1) To accept and receive gifts and grants and expend the same to effectuate the purposes of the act and this order;

(m) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(7) Procedure for commission.

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

(b) The commission shall hold at least two regular meetings during each fiscal year with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission may hold such special meetings as it may deem advisable and shall establish by resolution the time, place and manner of calling such special meetings with reasonable notice to the members, provided, however, that the notice of any special meeting may be waived by a waiver thereof signed by not less than a quorum of the membership.

(d) Any action taken by the commission shall require the majority vote of the members present provided a quorum is present.

(e) A quorum of the commission shall consist of at least four members.

(f) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission, which rate shall not exceed \$20.00 per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expense of the rate allowed by law to state employees.

(8) Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instru-

mentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: Chapter 15.66 RCW. 83-22-019 (Order 1808), § 16-520-020, filed 10/25/83, effective 12/1/83; Marketing Order, Article II, effective 10/1/56.]

WAC 16-520-030 Marketing order purposes. (1) Research.

(a) The seed potato commission, subject to the provisions of the act, is hereby authorized to carry on or cause to be carried on any necessary and proper marketing, production, processing or handling research or survey studies relating to seed potatoes and to expend moneys for such purposes.

(b) Such research and survey studies may include, but shall not necessarily be limited to the following:

(i) Production problems, such as soil, fertilizers, irrigation, insecticides and the like.

(ii) Investigating and developing more disease-resistant seed potatoes for marketing.

(iii) Improving techniques and methods of harvesting and storing seed potatoes.

(iv) Improving packing and handling techniques which promote more efficient operation in the marketing and distribution of seed potatoes.

(v) Investigating transportation rates and service costs, and if the commission after such investigation finds transportation rates and service costs are restricting the free flow of seed potatoes produced in this state the commission is authorized to institute proper action before the interstate commerce commission or such other agency or body deemed necessary to correct the situation.

(c) The commission may, in addition to the activities enumerated above, carry on any other proper and necessary research and/or survey programs and activities consistent with, and subject to the limitations of the act. Such research and/or survey studies may include the collection of data and information relating to seed potatoes; the analysis of such data and information; the dissemination of such data, information and analysis; and such other investigation that falls within the scope of the marketing, producing, or handling of seed potatoes.

(2) Advertising and sales promotion plans.

(a) The seed potato commission, subject to the provisions of the act, is hereby authorized to prepare plans, administer and conduct programs and expend moneys for advertising and sales promotion for promoting the sale of seed potatoes for the purpose of maintaining existing markets or creating new and/or larger markets for seed potatoes grown

in the state of Washington, including but not necessarily limited to the following:

(i) Increasing the sale of Washington produced seed potatoes through the use of the press, radio, television and all other advertising media.

(ii) Trade promotion, publicity, market development and expansion activities.

(iii) Prevention, modification, or elimination of trade barriers which restrict the free flow of seed potatoes produced in this state.

(iv) Presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which affect the marketing of seed potatoes produced in this state, and such other activities and programs which are consistent with the objectives of this marketing order and the act.

(b) In carrying out any advertising and sales promotion plans or programs, the commission may engage or hire such advertising medias as may be necessary to accomplish the purposes of the act and this order, arrange for advertising space, display material and other advertising material, or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating new and larger domestic or foreign markets for seed potatoes, or in maintaining existing markets.

(c) Programs and plans adopted by the commission under this marketing order shall be directed towards promoting the sale of seed potatoes without reference to any particular private brand or trade name and sales promotion and advertising programs so conducted shall not disparage the value, quality, sale or use of any other agricultural commodity or make use of any unwarranted or false claims on behalf of seed potatoes.

(3) **Labeling.**

(a) The seed potato commission, subject to the provisions of the act, is hereby authorized to define, establish and provide labeling requirements for improving standards and grades for seed potatoes, as provided in the act, not inconsistent with the horticultural laws of this state with respect to the same, and to expend moneys for such purposes.

(b) The commission shall give reasonable written notice to all producer, handlers, and persons directly affected by the labeling requirements issued pursuant to this section, not less than ten days prior to the effective time of such requirements.

(c) The commission shall be authorized to cooperate with state and federal agencies or departments responsible for revising and modernizing grades and standards and labeling of seed potatoes.

(d) Nothing in this section shall be construed as authorizing the commission to set minimum grades, sizes or maturity of seed potatoes which a producer may sell, offer for sale or ship.

(4) **Unfair trade practices.** The seed potato commission, subject to the provisions of the act, is hereby authorized to investigate and take necessary action to prevent unfair trade practices and to correct, where possible, trade practices which hinder marketing of Washington produced seed potatoes. Information acquired in such investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act.

(5) **Standards, grades, labels, trade practices.** The provisions covering standards, grades, labels and trade prac-

tices shall apply with respect to seed potatoes marketed or sold within this state regardless of where produced.

[Marketing Order, Article III, effective 10/1/56.]

WAC 16-520-040 Assessments and assessment funds.

(1) **Assessments levied.** Beginning December 1, 1983, there is hereby levied and there shall be collected by the commission, as provided in chapter 15.66 RCW, upon all seed potatoes grown in the state an annual assessment which shall be paid by the producer thereof upon each and every hundred-weight of seed potatoes sold, processed, delivered for sale or processing by him or stored or delivered for storage when such storage or delivery for storage is outside the boundaries of this state. The assessment shall be three cents per hundred-weight from December 1, 1983, until August 31, 1984. The assessment shall then be set by the seed potato commission at a regular meeting before July 15th of each year, to become effective from September 1st of the same year to August connote of the following year. The assessment shall not be less than one cent or more than five cents per hundredweight. No assessment may be collected on the following:

(a) Seed potatoes of a producer's own production used by him on his own premises for seed, feed or personal consumption;

(b) Seed potatoes donated or shipped for relief or charitable purposes; or

(c) Sales on a producer's premises by a producer direct to a consumer of five hundred pounds or less of seed potatoes from a producer's own production.

No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such seed potatoes sold, processed or delivered for sale or processing by all producers of seed potatoes for the fiscal year to which the assessment applies.

(2) **Collection of assessment.**

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefore. To collect such assessments, the commission may require:

(i) Stamps to be known as "Washington seed potato commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any such stamps shall be canceled immediately upon being attached or fixed and the date of such cancellation shall be placed thereon;

(ii) Handlers receiving seed potatoes from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and all moneys so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at such times as by rule and regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of seed potatoes handled, processed, delivered and/or shipped during the period prescribed by the commission.

(iii) Payment of producer assessments before the seed potatoes are shipped off the farm or payments of assessments at different or later times and in such event, any person sub-

ject to the assessment shall give such adequate assurance or security for its payment as the commission shall require.

(b) The commission is authorized to make reasonable rules and regulations in accordance and conformity with the act and with this section to effectuate the collection of assessment. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season.

(c) No affected units of seed potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp canceled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any seed potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions.

(d) Any producer or handler who fails to comply with the provisions of this section as herein provided shall be guilty of a violation of this order.

(3) Funds.

(a) Moneys collected by the seed potato commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all seed potatoes sold, processed, delivered for sale or processing or delivered for storage or stored when such storage or delivery for storage was outside the boundaries of this state during that period. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

[Statutory Authority: RCW 15.66.050, 92-22-007, § 16-520-040, filed 10/21/92, effective 12/1/92. Statutory Authority: Chapter 15.66 RCW, 83-22-019 (Order 1808), § 16-520-040, filed 10/25/83, effective 12/1/83; Marketing Order, Article IV, effective 10/1/56.]

WAC 16-520-050 Information reports. All persons subject to the provisions of this order shall make and render such reports and furnish such information to the director or the commission as may be necessary or required under the act or this order to effectuate the purposes thereof. Any information obtained by any persons pursuant to the provisions of this section shall be confidential and shall not be by him disclosed to any other person save to a person with like right to obtain the same or any attorney employed by the director or the commission to give legal advice thereon or by court order.

[Marketing Order, Article V, effective 10/1/56.]

WAC 16-520-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any

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other person, circumstances, or thing shall not be affected thereby.

[Marketing Order, Article VI, effective 10/1/56.]

WAC 16-520-070 Effective time. The provisions hereof shall become effective at such time as the director may declare above his signature attached hereto and shall continue in force until terminated as specified in the act.

[Marketing Order, Article VII, effective 10/1/56.]

RULES OF THE WASHINGTON STATE SEED POTATO COMMISSION

WAC 16-520-110 Collection of assessments. Such assessments shall become due and payable within thirty days after levy of same and, if such fees are not paid within the prescribed time, the state department of agriculture, division of horticulture, may withdraw inspection or refuse to perform any inspection or certification service for the person in arrears: Provided, Such horticultural inspector in behalf of the commission may demand and collect the assessment prior to inspecting and certifying any seed potatoes for such person.

[Rule, filed 12/8/64; Emergency Rule, filed 9/16/64.]

Chapter 16-524 WAC

TULIP, IRIS AND NARCISSUS BULBS

WAC

16-524-002	Director's findings and decision approving a marketing order.
16-524-003	Director's order making marketing order effective.
16-524-010	Definitions.
16-524-020	Bulb commission.
16-524-030	Marketing order purposes.
16-524-040	Assessments and assessment funds.
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16-524-060	Separability.
16-524-070	Effective time.
16-524-110	Producer's annual sales report—Form.

WAC 16-524-002 Director's findings and decision approving a marketing order. Whereas, it is provided in RCW 15.66.020, as follows:

(1) "The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of this act to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale of such commodities"; and

(2) Whereas, it is further provided in RCW 15.66.040, that marketing orders and orders modifying or terminating existing marketing orders shall be promulgated by the director; and

(3) Whereas, the director of agriculture having reason to believe that the issuance of a marketing order would tend to effectuate the declared policy of the act with respect to bulbs, did upon receipt of the industry petition signed by five percent of the bulb industry, and pursuant to the provisions of the act, issue on the 31st day of August, 1955 notice of public hearing to be held in Seattle, Washington on the 14th day of

September, 1955, upon a proposed marketing order for tulip, iris and narcissus bulbs grown in the state of Washington, and did upon said date and at said place, personally, and through his duly authorized representative, Phyllis Dolvin Schoedel, marketing act administrator, state department of agriculture, conduct a public hearing thereon and did give due notice of such hearing and opportunity to be heard to all persons directly affected by any action of the director pursuant to the provisions of said act whose names appear upon the official affected producer list for the tulip, iris and narcissus bulb producers in the state of Washington, whose names are on file in the office of the director of agriculture; and

(4) Whereas, the director of agriculture has reviewed the provisions of such marketing order which authorizes the purposes set forth in RCW 15.66.030 with provisions relating to the advertising and sales promotion; research; improving standards and grades; and investigating and preventing unfair trade practices, hereby finds that:

(a) The proposed issuance of said marketing order is reasonably calculated to attain the objectives sought in such marketing order;

(b) The proposed issuance is in conformity with the provisions of chapter 15.66 RCW, known as the Washington Agricultural Enabling Act, and within the applicable limitations and restrictions set forth therein will tend to effectuate the declared purposes and policies of said act;

(c) Said marketing order will protect the interests of consumers of tulip, iris and narcissus bulbs by exercising the powers of said chapter of the laws of the state of Washington only to such extent as is necessary to attain the objectives sought in the act; and

(5) Whereas, this marketing order embraces all persons who are engaged in the specific and distinct agricultural industry within the state and to be regulated by said marketing order; and

(6) Whereas, the director of agriculture did execute and issue his findings and recommended decision of issuance of the marketing order for Washington tulip, iris and narcissus bulbs on the 29th day of November, 1955 and did cause copies of said findings and recommended decision to be mailed to all affected producers on the official affected producer list of tulip, iris and narcissus bulb producers and did give proper and due consideration to such objections as were duly filed with the director, all as required by the act;

(7) Now, therefore, I, Sverre N. Omdahl, director of agriculture of the state of Washington, do hereby execute and issue this final decision approving a marketing order for Washington tulip, iris and narcissus bulbs, and herewith submit the same for the referendum assent of the affected tulip, iris and narcissus bulb producers on the official affected producer list of the state department of agriculture.

[Director's Findings and Final Decision, effective 1/26/56.]

WAC 16-524-003 Director's order making marketing order effective. (1) Whereas, the director of agriculture of the state of Washington acting pursuant to and by virtue of the authority vested in him by the provisions of the Washington Agricultural Enabling Act, being chapter 15.66 RCW, issued on January 26, 1956, that certain marketing order entitled, "marketing order for Washington tulip, iris and narcissus bulbs," for the written referendum assent of the affected producers in accordance with RCW 15.66.090 and,

(2) Whereas, the director of agriculture has found that more than fifty-one percent of the affected producers have replied to the written referendum within the time specified by the director and that said marketing order for Washington tulip, iris and narcissus bulbs has been assented to in writing by more than sixty-five percent of the producers who produced more than fifty-one percent by volume of the said tulip, iris and narcissus bulbs in the state of Washington during the past five years. Said determination is based upon the official affected producer list of tulip, iris and narcissus bulb producers established by the director pursuant to the provisions of RCW 15.66.060, which list is now on file with the department; said affected producers being qualified to assent to said marketing order;

(3) Now therefore, I, Sverre N. Omdahl, director of the department of agriculture of the state of Washington, acting pursuant to and by virtue of the authority vested in me by said act, do hereby make effective the said marketing order for Washington tulip, iris and narcissus bulbs; said order to be effective at 12:01 a.m., April 16, 1956.

[Order and Findings, effective 4/16/56.]

WAC 16-524-010 Definitions. As used in this marketing order, the following terms shall have the following meanings:

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

(2) "Act" means the Washington Agricultural Enabling Act, being chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals;

(4) "Bulbs" for the purposes of this marketing order means and includes tulip, iris and narcissus bulbs of any kind and variety grown in the state of Washington;

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities, bulbs as defined herein;

(6) "Bulb commission" or "commission" are synonymous and mean the commission established pursuant to WAC 16-524-020;

(7) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning with January 1 of any year and ending upon the last day of December, both dates inclusive;

(8) "Sell" means a transaction wherein the property in or to bulbs is transferred from the producer to a purchaser for consideration. "Sell" shall also include an agreement to acquire such property for a consideration;

(9) "Affected area" shall mean and include all of the state of Washington.

[Marketing Order, Article I, effective 4/16/56.]

WAC 16-524-020 Bulb commission. (1) **Establishment and membership.** A bulb commission is hereby established to administer this marketing order which shall be composed of five members who shall be producers elected as provided in subsection (2) of this section and two members who

shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) **Representative districts.** For the purpose of nomination and election of producer members of the commission, the state of Washington shall be divided into representative districts, as follows:

(a) District No. 1 shall be and include the counties of Snohomish, Skagit, Whatcom and Island.

(b) District No. 2 shall be and include all other counties in the state of Washington.

(c) District No. 3 shall be the entire state of Washington and shall include the areas defined in districts 1 and 2.

Two of the producer members, being positions 1 and 2, shall be elected from District No. 1; two of the producer members, being positions 3 and 4, shall be elected from District No. 2; and one producer member, being position 5 shall be elected from District No. 3. The producer member elected for position 5 shall be known as the commissioner-at-large and shall be elected by all of the producers.

(3) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of twenty-five years. Producer members of the commission elected for positions 1 through 4 inclusive shall be producers of bulbs in the district in and for which they are nominated and elected. The qualifications of members of the commission as herein set forth shall continue during their term of office.

(4) **Term of office; initial commission.** The term of office of commission members shall be three years from the date of their election and until their successors are elected and qualified provided, however, that the initial members of the commission shall serve from the effective date of this marketing order as follows: Positions 1 and 3 shall terminate December 31, 1956, positions 2 and 4 shall terminate December 31, 1957 and position 5 shall terminate December 31, 1958; the term of one appointed member, being position 6, shall terminate December 31, 1957; the term of the second appointed member, being position 7, shall terminate December 31, 1958. The appointed members of the initial commission shall be elected by a majority of the commissioners at the first meeting of said commission.

(5) **Nomination and election of commission members.**

(a) Not earlier than September 18 nor later than October 2 of each year, the director shall give notice by mail to all producers in a district wherein a vacancy or vacancies will occur in the commission of such vacancy or vacancies and call for nominations. Nominating petitions shall be signed by five persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than October 8 and not later than October 13 of each year.

(b) The director shall submit ballots by mail to all producers in the district wherein the vacancy or vacancies will occur not earlier than October 18 and not later than November 2 of each year. Ballots shall be returned not later than December 2 of such year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules and regulations to be promulgated by the director.

(c) With respect to the initial bulb commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The ballot specified herein shall be forwarded to the producer at the time the director's proposed marketing order is mailed to the producers for their assent.

(d) The two appointed members of the commission, being positions 6 and 7, shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(6) **Vacancies.**

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election within the district wherein the vacancy occurred in the manner as provided in subsection (5) of this section.

(b) To fill nonelective vacancies caused by other reasons than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(7) **Powers and duties of commission.** The commission shall have the following duties and powers:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman from its membership, and to elect such other officers as the commission may deem advisable;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor;

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this marketing order;

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

(l) To accept and receive gifts and grants and to expend the same to effectuate the provisions of the act and this order;

(m) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(8) Procedure for commission.

(a) The commission shall hold at least two regular meetings during each fiscal year and such other special meetings as may be called in accordance with rules and regulations to be prescribed by the commission.

(b) A quorum of the commission shall consist of at least five members. Any action taken by the commission shall require the concurring vote of the majority of the members present; provided, that in no event shall any action be taken unless a quorum is present.

(c) No member of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid not to exceed \$20.00 per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and traveling expense at the rate allowed by law to state employees.

(9) Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member.

[Marketing Order, Article II, effective 4/16/56.]

WAC 16-524-030 Marketing order purposes. (1) **Advertising and sales promotion plans.** The bulb commission, subject to the provisions of the act, is hereby authorized to prepare plans and administer programs and expend moneys for promoting the sale of bulbs for the purpose of maintaining existing markets or creating new and larger markets for bulbs; provided, that any such plans so developed and conducted shall be directed toward promoting the sale of bulbs without reference to a particular private brand or trade name, and, provided, further, that such plans or programs make no false or unwarranted claims on behalf of bulbs.

In carrying out any advertising and sales promotion plans or programs, the commission may arrange for advertising space, display material and other advertising material, conduct dealer service work or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating

new and larger domestic or foreign markets for bulbs, or in maintaining existing markets. Advertising and sales promotion activities of the commission may include the presentation of facts to and negotiations with state, federal or foreign governmental agencies on matters which affect the marketing of bulbs produced in Washington.

(2) **Research.** The bulb commission, subject to the provisions of the act, is hereby authorized to carry on or cause to be carried on any necessary and proper marketing, production, processing or handling research or survey studies relating to bulbs, and to expend moneys for such purposes. Such research and/or survey studies may include the collection of data and information relating to bulbs; the analysis of such data and information; the dissemination of such data information and analysis; and such other investigation that falls within the scope of the marketing, producing, processing or handling of bulbs.

(3) **Standards and grades.** The bulb commission, subject to the provisions of the act, is hereby authorized to provide for the improving of standards and grades for bulbs by defining, establishing and providing labeling requirements, not inconsistent with the agricultural and horticultural laws of the state, with respect to the same, and to expend moneys for such purposes.

(4) **Unfair trade practices.** The bulb commission, subject to the provisions of the act, is hereby authorized to investigate and take necessary action to prevent any unfair trade practices. Information acquired in any such investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act.

[Marketing Order, Article III, effective 4/16/56.]

WAC 16-524-040 Assessments and assessment funds.

(1) **Rate of assessment.** There is hereby levied, and shall be collected by the commission, upon each and every one thousand bulbs or part thereof in excess of five hundred bulbs, an assessment as provided in the act which shall be paid by the producer thereof upon each and every one thousand bulbs or part thereof in excess of five hundred bulbs, sold, processed, stored or delivered for sale, processing or storage by him, as follows: Twenty-five cents per thousand narcissus bulbs; twenty cents per thousand iris and tulip bulbs if sold by count. For bulbs sold by weight, the assessment shall be set at one and one-quarter percent of the receipts to the grower at the first sale. No assessment levied or made collectible by the act under this order shall exceed three percent of the total market value of all such bulbs sold, processed, stored or delivered for sale, processing or storage, by all producers of bulbs for the fiscal year to which the assessment applies.

(2) **Collection of assessment.** All assessments made and levied pursuant to the provisions of the act under this marketing order shall be paid by the respective producers, who shall be primarily liable therefore. Such assessments shall be collected by stamps to be known as "bulb commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases, receiving receipts or tickets. Any such stamps shall be canceled immediately upon being attached or fixed and the date of cancellation shall be placed on such stamps. The commission is authorized to make such reason-

able rules and regulations in accordance and conformity with the act and with this section to effectuate the collection of this assessment.

(3) Funds.

(a) Moneys collected by the bulb commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purpose of paying for the cost or expenses arising in connection with carrying out the purposes and provisions of the act and of this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all bulbs sold, processed, stored or delivered for sale, processing or storage during that period. Refund shall be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

[Statutory Authority: Chapter 15.66 RCW, 86-13-057 (Order 1891), § 16-524-040, filed 6/16/86, effective 7/18/86; Marketing Order, Article IV, effective 4/16/56.]

WAC 16-524-050 Information reports. All persons subject to the provisions of this order shall make and render

WAC 16-524-110 Producer's annual sales report—Form.

Washington State Bulb Commission

P.O. Box 215 Sumner, Washington

PRODUCER'S ANNUAL SALES REPORT

Form with fields for Name, Address, Date, and Assessment. Includes sections for NARCISSUS, IRIS, and TULIPS, each with sub-fields for Number acres planted, Number bulbs sold by count, and Value of bulbs sold by weight. Includes a TOTAL assessment due field.

I, the undersigned, do hereby certify under penalty of perjury, that the above is a true and correct statement of my sales for the season of (Year)

Subscribed this day of 19 at Wash. Title. For

RETURN THIS REPORT WITH YOUR REMITTANCE BEFORE DECEMBER 1st

[Form, (codified as WAC 16-524-110), adopted 6/10/57.]

Reviser's note: Filed with the code reviser's office on February 23, 1960, was the following excerpt from the commission's minutes of June 10th, 1957: "Mr. Fryar presented a copy of a revised form for reporting bulb sales, which had the approval of the state department of agriculture (copy attached). The date of December 1st was established as the deadline for grower reporting. Mr. Staatz moved that the reporting form, as presented, be formally adopted, Mr. Hatch seconded and the motion carried."

Chapter 16-528 WAC

WHEAT

WAC

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16-528-230	Variations and discrepancies in assessment returns.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-528-030	Marketing order purposes. [Marketing Order, Article III, effective 4/30/58.] Repealed by 04-10-057, filed 4/30/04, effective 7/1/04. Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW.
16-528-220	Exemption from assessment. [Minute Order, 9/14/59.] Repealed by 04-10-058, filed 4/30/04, effective 7/1/04. Statutory Authority: RCW 15.66.140 and chapter 34.05 RCW.

WAC 16-528-002 Director's final decision approving a marketing order. (1) I, Joe Dwyer, director of agriculture of the state of Washington, after due consideration given to all objections filed to the recommended decision previously issued, do hereby execute and issue this final decision approving a marketing order for Washington wheat and the formation of a Washington wheat commission.

(2) I do hereby approve the marketing order contained in my recommended decision dated November 19, 1957, the text of which marketing order is hereto attached in full and made a part hereof.

(3) I direct that said marketing order be submitted to a referendum vote of all affected wheat producers, as listed on the affected producers' list heretofore established.

[Director's Final Decision, effective 12/4/57.]

WAC 16-528-004 Marketing order for Washington wheat—Policy statement. (1) The marketing of wheat within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its wheat be properly promoted by:

(a) Enabling producers of wheat to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the wheat they produce.

(b) Working towards stabilizing the agricultural industry by increasing consumption of wheat within the state, the nation, and internationally.

(i) Marketing information and services for producers of

(2) That it is in the overriding public interest that support for the wheat industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that wheat be promoted individually, and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's wheat.

(b) Increase the sale and use of Washington state's wheat in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's wheat.

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's wheat and products.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of wheat produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.66 RCW through this marketing order.

(4) The Washington state wheat commission exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the commission is authorized to speak on behalf of Washington state government with regard to wheat under the provisions of this marketing order.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-10-057, § 16-528-004, filed 4/30/04, effective 7/1/04.]

WAC 16-528-005 Marketing order purposes. (1) The marketing order for wheat is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; or increasing production efficiency, ensuring a fair regulatory environment; or increasing per capita consumption of wheat in Washington state. The Washington state wheat commission is designated by the director to conduct the following programs in accordance with chapter 15.66 RCW:

(a) To establish plans and conduct programs for marketing and sales promotion. The commission may also engage in cooperative efforts in the domestic or foreign marketing of wheat food products.

(b) To provide for carrying on research studies to find more efficient methods of irrigation, production, processing, handling, transportation, and marketing of wheat.

(c) To adopt rules in accordance with chapter 34.05 RCW to provide for improving standards and grades of wheat by defining, establishing, and providing labeling requirements with respect to the same.

(d) To investigate and take necessary action to prevent unfair trade practices.

(e) Subject to the provisions of the act, to provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of wheat produced in Washington state to any elected official or officer or employee of any agency.

(f) To conduct programs for the purpose of providing information and education including:

wheat.

(ii) Information and services enabling producers to meet their resource conservation objectives.

(iii) Wheat-related education and training.

(2) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for wheat marketing and promotion, wheat research, education, and information.

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of the wheat may be encouraged, expanded, improved, or made more efficient.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-10-057, § 16-528-005, filed 4/30/04, effective 7/1/04.]

WAC 16-528-010 Definitions. Definitions for terms used in this chapter are also found in chapter 15.66 RCW, Washington State Agricultural Commodity Commissions Act. For the purposes of the wheat marketing order, the following additional definitions shall apply:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him or her concerning some matter under this chapter;

(2) "Act" means the Washington State Agricultural Commodity Commissions Act, chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals or any unit or agency of local or state government;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market, in commercial quantities, wheat grown in the designated affected area of the state of Washington. "To produce" means to act as a producer. For the purposes of the wheat marketing order, "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase;

(5) "Affected producer" means any producer who is subject to this marketing order;

(6) "Commercial quantities" shall mean and include five hundred or more bushels of wheat produced for market in any calendar year by any producer;

(7) "Wheat" means and includes all kinds and varieties of wheat grown in the state of Washington;

(8) "Wheat commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-528-020;

(9) "Marketing year" refers to the twelve-month period beginning June 1 of any year and ending on May 31. "Fiscal year" refers to the twelve-month period beginning July 1 of any year and ending on June 30.

(10) "Handler" means any person who acts, either as principal, agent, or otherwise, in the processing, selling, marketing, or distributing of wheat that is not produced by the handler. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler;

(2009 Ed.)

(11) "Commercial channels" means the sale of wheat for use as food, feed, seed or any industrial or chemurgic use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any wheat, or products produced from wheat;

(12) "Affected area" shall mean and include the following counties located in the state of Washington: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-10-057, § 16-528-010, filed 4/30/04, effective 7/1/04; Marketing Order, Article I, effective 4/30/58.]

WAC 16-528-020 Wheat commission—Structure—Powers, duties—Procedure. (1) **Establishment and membership.** A wheat commission is hereby established to administer this marketing order and shall be composed of five members who shall be producers who are nominated by producers in each district and subsequently appointed by the director as provided in this section and two members who shall be appointed by the commission members. In addition, the director shall be a voting member of the commission.

(2) **Representative districts.**

(a) The affected area shall be divided into the five following districts:

District I—One commission member

Ferry County
Lincoln County
Pend Oreille County
Spokane County
Stevens County

District II—One commission member

Whitman County

District III—One commission member

Asotin County
Columbia County
Garfield County
Walla Walla County

District IV—One commission member

Adams County
Chelan County
Douglas County
Grant County
Okanogan County

District V—One commission member

Benton County
Franklin County
Kittitas County
Klickitat County
Yakima County

(b) Producer positions appointed by the director shall be numbered one through five. Positions appointed by the commission members shall be numbered six and seven. The director's position shall be position eight.

[Title 16 WAC—p. 545]

(c) Nomination and appointment of director-appointed commission members shall be as set forth in chapter 15.66 RCW and specified by the director.

(3) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of eighteen years. Producer members of the commission shall be producers of wheat in the district in and for which they are nominated and appointed. The qualifications of producer members of the commission as herein set forth must continue during their term of office.

(4) **Term of office—Initial commission.**

(a) The term of office of commission members shall be three years from the date of their appointment and until their successors are appointed and qualified. The terms of office for the initial commission members shall be as follows:

Districts I and II shall terminate December 31, 1958.

Districts III and IV shall terminate December 31, 1959.

District V shall terminate December 31, 1960.

One appointed member's term shall terminate December 31, 1959.

The second appointed member's term shall terminate December 31, 1960.

The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting.

(b) Within thirty days of the effective date of this amended marketing order, the names of the currently elected board members shall be forwarded to the director for appointment to the commission.

(5) **Nomination and appointment of commission members.**

(a) Nomination and subsequent appointment of director-appointed commission members shall be as set forth in chapter 15.66 RCW and specified by the director. Dates will be set as follows:

(i) Nominating petitions for director-appointed positions shall be sent not earlier than September 17th and not later than October 2nd of each year in the district wherein an open commission position(s) will occur. Nominating petitions shall be signed by not less than five affected producers of the district from which such a candidate will be appointed.

(ii) Filing of nominating petitions for director-appointed positions shall be mailed to the director not earlier than October 8th and not later than October 13th of each year.

(iii) Ballots for an advisory vote will be mailed to all producers in the district wherein an open commission position(s) will occur, not earlier than October 18th and not later than November 2nd of each year.

(iv) Ballots for an advisory vote shall be returned not later than December 2nd of such year. An affected producer is entitled to one vote.

(v) When only one nominee is nominated by the affected producers for a director-appointed position, RCW 15.66.120 shall apply.

(b) Except with respect to the initial wheat commission, the members of the commission not elected by the producers or appointed by the director shall be appointed by a majority of the commission within ninety days prior to the expiration of the term.

(6) **Vacancies.**

(a) In the event of a vacancy in a commission-appointed position, the remaining members shall select a qualified person to fill the term. The appointment shall be made at the commission's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in chapter 15.66 RCW.

(7) **Powers and duties of commission.** The commission shall have the powers and duties, as specified under RCW 15.66.140 including the following:

(a) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with, and to effectuate the purposes of the act, and this marketing order.

(b) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year. The commission, at least thirty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its marketing, research, commodity-related education and training plan, and its budget.

(c) To accept and receive gifts and grants from private persons or private and public agencies and expend same.

(d) To administer, enforce, direct, and control the provisions of this marketing order and of the act relating thereto.

(e) To elect a chairman and such other officers as the commission may deem advisable.

(f) To adopt, rescind, and amend rules reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order.

(g) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies, and other persons and firms that it may deem appropriate and pay compensation to the same.

(h) To acquire personal property and lease office space and other necessary real property and transfer and convey the same.

(i) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction, or civil recovery, or proceedings, before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order.

(j) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor.

(k) To borrow money and incur indebtedness.

(l) To make necessary disbursements for routine operating expenses.

(m) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes set forth in this marketing order.

(n) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes set forth in this marketing order. Personal service contracts must comply with chapter 39.29 RCW.

(o) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of wheat.

(p) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general.

(q) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by this marketing order.

(r) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of wheat including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(s) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each producer's production for a minimum three-year period pursuant to RCW 15.66.140.

(t) To maintain a list of the names and addresses of persons who handle wheat within the affected area and data on the amount and value of the wheat handled for a minimum three-year period by each person pursuant to RCW 15.66.140.

(u) To maintain a list of names and addresses of all affected persons who produce wheat and the amount, by unit, of wheat produced during the past three years pursuant to RCW 15.66.143.

(v) To maintain a list of all persons who handle wheat and the amount of wheat handled by each person during the past three years pursuant to RCW 15.66.143.

(w) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

(x) To request records and audit the records of producers or handlers of the affected commodity during normal business hours to determine whether the appropriate assessment has been paid.

(y) To assist and cooperate with the department or any other local, state, or federal government agency in the investigation and control of exotic pests and diseases that could damage or affect trade of the affected commodity.

(z) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to the affected commodity.

(aa) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(8) Procedure for commission.

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

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

regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

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

(d) The commission shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: Provided, That the notice to a member of any special meeting may be waived by a waiver from that member of the board. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

(e) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(f) A quorum of the commission shall consist of at least five members.

(g) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall receive an amount not to exceed the amount as allowed in RCW 43.03.230, as it exists now or as hereafter amended, for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence, lodging, and mileage expense allowed by RCW 43.03.050 and 43.03.060 as authorized by RCW 15.66.130. The commission may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members of the commission in carrying out the provisions of this marketing order pursuant to RCW 15.66.130.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-10-057, § 16-528-020, filed 4/30/04, effective 7/1/04. Statutory Authority: Chapters 15.66 and 43.03 RCW. 89-08-020 (Order 1999), § 16-528-020, filed 3/29/89; Marketing Order, Article II, effective 4/30/58.]

Reviser's note: *Meetings: See also WAC 16-528-110, 16-528-120, 16-528-130.*

WAC 16-528-040 Assessments and collection. (1) Assessments. The annual assessment on wheat shall be three-fourths of one percent of the net receipts at the first point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the wheat is sold in this or any other state.

(2) Collection of assessments. The collection of the assessment made and levied by the wheat commission, pursuant to the provisions of the act, shall be paid by the producer upon all commercial quantities of wheat sold, processed, stored or delivered for sale, processing or storage by him, under any or all of the methods of collections set forth in RCW 15.66.150, in accordance with rules to be adopted by the wheat commission: Provided, That no assessment shall be levied or collected on wheat grown and used by the producer for feed, seed, or personal consumption.

(3) Funds. All moneys collected by the wheat commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the

purposes and provisions of the act and the wheat marketing order. At the end of each fiscal year, the commission shall credit each producer with any amount paid by such producer in excess of the assessment. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-10-057, § 16-528-040, filed 4/30/04, effective 7/1/04. Statutory Authority: Chapter 15.66 RCW. 88-09-019 (Order 1975), § 16-528-040, filed 4/13/88, effective 6/1/88; 82-11-002 (Order 1765), § 16-528-040, filed 5/6/82, effective 7/1/82; Order 1450, § 16-528-040, filed 4/30/76; Marketing Order, Article IV, effective 4/30/58.]

Assessments and collection: See also WAC 16-528-210, 16-528-230.

WAC 16-528-050 Effective time. This marketing order for wheat shall become effective on and after April 30, 1958.

[Marketing Order, Article V, effective 4/30/58.]

WAC 16-528-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

[Marketing Order, Article VI, effective 4/30/58.]

RULES OF THE WHEAT COMMISSION

WAC 16-528-105 Definition of terms. (1) "Promotional hosting" as used in these rules 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 wheat and processed wheat products.

(2) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of a nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-05-065 (Order 2072), § 16-528-105, filed 2/19/91, effective 3/22/91.]

WAC 16-528-110 Monthly meetings of the commission. The commission will hold a minimum of four scheduled meetings per year. Dates of each meeting will be determined annually prior to the new calendar year.

[Statutory Authority: RCW 15.66.140 and chapter 34.05 RCW. 04-10-058, § 16-528-110, filed 4/30/04, effective 7/1/04. Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-05-065 (Order 2072), § 16-528-110, filed 2/19/91, effective 3/22/91; Minute Order, 4/30/58.]

Regular meetings: See also WAC 16-528-020 (8)(b).

WAC 16-528-120 Special meetings. It was moved that the chairman be hereby authorized to call special meetings of the commission by giving ten days notice in writing of time and place to each commissioner and at the same time forward notices in the nature of a news release to regular wire services, radio, press and television media emanating from Spokane, Washington. Motion carried.

[Minute Order, 6/9/58.]

Special meetings: See also WAC 16-528-020 (8)(d).

[Title 16 WAC—p. 548]

WAC 16-528-130 Annual meetings. It was moved that the commission designate May of each year as the month for the Washington wheat commission's annual meeting to be held. Motion carried.

[Minute Order, 11/19/58.]

Annual meetings: See also WAC 16-528-020 (8)(c).

WAC 16-528-140 Fiscal year of commission. It was moved that the Washington wheat commission establish the period July 1 through June 30 as the official fiscal and budget year of the commission. Motion carried.

[Minute Order, 11/19/58.]

WAC 16-528-150 Warrants drawn on commission account—Signatures. The chairman, vice-chairman, secretary-treasurer, administrator, and one additional staff member, other than the person responsible for drafting checks, be designated and authorized to draw warrants against the accounts of the Washington wheat commission. Signature of any one of the above to be required on each and every check.

[Statutory Authority: RCW 15.66.140 and chapter 34.05 RCW. 04-10-058, § 16-528-150, filed 4/30/04, effective 7/1/04. Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-05-065 (Order 2072), § 16-528-150, filed 2/19/91, effective 3/22/91; Minute Order, 11/19/58.]

WAC 16-528-160 Refund checks—Endorsement by payee. It was moved that the following affidavit be typed or stamped on the back of any refund checks: "The payee by his (her) endorsement hereon represents that he (she) is legally entitled to this refund and that he (she) accepts same in full payment thereof." Motion carried.

[Minute Order, 9/14/59.]

WAC 16-528-170 Rules for implementation of promotional hosting by the Washington wheat commission. The laws of section 1, chapter 26, Laws of 1985 (RCW 15.04.200) provide that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners. The rules governing promotional hosting expenditures for the Washington wheat 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.

(a) Commissioners;

(b) Administrator, director of marketing.

Individual commissioners 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 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 (if appropriate) of each person hosted;
- (b) General purpose of the hosting;
- (c) Date of hosting;
- (d) Location of the hosting;
- (e) To whom payment was or will be made;
- (f) Signature of person seeking payment or reimbursement.

(4) The chairman of the commission, administrator, and/or treasurer 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 wheat and processed wheat products:

- (a) Individuals from private business, associations, commissions;
- (b) Foreign government officials;
- (c) Federal and state officials: Provided, That lodging, meals, and transportation will not be provided when such officials may obtain full 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 trade relations and promote sales of wheat and processed wheat products;
- (f) Spouses of the persons listed in (a), (b), (c), and (e) of this subsection when attendance of such spouse is customary and expected.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2), 91-05-065 (Order 2072), § 16-528-170, filed 2/19/91, effective 3/22/91.]

WAC 16-528-210 Assessments—Rate—Duty of handlers, warehousemen, and processors. The following resolution with respect to assessment collection methods was unanimously approved. "Resolved, that the Washington wheat commission adopts and promulgates the following assessment collection method as the sole and only means applicable and in effect and that the commission do and hereby does require handlers including warehousemen and processors receiving wheat in commercial quantities from the producer, to collect the assessment stated in WAC 16-528-040 from producers whose production they handle and remit the same to the Washington wheat commission. A commodity credit corporation designated lending agency, and CCC as such in direct loans to producers, shall be deemed a handler for purposes of this resolution. No affected units shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business."

[Statutory Authority: RCW 15.66.140(2), 88-12-019 (Order 88-01), § 16-528-210, filed 5/24/88; Minute Order, 9/8/58.]

Assessments: See also WAC 16-528-040.

(2009 Ed.)

WAC 16-528-230 Variations and discrepancies in assessment returns. The following motion was unanimously passed dealing with variations and discrepancies in assessment returns. "A one dollar discrepancy involving either over or under payments for each one hundred dollars wheat assessment remitted shall be permitted and acceptable. Discrepancies in excess of one dollar per each one hundred dollars remitted shall be returned to the sender for correction." Motion passed.

[Minute Order, 9/8/58.]

Assessments: See also WAC 16-528-040.

Chapter 16-529 WAC

WASHINGTON ALFALFA SEED COMMISSION

WAC

16-529-005	Marketing order for Washington alfalfa seed—Policy statement.
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16-529-300	Time, place, method for collection and remittance of assessments.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-529-130	Marketing order purposes. [Order 1, Article III, § A, filed 3/13/75, effective 7/1/75.] Repealed by 05-08-010, filed 3/25/05, effective 4/25/05. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW.
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WAC 16-529-005 Marketing order for Washington alfalfa seed—Policy statement. (1) The marketing of alfalfa seed within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its alfalfa seed be properly promoted by:

(a) Enabling producers of alfalfa seed to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the alfalfa seed they produce; and

(b) Working towards stabilizing the agricultural industry by increasing production of alfalfa seed within the state.

(2) That it is in the overriding public interest that support for the alfalfa seed industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that alfalfa seed be promoted individually and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's alfalfa seed.

(b) Increase the sale and use of Washington state's alfalfa seed in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's alfalfa seed.

(d) Increase the knowledge of the qualities and value of Washington state's alfalfa seed and products.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of alfalfa seed produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.65 RCW through the adoption of this marketing order.

(4) The Washington state alfalfa seed commodity board exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the board is authorized to speak on behalf of Washington state government with regard to alfalfa seed under the provisions of this marketing order.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-005, filed 3/25/05, effective 4/25/05.]

WAC 16-529-006 Marketing order purposes. This marketing order is to promote the general welfare of the state and the Washington state alfalfa seed commodity board is designated by the director to conduct the following programs in accordance with chapter 15.65 RCW for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; increasing production efficiency; ensuring a fair regulatory environment; or increasing per capita consumption of alfalfa seed grown in Washington state.

(1) To carry out the purposes of this chapter, the board shall provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for marketing, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for alfalfa seed. Such programs shall be directed toward increasing the sale of alfalfa seed without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims on behalf of alfalfa seed nor disparage the quality, value, sale, or use of any other agricultural commodity. The board may also engage in cooperative efforts in the domestic or foreign marketing of alfalfa seed.

(b) Provide for research in the production, harvesting, processing, irrigation, transportation, handling, and/or distribution of alfalfa seed and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried out by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide for collection and dissemination of information pertaining to alfalfa seed.

(d) Conduct programs for the purpose of providing information and education including:

(i) Marketing information and services for producers of alfalfa seed for the verification of grades, standards, weights, tests, and sampling of quality and quantity of alfalfa seed purchased by handlers from affected producers.

(ii) Information and services enabling producers to meet their resource conservation objectives.

(iii) Alfalfa seed-related education and training.

(e) Subject to the provisions of the act, provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of alfalfa seed produced in Washington state to any elected official or officer or employee of any agency.

(2) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for marketing and promotion of alfalfa seed.

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of alfalfa seed may be encouraged, expanded, improved, or made more efficient.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-006, filed 3/25/05, effective 4/25/05.]

WAC 16-529-010 Definitions. Definitions for terms used in this chapter are also found in chapter 15.65 RCW, Washington State Agricultural Commodity Boards Act. For the purpose of this marketing order, the following additional definitions shall apply:

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

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

(3) "Act" means the Washington State Agricultural Commodity Boards or chapter 15.65 RCW.

(4) "Person" means any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals, or any unit or agency of local or state government.

(5) "Affected producer" means any person who produces any variety of alfalfa seed in the state of Washington for market in commercial quantities: Provided, That for the purpose of election and membership on the commodity board, a producer-handler shall be considered as acting only as a producer.

(6) "Commercial quantity" means all alfalfa seed produced in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in buying, selling, marketing, or distributing alfalfa seed not grown by him/her.

(8) "Producer-handler" means any person who acts both as a producer and as a handler with respect to the alfalfa seed which he/she produces, and a handler with respect to the alfalfa seed which he/she handles, including that produced by himself/herself. "To produce" means to act as a producer. For the purposes of the alfalfa seed marketing order, "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title

to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(9) "Alfalfa seed" means the seed that is harvested from any variety of alfalfa plants.

(10) "Alfalfa seed commodity board" hereinafter referred to as "board" or "commission" means the commodity board formed under the provisions of WAC 16-529-020 through 16-529-120.

(11) "Marketing season" or "fiscal year" means the twelve month period beginning with July 1 of any year and ending with June 30 of the year following, both dates being inclusive.

(12) "Affected area" means that portion of the state of Washington located east of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one hundred weight (cwt) of cleaned alfalfa seed as sold by an affected producer to a handler or other producer.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-010, filed 3/25/05, effective 4/25/05; Order 1, Article I, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-020 The alfalfa seed commodity board—Administration. The provisions of this chapter and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

[Order 1, Article II, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-030 Board membership. (1) The board shall consist of eight members. Six members shall be affected producers appointed or elected as provided in WAC 16-529-020 through 16-529-120. One member shall be an affected handler appointed as provided in WAC 16-529-020 through 16-529-120. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the director. The position representing the director shall be a voting member.

(a) Director-appointed positions on the board shall be designated as position 2, position 4, position 6, and position 7. The affected handler member of the board shall be position 7.

(b) Elected affected producer positions on the board shall be designated as position 1, position 3, and position 5.

(c) The position representing the director who is neither an affected producer nor an affected handler shall be designated as position 8.

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

(a) District I shall have two board members, being Positions 1 and 2, and shall include the counties of Adams, Chelan, Douglas, Ferry, Franklin, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens.

(b) District II shall have one board member, being Position 3, and shall include the counties of Benton, Kittitas, Klickitat, and Yakima.

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(c) District III shall have three board members, being Positions 4, 5, and 6, and shall include the counties of Asotin, Columbia, Garfield, Walla Walla, and Whitman.

(d) If no nominations are received or there are fewer than three affected producers within a district, the position(s) shall be deemed "at large" and shall be filled by a producer from any district in the state. Nominations may be made by producers from any district in the state pursuant to the provisions of WAC 16-529-060.

[Statutory Authority: Chapters 15.65 and 34.05 RCW. 08-16-014, § 16-529-030, filed 7/25/08, effective 8/25/08. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-030, filed 3/25/05, effective 4/25/05. Statutory Authority: Chapter 15.65 RCW. 85-10-015 (Order 1850), § 16-529-030, filed 4/22/85, effective 6/1/85; Order 1, Article II, § B, filed 3/13/75, effective 7/1/75.]

WAC 16-529-040 Board membership qualifications.

(1) The affected producer members of the board must be practical producers of alfalfa seed and each shall be a citizen and resident of this state, over the age of eighteen years. Each affected producer board member must be and have been actually engaged in producing alfalfa seed within the state of Washington for a period of five years and has during that time derived a substantial portion of his/her income therefrom and is not engaged in business, directly or indirectly, as a handler or other dealer.

(2) The affected handler member of the board must be a practical handler of alfalfa seed and shall be a citizen and resident of this state, over the age of eighteen years. The affected handler board member must be and have been, either individually or as an officer or an employee of a corporation, firm, partnership, association, or cooperative, actually engaged in handling alfalfa seed within the state of Washington for a period of five years and has during that period derived a substantial portion of his/her income therefrom.

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

(4) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members in positions 2, 4, 6, and 7 shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-040, filed 3/25/05, effective 4/25/05; Order 1, Article II, § C, filed 3/13/75, effective 7/1/75.]

WAC 16-529-050 Term of office. (1) 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 appointed or elected each year.

(2) Except for the director's representative, no appointed or elected member of the board may serve more than two full consecutive three-year terms.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-050, filed 3/25/05, effective 4/25/05; Order 1, Article II, § D, filed 3/13/75, effective 7/1/75.]

WAC 16-529-060 Nomination of elected or director-appointed board members. (1) For the purpose of nominating candidates for appointment or election to board member-

ship, the director shall call a separate nomination meeting of affected producers and affected handlers.

(2) Each year the director shall call a nomination meeting for both elected and director-appointed affected producer and affected handler board members in those districts whose board members' terms are about to expire. The meeting(s) shall be held at least thirty days in advance of the date set by the director for the election or advisory vote of board members.

(a) Notice of a nomination meeting shall be published in newspapers of general circulation within the affected district not less than ten days in advance of the date of such meeting and, in addition, written notice of every such meeting shall be given to all affected producers within such affected district, and to all handlers, according to the list maintained by the board pursuant to RCW 15.65.295.

(b) Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

(c) Any qualified affected producer or affected handler may be nominated orally for membership on the board at a nomination meeting. Nominations may also be made within five days after the nomination meeting by written petition filed with the director, signed by not less than three affected producers or affected handlers.

(d) When only one nominee is nominated by the affected producers for any position, RCW 15.65.250 shall apply.

[Statutory Authority: Chapters 15.65 and 34.05 RCW. 08-16-014, § 16-529-060, filed 7/25/08, effective 8/25/08. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-060, filed 3/25/05, effective 4/25/05; Order 1, Article II, § E, filed 3/13/75, effective 7/1/75.]

WAC 16-529-070 Election or advisory vote of board members. (1) An election or advisory vote shall be conducted by secret ballot under the supervision of the director. Each affected producer and affected handler shall be entitled to one vote.

(2) Elected affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district or, in the case of an election for an "at large" position, by a majority of the votes cast by affected producers from any district.

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

(3) An advisory vote shall be conducted for affected producer or affected handler board members appointed by the director under the provisions of RCW 15.65.243. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(4) Notice of every election or advisory vote for board membership shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of the election or advisory vote. Not less than ten days prior to every election or advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer and affected handler enti-

pled to vote whose name appears upon the list of such affected producers and affected handlers as maintained by the board pursuant to RCW 15.65.295. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications.

(5) Nonreceipt of a ballot by an affected producer or affected handler shall not invalidate the election or advisory vote of any board member.

[Statutory Authority: Chapters 15.65 and 34.05 RCW. 08-16-014, § 16-529-070, filed 7/25/08, effective 8/25/08. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-070, filed 3/25/05, effective 4/25/05; Order 1, Article II, § F, filed 3/13/75, effective 7/1/75.]

WAC 16-529-080 Vacancies. (1) In the event of a vacancy on the board in an elected position, the remaining members shall select a qualified person to fill the unexpired term. The appointment shall be made at the board's first or second meeting after the position becomes vacant.

(2) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-080, filed 3/25/05, effective 4/25/05; Order 1, Article II, § G, filed 3/13/75, effective 7/1/75.]

WAC 16-529-090 Quorum. A majority of the voting members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

[Order 1, Article II, § H, filed 3/13/75, effective 7/1/75.]

WAC 16-529-100 Board compensation. No member of the board shall receive any salary or other compensation, but each member shall receive an amount not to exceed the amount specified in RCW 43.03.230 for actual attendance on or traveling to and from meetings of the board or on special assignment for the board, together with subsistence and traveling expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060: Provided, That the board may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members and employees of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-100, filed 3/25/05, effective 4/25/05; Order 1, Article II, § I, filed 3/13/75, effective 7/1/75.]

WAC 16-529-110 Powers and duties of the board. The board shall have the following powers and duties:

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

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

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

(4) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of this

chapter. 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.

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

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

(7) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the commission. 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.

(8) 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.

(9) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this chapter during each fiscal year. The board, at least sixty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget.

(10) 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.

(11) To adopt rules of a technical or administrative nature for the operation of the board, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

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

(13) 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 this chapter.

(14) 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.

(15) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order.

(16) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW.

(17) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies.

(18) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of alfalfa seed.

(19) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general.

(20) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this order.

(21) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of alfalfa seed including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(22) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each affected producer's production for a minimum three-year period pursuant to RCW 15.65.280.

(23) To maintain a list of the names and addresses of persons who handle alfalfa seed within the affected area and data on the amount and value of the alfalfa seed handled for a minimum three-year period by each person pursuant to RCW 15.65.280.

(24) To maintain a list of names and addresses of all affected persons who produce alfalfa seed and the amount, by unit, of alfalfa seed produced during the past three years pursuant to RCW 15.65.295.

(25) To maintain a list of all persons who handle alfalfa seed and the amount of alfalfa seed handled by each person during the past three years pursuant to RCW 15.65.295.

(26) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

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

[Statutory Authority: Chapters 15.65 and 34.05 RCW. 08-16-014, § 16-529-110, filed 7/25/08, effective 8/25/08. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-110, filed 3/25/05, effective 4/25/05; Order 1, Article II, § J, filed 3/13/75, effective 7/1/75.]

WAC 16-529-120 Procedures for board. (1) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board. Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule

shall be published in the state register at least twenty days prior to the rescheduled meeting date.

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

(3) The board shall establish by resolution, the time, place, and manner of calling special meetings with reasonable notice to the members: Provided, That the notice to a member of any special meeting may be waived by a waiver from that member of the board. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-120, filed 3/25/05, effective 4/25/05; Order 1, Article II, § K, filed 3/13/75, effective 7/1/75.]

WAC 16-529-140 Assessments. (1) The fixed annual assessment on all varieties of alfalfa seed subject to this marketing order shall be fifty cents per hundredweight of cleaned seed, which shall be paid by the producer thereof upon each and every unit sold, marketed, or delivered for sale by him.

(2) First handlers or purchasers shall collect assessments at time of payment for seed from producers whose production they handle and remit the same to the board in accordance with procedures adopted by the board.

Producers and producer-handlers who ship their alfalfa seed direct to handlers outside of the state of Washington shall remit assessments to the board at time of shipment.

[Statutory Authority: Chapter 15.65 RCW. 79-07-061 (Order 1639), § 16-529-140, filed 6/27/79, effective 8/1/79; Order 1, Article IV, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-150 Collections. Any moneys collected or received by the board pursuant to the provisions of this 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 the marketing order to all persons from whom 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.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-150, filed 3/25/05, effective 4/25/05. Statutory Authority: RCW 15.65.050. 96-03-151 (Order 5090), § 16-529-150, filed 1/24/96, effective 2/24/96; Order 1, Article IV, § B, filed 3/13/75, effective 7/1/75.]

WAC 16-529-160 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 this chapter, 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 unpaid assessment to defray the

cost of enforcing the collecting of the assessment. In the event of failure of such person or persons to pay any due and payable assessment or other sum, the board may bring a civil action against the person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent, and the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-160, filed 3/25/05, effective 4/25/05; Order 1, Article IV, § C, filed 3/13/75, effective 7/1/75.]

WAC 16-529-170 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted by them by the act or this chapter, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this chapter shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Order 1, Article V, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-180 Board is commission. In order to conform with accepted usage and nomenclature of the Washington state agricultural community, the board shall be referred to as the Washington alfalfa seed commission.

[Order 1, Article VI, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-190 Termination of the order. Termination shall be accomplished pursuant to RCW 15.65.183 through 15.65.193.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-190, filed 3/25/05, effective 4/25/05; Order 1, Article VII, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-200 Effective time. This marketing order for alfalfa seed shall become effective after having been approved in a referendum of affected producers, by at least 51% of the affected producers of alfalfa seed having at least 65% of the volume of alfalfa seed produced, or by at least 65% of the affected producers of alfalfa seed having at least 51% of the volume of alfalfa seed produced, and after having been filed with the code reviser for not less than thirty days.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-200, filed 3/25/05, effective 4/25/05; Order 1, Article VIII, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-210 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Order 1, Article IX, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-300 Time, place, method for collection and remittance of assessments. Effective with the 1975 crop, the following procedure is established for the collection, reporting, and remittance of assessments levied on alfalfa seed pursuant to RCW 15.65.410 and WAC 16-529-140:

(1) All first buyers of alfalfa seed grown in the state of Washington, or the person acting on behalf of a first buyer, shall withhold the amount of assessment from their remittances to growers of such seed and transmit same to the commission not later than the last day of the calendar month following date of settlement.

(2) All producers selling alfalfa seed other than to first buyers for resale, whether selling directly or through brokers, and including all sales at retail, shall pay the amount of the assessment directly to the commission not later than the last day of the calendar month following date of settlement.

(3) To all assessments due and payable to the commission and not remitted on or before the date due, there shall be added a penalty fee of ten percent as provided in RCW 15.65.440.

(4) All remittances to the commission shall be transmitted with an official reporting form to be furnished free of charge by the commission. Said reporting form shall call for the name and address of the affected producer, the number of pounds of seed sold, the amount of assessment collected from each producer, and the name and address of the person or firm filing the report and remittance.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-08-010, § 16-529-300, filed 3/25/05, effective 4/25/05; Order 2, § 16-529-110 (codified as WAC 16-529-300), filed 10/17/75.]

Chapter 16-530 WAC

WASHINGTON BARLEY COMMISSION

WAC

16-530-005	Marketing order for Washington barley—Policy statement.
16-530-006	Marketing order purposes.
16-530-010	Definition of terms.
16-530-020	Barley commission.
16-530-040	Assessments and collection.
16-530-050	Effective time.
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RULES OF THE BARLEY COMMISSION

16-530-110	Definition of terms.
16-530-120	Rules for implementation of promotional hosting by the Washington barley commission.

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-530-030	Marketing order purposes. [Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-030, filed 5/22/85, effective 7/1/85.] Repealed by 04-16-026, filed 7/26/04, effective 8/26/04. Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW.
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WAC 16-530-005 Marketing order for Washington barley—Policy statement. (1) The marketing of barley within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its barley be properly promoted by:

(a) Enabling producers of barley to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the barley they produce; and

(b) Working towards stabilizing the agricultural industry by increasing consumption of barley within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the barley industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that barley be promoted individually and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's barley.

(b) Increase the sale and use of Washington state's barley in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's barley.

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's barley and products.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of barley produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.66 RCW through this marketing order.

(4) The Washington state barley commission exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the commission is authorized to speak on behalf of Washington state government with regard to barley under the provisions of this marketing order.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-16-026, § 16-530-005, filed 7/26/04, effective 8/26/04.]

WAC 16-530-006 Marketing order purposes. (1) Purposes. This marketing order for barley is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; or increasing production efficiency, ensuring a fair regulatory environment; or increasing per capita consumption of barley in Washington state. The Washington state barley commission is designated by the director to conduct the following programs in accordance with chapter 15.66 RCW:

[Title 16 WAC—p. 555]

(a) To establish plans and conduct programs for marketing, education, and sales promotion. The commission may also engage in cooperative efforts in the domestic or foreign marketing of barley food products.

(b) To provide for carrying on research studies to find more efficient methods of production, irrigation, processing, handling, transportation, and marketing of barley.

(c) To adopt rules in accordance with chapter 34.05 RCW to provide for improving standards and grades of barley by defining, establishing, and providing labeling requirements with respect to the same.

(d) To investigate and take necessary action to prevent unfair trade practices.

(e) Subject to the provisions of the act, to provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of barley produced in Washington state to any elected official or officer or employee of any agency.

(f) To conduct programs for the purpose of providing information and education including:

(i) Marketing information and services for producers of barley.

(ii) Information and services enabling producers to meet their resource conservation objectives.

(iii) Barley-related education and training.

(2) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for advertising and promotion of barley.

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of the barley may be encouraged, expanded, improved, or made more efficient.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-16-026, § 16-530-006, filed 7/26/04, effective 8/26/04.]

WAC 16-530-010 Definition of terms. Definitions for terms used in this chapter are also found in chapter 15.66 RCW, Washington State Agricultural Commodity Commissions Act. For the purposes of the barley marketing order, the following additional definitions shall apply:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him or her concerning some matter under this chapter.

(2) "Act" means the Washington State Agricultural Commodity Commissions Act, chapter 15.66 RCW.

(3) "Person" includes any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals, or any unit or agency of local or state government.

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market, in commercial quantities, barley grown in the designated affected area of the state of Washington. "To produce" means to act as a producer. For the purposes of the barley marketing order, "producer" shall include persons who contract to produce or grow any agricultural product on behalf of another person who retains title to the seed and its resulting agricul-

tural product or the agricultural product delivered for further production or increase.

(5) "Affected producer" means any producer who is subject to this marketing order.

(6) "Commercial quantities" shall mean and include twenty tons produced for market in any calendar year by any producer.

(7) "Barley" means and includes all kinds and varieties of barley grown in the state of Washington.

(8) "Barley commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-530-020 of this marketing order.

(9) "Marketing year" refers to the twelve-month period beginning June 1 of any year and ending on May 31. "Fiscal year" refers to the twelve-month period beginning July 1 of any year and ending on June 30.

(10) "Handler" means any person who acts, either as principal, agent, or otherwise, in the processing, selling, marketing, or distributing of barley that is not produced by the handler. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(11) "Commercial channels" means the sale of barley for use as food, feed, seed or any industrial or chemurgic use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any barley, or products produced from barley.

(12) "Affected area" shall mean and include the following counties located in the state of Washington: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-16-026, § 16-530-010, filed 7/26/04, effective 8/26/04. Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-010, filed 5/22/85, effective 7/1/85.]

WAC 16-530-020 Barley commission. (1) Establishment and membership. A barley commission is hereby established to administer this marketing order and shall be composed of five members who shall be affected producers appointed by the director as provided in this section and two members who shall be appointed by the commission members. In addition, the director shall be a voting member of the commission.

(2) Representative districts. The affected area shall be divided into the five following districts:

(a) District I shall have one commission member, and shall include the counties of Chelan, Douglas, Ferry, Grant, Okanogan, Spokane, Stevens, and Pend Oreille.

(b) District II shall have one commission member, and shall include Whitman county.

(c) District III shall have one commission member, and shall include the counties of Asotin, Benton, Columbia, Garfield, and Walla Walla.

(d) District IV shall have one commission member, and shall include the counties of Adams, Franklin, Kittitas, Klickitat, and Yakima.

(e) District V shall have one commission member, and shall include Lincoln county.

(f) Producer positions appointed by the director shall be numbered one through five. Positions appointed by the commission members shall be numbered six and seven. The director's position shall be position eight.

(g) Nomination and appointment of director-appointed commission members shall be as set forth in chapter 15.66 RCW and specified by the director.

(3) Membership qualifications. Commission members shall be citizens and residents of this state, over the age of eighteen years. Producer members of the commission shall be producers of barley in the district in and for which they are nominated and appointed. The qualifications of producer members of the commission as herein set forth must continue during their term of office.

(4) Term of office.

(a) The term of office of commission members shall be three years from the date of their appointment and until their successors are appointed. The terms of office for the initial commission members shall be as follows:

District I shall terminate December 31, 1986.

Districts II and III shall terminate December 31, 1987.

Districts IV and V shall terminate December 31, 1988.

One appointed member's term shall terminate December 31, 1986.

The second appointed member's term shall terminate December 31, 1988.

The appointed members of the initial commission shall be elected by a majority of the elected commissioners on or before the adjournment of its third meeting.

(b) Within thirty days of the effective date of this amended marketing order, the names of the currently elected board members shall be forwarded to the director for appointment to the commission.

(5) Nomination and appointment of commission members.

(a) Nomination and appointment of director-appointed commission members shall be as set forth in chapter 15.66 RCW and specified by the director. Dates will be set as follows:

(i) Nominating petitions for director-appointed positions shall be mailed not earlier than September 17 and not later than October 2 of each year in the district wherein an open commission position(s) will occur. Nominating petitions shall be signed by not less than five affected producers of the district from which such a candidate will be appointed.

(ii) Final date for filing of nominating petitions for director-appointed positions to the director shall not be earlier than October 8 and not later than October 13 of each year.

(iii) Ballots for an advisory vote will be mailed to all producers in the district wherein an open commission position(s) will occur, not earlier than October 18 and not later than November 2 of each year.

(iv) Ballots for an advisory vote shall be returned not later than December 2 of such year. An affected producer is entitled to one vote.

(v) When only one nominee is nominated by the affected producers for a director-appointed position, RCW 15.66.120 shall apply.

(b) Except with respect to the initial barley commission, the members of the commission not elected by the producers or appointed by the director shall be appointed by a majority

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of the commission within ninety days prior to the expiration of the term.

(6) Vacancies.

(a) In the event of a vacancy in a commission-appointed position, the remaining members shall select a qualified person to fill the term. The appointment shall be made at the commission's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in chapter 15.66 RCW.

(7) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To elect a chairman and such other officers as determined advisable.

(b) To adopt, rescind and amend rules reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order.

(c) To administer, enforce, direct, and control the provisions of the marketing order and of this chapter relating thereto.

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same.

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same.

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order.

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by legal agencies of the state and make annual reports therefrom to the state auditor.

(h) Borrow money and incur indebtedness.

(i) Make necessary disbursements for routine operating expenses.

(j) Such other powers and duties that are necessary to carry out the purposes of this chapter.

(k) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with, and to effectuate the purposes of the act, and this marketing order.

(l) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year. The commission, at least thirty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget.

(m) To accept and receive gifts and grants from private persons or private and public agencies and expend same.

(n) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes set forth in this marketing order.

(o) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or

local, to carry out the purposes set forth in this marketing order. Personal service contracts must comply with chapter 39.29 RCW.

(p) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of barley.

(q) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general.

(r) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by this marketing order.

(s) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of barley including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(t) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each producer's production for a minimum three-year period pursuant to RCW 15.66.140.

(u) To maintain a list of names and addresses of persons who handle barley within the affected area and data on the amount and value of the barley handled for a minimum three-year period by each person pursuant to RCW 15.66.140.

(v) To maintain a list of names and addresses of all affected persons who produce barley and the amount, by unit, of barley produced during the past three years pursuant to RCW 15.66.143.

(w) To maintain a list of all persons who handle barley and the amount of barley handled by each person during the past three years pursuant to RCW 15.66.143.

(x) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

(y) To request records and audit the records of producers or handlers of the affected commodity during normal business hours to determine whether the appropriate assessment has been paid.

(z) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to the affected commodity.

(8) Procedure for commission.

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

(b) The commission shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by the resolution of the commission. Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

(c) The commission shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the barley commission at least ten days prior to the meeting, through the regular news media.

(d) The commission shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: Provided, That the notice to a member of any special meeting may be waived by a waiver from that member of the board. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

(e) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(f) A quorum of the commission shall consist of at least five members.

(g) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall receive an amount not to exceed the amount specified in RCW 43.03.230 as it exists now or as hereafter amended, for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expenses allowed by RCW 43.03.050 and 43.03.060. The commission may adopt by resolution provisions for reimbursement of actual expenses incurred by members of the commission in carrying out the provisions of this marketing order pursuant to RCW 15.66.130.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-16-026, § 16-530-020, filed 7/26/04, effective 8/26/04. Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-020, filed 5/22/85, effective 7/1/85.]

WAC 16-530-040 Assessments and collection. (1) Assessments. The assessment on barley shall be one percent of the net receipts at the first point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the barley is sold in this or any other state.

(2) Collection of assessments. The collection of the assessment made and levied by the barley commission, pursuant to the provisions of the act, shall be paid by the producer upon all commercial quantities of barley sold, under any or all of the methods of collection set forth in RCW 15.66.150, in accordance with rules to be adopted by the barley commission: Provided, That no assessment shall be levied or collected on barley grown and used by the producer for feed, seed, or personal consumption.

(3) Funds. All moneys collected by the barley commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the barley marketing order.

At the end of each fiscal year, the commission shall credit each producer with any amount paid by the producer in excess of the assessment rate. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-16-026, § 16-530-040, filed 7/26/04, effective 8/26/04. Statutory Authority: Chapter 15.66 RCW. 88-09-018 (Order 1974), § 16-530-040, filed 4/13/88, effective 6/1/88; 85-11-089 (Order 1857), § 16-530-040, filed 5/22/85, effective 7/1/85.]

WAC 16-530-050 Effective time. This marketing order for barley shall become effective on and after July 1, 1985.

[Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-050, filed 5/22/85, effective 7/1/85.]

WAC 16-530-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

[Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-060, filed 5/22/85, effective 7/1/85.]

RULES OF THE BARLEY COMMISSION

WAC 16-530-110 Definition of terms. (1) "Promotional hosting" as used in these rules 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 barley and processed barley products.

(2) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of a nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-01-100 (Order 2067), § 16-530-110, filed 12/18/90, effective 1/18/91.]

WAC 16-530-120 Rules for implementation of promotional hosting by the Washington barley commission. The laws of section 1, chapter 26, Laws of 1985 (RCW 15.04.200) provide that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners. The rules governing promotional hosting expenditures for the Washington barley 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.

- (a) Commissioners;
- (b) Administrator, director of marketing;
- (c) Director of communications.

Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

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(3) Payment and reimbursement. All payments and reimbursements shall be 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 (if appropriate) of each person hosted;
- (b) General purpose of the hosting;
- (c) Date of hosting;
- (d) Location of the hosting;
- (e) To whom payment was or will be made;
- (f) Signature of person seeking payment or reimbursement.

(4) The chairman of the commission, administrator, and/or treasurer 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 barley and processed barley products:

- (a) Individuals from private business, associations, commissions;
- (b) Foreign government officials;
- (c) Federal and state officials: Provided, That lodging, meals, and transportation will not be provided when such officials may obtain full 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 trade relations and promote sales of barley and processed barley products;

(f) Spouses of the persons listed in (a), (b), (c), and (e) of this subsection when attendance of such spouse is customary and expected.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-01-100 (Order 2067), § 16-530-120, filed 12/18/90, effective 1/18/91.]

Chapter 16-532 WAC

HOPS

WAC

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16-532-040	Assessments and collections.
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RULES OF WASHINGTON STATE HOP COMMODITY BOARD

16-532-103	Rules for implementation of promotional hosting by the Washington state hop commodity board (commission)—Definitions.
16-532-105	Rules for implementation of promotional hosting by the Washington state hop board.
16-532-110	Requirements for collection of assessments.
16-532-115	Reporting.
16-532-120	Labeling.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

16-532-0402	Credit for market promotion activities. [Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0402, filed 7/24/96, effective 8/24/96.] Repealed by 98-13-122, filed 6/17/98, effective 7/18/98. Statutory Authority: RCW 15.65.050.
16-532-0404	General requirements for credit. [Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0404, filed 7/24/96, effective 8/24/96.] Repealed by 98-13-122, filed 6/17/98, effective 7/18/98. Statutory Authority: RCW 15.65.050.
16-532-0406	Eligible activities. [Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0406, filed 7/24/96, effective 8/24/96.] Repealed by 98-13-122, filed 6/17/98, effective 7/18/98. Statutory Authority: RCW 15.65.050.
16-532-0408	No duplication of credit. [Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0408, filed 7/24/96, effective 8/24/96.] Repealed by 98-13-122, filed 6/17/98, effective 7/18/98. Statutory Authority: RCW 15.65.050.
16-532-0410	Filing of claims. [Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0410, filed 7/24/96, effective 8/24/96.] Repealed by 98-13-122, filed 6/17/98, effective 7/18/98. Statutory Authority: RCW 15.65.050.
16-532-0412	Time for filing and determinations. [Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0412, filed 7/24/96, effective 8/24/96.] Repealed by 98-13-122, filed 6/17/98, effective 7/18/98. Statutory Authority: RCW 15.65.050.
16-532-0414	Appeals. [Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0414, filed 7/24/96, effective 8/24/96.] Repealed by 98-13-122, filed 6/17/98, effective 7/18/98. Statutory Authority: RCW 15.65.050.
16-532-065	Rules for implementation of promotional hosting by the Washington hop commission. [Statutory Authority: Chapter 15.65 RCW. 92-09-068, § 16-532-065, filed 4/14/92, effective 5/15/92.] Repealed by 05-15-098, filed 7/15/05, effective 8/15/05. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW.
16-532-101	Promulgation. [Promulgation, filed 10/16/64.] Repealed by 04-10-059, filed 4/30/04, effective 5/31/04. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW.

WAC 16-532-010 Definitions. For the purpose of this marketing order:

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

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

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

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

(5) "Affected producer" or "producer" means any person who produces hops in commercial quantities in the state of Washington.

(6) "Commercial quantity" means any hops produced for market by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing hops not produced by him.

(8) "Hop commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of WAC 16-532-020.

(9) "Hops" means and includes all kinds and varieties of "humulus lupulus" grown, picked and dried in the state of Washington, whether loose, packaged or baled and all oils, extracts and/or lupulin derived therefrom.

(10) "Processed" means and includes all hops which are converted into pellets, extracts, oils, lupulin, and/or other forms, including hops which are frozen in undried form, but excluding whole, dried hop cones, whether loose or baled.

(11) "Marketing season" means the twelve month period beginning with January 1 of any year and ending December 31, both dates being inclusive.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to hops. A producer-handler shall be deemed to be a producer with respect to the hops which he produces and a handler with respect to the hops which he handles, including those produced by himself.

(13) "Affected area" means the state of Washington.

(14) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(15) "Affected unit" means two hundred pounds net of hops, or the amount of lupulin, extract or oil produced from two hundred pounds net of hops.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-15-098, § 16-532-010, filed 7/15/05, effective 8/15/05. Statutory Authority: RCW 15.65.050. 98-13-122, § 16-532-010, filed 6/17/98, effective 7/18/98; 97-17-096, § 16-532-010, filed 8/20/97, effective 9/20/97. Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-010, filed 7/24/96, effective 8/24/96. Statutory Authority: Chapter 15.65 RCW. 92-09-068, § 16-532-010, filed 4/14/92, effective 5/15/92; Marketing Order Article I, § A, filed 7/1/64.]

WAC 16-532-020 Hop board. (1) Administration.

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

(2) Board membership.

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

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the entire state of Washington.

(3) Board membership qualifications.

The affected producer members of the board shall be practical producers of hops and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing hops within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(4) Term of office.

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

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

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

Positions one, two, three and ten - until June 30, 1967

Positions four, five and six - until June 30, 1966

Positions seven, eight and nine - until June 30, 1965

(d) Terms of office for the board members serving at the time of the 1992 amendment of this section shall be as follows:

Positions one, two, three and ten - until December 31, 1994

Positions four, five and six - until December 31, 1993

Positions seven, eight and nine - until December 31, 1992

(e) The term of office for the remaining producer board members serving at the time of the effective date of the 2005 amended marketing order shall be as follows:

Positions four, five, and six - until December 31, 2005

Positions one and two - until December 31, 2006

Positions three and seven - until December 31, 2007

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

(6) **Election of board members.**

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

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

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the director in accordance with RCW 15.65.-200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

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

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

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member shall be reimbursed for actual subsistence and traveling expenses incurred through attendance at meetings or other board activities: Provided, That such expenses shall be authorized by resolution by unanimous approval of the board at a regular meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) Procedures for board.

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

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

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

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-15-098, § 16-532-020, filed 7/15/05, effective 8/15/05. Statutory Authority: RCW 15.65.050. 99-10-095, § 16-532-020, filed 5/5/99, effective 6/5/99. Statutory Authority: Chapter 15.65 RCW. 92-09-068, § 16-532-020, filed 4/14/92, effective 5/15/92; 88-24-028 (Order 1992), § 16-532-020, filed 12/2/88; Marketing Order Article II, §§ A through K, filed 7/1/64.]

WAC 16-532-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of hops to help themselves establish orderly, fair, sound, efficient, unhampered marketing and standardization of hops and regulate unfair trade practices within the industry.

(1) To carry out the purposes of the order the board may provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for advertising, sales, promotion and/or other programs for maintaining present markets and/or creating new or larger markets for hops. Such programs shall be directed toward increasing the sale of hops without reference to any particular brand or trade

name and shall neither make use of false or unwarranted claims in behalf of hops nor disparage the quality, value, sale or use of any other agricultural commodity.

(b) Provide for research in the production, processing and/or distribution of hops and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules and regulations for:

(i) Establishing uniform labels and labeling requirements for hops or any products thereof, requiring producers, handlers and other persons to conform to standards for the placing of labels, trademarks, insignia or brands on bales or packages, provided, that all licensed hop dealers or brokers are entitled to use on the face of their product any particular trademark, insignia, brand or label that they may now have or will have. That established brands, labels, trademarks or insignias may be properly used in selling or commercially disposing of hops and hop products or in offering the same for sale, advertising and/or delivering said hops or hop products;

(ii) Providing for inspection and enforcement to ascertain and effectuate compliance;

(iii) Establishing rules and regulations respecting the foregoing.

(d) Prohibit and/or otherwise regulate any one or more or all of the practices listed to the extent that such practices affect, directly or indirectly, hops or any product thereof, but only with respect to persons who engage in such practices with the intent of or with the reasonably foreseeable effect of inducing any purchaser to become his customer or his supplier or of otherwise dealing or trading with him or of diverting trade from a competitor, to wit:

(i) Paying rebates, commissions or unearned discounts;

(ii) Unfairly extending privileges or benefits (pertaining to price, to credit, to the loan, lease or giving away of facilities, equipment or other property or to any other matter or thing) to any customer, supplier or other person;

(iii) Discriminating between customers, or suppliers of a like class;

(iv) Making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

(e) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

(f) Provide for marketing information and services to affected producers for the verification of grades, standards, weights, tests and sampling of quality and quantity of hops purchased by handlers from affected producers.

(g) 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 15.58.-

030(29) or any agricultural chemical which is of use or potential use in producing hops.

[Statutory Authority: Chapter 15.65 RCW. 92-09-068, § 16-532-030, filed 4/14/92, effective 5/15/92; Marketing Order Article III, § A, filed 7/1/64.]

WAC 16-532-035 Inspection required. (1) Before marketing or processing, all varieties of hops produced in the state of Washington must be inspected and certified by the Federal/State Hop Inspection Service for quality and condition of seed, leaf and stem according to the standards established by the Federal Grain Inspection Service of the United States Department of Agriculture.

(2) Any hops that are baled on a producer's farm must be officially sampled by a Washington state department of agriculture inspector.

[Statutory Authority: Chapters 15.65 and 34.05 RCW. 06-15-105, § 16-532-035, filed 7/17/06, effective 8/17/06. Statutory Authority: RCW 15.65.050. 95-17-118 (Order 5077), § 16-532-035, filed 8/23/95, effective 9/23/95. Statutory Authority: Chapter 15.65 RCW. 88-24-028 (Order 1992), § 16-532-035, filed 12/2/88.]

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

(a) The annual assessment on all varieties of hops shall be up to two dollars and fifty cents per affected unit, as approved by referendum vote of affected producers, the results of which shall be retained on file in the board's administrative office.

(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; or

(iii) Require the person subject to the assessment to remit assessments for any hops which are processed prior to the first sale; or

(iv) Require the person subject to the assessment to remit an inventory report for any hops which are not processed or sold prior to December 31 of the year in which they are produced.

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

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

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the

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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: Chapters 15.65 and 34.05 RCW. 08-15-039, § 16-532-040, filed 7/10/08, effective 8/10/08. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-15-098, § 16-532-040, filed 7/15/05, effective 8/15/05. Statutory Authority: RCW 15.65.050. 97-17-096, § 16-532-040, filed 8/20/97, effective 9/20/97; 95-17-118 (Order 5077), § 16-532-040, filed 8/23/95, effective 9/23/95. Statutory Authority: Chapter 15.65 RCW. 91-15-019 (Order 2090), § 16-532-040, filed 7/10/91, effective 8/10/91. Statutory Authority: RCW 15.65.170. 87-10-059 (Order 1927), § 16-532-040, filed 5/6/87, effective 6/8/87. Statutory Authority: Chapter 15.65 RCW. 83-16-041 (Order 1800), § 16-532-040, filed 7/29/83; 80-05-090 (Order 1686), § 16-532-040, filed 5/1/80; 79-01-045 (Order 1593), § 16-532-040, filed 12/21/78; Order 1332, § 16-532-040, filed 1/17/74; Marketing Order Article IV, §§ A through C, filed 7/1/64.]

WAC 16-532-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Marketing Order Article V, § A, filed 7/1/64.]

WAC 16-532-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such

termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Marketing Order Article VI, § A, filed 7/1/64.]

WAC 16-532-070 Effective time. This marketing order for hops shall become effective on and after August 15, 1964.

[Marketing Order Article VII, § A, filed 7/1/64.]

WAC 16-532-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby.

[Marketing Order Article VIII, § A, filed 7/1/64.]

RULES OF WASHINGTON STATE HOP COMMODITY BOARD

WAC 16-532-103 Rules for implementation of promotional hosting by the Washington state hop commodity board (commission)—Definitions. For the purposes of WAC 16-532-105, the following definitions shall apply:

(1) **"Promotional hosting"** as used in these rules 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-grown hops.

(2) **"Hosting"** may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

[Statutory Authority: Chapter 15.65 RCW, specifically RCW 15.65.305, chapter 34.05 RCW. 05-12-052, § 16-532-103, filed 5/26/05, effective 6/26/05.]

WAC 16-532-105 Rules for implementation of promotional hosting by the Washington state hop board. RCW 15.65.305 and 15.04.200 provide that agricultural commodity boards or commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity board or commission employees, agents, or commissioners. The rules governing promotional hosting expenditures for the Washington state hop board (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:

(a) Hop board members.

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(b) **Administrators.** Individual commissioners 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 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 hosted shall be required.

(b) General purpose of the hosting.

(c) Date of hosting.

(d) Location of the hosting.

(e) To whom payment was or will be made.

(f) Signature of person seeking payment or reimbursement.

(4) The chair of the commission and administrator 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-grown hops, provided that such hosting shall not violate federal or state conflict of interest laws:

(a) Individuals from private business.

(b) Foreign government officials.

(c) **Federal and state 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-grown hops.

[Statutory Authority: Chapter 15.65 RCW, specifically RCW 15.65.305, chapter 34.05 RCW. 05-12-052, § 16-532-105, filed 5/26/05, effective 6/26/05.]

WAC 16-532-110 Requirements for collection of assessments. (1) Assessments on all hops marketed or processed shall be paid at the rate specified in WAC 16-532-040 to the hop commodity board (commission) by the first handler receiving or handling such hops for or from a producer. The assessments shall be deducted from the payment to be made by such handler to the producer. If processing occurs before the first sale, the assessment shall be paid by the producer.

(2) Payment of such assessment shall be due and payable on the tenth day of the second calendar month following the receiving or delivery to said first handler or the assumption of control of a producer's hops, or following the date of processing, if processed prior to the first sale, by said first handler or producer.

(3) A report on all hops which are produced during the preceding crop year, including a breakdown of pounds marketed, pounds not processed or marketed, and pounds produced

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cessed but not marketed prior to December 31 of the year in which those hops are produced shall be submitted by the producer no later than January 31 of the following year.

(4) Any handler or producer failing to pay on or before the due date set forth for payment in this regulation, shall add ten percent to the total amount due as a cost for collection as prescribed in RCW 15.65.440.

[Statutory Authority: Chapter 15.65 RCW, specifically RCW 15.65.047 and 15.65.280, and chapter 34.05 RCW. 05-12-051, § 16-532-110, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 15.65.050. 97-17-096, § 16-532-110, filed 8/20/97, effective 9/20/97. Statutory Authority: Chapter 15.65 RCW. 92-09-068, § 16-532-110, filed 4/14/92, effective 5/15/92; Regulation 1, filed 10/16/64.]

WAC 16-532-115 Reporting. (1) A report on all hops which are produced during the preceding crop year, including a breakdown of pounds marketed, pounds not processed or marketed, and pounds processed but not marketed prior to December 31 of the year in which those hops are produced, shall be submitted by the producer no later than January 31 of the following year.

(2) A "custom processing" report on all hops processed but not sold will be submitted to the commission by the custom processor on the form prescribed by the commission.

[Statutory Authority: Chapter 15.65 RCW, specifically RCW 15.65.047 and 15.65.280, and chapter 34.05 RCW. 05-12-051, § 16-532-115, filed 5/26/05, effective 6/26/05.]

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

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

(2) The first marking will consist of the last digit of the crop year and a hyphen, followed by the three-digit grower number and lot designation (example: 8-000-001).

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

(4) The second marking will consist of the hop variety, utilizing a two-letter abbreviation. A list of approved two-letter abbreviations will be approved annually by the Washington state hop commodity board.

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

[Statutory Authority: Chapters 15.65 and 34.05 RCW. 08-14-054, § 16-532-120, filed 6/25/08, effective 7/26/08; 06-15-135, § 16-532-120, filed 7/19/06, effective 8/19/06. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 04-10-059, § 16-532-120, filed 4/30/04, effective 5/31/04. Statutory Authority: RCW 15.65.050. 97-17-096, § 16-532-120, filed 8/20/97, effective 9/20/97; 95-17-118 (Order 5077), § 16-532-120, filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 15.65.280 and WAC 16-532-020 10K [(10)(k)]. 93-09-014, § 16-532-120, filed 4/13/93, effective 5/14/93. Statutory Authority: RCW 15.65.380. 88-13-050 (Resolution No. 88-01), § 16-532-120, filed 6/10/88; Regulation 2, filed 10/16/64.]

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Chapter 16-536 WAC DRY PEAS AND LENTILS

WAC

16-536-005	Marketing order for Washington dry peas and lentils— Policy statement.
16-536-006	Marketing order purposes.
16-536-010	Definitions.
16-536-020	The dry pea and lentil board.
16-536-040	Assessments and collections.
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16-536-060	Termination of the order.
16-536-070	Effective time.
16-536-080	Separability.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-536-030	Marketing order purposes. [Marketing Order Article III, § A, filed 3/26/65.] Repealed by 04-17-021, filed 8/9/04, effective 9/9/04. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW.
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WAC 16-536-005 Marketing order for Washington dry peas and lentils—Policy statement. (1) The marketing of dry peas and lentils within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its dry peas and lentils be properly promoted by:

(a) Enabling producers of dry peas and lentils to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the dry peas and lentils they produce; and

(b) Working towards stabilizing the agricultural industry by increasing consumption of dry peas and lentils within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the dry peas and lentils industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that dry peas and lentils be promoted individually, and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's dry peas and lentils.

(b) Increase the sale and use of Washington state's dry peas and lentils in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's dry peas and lentils.

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's dry peas and lentils and products.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of dry peas and lentils produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.65 RCW through the adoption of this marketing order.

(4) The Washington state dry pea and lentil commodity board exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the board is authorized to speak on behalf of Washington state government with regard to dry peas and lentils under the provisions of this marketing order.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 04-17-021, § 16-536-005, filed 8/9/04, effective 9/9/04.]

WAC 16-536-006 Marketing order purposes. This marketing order is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; or increasing production efficiency, ensuring a fair regulatory environment; or increasing per capita consumption of dry peas and lentils in Washington state. The Washington state dry pea and lentil commodity board is designated by the director to conduct the following programs in accordance with chapter 15.65 RCW:

(1) To carry out the purposes of the order, the board shall provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for marketing, sales, promotion and/or other programs for maintaining present markets and/or creating new or larger markets for dry peas and/or lentils. Such programs shall be directed toward increasing the sale of dry peas and/or lentils without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims on behalf of dry peas and/or lentils nor disparage the quality, value, sale or use of any other agricultural commodity.

(b) Provide for research in the production, processing, irrigation, transportation, handling, and/or distribution of dry peas and/or lentils and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried out by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules for:

(i) Establishing uniform grades and standards of quality, condition, maturity, size, weight, pack, packages and/or label for dry peas and/or lentils or any products thereof.

(ii) Requiring producers, handlers and/or other persons to conform to such grades and/or standards in packing, packaging, processing, labeling, selling or otherwise commercially disposing of dry peas and/or lentils and/or in offering, advertising and/or delivering it therefor.

(iii) Providing for inspection and enforcement to ascertain and effectuate compliance.

(iv) Providing that the board shall carry out inspection and enforcement of, and may (within the general provisions of the order) establish detailed provisions relating to, such standards and grades and such rules and regulations: Provided, That any modification not of a substantial nature, such as the modification of standards within a certain grade may be made without a hearing, and shall not be considered an amendment for the purposes of the act and order.

(d) Conduct programs for the purpose of providing information and education including:

(i) Marketing information and services for producers of dry peas and/or lentils for the verification of grades, standards, weights, tests, and sampling of quality and quantity of dry peas and/or lentils purchased by handlers from affected producers.

(ii) Information and services enabling producers to meet their resource conservation objectives.

(iii) Dry peas and lentils-related education and training.

(e) Subject to the provisions of the act, provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of dry peas and/or lentils produced in Washington state to any elected official or officer or employee of any agency.

(2) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for advertising and promotion of dry peas and/or lentils; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of dry peas and/or lentils may be encouraged, expanded, improved, or made more efficient.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 04-17-021, § 16-536-006, filed 8/9/04, effective 9/9/04.]

WAC 16-536-010 Definitions. Definitions for terms used in this chapter are also found in chapter 15.65 RCW, Washington State Agricultural Commodity Boards Act. For the purpose of this marketing order:

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

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

(3) "Act" means the Washington State Agriculture Commodity Boards Act or chapter 15.65 RCW.

(4) "Person" means any individual, firm, corporation, limited liability company, trust, association, partnership, society, or any other organization of individuals or any unit or agency of local or state government.

(5) "Affected producer" means any person who produces, or causes to be produced, in commercial quantities, dry peas and/or lentils in the state of Washington.

(6) "Commercial quantity" means all the dry peas and/or lentils produced for market in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing or distributing dry peas and/or lentils not produced by him or her. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(8) "Dry pea and lentil commodity board" hereinafter referred to as "board" or "commission" means the dry pea and lentil commodity board formed under the provisions of WAC 16-536-020.

(9) "Dry peas" means and includes all kinds and varieties of dry peas grown in the state of Washington, including chick peas/garbanzo beans and commercially grown wrinkled peas raised for seed: Provided, That it shall not include dry peas used by the producer thereof on his or her premises for feed, seed and personal consumption: Provided further, That the inclusion of commercially grown wrinkled peas raised for seed will not become effective until approved by a referen-

dum vote of the affected commercial wrinkled pea seed producers.

(10) "Lentils" means and includes all kinds and varieties of lentils grown in the state of Washington: Provided, That it shall not include lentils used by the producers thereof on his or her premises for feed, seed, and personal consumption.

(11) "Marketing season" or "fiscal year" means the twelve month period beginning with July 1 of any year and ending with the last day of June, both dates being inclusive.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to dry peas and/or lentils. A producer-handler shall be deemed to be a producer with respect to the dry peas and/or lentils which he or she produces, and a handler with respect to the dry peas and/or lentils which he or she handles, including those produced by himself or herself. "To produce" means to act as a producer. For purposes of the dry peas and lentils marketing order, "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(13) "Affected area" means the state of Washington.

(14) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(15) "Affected unit" means one hundred pounds of dry peas and/or lentils.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 04-17-021, § 16-536-010, filed 8/9/04, effective 9/9/04. Statutory Authority: Chapter 15.65 RCW. 82-15-020 (Order 1768), § 16-536-010, filed 7/13/82; Marketing Order Article I § A, filed 3/26/65.]

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

(2) Board membership.

(a) The board shall consist of ten members. Eight members shall be affected producers appointed as provided in this marketing order. One member shall be an affected handler appointed as provided in this marketing order. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the director. The position representing the director shall be a voting member.

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

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

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

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

(iv) District IV shall have two board members, being positions 7 and 8 and shall include all other counties of the state of Washington: Provided, That the addition of another member, being position 8, shall not become effective until

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approved by a referendum vote of the affected commercial wrinkled pea seed producers.

(3) Board membership qualifications.

(a) The producer members of the board must be practical producers of dry peas and/or lentils in the district in and for which they are nominated and appointed and each shall be a citizen and resident of the state, over the age of eighteen years. Each producer board member must be and have been actually engaged in producing dry peas and/or lentils within the state of Washington for a period of five years and has during that time derived a substantial portion of his or her income therefrom and is not engaged in business, directly or indirectly, as a handler or other dealer.

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

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

(4) Term of office.

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

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

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

Positions seven, eight, nine, and ten - one year

Positions four, five and six - two years

Positions one, two, and three - three years

(d) Except for the director's representative, no appointed member of the board may serve more than two full consecutive three-year terms.

(e) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

(5) Nomination of director-appointed board members.

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

(b) Each year the director shall call a nomination meeting for director-appointed board members in those districts whose board members term is about to expire. The meeting(s) shall be held at least thirty days in advance of the date set by the director for the advisory vote of board members.

(c) Notice of a nomination meeting shall be published in newspapers of general circulation within the affected district not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers within such affected district

and handlers according to the list maintained by the board pursuant to RCW 15.65.295.

(d) Nonreceipt of notice by any interested person shall not invalidate the proceedings at a nomination meeting.

(e) Any qualified affected producer or handler may be nominated orally for membership on the board at a nomination meeting. Nominations may also be made within five days after the meeting by written petition filed with the director signed by not less than five affected producers or affected handlers.

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

(g) When only one nominee is nominated for a director-appointed position, RCW 15.65.250 shall apply.

(6) Advisory vote of board members.

(a) An advisory vote shall be conducted by secret ballot under the supervision of the director within the month of May. Each affected producer and affected handler shall be entitled to one vote.

(b) An advisory vote shall be conducted for board members appointed by the director under the provisions of RCW 15.65.243. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(c) Notice of every advisory vote for board membership shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of the advisory vote. Not less than ten days prior to every advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer and affected handler entitled to vote whose name appears upon the list of such affected producers and affected handlers maintained by the board pursuant to RCW 15.65.295. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his or her qualifications.

(d) Nonreceipt of a ballot by an affected producer or affected handler shall not invalidate the advisory vote of any board member.

(7) **Vacancies.** In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

(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 be compensated in accordance with RCW 43.03.230 and shall be reimbursed for subsistence, lodging, and mileage in accordance with RCW 43.03.050 and 43.03.060, as provided for in RCW 15.65.270. The board may adopt by resolution provisions for reimbursement of actual travel expenses

incurred by members and employees of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270.

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

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

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

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

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

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

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

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

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

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year. The board, at least fifteen days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget.

(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 of a technical or administrative nature for the operation of the board, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

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

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

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

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

(p) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order.

(q) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW.

(r) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies.

(s) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of dry peas and lentils.

(t) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general.

(u) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this order.

(v) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of dry peas and lentils including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(w) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each producer's production for a minimum three-year period pursuant to RCW 15.65.280.

(x) To maintain a list of the names and addresses of persons who handle dry peas and lentils within the affected area and data on the amount and value of the dry peas and lentils handled for a minimum three-year period by each person pursuant to RCW 15.65.280.

(y) To maintain a list of the names and addresses of all affected persons who produce dry peas and lentils and the

amount, by unit, of dry peas and lentils produced during the past three years pursuant to RCW 15.65.295.

(z) To maintain a list of all persons who handle dry peas and lentils and the amount of dry peas and lentils handled by each person during the past three years pursuant to RCW 15.65.295.

(aa) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

(11) Procedures for board.

(a) The board shall hold regular meetings with the time and date thereof to be fixed by resolution of the board and the meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act). The notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

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

(c) The board shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: Provided, That the notice to a member of any special meeting may be waived by a waiver from that member of the board. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 04-17-021, § 16-536-020, filed 8/9/04, effective 9/9/04. Statutory Authority: RCW 15.65.050. 95-17-117 (Order 5079), § 16-536-020, filed 8/23/95, effective 9/23/95. Statutory Authority: Chapter 15.65 RCW. 82-15-020 (Order 1768), § 16-536-020, filed 7/13/82; Marketing Order Article II, §§ A through K, filed 3/26/65.]

WAC 16-536-040 Assessments and collections. (1) Assessments.

(a) The assessment on all varieties of dry peas and dry lentils subject to this marketing order shall be one percent of the net receipts at the first point of sale and shall be deducted by the first purchaser from the price paid to the grower. Such assessment shall be remitted to the commission board in accordance with procedures adopted by the commission board: Provided, That an assessment on commercial wrinkled pea seed shall not become effective unless approved by a referendum vote of the affected wrinkled pea seed producers.

(b) Assessments shall not be payable on any such dry peas and/or lentils used by the producer thereof on his premises for feed, seed and personal consumption.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of this 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 this marketing order, to all persons from whom 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 the 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 this 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 unpaid assessment to defray the cost of enforcing the collecting of it. In the event of failure of such person or persons to pay any due and payable assessment or other such sum, the board may bring a civil action against the person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent, and the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 04-17-021, § 16-536-040, filed 8/9/04, effective 9/9/04. Statutory Authority: Chapter 15.65 RCW. 86-15-002 (Order 1895), § 16-536-040, filed 7/3/86, effective 8/4/86; 82-15-020 (Order 1768), § 16-536-040, filed 7/13/82; Order 1533, § 16-536-040, filed 6/8/77; Marketing Order Article IV, §§ A through C, filed 3/26/65.]

WAC 16-536-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Marketing Order Article V, § A, filed 3/26/65.]

WAC 16-536-060 Termination of the order. Termination shall be accomplished pursuant to RCW 15.65.183 through 15.65.193.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 04-17-021, § 16-536-060, filed 8/9/04, effective 9/9/04; Marketing Order Article VI, § A, filed 3/26/65.]

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WAC 16-536-070 Effective time. (1) This marketing order for dry peas and lentils shall become effective on and after July 1, 1965.

(2) This order shall remain in full force and effect until July 1, 1972 unless terminated prior thereto under the provisions of chapter 15.65 RCW as set forth in WAC 16-536-060: Provided, That if it remains in effect until said July 1, 1972 the director shall conduct a referendum election as required for the approval of an order under chapter 15.65 RCW at such time prior to such date so that he may determine if the affected producers and handlers desire that the order be terminated on such date or continued in full force and effect beyond such date. All the costs of conducting such election shall be defrayed from the funds of the board.

[Marketing Order Articles VII and VIII, filed 3/26/65.]

WAC 16-536-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby.

[Marketing Order Article IX, filed 3/26/65.]

Chapter 16-540 WAC

MINT

WAC

16-540-005	Marketing order for Washington mint—Policy statement.
16-540-006	Marketing order purposes.
16-540-010	Definitions.
16-540-020	The mint commodity board.
16-540-040	Assessments and collections.
16-540-050	Obligations of the board.
16-540-060	Termination of the order.
16-540-080	Separability.
16-540-110	Time and procedure for reporting and remitting assessments.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-540-030	Marketing order purposes. [Article III, § A, filed 12/20/66, effective 2/1/67.] Repealed by 05-09-013, filed 4/8/05, effective 5/9/05. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW.
16-540-070	Effective time. [Article VII, filed 12/20/66, effective 2/1/67.] Repealed by 05-09-013, filed 4/8/05, effective 5/9/05. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW.

WAC 16-540-005 Marketing order for Washington mint—Policy statement. (1) The marketing of mint within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its mint be properly promoted by:

(a) Enabling producers of mint to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the mint they produce; and

(b) Working towards stabilizing the agricultural industry by increasing consumption of mint within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the mint industry be clearly expressed, that adequate pro-

tection be given to the industry and its activities and operations, and that mint be promoted individually and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's mint.

(b) Increase the sale and use of Washington state's mint in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's mint.

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's mint and products.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of mint produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.65 RCW through the adoption of this marketing order.

(4) The Washington state mint commodity board exists primarily for the benefit of the people of the state of Washington and its economy and, with oversight by the director, the board is authorized to speak on behalf of Washington state government with regard to mint under the provisions of this marketing order.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-09-013, § 16-540-005, filed 4/8/05, effective 5/9/05.]

WAC 16-540-006 Marketing order purposes. This marketing order is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; or increasing production efficiency of mint in Washington state. The Washington state mint commodity board is designated by the director to conduct the following programs in accordance with chapter 15.65 RCW:

(1) To enable producers of mint plants to help themselves develop improved production methods and/or programs for the control of disease, insects, and weeds associated with mint plant culture and to provide for the dissemination of information to affected producers.

(2) To carry out the purposes of the order the board shall provide for a program in one or more of the following areas:

(a) Provide for aid in research in the production of mint plants and the distilling of mint oil by producers and to expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried out by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(b) Provide for collection and dissemination of information pertaining to mint.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-09-013, § 16-540-006, filed 4/8/05, effective 5/9/05.]

WAC 16-540-010 Definitions. Definitions for terms used in this chapter are also found in chapter 15.65 RCW, Washington State Agriculture Commodity Boards Act. For

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the purpose of this marketing order, the following additional definitions shall apply:

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

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

(3) "Act" means the Washington State Agricultural Commodity Boards Act or chapter 15.65 RCW.

(4) "Person" means any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals, or any unit or agency of local or state government.

(5) "Affected producer" or "producer" means any person who produces, or causes to be produced in commercial quantities, in the state of Washington, any variety of mint plant from which the essential oil is distilled or extracted. "To produce" means to act as a producer. For the purposes of the mint marketing order, "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the essential oil and its resulting agricultural product or the agricultural product delivered for further production or increase.

(6) "Commercial quantity" means all of the mint plants produced in any calendar year by any producer, from which the essential oil is distilled or extracted.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in buying, selling, marketing or distributing mint oils produced from mint plants not grown by him/her. "Affected handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(8) "Producer-handler" means any person who acts both as a producer and as a handler with respect to mint oil. A producer-handler shall be deemed to be a producer with respect to the mint plants and/or oil which he/she produces, and a handler with respect to the mint oil which he/she handles, including those produced by himself/herself.

(9) "Mint oil" means essential oil that is distilled from any variety of mint plant.

(10) "Mint commodity board" hereinafter referred to as "board" or "commission" means the commodity board formed under WAC 16-540-020.

(11) "Marketing season" or "fiscal year" means the twelve-month period beginning with July 1 of any year and ending with the last day of June, both dates being inclusive.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(14) "Affected unit" means one pound of mint oil as distilled from mint plants grown by an affected producer.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-09-013, § 16-540-010, filed 4/8/05, effective 5/9/05. Article I, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-020 The mint 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 eight members. Seven members shall be affected producers appointed or elected as

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provided in this marketing order. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the director. The position representing the director shall be a voting member.

(i) Director-appointed affected producer positions on the board shall be designated as position 1, position 2, position 6, and position 7.

(ii) Elected affected producer positions on the board shall be designated as position 3, position 4, and position 5.

(iii) The position representing the director who is neither an affected producer nor an affected handler shall be designated as position 8.

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

(i) District I shall have four board members, being positions 1, 2, 3 and 4 and shall include the counties of Kittitas, Yakima and Benton.

(ii) District II shall have three board members, being positions 5, 6 and 7 and shall include all other counties located in the state of Washington.

(3) Board membership qualifications.

(a) The affected producer members of the board must be practical producers of mint plants in the district in and for which they are nominated and appointed or elected and each shall be a citizen and resident of the state of Washington, over the age of eighteen years. Each affected producer board member must be and have been actually engaged in producing mint plants within the state of Washington for a period of five years and has during that time derived a substantial portion of his/her income therefrom and is not engaged in business, directly or indirectly, as a handler or other dealer.

(b) 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 appointed or elected each year.

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

Positions one and two - one year

Positions three, four and eight - two years

Positions five, six and seven - three years

(c) Except for the director's representative, no appointed or elected member of the board may serve more than two full consecutive three-year terms.

(d) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members in positions one, two, six and seven shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

(5) Nomination of elected or director-appointed board members.

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

(b) Each year the director shall call a nomination meeting for both elected and director-appointed affected producer board members in those districts whose board members' term

are about to expire. The meeting shall be held at least thirty days in advance of the date set by the director for the election or advisory vote of board members.

(c) Notice of a nomination meeting shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of the meeting and in addition, written notice of every such meeting shall be given to all affected producers within such affected district according to the list maintained by the board pursuant to RCW 15.65.295.

(d) Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

(e) Any qualified affected producer may be nominated orally for membership on the board at the nomination meeting. Nominations may also be made within five days after the nomination meeting by written petition filed with the director signed by not less than five affected producers.

(f) When only one nominee is nominated by the affected producers for any position, RCW 15.65.250 shall apply.

(6) Election or advisory vote of board members.

(a) An election or advisory vote shall be conducted by secret ballot under the supervision of the director within the month of June. Each affected producer shall be entitled to one vote.

(b) Elected affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. 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) An advisory vote shall be conducted for affected producer board members appointed by the director under the provisions of RCW 15.65.243. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(d) Notice of every election or advisory vote for board membership shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of the election or advisory vote. Not less than ten days prior to every election or advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the board pursuant to RCW 15.65.295. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications.

(e) Nonreceipt of a ballot by an affected producer shall not invalidate the election or advisory vote of any board member.

(7) Vacancies.

(a) In the event of a vacancy on the board in an elected position, the remaining members shall select a qualified person to fill the unexpired term. The appointment shall be made at the board's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

(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 be compensated in accordance with RCW 43.03.230 and shall be reimbursed for subsistence, lodging, and mileage in accordance with RCW 43.03.050 and 43.03.060, as provided for in RCW 15.65.270. The board may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members and employees of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270.

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

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

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

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

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

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

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

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the commission. 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. The board, at least sixty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget.

(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 of a technical or administrative nature for the operation of the board, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

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

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

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

(o) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order.

(p) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW.

(q) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies.

(r) To enter into contract or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of mint.

(s) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general.

(t) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this order.

(u) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of mint including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(v) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each affected producer's production for a minimum three-year period pursuant to RCW 15.65.280.

(w) To maintain a list of the names and addresses of persons who handle mint within the affected area and data on the amount and value of the mint handled for a minimum three-year period by each person pursuant to RCW 15.65.280.

(x) To maintain a list of the names and addresses of all affected persons who produce mint and the amount, by unit, of mint produced during the past three years pursuant to RCW 15.65.295.

(y) To maintain a list of all persons who handle mint and the amount of mint handled by each person during the past three years pursuant to RCW 15.65.295.

(z) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

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

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board and the meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

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

(c) The board shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: Provided, That the notice to a member of any special meeting may be waived by a waiver from that member of the board. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-09-013, § 16-540-020, filed 4/8/05, effective 5/9/05. Article II, §§ A-K, filed 12/20/66, effective 2/1/67.]

WAC 16-540-040 Assessments and collections. (1) Assessments.

(a) The fixed annual assessment on all varieties of mint oil subject to this marketing order shall be five cents per pound of oil as weighed by first purchaser.

(b) First purchasers shall collect assessments at time of payment for oil, from producers whose production they handle and remit the same to the board in accordance with procedures adopted by the board. Producers and producer-handlers who ship their oil direct to handlers outside of the state of Washington shall remit assessments to the board at time of shipment.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of this order during or with respect to any season or year may be refunded on a pro rata basis at the close of the 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 the marketing order to all persons from whom

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 the 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 this 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 the 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 unpaid assessment to defray the cost of enforcing the collecting of it. In the event of failure of a person or persons to pay any due and payable assessment or other sum, the board may bring a civil action against the person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent, and the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-09-013, § 16-540-040, filed 4/8/05, effective 5/9/05. Statutory Authority: RCW 15.65.050. 96-03-150 (Order 5091), § 16-540-040, filed 1/24/96, effective 2/24/96. Statutory Authority: Chapter 15.65 RCW. 84-10-046 (Order 1823), § 16-540-040, filed 5/2/84; Order 1406, § 16-540-040, filed 7/23/75; Article IV, §§ A-C, filed 12/20/66, effective 2/1/67.]

WAC 16-540-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted by them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Article V, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-060 Termination of the order. Termination shall be accomplished pursuant to RCW 15.65.183 through 15.65.193.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-09-013, § 16-540-060, filed 4/8/05, effective 5/9/05. Article VI, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby.

[Article VIII, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-110 Time and procedure for reporting and remitting assessments. Each first purchaser shall file a report on or before the 20th of each month covering mint oil purchased during the preceding month. Assessment reports shall contain the following information: Name and mailing address of first purchaser filing the report; name, mailing address, pounds of oil, and total assessment withheld for each producer from whom mint oil was purchased during the reporting period; total pounds of oil reported and total assessment remitted.

[Order 1, § 16-540-110, filed 3/9/70.]

Chapter 16-545 WAC

TURFGRASS SEED COMMISSION

WAC

16-545-005	Marketing order for Washington turfgrass seed—Policy statement.
16-545-006	Marketing order purposes.
16-545-010	Definitions.
16-545-015	Turfgrass seed districts.
16-545-020	Turfgrass seed board.
16-545-040	Assessments and collections.
16-545-041	Time—Place—Method for payment and collection of assessments.
16-545-050	Obligations of the board.
16-545-080	Separability.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-545-030	Marketing order purposes. [Statutory Authority: RCW 15.65.050, 99-02-064, § 16-545-030, filed 1/6/99, effective 2/6/99.] Repealed by 04-22-073, filed 11/1/04, effective 12/2/04. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW.
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WAC 16-545-005 Marketing order for Washington turfgrass seed—Policy statement. (1) The production of turfgrass seed within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its turfgrass seed be properly promoted by:

(a) Enabling producers of turfgrass seed to help themselves in establishing orderly, fair, sound, efficient, and unhampered grading and standardizing of the turfgrass seed they produce; and

(b) Working towards stabilizing the agricultural industry by sustaining production of turfgrass seed within the state, the nation, and internationally.

(2) It is in the overriding public interest that support for the turfgrass seed industry be clearly expressed, that adequate protection be given to the industry and its activities and oper-

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ations, and that turfgrass seed be promoted individually and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's turfgrass seed.

(b) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's turfgrass seed.

(c) Support and engage in programs or activities that benefit the planting, production, and harvesting of turfgrass seed produced in Washington state.

(d) Support and engage in programs or activities that benefit the use of turfgrass seed by-products in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.65 RCW through the adoption of this marketing order.

(4) The Washington state turfgrass seed commodity board exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the board is authorized to speak on behalf of Washington state government with regard to turfgrass seed under the provisions of this marketing order.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 04-22-073, § 16-545-005, filed 11/1/04, effective 12/2/04.]

WAC 16-545-006 Marketing order purposes. This marketing order is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; or increasing production efficiency of turfgrass seed in Washington state. The Washington state turfgrass seed commodity board is designated by the director to conduct the following programs in accordance with chapter 15.65 RCW:

To execute the purposes of the order, the board shall provide for a program in one or more of the following areas:

(1) Provide for research in the production, processing, irrigation, transportation, handling, or distribution of turfgrass seed and expend the necessary funds for the purposes. Insofar as practicable, the research must be carried out by experiment stations of Washington State University, but if in the judgment of the board that the experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefore, the project may be carried out by other research agencies selected by the board.

(2) Provide for collection and dissemination of information pertaining to turfgrass seed and turfgrass seed by-products.

(3) Establish and conduct programs to develop markets for turfgrass seed by-products.

(4) Under no circumstances are any sections of this marketing order to be construed as authorizing or permitting any programs pertaining to marketing or promotion of turfgrass seed.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 04-22-073, § 16-545-006, filed 11/1/04, effective 12/2/04.]

WAC 16-545-010 Definitions. Definitions for terms used in this chapter are also found in chapter 15.65 RCW, Washington State Agriculture Commodity Boards Act. For

the purpose of this marketing order, the following additional definitions apply:

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

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

(3) "Act" means the Washington State Agriculture Commodity Boards Act or chapter 15.65 RCW.

(4) "Person" means any individual, firm, corporation, limited liability company, trust, association, partnership, society, or any other organization of individuals or any unit or agency of local or state government.

(5) "Affected producer" means any person who produces, or causes to be produced, in commercial quantities, turfgrass seed in the state of Washington.

(6) "Commercial quantity" means all the turfgrass seed produced for sale in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing or distributing turfgrass seed not produced by the handler and shall include any lending agencies for a commodity credit corporation loan to producers. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(8) "Turfgrass seed commodity board" referred to as "board" or "commission" means the turfgrass seed commodity board formed under WAC 16-545-020.

(9) "Turfgrass seed" means Kentucky bluegrass, perennial ryegrass, tall fescue, hard fescue, slender fescue, and creeping red fescue. Forage fescue and reclamation grass seed are excluded from this order.

(10) "Turfgrass seed by-products" means turfgrass seed straw and screenings.

(11) "Marketing season" or "fiscal year" means the twelve-month period beginning on June 1 of any year and ending with the last day of May, both dates being inclusive.

(12) "Producer-handler" is both a "producer" and a "handler" with respect to turfgrass seed and is covered by this order as a producer when engaged in the business of producing turfgrass seed or a handler when engaged in processing, selling, marketing or distributing turfgrass seed. "To produce" means to act as a producer. For the purposes of the turfgrass seed marketing order, "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the turfgrass seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(13) "Affected area" or "production area" means that portion of the state of Washington located east of the summit of the Cascade Mountains.

(14) "Sell" includes offer for sale, expose for sale, and have in possession for sale, exchange, barter or trade.

(15) "Affected unit" means one pound net pay weight of turfgrass seed.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 04-22-073, § 16-545-010, filed 11/1/04, effective 12/2/04. Statutory Authority: RCW 15.65.050. 99-02-064, § 16-545-010, filed 1/6/99, effective 2/6/99.]

WAC 16-545-015 Turfgrass seed districts. (1) District 1 consists of Chelan, Douglas, Ferry, Okanogan, Pend Oreille, Spokane and Stevens counties.

(2) District 2 consists of Asotin, Columbia, Garfield, Walla Walla, and Whitman counties.

(3) District 3 consists of Adams, Franklin, Grant, and Lincoln counties.

(4) District 4 consists of Benton, Kittitas, Klickitat, and Yakima counties.

[Statutory Authority: RCW 15.65.050. 99-02-064, § 16-545-015, filed 1/6/99, effective 2/6/99.]

WAC 16-545-020 Turfgrass seed board. (1) **Administration.** The provisions of this order and the applicable provisions of the act is administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board consists of seven members. Five members are affected producers appointed or elected under provisions of this order. One member is an affected handler appointed by the appointed or elected producers. The director appoints one member of the board who is neither an affected producer nor an affected handler to represent the director. The position representing the director shall be a voting member.

(b) Each district has one board member.

(i) Positions one through four represent each of the numbered districts.

(ii) Position five represents the district with the highest reported value of production of turfgrass seed the previous three years.

(iii) Position six is a handler appointed by the appointed or elected producer members of the board.

(iv) Position seven is the member representing the director.

(3) **Board membership qualifications.**

(a) The producer members of the board must be practical producers of turfgrass seed in the district in and for which they are nominated, appointed, or elected and each shall be a citizen and resident of the state, over the age of eighteen years. Each producer board member must be and have been actually engaged in producing turfgrass seed within the state of Washington for a period of three years and has during that time derived a substantial portion of his or her income therefrom and who is not engaged in business as a handler or other dealer.

(b) The handler member of the board must be a practical handler of turfgrass seed and must be a citizen and resident of the state, over the age of eighteen years. Each handler board member must be and have been, either individually or as an officer or an employee of a corporation, firm, partnership, association or cooperative actually engaged in handling turfgrass seed within the state of Washington for a period of five years and has during that period derived a substantial portion of his or her income therefrom.

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

(4) **Term of office.**

(a) The term of office for members of the board is three years. One-third of the membership as nearly as possible must be appointed or elected each year.

(b) Membership positions on the board are designated numerically; affected producers will have positions one through five, the affected handler will have position six and the member representing the director will have position seven.

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

Positions one and three - three years, ending on January 31, 2002.

Positions two and five - two years, ending on January 31, 2001.

Positions four and six - one year, ending on January 31, 2000.

(d) Except for the director's representative, no member of the board can serve more than two full consecutive three-year terms.

(e) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members in positions 1, 4, and 5 shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

(5) Nomination of elected or director-appointed board members.

(a) Each year the director shall call a nomination meeting for elected and/or director-appointed producer board members in those districts whose board members term is about to expire. The meeting(s) must be held at least thirty days in advance of the date set by the director for the election or advisory vote of board members.

(b) Notice of a nomination meeting must be published in a newspaper of general circulation within the affected district at least ten days in advance of the date of the meeting and in addition, written notice of every meeting must be given to all affected producers within the affected district according to the list maintained by the board pursuant to RCW 15.65.295.

(c) Nonreceipt of notice by any interested person will not invalidate the proceedings at the nomination meeting.

(d) Any qualified affected producer may be nominated orally for membership on the board at the nomination meetings. Nominations may also be made within five days after the meeting by written petition filed with the director, signed by at least five affected producers.

(e) When only one nominee is nominated by the affected producers for an elected and/or director-appointed position, RCW 15.65.250 shall apply.

(f) If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the open board position(s) by mail to all affected producers. Nominating petitions for producers must be signed by at least five affected producers of the district from which the candidate will be appointed or elected. The final date for filing nominations must be at least twenty days after the notice was mailed.

(6) Election or advisory vote of board members.

(a) An election or advisory vote shall be conducted by secret ballot under the supervision of the director within the month of January. Each affected producer shall be entitled to one vote.

(b) Elected members of the board must be elected by a majority of the votes cast by the affected producers within the

affected district. If a nominee does not receive a majority of the votes on the first ballot a runoff election must be held by mail in a similar manner between the two candidates for the position receiving the largest number of votes.

(c) An advisory vote shall be conducted for producer board members appointed by the director under the provision of RCW 15.65.243. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, and advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(d) Notice of every election or advisory vote for board membership must be published in a newspaper of general circulation within the affected district at least ten days in advance of the date of the election or advisory vote. At least ten days before every election or advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of the affected producers maintained by the board pursuant to RCW 15.65.295. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing their qualifications.

(e) Nonreceipt of a ballot by an affected producer will not invalidate the election or advisory vote of any board member.

(7) Vacancies.

(a) In the event of a vacancy on the board in an elected or commission-appointed position, the remaining members shall select a qualified person to fill the unexpired term. The appointment shall be made at the board's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

(8) **Quorum.** A majority of the members is a quorum for the transaction of all business and to execute the duties of the board.

(9) **Board compensation.** No member of the board will receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members and employees of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270.

(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 other officers as the board deems advisable.

(c) To employ and discharge at its discretion the personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to exe-

cute the purpose of the order and effectuate the declared policies of the act.

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

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

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

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

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board may deem necessary. The board must pay the premium for the bond or bonds from assessments collected. The bond may not be necessary if any blanket bond covering officials or employees of the state of Washington covers any board member or employee.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year. The board, at least sixty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget.

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

(k) To adopt rules of a technical or administrative nature for the operation of the board, under chapter 34.05 RCW (Administrative Procedure Act).

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

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

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States to

obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

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

(p) To sue or be sued.

(q) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order.

(r) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW.

(s) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies.

(t) To enter into contracts or agreements for research in the production, irrigation, and transportation of turfgrass seed.

(u) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of attorney general.

(v) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this order.

(w) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, and transportation of turfgrass seed including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(x) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each producer's production for a minimum three-year period pursuant to RCW 15.65.280.

(y) To maintain a list of the names and addresses of persons who handle turfgrass seed within the affected area and data on the amount and value of the turfgrass seed handled for a minimum three-year period by each person pursuant to RCW 15.65.280.

(z) To maintain a list of names and addresses of all affected persons who produce turfgrass seed and the amount, by unit, of turfgrass seed produced during the past three years pursuant to RCW 15.65.295.

(aa) To maintain a list of all persons who handle turfgrass seed and the amount of turfgrass seed handled by each person during the past three years pursuant to RCW 15.65.-295.

(bb) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date fixed by resolution of the board and held in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget must be presented for discussion at the meeting. Notice of the annual meeting must be filed in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the annual meeting must be given at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution the time, place, and manner of calling special meetings of the board with twenty-four hours written notice to the members. A board member may waive in writing his or her notice of any special meeting. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 04-22-073, § 16-545-020, filed 11/1/04, effective 12/2/04. Statutory Authority: RCW 15.65.050. 99-02-064, § 16-545-020, filed 1/6/99, effective 2/6/99.]

WAC 16-545-040 Assessments and collections. (1) **Assessments.** (a) The assessment on all varieties of turfgrass seed subject to this marketing order shall be 0.3 percent (three tenths of one percent) of the net receipts at the first point of sale and shall be deducted by the first purchaser from the price paid to the grower. The assessment shall be remitted to the commission board in accordance with procedures adopted by the commission board.

(b) The assessments shall not be payable on any turfgrass seed used by the affected producer on their premises for feed, seed and personal consumption.

(2) **Collections.** Excess moneys collected by the board under the order during the fiscal year may be carried over and used during the next successive fiscal year. The board may also recommend that excess moneys at the close of a fiscal year be refunded on a pro rata basis to the affected producers from whom the moneys were collected.

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

[Statutory Authority: RCW 15.65.050. 99-02-064, § 16-545-040, filed 1/6/99, effective 2/6/99.]

WAC 16-545-041 Time—Place—Method for payment and collection of assessments. Effective with the growing season of 1999, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-545-040:

(1) All first handlers of turfgrass seed grown in the state of Washington, or the person acting on behalf of a first buyer,

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shall withhold the amount of assessment from their remittance to growers of turfgrass seed and transmit it to the commission.

(2) All assessments will be due and payable to the commission within thirty days of collection. With the submission of the assessments, a report listing the name, address, volume handled or purchased and amount deducted or collected for each producer must be submitted to the commission on forms provided by or approved by the commission.

(3) Any assessments paid after the above deadlines shall be accompanied by an administrative fee of 10% in accordance with RCW 15.65.440 of the act.

[Statutory Authority: RCW 15.65.050. 99-02-064, § 16-545-041, filed 1/6/99, effective 2/6/99.]

WAC 16-545-050 Obligations of the board. Obligations incurred by the board or employee or agent pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent) established under this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: RCW 15.65.050. 99-02-064, § 16-545-050, filed 1/6/99, effective 2/6/99.]

WAC 16-545-080 Separability. If any provisions of the order are declared invalid, or the applicability to any person, circumstances or thing is held invalid, the validity of the remainder provisions or of the applicability to any other person, circumstances or thing shall not be affected.

[Statutory Authority: RCW 15.65.050. 99-02-064, § 16-545-080, filed 1/6/99, effective 2/6/99.]

Chapter 16-550 WAC BLUEBERRY

WAC

16-550-005	Marketing order for Washington blueberries—Policy statement.
16-550-006	Marketing order purposes.
16-550-010	Definitions of terms.
16-550-020	Blueberry commodity board.
16-550-040	Assessments and collections.
16-550-050	Obligations of the board.
16-550-060	Termination of the order.
16-550-070	Effective time.

16-550-080 Separability.
16-550-500 Time, place, method for payment and collection of assessments.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

16-550-030 Marketing order purposes. [Order 1116, § 16-550-030, filed 5/14/69, effective 6/15/69.] Repealed by 06-17-078, filed 8/14/06, effective 9/14/06. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW.

WAC 16-550-005 Marketing order for Washington blueberries—Policy statement. (1) The marketing of blueberries within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its blueberries be properly promoted by:

(a) Enabling producers of blueberries to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the blueberries they produce; and

(b) Working towards stabilizing the agricultural industry by increasing consumption of blueberries within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the blueberry industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that blueberries be promoted individually and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's blueberries.

(b) Increase the sale and use of Washington state's blueberries in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's blueberries.

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's blueberries and products.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of blueberries produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.65 RCW through the adoption of this marketing order.

(4) The Washington state blueberry commodity board exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the board is authorized to speak on behalf of Washington state government with regard to blueberries under the provisions of this marketing order.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 06-17-078, § 16-550-005, filed 8/14/06, effective 9/14/06.]

WAC 16-550-006 Marketing order purposes. This marketing order is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; or increasing production efficiency, ensuring a fair regulatory environment; or increasing per capita consumption of blueberries in Washington state. The Washington state blueberry

commodity board is designated by the director to conduct the following programs in accordance with chapter 15.65 RCW:

(1) To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for marketing, sales, promotion and/or other programs for advertising, sales, promotion and/or other programs for maintaining present markets and/or creating new or larger markets for blueberries. Such programs shall be directed toward increasing the sale of blueberries without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of blueberries nor disparage the quality, value, sale or use of any other agricultural commodity. The board may also engage in cooperative efforts in the domestic or foreign marketing of blueberries.

(b) Provide for research in the production, processing, irrigation, transportation, handling, and/or marketing of blueberries and expend the necessary funds for such purposes. Insofar as practicable, research shall be carried on by experiment stations of Washington State University, but, if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules for:

(i) Establishing uniform labels and labeling requirements for blueberries or any products thereof, requiring producers, handlers and other persons to conform to standards for the placing of labels, trademarks, insignia or brands on containers or packages: Provided, That all licensed blueberry dealers and brokers are entitled to use on the face of their product any particular trademark, insignia, brand or label that they may now have or will have. That established brands, labels, trademarks or insignias may be properly used in selling or commercially disposing of blueberries and blueberry products or in offering the same for sale, advertising and/or delivering said blueberries or blueberry products;

(ii) Providing for inspection and enforcement to ascertain and effectuate compliance.

(d) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

(e) Conduct programs for the purpose of providing information and education including:

(i) Marketing information and services for producers of blueberries for the verification of grades, standards, weights, tests, and sampling of quality and quantity of blueberries purchased by handlers from affected producers.

(ii) Information and services enabling producers to meet their resource conservation objectives.

(iii) Blueberry-related education and training.

(f) Subject to the provisions of the act, provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of blueberries produced in Washington state to any elected official or officer or employee of any agency.

(2) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for advertising and promotion of blueberries.

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of the affected commodity may be encouraged, expanded, improved, or made more efficient.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 06-17-078, § 16-550-006, filed 8/14/06, effective 9/14/06.]

WAC 16-550-010 Definitions of terms. Definitions for terms used in this chapter are also found in chapter 15.65 RCW, Washington State Agricultural Commodity Boards Act. For the purpose of this marketing order, the following additional definitions shall apply:

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

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

(3) "Act" means the Washington State Agricultural Commodity Boards Act or chapter 15.65 RCW.

(4) "Person" means any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals, or any unit or agency of local or state government.

(5) "Affected producer" or "producer" means any person who produces blueberries in commercial quantities in the state of Washington, or who sells or stores blueberries in the state of Washington for fresh market or for processing. "To produce" means to act as a producer. For the purposes of the blueberry marketing order, "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(6) "Commercial quantity" means any blueberries produced, or stored, for a market by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, or distributing blueberries not produced by him/her. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(8) "Blueberry commodity board" hereinafter referred to as "board" or "commission" means the commodity board formed under the provisions of WAC 16-550-020 of this blueberry order.

(9) "Blueberries" means and includes all kinds, varieties, and hybrids of "vaccinium corym bosum" and "vaccinium australe" grown and marketed in the state of Washington.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning January 1 and ending December 31, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to blueberries. A producer-handler shall be deemed to be a producer with respect to the blueberries which he/she produces and a han-

dlar with respect to the blueberries which he/she handles, including those produced by himself/herself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(14) "Affected unit" means one pound net of blueberries.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 06-17-078, § 16-550-010, filed 8/14/06, effective 9/14/06. Statutory Authority: RCW 15.65.020 and 15.65.140. 91-01-054 (Order 2068), § 16-550-010, filed 12/13/90, effective 1/13/91; Order 1116, § 16-550-010, filed 5/14/69, effective 6/15/69.]

WAC 16-550-020 Blueberry 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 seven members. Six members shall be affected producers appointed or elected as provided in this section. The director shall appoint one member of the board who is neither an affected producer nor a handler to represent the director. The position representing the director shall be a voting member.

(i) Director-appointed affected producer positions on the board shall be designated as positions two, four and six.

(ii) Elected affected producer positions on the board shall be designated as positions one, three and five.

(iii) The position representing the director who is neither an affected producer nor a handler shall be designated as position seven.

(b) For the purpose of nomination, appointment, and election of producer members of the board, the affected area shall be the entire state of Washington.

(3) Board membership qualifications. The producer members of the board must be practical producers of blueberries and each must be a citizen and resident of this state, over the age of eighteen years. Each producer board member must be and have been actually engaged in producing blueberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom and is not engaged in business, directly or indirectly, as a handler or other dealer.

(4) Term of office.

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

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

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

Positions one and two - until June 30, 1970

Positions three and four - until June 30, 1971

Positions five, six and seven - until June 30, 1972

(d) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members in positions two, four and six shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

(5) Nomination of elected or director-appointed board members.

(a) Each year the director shall call a nomination meeting for elected and/or director-appointed producer board members. The meeting(s) shall be held at least thirty days in advance of the date set by the director for the election or advisory vote of board members.

(b) Notice of a nomination meeting shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of the meeting and, in addition, written notice of every meeting shall be given to all affected producers according to the list maintained by the board pursuant to RCW 15.65.295.

(c) Nonreceipt of notice by any interested person shall not invalidate the proceedings at the nomination meeting.

(d) Any qualified affected producer may be nominated orally for membership on the board at the nomination meeting(s). Nominations may also be made within five days after the nomination meeting by written petition filed with the director, signed by not less than five affected producers.

(e) When only one nominee is nominated by the affected producers for any position, RCW 15.65.250 shall apply.

(6) Election or advisory vote of board members.

(a) An election or advisory vote shall be conducted by secret ballot under the supervision of the director within the month of May. Each affected producer shall be entitled to one vote. Elected members of the board shall be elected by a majority of the votes cast by the affected producers.

(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) An advisory vote shall be conducted for producer board members appointed by the director under the provisions of RCW 15.65.243. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(d) Notice of every election or advisory vote for board membership shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of the election or advisory vote. Not less than ten days prior to every election or advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the board pursuant to RCW 15.65.295. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications.

(e) Nonreceipt of a ballot by any affected producer shall not invalidate the election or advisory vote of any board member.

(7) Vacancies.

(a) In the event of a vacancy on the board in an elected position, the remaining members shall select a qualified person to fill the unexpired term. The appointment shall be made

at the board's first or second meeting after the position became vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

(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 except that each member may be compensated in accordance with RCW 43.03.230 and shall be reimbursed for subsistence, lodging, and mileage in accordance with RCW 43.03.050 and 43.03.060, as provided for in RCW 15.65.270. The board may adopt, by resolution, provisions for reimbursement of actual travel expenses incurred by members and employees of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270.

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

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

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

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

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

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

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

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

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for a bond or bonds shall be paid by the board from assessments collected. A bond shall not be necessary if any 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. At least thirty days prior to the beginning of its fiscal year, the board shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget.

(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 of a technical or administrative nature for the operation of the board, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

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

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

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

(o) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order.

(p) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW.

(q) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies.

(r) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of blueberries.

(s) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general.

(t) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this order.

(u) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of blueberries including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(v) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each affected producer's production for a minimum three-year period pursuant to RCW 15.65.280.

(w) To maintain a list of the names and addresses of persons who handle blueberries within the affected area and data on the amount and value of the blueberries handled for a minimum three-year period by each person pursuant to RCW 15.65.280.

(x) To maintain a list of names and addresses of all affected persons who produce blueberries and the amount, by unit, of blueberries produced during the past three years pursuant to RCW 15.65.295.

(y) To maintain a list of all persons who handle blueberries and the amount of blueberries handled by each person during the past three years pursuant to RCW 15.65.295.

(z) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

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

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board and the meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

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

(c) The board shall establish by resolution, the time, place and manner of calling special meetings of the board with reasonable notice to the members: Provided, That the notice to a member of any special meeting may be waived by a waiver thereof from that member of the board. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 06-17-078, § 16-550-020, filed 8/14/06, effective 9/14/06. Statutory Authority: RCW 15.65.050. 00-10-022, § 16-550-020, filed 4/24/00, effective 5/25/00. Statutory Authority: RCW 15.65.380. 89-12-054 (Order 002), § 16-550-020, filed 6/6/89; Order 1116, § 16-550-020, filed 5/14/69, effective 6/15/69.]

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 this order during or with respect to any season or year, may be refunded on a pro rata basis at the close of the season or year or at the close of a longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of this marketing order, to all persons from whom 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 the policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in a 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 the assessment or other sum on or before the date due, the board may, and is hereby authorized, to add to the unpaid assessment or sum an amount not exceeding ten percent of the unpaid assessment to defray the cost of enforcing the collecting of it. In the event of failure of a person or persons to pay any due and payable assessment or other sum, the board may bring a civil action against the person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent, and the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 06-17-078, § 16-550-040, filed 8/14/06, effective 9/14/06. 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.]

WAC 16-550-050 Obligations of the board. Obligations incurred by the board or employee or agent, thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be sev-

eral and not joint and no member shall be liable for the default of any other member.

[Order 1116, § 16-550-050, filed 5/14/69, effective 6/15/69.]

WAC 16-550-060 Termination of the order. Termination shall be accomplished pursuant to RCW 15.65.183 through 15.65.193.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 06-17-078, § 16-550-060, filed 8/14/06, effective 9/14/06; Order 1116, § 16-550-060, filed 5/14/69, effective 6/15/69.]

WAC 16-550-070 Effective time. This marketing order for blueberries shall become effective on and after June 15, 1969.

[Order 1116, § 16-550-070, filed 5/14/69, effective 6/15/69.]

WAC 16-550-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby.

[Order 1116, § 16-550-080, filed 5/14/69, effective 6/15/69.]

WAC 16-550-500 Time, place, method for payment and collection of assessments. Effective with the growing season of 1969, the following procedure is established for the reporting and paying assessments levied pursuant to section RCW 15.65.410 and WAC 16-550-040:

(1) All first handlers of blueberries for resale or for processing shall withhold the amount of the assessment from their remittances to growers and transmit same to the commission.

(2) All growers selling blueberries other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission.

(3) All growers having blueberries in cold storage that are not sold on October 31 of each year, shall compute the assessment due on such berries and pay same to the commission.

(4) All assessments for the crop year are due and payable to the commission on or before October 31 of each year.

(5) Any assessments paid on or after December 1 shall be accompanied with a penalty fee of 10% as provided in RCW 15.65.440 of the act.

[Order 1, § 16-550-500, filed 7/10/69.]

Chapter 16-555 WAC

WASHINGTON STRAWBERRY COMMISSION

WAC

16-555-010	Definition of terms.
16-555-020	Strawberry commodity board.
16-555-030	Marketing order purposes.
16-555-040	Assessments and collections.
16-555-041	Time—Place—Method for payment and collection of assessments.
16-555-050	Obligations of the board.
16-555-060	Termination of the marketing order.
16-555-070	Effective time.
16-555-080	Separability.

WAC 16-555-010 Definition of terms. For the purpose of this marketing order:

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

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

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

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

(5) "Affected producer" means any person who produces strawberries in commercial quantities in the state of Washington, for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any strawberries produced for a market, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, freezing, or distributing strawberries not produced by him.

(8) "Strawberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-555-020.

(9) "Strawberries" means and includes all kinds, varieties, and hybrids of "FRAGARIA-X-ANANASSA" grown and marketed in the state of Washington.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to strawberries. A producer-handler shall be deemed to be a producer with respect to the strawberries which he/she produces and a handler with respect to the strawberries which he/she handles, including those produced by himself/herself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one pound net of strawberries.

[Statutory Authority: Chapter 15.65 RCW. 93-10-063, § 16-555-010, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 15.65.050. 90-11-001 (Order 2038), § 16-555-010, filed 5/3/90, effective 6/3/90. Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-010, filed 5/14/85.]

WAC 16-555-020 Strawberry commodity board. (1) **Administration.** The provisions of this marketing order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

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

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

(i) District I shall have two board members, being Positions 1 and 2, and shall include the counties of Island, San Juan, Skagit, and Whatcom.

(ii) District II shall have two board members, being Positions 3 and 4, and shall include the counties of King, Clallam, Jefferson, Kitsap, Pierce, and Snohomish.

(iii) District III shall have two board members, being Position 5 and Position 7, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason, and Thurston.

(iv) District IV shall have one board member, being Position 6, and shall include the remaining counties in the state of Washington.

(3) **Board membership qualifications.** The affected producer members of the board shall be practical producers of strawberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing strawberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) **Term of office.**

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

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

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

Position one - shall terminate on August 31, 1986;

Positions three and five - shall terminate on August 31, 1987;

Positions two and four - shall terminate on August 31, 1988.

(d) The term of office for the initial board member in Position 6, shall terminate on August 31, 1995.

(e) The term of office for the initial board member in Position 7 shall terminate on August 31, 2005.

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

affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

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

(6) Election of board members.

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

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

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her 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 be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, 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 marketing order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments, contributions, or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the marketing 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 marketing order to defray the costs of formulating the marketing order.

(f) To establish a "strawberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, shall be deposited each day or as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited at least every five years 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 calendar 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 calendar 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 marketing order and the act, along with the necessary authority and procedure for obtaining such information.

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

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

(o) To authorize the members of the 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 15.58.030(1) or any agricultural chemical which is of use or potential use in producing strawberries, and may authorize the expenditure of commission funds for this purpose.

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

(11) Procedures for board.

(a) The board shall hold regular meetings, at least semi-annually, 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 proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news services.

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

[Statutory Authority: RCW 15.65.050 and 15.65.200. 02-15-128, § 16-555-020, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 15.65.050. 00-10-024, § 16-555-020, filed 4/24/00, effective 5/25/00. Statutory Authority: Chapter 15.65 RCW. 93-10-063, § 16-555-020, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 15.65.050. 92-12-006, § 16-555-020, filed 5/21/92, effective 6/21/92. Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-020, filed 5/14/85.]

WAC 16-555-030 Marketing order purposes. The marketing order is to promote the general welfare of the state, to enable producers of strawberries to help themselves facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the marketing order, the board may provide for a program in one or more of the following areas:

(1) Provide for research in the production, processing, and/or marketing of strawberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research entity has better facilities therefor, the project may be carried out by other research entities selected by the board.

(2) Provide for marketing information and services to affected producers, for the verification of grades, standards, weights, tests, and sampling of quality and quantity of strawberries purchased by handlers from affected producers and for the purpose of facilitating the efficient marketing of strawberries.

(3) Prohibit and/or otherwise regulate any one or more or all of the practices listed to the extent that such practices affect, directly or indirectly, strawberries or any product thereof, but only with respect to persons who engage in such practices with the intent of or with the reasonably foreseeable effect of inducing any purchaser to become his/her customer or his/her supplier or of otherwise dealing or trading with him or of diverting trade from a competitor, to wit:

(a) Paying rebates, commissions or unearned discounts;

(b) Unfairly extending privileges or benefits (pertaining to price, to credit, to the loan, lease or giving away of facilities, equipment or other property or to any other matter or thing) to any customer, supplier or other person;

(c) Discriminating between customers, or suppliers of a like class;

(2009 Ed.)

(d) Making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

(4) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to the enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

[Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-030, filed 5/14/85.]

WAC 16-555-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of strawberries shall be one-half 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 marketing 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 this marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding 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 marketing order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.65.050, 92-12-006, § 16-555-040, filed 5/21/92, effective 6/21/92. Statutory Authority: Chapter 15.65 RCW, 85-11-030 (Order 1856), § 16-555-040, filed 5/14/85.]

WAC 16-555-041 Time—Place—Method for payment and collection of assessments. Effective with the growing season of 1985, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-555-040:

(1) All first handlers of strawberries for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. Where the first handler does not remit proceeds to the producer, the first handler shall include in his/her bill for services the assessment due and upon payment by the producer shall remit same to the commission. All such assessments accumulated will be due and payable to the commission on or before September 30 of each year, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer on forms provided by the commission.

(2) All growers selling strawberries other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, including u-pick, shall pay the assessment directly to the commission, on or before September 30 of each year.

(3) All growers having strawberries in cold storage that are not sold on September 15 of each year, shall compute the assessment due on such berries and pay same to the commission by September 30 of each year.

(4) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of ten percent as provided in RCW 15.65.440 of the act.

[Statutory Authority: Chapter 15.65 RCW, 85-11-030 (Order 1856), § 16-555-041, filed 5/14/85.]

WAC 16-555-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this marketing order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this marketing order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

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[Statutory Authority: Chapter 15.65 RCW, 85-11-030 (Order 1856), § 16-555-050, filed 5/14/85.]

WAC 16-555-060 Termination of the marketing order. The marketing order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with the director for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Statutory Authority: Chapter 15.65 RCW, 85-11-030 (Order 1856), § 16-555-060, filed 5/14/85.]

WAC 16-555-070 Effective time. The marketing order for strawberries shall become effective on and after June 15, 1985.

[Statutory Authority: Chapter 15.65 RCW, 85-11-030 (Order 1856), § 16-555-070, filed 5/14/85.]

WAC 16-555-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Statutory Authority: Chapter 15.65 RCW, 85-11-030 (Order 1856), § 16-555-080, filed 5/14/85.]

Chapter 16-557 WAC

WASHINGTON ASPARAGUS COMMISSION

WAC

16-557-010	Definition of terms.
16-557-020	Asparagus commodity board.
16-557-025	Rules for implementation of promotional hosting by the Washington asparagus commission.
16-557-030	Marketing order purposes.
16-557-040	Assessments and collections.
16-557-041	Time—Place—Method for payment and collection of assessments.
16-557-050	Obligations of the board.
16-557-060	Termination of the order.
16-557-070	Effective time.
16-557-080	Separability.

WAC 16-557-010 Definition of terms. For the purpose of this marketing order:

- (1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.
- (2) "Department" means the department of agriculture of the state of Washington.
- (3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.
- (4) "Person" means any person, firm, association, or corporation.
- (5) "Affected producer" means any person who produces in the state of Washington asparagus in commercial quantities for fresh market, for processing, or for sale to processors.

(2009 Ed.)

(6) "Commercial quantity" means any asparagus produced for market in quantities of three tons (6,000 pounds) or more, in any calendar year.

(7) "Affected handler" means both affected handler fresh and affected handler processor.

(8) "Affected handler, fresh" means any person who acts as principal or agent or otherwise in selling, marketing, or distributing fresh asparagus not produced by him.

(9) "Affected handler, processor" means any person who acts as principal or agent or otherwise in processing, freezing asparagus, and selling, marketing, or distributing said processed or frozen asparagus, not produced by him.

(10) "Asparagus commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-557-020.

(11) "Asparagus" means and includes all kinds, varieties, and hybrids of "*officinalis*" Linn.

(12) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(13) "Producer-handler" means any person who acts both as a producer and as a handler with respect to asparagus. A producer-handler shall be deemed to be a producer with respect to the asparagus which he produces and a handler with respect to the asparagus which he handles, including those produced by himself.

(14) "Affected area" means the following counties in the state of Washington: Adams, Benton, Columbia, Franklin, Grant, Kittitas, Klickitat, Walla Walla, and Yakima.

(15) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(16) "Affected unit" means one pound net pay weight of asparagus.

(17) "Promotional hosting" as used in these rules 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 grown asparagus.

(18) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of a nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

[Statutory Authority: RCW 15.04.200, 15.65.280 and WAC 16-557-020. 98-16-081, § 16-557-010, filed 8/5/98, effective 9/5/98. Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-010, filed 4/4/91, effective 5/5/91.]

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.

(2009 Ed.)

(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.]

WAC 16-557-025 Rules for implementation of promotional hosting by the Washington asparagus commission. The laws of section 1, chapter 26, Laws of 1985 (RCW 15.04.200) provide that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners. The rules governing promotional hosting expenditures for the Washington asparagus 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.

(a) Commissioners;

(b) Administrator;

(c) Communications coordinator.

Individual commissioners 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 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 (if appropriate) of each person hosted;

(b) General purpose of the hosting;

(c) Date of hosting;

(d) Location of the hosting;

(e) To whom payment was or will be made;

(f) Signature of person seeking payment or reimbursement.

(4) The chair of the commission, administrator, and/or treasurer 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 grown asparagus:

(a) An individual from private business, associations, commissions;

(b) Foreign government officials;

(c) Federal and state officials: Provided, That lodging, meals, and transportation will not be provided when such officials may obtain full 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 trade relations and promote sales of Washington grown asparagus;

(f) Spouses of the persons listed in (a), (b), (c), and (e) of this subsection when attendance of such spouse is customary and expected.

[Statutory Authority: RCW 15.04.200, 15.65.280 and WAC 16-557-020. 98-16-081, § 16-557-025, filed 8/5/98, effective 9/5/98.]

WAC 16-557-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of asparagus to help themselves establish orderly, fair, sound, efficient, unhampered marketing; facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the

order, the board may provide for a program in one or more of the following areas:

(1) Establish plans and conduct programs for advertising, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for asparagus. Such programs shall be directed toward increasing the sale of asparagus without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of asparagus nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of asparagus and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by Washington State University, but if in the judgment of the board, said university does not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(3) Investigate and take necessary action to prevent unfair trade practices as set forth in RCW 15.65.340 and to correct where possible, trade practices which hinder marketing of Washington asparagus.

(4) Prohibit making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-030, filed 4/4/91, effective 5/5/91.]

WAC 16-557-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of asparagus shall be one percent of the gross receipts at first point of sale.

(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) **Remedies.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall

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

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-040, filed 4/4/91, effective 5/5/91.]

WAC 16-557-041 Time—Place—Method for payment and collection of assessments. Effective with the growing season of 1991, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-557-040:

(1) All first handlers of asparagus for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments accumulated will be due and payable to the commission within thirty days of collection. With the submission of the assessments, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer shall be submitted to the commission on forms provided by the commission.

(2) All growers selling asparagus other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission, within thirty days of sale of such product.

(3) Any assessments paid after the above deadlines shall be accompanied by an administrative fee of 10% as provided in RCW 15.65.440 of the act.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-041, filed 4/4/91, effective 5/5/91.]

WAC 16-557-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omis-

sion, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-050, filed 4/4/91, effective 5/5/91.]

WAC 16-557-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent to such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-060, filed 4/4/91, effective 5/5/91.]

WAC 16-557-070 Effective time. The marketing order for asparagus shall become effective on April 1, 1991.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-070, filed 4/4/91, effective 5/5/91.]

WAC 16-557-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-080, filed 4/4/91, effective 5/5/91.]

Chapter 16-560 WAC

WASHINGTON TREE FRUIT RESEARCH COMMISSION

WAC

16-560-005	Authority and purpose.
16-560-010	Withholding assessments by first handler.
16-560-020	Payment of assessment by first handler.
16-560-030	Collection and remittance of assessments on processing apples.
16-560-040	Collection of assessments by state department of agriculture.
16-560-050	Payments to tree fruit research commission.
16-560-060	Reports of dealer, handler, and processor.
16-560-06001	Assessment rates.

WAC 16-560-005 Authority and purpose. These rules are promulgated by the Washington tree fruit research commission pursuant to the authority granted by chapter 15.26 RCW and in accordance with procedures required under chapter 1-12 WAC. The purpose of administrative rules and regulations adopted under this chapter is to administer and carry out the provisions of chapter 15.26 RCW.

[Order 4, § 16-560-005, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

(2009 Ed.)

WAC 16-560-010 Withholding assessments by first handler. All dealers, handlers, or processors who purchase commercial tree fruit from a producer for sale, processing, or shipment anywhere, shall withhold the assessment due and payable the Washington tree fruit research commission by producers of such commercial tree fruit unless adequate evidence is supplied by such producer that payment of the assessment has been or will have been made directly by himself. The first handler is responsible for payment of the research assessment, but he shall charge the same against the producer, who is finally responsible for such assessment. A producer who transports his own fruit or fruit on consignment to fresh market is deemed to be a first handler.

[Order 4, § 16-560-010, filed 4/30/70; Emergency Order 3, filed 3/11/70; Order 2, § 16-560-010, Regulations 1, 2, 3, filed 9/26/69.]

WAC 16-560-020 Payment of assessment by first handler. All first handlers shall remit such assessment to the Washington state apple advertising commission, when such assessment has been withheld for apples, and such remittance shall be made in the same manner and time as assessments due the said Washington state apple advertising commission for apple advertising assessments; and to the Washington state fruit commission, when such assessment has been withheld for any other tree fruit, including winter pears, and such remittance shall be made in the same manner and time as assessments due the said Washington state fruit commission.

[Order 4, § 16-560-020, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-030 Collection and remittance of assessments on processing apples. The Washington state apple advertising commission is hereby designated to collect assessments due and payable to the Washington tree fruit research commission on processing apples as defined in RCW 15.24.010(6). The Washington tree fruit research commission will prescribe the official form to be used by the Washington apple advertising commission and all dealers, handlers and processors handling processing apples in the collection and payment of such assessments. The Washington state apple advertising commission shall determine the manner and time of payment of such assessments in conformance with its system of assessment collections. The remittance of such assessments collected on processing apples shall be made by the Washington apple advertising commission to the Washington tree fruit research commission, in conformance with WAC 16-560-050.

[Order 4, § 16-560-030, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-040 Collection of assessments by state department of agriculture. The Washington state department of agriculture may upon request of the Washington tree fruit research commission collect any or all assessments due and payable to the Washington tree fruit research commission.

[Order 4, § 16-560-040, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-050 Payments to tree fruit research commission. All assessments collected by the Washington

state apple advertising commission, the Washington state fruit commission, and the Washington state department of agriculture shall be paid to the Washington tree fruit research commission within thirty days of such collection.

[Order 4, § 16-560-050, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-060 Reports of dealer, handler, and processor. Every dealer, handler and processor shall annually, within thirty days following each August 31, file with the Washington tree fruit research commission a report, under oath, on forms prescribed and furnished by said commission, stating the quantity of apples covered by the provisions of the Tree Fruit Research Act handled, shipped or processed by him during the twelve-month period immediately preceding said August 31. Said return shall in addition identify each person from whom said apples were received and the amount of apples furnished by each said person. All said returns shall be submitted directly to the Washington state apple advertising commission as the designated agent for audit and collection of assessments levied on apples pursuant to the provisions of the Tree Fruit Research Act. The above is to conform with RCW 15.26.190.

[Order 4, § 16-560-060, filed 7/17/72.]

WAC 16-560-06001 Assessment rates. There is hereby levied on all commercial tree fruit produced in this state or held out as being produced in this state for fresh or processing use, an assessment of one dollar per ton on all such tree fruit: Provided, That such assessment for cherries shall be four dollars per ton: Provided, That such assessment for apples for fresh shipment shall be at the rate of two and one-half cents per hundred pounds gross billing weight for the 1992 crop year, three and three-quarters cents per hundred pounds gross billing weight for the 1993 crop year, and five cents per hundred pounds gross billing weight for the 1994 crop year and each year thereafter: Provided Further, That such assessment for processed apples shall be at the rate of fifty cents per ton for the 1992 crop year, seventy-five cents per ton for the 1993 crop year, and one dollar per ton for the 1994 crop year, and each year thereafter.

There is hereby established pursuant to RCW 15.26.155 an additional assessment for an industry services fund for programs related to sanitation, planting, production, harvesting, handling, processing and shipping. The assessment shall be set annually by the commission, upon approval of two-thirds of the voting members of the commission, to create and maintain this fund at or near one hundred thousand dollars. If this fund should inadvertently exceed one hundred thousand dollars due to larger crops than estimated or the addition of interest earned, the excess shall be credited to the following year's fund.

In consideration of maintaining this industry services fund, the commission shall annually consult with the affected industry and grower organizations.

[Statutory Authority: RCW 15.26.110(2). 96-07-054, § 16-560-06001, filed 3/19/96, effective 4/19/96. Statutory Authority: RCW 15.26.140 and 15.26.150. 92-01-009, § 16-560-06001, filed 12/5/91, effective 1/5/92. Statutory Authority: RCW 15.26.155. 86-14-066 (Order 8, Resolution No. 8), § 16-560-06001, filed 6/30/86, effective 8/1/86; 85-10-005 (Order 7, Resolution No. 7), § 16-560-06001, filed 4/19/85. Statutory Authority: RCW

15.26.140. 80-05-091 (Order 6, Resolution No. 6), § 16-560-06001, filed 5/1/80; Order 5, § 16-560-060 (codified as WAC 16-560-06001), filed 3/8/74.]

Chapter 16-561 WAC

WASHINGTON RED RASPBERRY COMMISSION

WAC

16-561-010	Definition of terms.
16-561-020	Red raspberry commodity board.
16-561-030	Marketing order purposes.
16-561-040	Assessments and collections.
16-561-041	Time—Place—Method for payment and collection of assessments.
16-561-050	Obligations of the board.
16-561-060	Termination of the order.
16-561-070	Effective time.
16-561-080	Separability.
16-561-100	Purpose.
16-561-110	Definitions.
16-561-120	Implementation.

WAC 16-561-010 Definition of terms. For the purpose of this marketing order:

- (1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.
- (2) "Department" means the department of agriculture of the state of Washington.
- (3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.
- (4) "Person" means any person, firm, association, or corporation.
- (5) "Affected producer" means any person who produces or stores in the state of Washington raspberries in commercial quantities for fresh market, for processing, or for sale to processors.
- (6) "Commercial quantity" means any raspberries produced or stored in quantities of three tons (6,000 pounds) or more, in any calendar year.
- (7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, freezing, or distributing raspberries not produced by him.
- (8) "Red raspberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-561-020.
- (9) "Raspberries" means and includes all kinds, varieties, and hybrids of "*rubus idaeus*" of red color.
- (10) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.
- (11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to raspberries. A producer-handler shall be deemed to be a producer with respect to the raspberries which he produces and a handler with respect to the raspberries which he handles, including those produced by himself.
- (12) "Affected area" means that portion of the state of Washington located west of the summit of the Cascade Mountains.
- (13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.
- (14) "Affected unit" means one pound net of raspberries.

[Statutory Authority: Chapter 15.65 RCW. 86-13-012 (Order 1888), § 16-561-010, filed 6/6/86. Statutory Authority: RCW 15.65.180. 83-24-028

(Order 1809), § 16-561-010, filed 12/1/83; Order 1478, § 16-561-010, filed 7/29/76.]

WAC 16-561-020 Red raspberry 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 eleven members. Ten members shall be affected producers elected 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.

There shall be a minimum of two producer board members per district, with additional producer board members added based on acreage; using two thousand acres as the baseline, every one thousand acres, or increment thereof, would entitle a district to another board member, so long as no single district had an over-all majority of representatives.

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

(i) District I shall have four board members, being positions 2, 3, 4, and 8, and shall be Whatcom County.

(ii) District II shall have two board members, being positions 1, and 7, and shall include the counties of Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pierce, and Thurston.

(iii) District III shall have two board members, being positions 5 and 9, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum.

(iv) District IV shall have two members, being positions 6 and 10, and shall include the counties of San Juan, Skagit, and Snohomish.

(3) **Board membership qualifications.** The affected producer members of the board shall be practical producers of raspberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing raspberries 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 producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) **Term of office.**

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year. These terms shall expire on November 30.

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

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

Positions one and two - one year;

Positions three, four, five, and nine - two years;

Positions six, seven, eight, ten, and eleven - three years.

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

(5) **Nomination and election of board members.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the 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 according to the list maintained by the director pursuant to RCW 15.65.-200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this order, nominations may be made at the issuance hearing.

(6) **Election of board members.**

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

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

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

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

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

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member shall receive \$35.00 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 a "raspberry 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, shall be deposited as often as advisable.

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

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

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

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

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

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

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon 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 authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

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

(11) Procedures for board.

(a) The board shall hold regular meetings, at least four times annually, 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. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news service.

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

[Statutory Authority: Chapter 15.65 RCW. 92-12-003, § 16-561-020, filed 5/21/92, effective 6/21/92; 86-13-012 (Order 1888), § 16-561-020, filed 6/6/86. Statutory Authority: RCW 15.65.180, 83-24-028 (Order 1809), § 16-561-020, filed 12/1/83; Order 1478, § 16-561-020, filed 7/29/76.]

WAC 16-561-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of raspberries to help themselves establish orderly, fair, sound, efficient, unhampered marketing; facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(1) Establish plans and conduct programs for advertising, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for raspberries. Such programs shall be directed toward increasing the sale of raspberries without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of raspberries nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of raspberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(3) Provide by rules and regulations for:

(a) Establishing uniform grades and standards of quality, condition, maturity, size, weight, pack, packages and/or label for red raspberries or any products thereof;

(b) Requiring producers, handlers and/or other persons to conform to such grades and/or standards in packing, packaging, processing, labeling, selling or otherwise commercially disposing of red raspberries and/or in offering, advertising and/or delivering it therefor;

(c) Providing for inspection and enforcement to ascertain and effectuate compliance;

(d) Establishing rules and regulations respecting the foregoing;

(e) Providing that the board shall carry out inspection and enforcement of, and may (within the general provisions of the order) establish detailed provisions relating to, such standards and grades and such rules and regulations: Provided, That any modification not of a substantial nature, such as the modification of standards within a certain grade may be made without a hearing, and shall not be considered an amendment for the purposes of the act and order.

(4) Provide for marketing information and services to affected producers, for the verification of grades, standards, weights, tests, and sampling of quality and quantity of raspberries purchased by handlers from affected producers and for the purpose of facilitating the efficient marketing of raspberries.

[Statutory Authority: RCW 15.65.050. 98-22-091, § 16-561-030, filed 11/4/98, effective 12/5/98. Statutory Authority: RCW 15.65.180. 83-24-028 (Order 1809), § 16-561-030, filed 12/1/83; Order 1478, § 16-561-030, filed 7/29/76.]

WAC 16-561-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of raspberries shall be one-half 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; or

(iii) Require in the case of assessments against affected units stored in frozen condition:

(A) Cold storage facilities storing such commodity to file information and reports with the commission regarding the amount of commodity in storage, the date of receipt, and the name and address of each such owner; and

(B) That such commodity not be shipped from a cold storage facility until the facility has been notified by the commission that the commodity owner has paid the commission for any assessments imposed by the marketing order.

(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, stored, 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

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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. 86-13-012 (Order 1888), § 16-561-040, filed 6/6/86; 81-09-003 (Order 1728), § 16-561-040, filed 4/6/81; Order 1478, § 16-561-040, filed 7/29/76.]

WAC 16-561-041 Time—Place—Method for payment and collection of assessments. Effective with the growing season of 1977, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-561-040:

(1) All first handlers of raspberries for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. Where the first handler does not remit proceeds to the producer, the first handler shall include in his bill for services the assessment due and upon payment by the producer shall remit same to the commission. All such assessments accumulated will be due and payable to the commission on or before October 15 of each year. First handlers shall submit to the commission on or before October 15 of each year, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer on forms provided by the commission.

(2) All growers selling raspberries other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission, on or before September 30 of each year.

(3) All growers having raspberries in cold storage that are not sold on September 15 of each year, shall compute the assessment due on such berries and pay same to the commission by September 30 of each year.

(4) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of 10% as provided in RCW 15.65.440 of the act.

[Statutory Authority: Chapter 15.65 RCW, 86-13-012 (Order 1888), § 16-561-041, filed 6/6/86. Statutory Authority: RCW 15.65.180, 83-24-028 (Order 1809), § 16-561-041, filed 12/1/83; Order 1, § 16-561-041, filed 6/3/77.]

WAC 16-561-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Order 1478, § 16-561-050, filed 7/29/76.]

WAC 16-561-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Order 1478, § 16-561-060, filed 7/29/76.]

WAC 16-561-070 Effective time. The marketing order for raspberries shall become effective on and after September 1, 1976.

[Order 1478, § 16-561-070, filed 7/29/76.]

WAC 16-561-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Order 1478, § 16-561-080, filed 7/29/76.]

WAC 16-561-100 Purpose. The laws set forth in section 1, chapter 26, Laws of 1985, of the state of Washington

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(RCW 15.04.200) enacted under the authority of Article VIII section 11 of the Washington state Constitution as amended, authorized the expenditure of agricultural commodity commission assessments for agricultural development or trade promotion and promotional hosting and provides that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners.

The purpose of these rules is to set forth the parameters governing promotional hosting expenditures for the Washington red raspberry commission.

[Statutory Authority: RCW 15.04.200 and 15.65.380, 93-20-088 (Order 5016), § 16-561-100, filed 10/5/93, effective 11/5/93.]

WAC 16-561-110 Definitions. "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations, promoting sales of red raspberries, developing industry unity, and furthering the objectives of the commission.

"Hosting" may include providing meals, refreshments, lodging, transportation, gifts of a nominal value, reasonable and customary entertainment and normal incidental expenses at meetings or gatherings.

[Statutory Authority: RCW 15.04.200 and 15.65.380, 93-20-088 (Order 5016), § 16-561-110, filed 10/5/93, effective 11/5/93.]

WAC 16-561-120 Implementation. The implementation of the rules governing promotional hosting expenditures for the Washington red raspberry 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 regular meetings held to review such matters.

(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:

- (a) Commissioners;
- (b) Administrator;
- (c) Marketing director;
- (d) Contractors, as specifically authorized by the commission.

Individual commissioners 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 identified and supported by vouchers to which receipts are attached. Voucher forms may 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 hosted shall be required;
- (b) General purpose of the hosting;
- (c) Date of hosting;
- (d) Location of the hosting;

(e) To whom payment was or will be made;

(f) Signature of person seeking payment or reimbursement.

(4) The chairman and vice-chairman-treasurer of the commission and the administrator 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, promote sales of red raspberries, or develop industry unity, provided that such hosting shall not violate federal or state conflict of interest laws:

(a) Individuals from private business;

(b) Foreign government officials;

(c) Federal and state 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 trade relations, promote sales of red raspberries, or further the objectives of the commission;

(f) Spouses of the persons listed in (a), (b), (c), and (e) of this subsection when attendance of such spouse will serve to cultivate trade relations, promote the sale of red raspberries or develop industry unity.

[Statutory Authority: RCW 15.04.200 and 15.65.380. 93-20-088 (Order 5016), § 16-561-120, filed 10/5/93, effective 11/5/93.]

Chapter 16-565 WAC

WASHINGTON CRANBERRY COMMISSION

WAC

16-565-010	Definition of terms.
16-565-020	Cranberry commodity board.
16-565-030	Marketing order purpose.
16-565-040	Assessments and collections.
16-565-041	Time, place, and method for payment and collection of assessments.
16-565-050	Obligations of the board.
16-565-060	Termination of the order.
16-565-070	Separability.

WAC 16-565-010 Definition of terms. For the purpose of this marketing order:

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

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

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

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

(5) "Affected producer" means any person who produces cranberries in the state of Washington, in commercial quantities for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any cranberries produced for a market, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing cranberries not produced by him.

(8) "Cranberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-565-020.

(9) "Cranberries" means and includes all kinds, varieties, and hybrids of "*vaccinium macrocarpon*" grown and marketed in the state of Washington.

(10) "Fiscal year" means the twelve-month period beginning with September 1 of any year and ending with the last day of August following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to cranberries. A producer-handler shall be deemed to be a producer with respect to the cranberries which he produces and a handler with respect to the cranberries which he handles, including those produced by himself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, other than those sold retail by the producer.

(14) "Affected unit" means one hundred pounds (barrel) net of cranberries.

(15) "Substantial portion" means five percent or more.

(16) "Order" means marketing order.

[Statutory Authority: RCW 15.65.380. 85-15-018 (Order 1864), § 16-565-010, filed 7/8/85. Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-010, filed 9/12/80, effective 10/13/80.]

WAC 16-565-020 Cranberry 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 eight members. Seven members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

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

District I shall have two board members, being Positions 1 and 2, and shall comprise that portion of Pacific County lying south of the Willapa River.

District II shall have four board members, being Positions 3, 4, 5, and 6, and shall comprise that portion of Pacific County and that portion of Grays Harbor County lying between the Willapa River and the Chehalis River.

District III shall have one board member, being Position 7, and shall comprise the rest of the state.

(3) **Board membership qualifications.** The affected producer members of the board shall be practical producers of cranberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing cranberries 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 producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) **Term of office.**

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

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

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

Positions one and three - one year;

Positions four and five - two years;

Positions two, six, seven, and eight - three years.

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

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

(6) **Election of board members.**

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

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

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

(7) **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 per diem in accordance with RCW 15.65.270 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 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 accept grants and gifts and expend the same consistent with the policies and purpose of this order.

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

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

(h) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited at least every five years 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.

(i) 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.

(j) 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.

(k) 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.

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

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

(n) 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/her by the act or the order.

(o) 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.

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

(11) Procedures for board.

(a) The board shall hold regular meetings, at least semi-annually, 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 proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

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

[Statutory Authority: RCW 15.65.050. 00-10-023, § 16-565-020, filed 4/24/00, effective 5/25/00. Statutory Authority: RCW 15.65.380. 85-15-018 (Order 1864), § 16-565-020, filed 7/8/85. Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-020, filed 9/12/80, effective 10/13/80.]

WAC 16-565-030 Marketing order purpose. The order is to promote the general welfare of the state to enable producers of cranberries to help themselves develop production methods and/or programs for the control of diseases, insects, weeds, and other problems associated with cranberry production and to provide for the dissemination of information to the affected producers.

Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(2009 Ed.)

[Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-030, filed 9/12/80, effective 10/13/80.]

WAC 16-565-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of cranberries shall be ten cents per affected unit (100 lbs.).

(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. 84-12-041 (Order 1828), § 16-565-040, filed 5/31/84, effective 7/1/84; 80-13-037 (Order 1713), § 16-565-040, filed 9/12/80, effective 10/13/80.]

WAC 16-565-041 Time, place, and method for payment and collection of assessments. Effective with the 1981 crop, the following procedure is established for the reporting and payment of assessments levied pursuant to RCW 15.65-410 and WAC 16-565-040:

(1) All first handlers of cranberries for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commis-

sion. All such assessments are due and payable on or before February 28 following the harvest period.

(2) All growers selling cranberries other than to first handlers for resale, including selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission on or before February 28 following the harvest period.

(3) Any assessment paid after the above deadline shall be accompanied by a penalty fee of ten percent as provided for in RCW 15.65.440.

[Statutory Authority: RCW 15.65.410. 81-19-109 (Order 1, Resolution 1), § 16-565-041, filed 9/22/81.]

WAC 16-565-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-050, filed 9/12/80, effective 10/13/80.]

WAC 16-565-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-060, filed 9/12/80, effective 10/13/80.]

WAC 16-565-070 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any

other person, circumstances, or thing shall not be affected thereby.

[Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-070, filed 9/12/80, effective 10/13/80.]

Chapter 16-573 WAC

CANOLA AND RAPESEED COMMISSION

WAC

16-573-010	Definitions of terms.
16-573-020	The canola and rapeseed board.
16-573-030	Marketing order purposes.
16-573-040	Assessments and collections.
16-573-041	Time—Place—Method for payment and collection of assessments.
16-573-050	Obligations of the board.
16-573-060	Termination of the order.
16-573-070	Effective time.
16-573-080	Separability.

WAC 16-573-010 Definitions of terms. For the purpose of this marketing order:

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

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

(3) "Act" means the Washington State Agriculture Enabling Act of 1961 or chapter 15.65 RCW.

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

(5) "Affected producer" means any person who produces, or causes to be produced, in commercial quantities, canola or rapeseed, or both in the state of Washington.

(6) "Commercial quantity" means all the canola or rapeseed produced for market in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing or distributing canola or rapeseed not produced by the handler and includes any lending agencies for a commodity credit corporation loan to producers.

(8) "Canola and rapeseed commodity board" referred to as "board" means the canola and rapeseed commodity board formed under WAC 16-573-020.

(9) "Canola or rapeseed" or "canola and rapeseed" means *Brassica Sp.* oilseeds, produced for use as oil, meal, planting seed, condiment, or other industrial or chemurgic uses, and includes mustard.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning on June 1 of any year and ending with the last day of May, both dates being inclusive.

(11) "Producer-handler" is both a "producer" and a "handler" with respect to canola and rapeseed and is covered by this order as a producer when engaged in the business of producing canola or rapeseed or a handler when engaged in processing, selling, marketing or distributing canola or rapeseed.

(12) "Affected area" means the following counties located in the state of Washington: Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Klickitat, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(14) "Affected unit" means one hundred pounds (hundredweight) of canola or rapeseed, or both.

[Statutory Authority: Chapter 15.65 RCW. 98-04-093, § 16-573-010, filed 2/4/98, effective 6/1/98.]

WAC 16-573-020 The canola and rapeseed board. (1) **Administration.** The provisions of this order and the applicable provisions of the act is administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of eight members. Six members must be affected producers elected under provisions of this order. One member must be an affected handler appointed by the elected producers. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the department and the public.

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

(i) District I must have two board members, being positions one and two and include the counties of Adams, Benton, Douglas, Franklin, Grant, Klickitat, Lincoln, and Yakima.

(ii) District II must have two board members, being positions three and four and include the counties of Ferry, Pend Oreille, Spokane, and Stevens.

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

(iv) The handler appointed by the elected producers will be position seven.

(3) **Board membership qualifications.**

(a) The affected producer members of the board must be practical producers of canola or rapeseed in the district in and for which they are nominated and elected and must be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing canola or rapeseed within the state of Washington for a period of five years and has during that time derived a substantial portion of their income therefrom and who is not engaged in business as a handler or other dealer.

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

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

(4) **Term of office.**

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

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

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

Positions one and three - one year, ending on May 31, 1999;

Positions two and five - two years, ending on May 31, 2000;

Positions four, six and seven - three years, ending on May 31, 2001.

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

(5) **Nomination and election of board members.**

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

(b) If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers. Nominating petitions for producers must be signed by at least five affected producers of the district from which the candidate will be elected. The final date for filing nominations must be at least twenty days after the notice was mailed.

(6) **Election of board members.**

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

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

(c) Notice of every election for board membership must be published in a newspaper of general circulation within the affected district at least ten days in advance of the date of the election. At least ten days before every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of the affected producers maintained by the director in accordance with RCW 15.65.200 of the act. Any other affected producer entitled to vote may obtain a bal-

lot by application to the director upon establishing their qualifications. Nonreceipt of a ballot by an affected producer will not invalidate the election of any board member.

(d) The appointed handler member of the initial board shall be elected by a majority of the elected members at the first meeting.

(7) **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 is a quorum for the transaction of all business and to execute the duties of the board.

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

(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 chair and other officers as the board deems advisable.

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

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

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

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

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

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board may deem necessary. The premium for the bond or bonds

must be paid by the board from assessments collected. The bond may not be necessary if any 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 unless changed by the board. All records, books and minutes of board meetings must be kept at the headquarters.

(k) To adopt rules of a technical or administrative nature, under chapter 34.05 RCW (Administrative Procedure Act).

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

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

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

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

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date fixed by resolution of the board and held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

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

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

[Statutory Authority: Chapter 15.65 RCW. 98-04-093, § 16-573-020, filed 2/4/98, effective 6/1/98.]

WAC 16-573-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of canola and rapeseed to help themselves establish orderly, fair, sound, efficient, unhampered marketing, grading and standardization of canola or rapeseed, or both. To execute the purposes of the order, the board shall provide for a program in one or more of the following areas:

(1) Establish plans and conduct programs for advertising, sales, promotion or other programs for maintaining present markets or creating new or larger markets for canola or rapeseed, or both. The programs shall be directed toward increasing the sale of canola and rapeseed without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of canola or rape-

seed nor disparage the quality, value, sale or use of any other agricultural commodity.

(2) Provide for research in the production, processing or distribution of canola and rapeseed and expend the necessary funds for the purposes. Insofar as practicable, the research must be carried out by experiment stations of Washington State University, but if in the judgment of the board that the experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(3) Provide by rules for:

(a) Establishing uniform grades and standards of quality, condition, maturity, size, weight, pack, packages and, or label for canola and rapeseed or any products thereof;

(b) Requiring producers, handlers or other persons to conform to the grades and, or standards in packing, packaging, processing, labeling, selling or otherwise commercially disposing of canola or rapeseed in offering, advertising and delivering it therefor;

(c) Providing for inspection and enforcement to ascertain and effectuate compliance;

(d) Establishing rules respecting the foregoing;

(e) Providing that the board shall execute inspection and enforcement of, and may (within the general provisions of the order) establish detailed provisions relating to, the standards and grades and the rules. Any modification not of a substantial nature, such as the modification of standards within a certain grade may be made without a hearing and shall not be considered an amendment for the purposes of the act and order.

(4) Provide for the prevention, modification or removal of trade barriers which obstruct the free flow of the affected commodity to market.

(5) Provide for marketing information and services to affected producers and for the verification of grades, standards, weights, tests and sampling of quality and quantity of canola and rapeseed purchased by handlers from affected producers.

(6) Prohibit making or publishing false or misleading advertising. The regulation may authorize uniform trade practices applicable to all similarly situated handlers and, or other persons.

[Statutory Authority: Chapter 15.65 RCW. 98-04-093, § 16-573-030, filed 2/4/98, effective 6/1/98.]

WAC 16-573-040 Assessments and collections. (1) Assessments.

(a) The assessment on all varieties of canola or rapeseed subject to this marketing order shall be ten cents per hundred-weight and shall be deducted by the first purchaser from the price paid to the grower. The assessment shall be remitted to the board in accordance with procedures adopted by the board.

(b) The assessments shall not be payable on any canola or rapeseed used by the affected producer on their premises for feed, seed and personal consumption.

(2) **Collections.** Excess moneys collected by the board under the order during the fiscal year may be carried over and used during the next successive fiscal year. The board may also recommend that excess moneys at the close of a fiscal

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year be refunded on a pro rata basis to the affected producers from whom the moneys were collected.

(3) **Penalties.** Any due and payable assessment levied in the specified amount as may be determined by the board under the act and the order is a personal debt of the person assessed or who owes the debt, and it is due and payable to the board when payment is called for by the board. If a person fails to pay the board the full amount of the assessment by the date due, the board may add to the unpaid assessment or sum an amount not exceeding ten percent of the amount owed. In the event of failure of the person or persons to pay the full amount due, the board may bring a civil action against the person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: Chapter 15.65 RCW. 98-04-093, § 16-573-040, filed 2/4/98, effective 6/1/98.]

WAC 16-573-041 Time—Place—Method for payment and collection of assessments. Effective with the growing season of 1998, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-573-040:

(1) All first handlers of canola and rapeseed grown in the state of Washington, or the person acting on behalf of a first buyer, shall withhold the amount of assessment from their remittance to growers of canola or rapeseed and transmit it to the board.

(2) All assessments will be due and payable to the board within thirty days of collection. With the submission of the assessments, a report listing the name, address, volume handled or purchased and amount deducted or collected for each producer must be submitted to the board on forms provided by or approved by the board.

(3) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of ten percent in accordance with RCW 15.65.440 of the act.

[Statutory Authority: Chapter 15.65 RCW. 98-04-093, § 16-573-041, filed 2/4/98, effective 6/1/98.]

WAC 16-573-050 Obligations of the board. Obligations incurred by the board or employee or agent pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent) established under this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishon-

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esty or crime. No person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: Chapter 15.65 RCW. 98-04-093, § 16-573-050, filed 2/4/98, effective 6/1/98.]

WAC 16-573-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent to the dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether the termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with the director for the termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Statutory Authority: Chapter 15.65 RCW. 98-04-093, § 16-573-060, filed 2/4/98, effective 6/1/98.]

WAC 16-573-070 Effective time. (1) This marketing order for canola and rapeseed shall become effective after May 31, 1998.

(2) This order shall remain in full force and effect until May 31, 2003, unless terminated before under chapter 15.65 RCW as set forth in WAC 16-536-060. If the order remains in effect until May 31, 2003, the director shall conduct a referendum election as required for the approval of an order under chapter 15.65 RCW at a time before that date to determine if the affected producers desire that the order be terminated on that date or continued in full force and effect beyond the date. All the costs of conducting the election shall be defrayed from the funds of the board.

[Statutory Authority: Chapter 15.65 RCW. 98-04-093, § 16-573-070, filed 2/4/98, effective 6/1/98.]

WAC 16-573-080 Separability. If any provisions of the order are declared invalid, or the applicability to any person, circumstances or thing is held invalid, the validity of the remainder provisions or of the applicability to any other person, circumstances or thing shall not be affected.

[Statutory Authority: Chapter 15.65 RCW. 98-04-093, § 16-573-080, filed 2/4/98, effective 6/1/98.]

**Chapter 16-575 WAC
WINE COMMISSION**

WAC

16-575-010	Time—Place—Method for payment and collection of assessments.
16-575-015	Rate of assessment—Method of adjustment—Notice.
16-575-020	Penalties.
16-575-030	Washington wine commission—Travel reimbursement policy.

WAC 16-575-010 Time—Place—Method for payment and collection of assessments. Effective with the growing season of 1990, the following procedure is established for the reporting and paying of the assessment of three

dollars per ton of vinifera grapes harvested, levied pursuant to RCW 15.88.130:

(1) All first handlers of vinifera grapes for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments accumulated will be due and payable to the commission on or before December 31 of each year. First handlers shall submit to the commission on or before December 31 of each year, a report listing the name, address, tons of vinifera grapes handled or purchased, and amount deducted or collected for each grower on forms provided by the commission.

(2) All growers selling vinifera grapes for export, shall pay the assessment directly to the commission, on or before December 31 of each year. Such growers shall submit to the commission on or before December 31 of each year, a report listing the name and address of the exporter, tons sold, and assessment due, on forms provided by the commission.

[Statutory Authority: RCW 15.88.130. 90-23-042, § 16-575-010, filed 11/15/90, effective 12/16/90.]

WAC 16-575-015 Rate of assessment—Method of adjustment—Notice.

(1) Beginning on July 1, 2007, the assessment rate for vinifera grapes grown in this state shall not be less than three dollars per ton nor more than twelve dollars per ton. The assessment rate for wine producers shall not be less than \$0.02 per gallon nor more than \$0.08 per gallon. The Washington wine commission may adjust the assessment amount levied on wine producers and grape growers as needed to fund necessary commission activities. Provided, that any adjustment in the assessment rate by the commission be levied in an equal and proportional manner upon both the wine producers and grape growers. In determining whether to adjust the assessment amount the commission shall consider the following factors:

(a) The commission's budgetary needs, including but not limited to a qualitative and quantitative review of programs carried out in the preceding year by the commission. This review should consider whether the program met its goals, benchmarks and objectives and whether the program constitutes the best use of the wine commission's finite resources;

(b) Projected grape production;

(c) Changes in administrative costs;

(d) Changes in the industry outside the control of the wine commission.

(2) The commission shall provide grape growers and wine producers notice of changes in assessment rates in a timely and reasonable manner and in no instance shall the notice be less than thirty days from the date the assessment is due.

[Statutory Authority: RCW 15.88.110, 66.24.215 and chapter 34.05 RCW. 07-08-079, § 16-575-015, filed 4/2/07, effective 5/3/07. Statutory Authority: Chapter 15.88 RCW and 1997 c 303. 99-12-104, § 16-575-015, filed 6/2/99, effective 7/3/99.]

WAC 16-575-020 Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the commission 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 commission on December 31 of each year.

In the event any person fails to pay the commission the full amount of such assessment or such other sum on or before the date due, the commission 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 collection 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 commission may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.88.130. 90-23-042, § 16-575-020, filed 11/15/90, effective 12/16/90.]

WAC 16-575-030 Washington wine commission—Travel reimbursement policy. 1. Except as provided in section 9 below, all travel by commissioners and by commission staff must be approved in advance of departure.

2. Except as provided in section 9 below, each commissioner or commission employee expecting to travel on official wine commission business shall prepare a detailed, written description of the purpose of the proposed trip together with an estimate of expenses to be incurred for transportation, lodging, meals, promotional hosting, and all other costs which he/she expects to incur in connection with such travel.

3. Reimbursement for transportation expenses shall be at actual cost subject to the following limitations. Air travel must be on US carriers if available. No business or first class air travel will be approved or reimbursed. If a commissioner or commission employee uses his/her automobile for transportation, mileage shall be reimbursed at the current rate established by the Internal Revenue Service for business travel.

4. Reimbursement for lodging expenses shall be at actual cost up to a maximum of two hundred percent of the per diem lodging rates for US federal agency employees established by the US General Services Administration.

5. Reimbursement for meals shall be at actual cost, provided that such costs are reasonable for the particular market in which the expense is incurred.

6. Travel by commissioners and by the executive director of the Washington wine commission must be approved in advance by the chairperson of the commission. Travel by other commission staff must be approved in advance by the executive director of the commission.

7. Each person traveling on official commission business shall submit a written request for reimbursement within forty-five days after returning to the office from such trip. Written receipts for each expense in excess of twenty-five dollars for which reimbursement is requested must accompany the reimbursement request. Expenses will not be reimbursed unless such a request, accompanied by receipts where required, is timely submitted.

8. Expenses which have not been approved in advance will not be reimbursed unless the employee establishes, to the satisfaction of the person who reviewed and approved the

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estimated expenses, that the expense was both unanticipated and reasonably incurred.

9. No advance approval of estimated travel expenses is required for attendance at a regular or special meetings of the commission or a committee thereof within the state of Washington. If attendance at such a meeting requires the commissioner/employee to travel at least one hundred miles from his/her usual place of business, he/she is entitled to be reimbursed for the actual cost of one night's lodging, subject to the limits set forth in section 4 above. He/she is also entitled to reimbursement for costs of transportation and meals as provided in sections 3 and 5.

[Statutory Authority: Chapter 15.88 RCW. 03-01-048, § 16-575-030, filed 12/10/02, effective 1/10/03.]

Chapter 16-580 WAC

WASHINGTON FARMED SALMON COMMISSION

WAC

16-580-010	Definition of terms.
16-580-020	Farmed salmon commodity board.
16-580-030	Marketing order purposes.
16-580-040	Assessments and collections.
16-580-041	Time—Place—Method for payment and collection of assessments—Production reports.
16-580-050	Obligations of the board.
16-580-060	Termination of the order.
16-580-070	Effective time.
16-580-080	Separability.

WAC 16-580-010 Definition of terms. For the purpose of this marketing order:

- (1) "Director" means the director of agriculture of the state of Washington or the duly appointed representative.
- (2) "Department" means the department of agriculture of the state of Washington.
- (3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.
- (4) "Person" means any person, firm, association, or corporation.
- (5) "Affected producer" means any person who is an aquatic farmer as defined in chapter 15.85 RCW, registered to produce in Washington state farmed salmon (salmonids) in commercial quantities for marketing; or who contracts for the production in Washington state of farmed salmon (salmonids) in commercial quantities. This does not include marketing companies that buy, sell, or distribute salmonids produced by others.
- (6) "Permitted" means all required state, local, and federal permits for operating a commercial salmon farm.
- (7) "Commercial quantity" means any farmed salmon produced by an affected producer with an annual production of greater than fifty thousand pounds of dressed head-on equivalent.
- (8) "Farmed salmon commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of this marketing order.
- (9) "Farmed salmon" means native, nonnative, or hybrids of Pacific and Atlantic salmon, and steelhead, that are propagated, farmed, or cultivated for human food on aquatic farms under the supervision and management of a private sector aquatic farmer. Live fish, green eggs and eyed eggs are excluded.

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

(11) "Affected area" means the production area.

(12) "Production area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means pounds of salmon farmed for retail and wholesale markets, excluding live fish, green eggs and eyed eggs.

(15) "Order" means this marketing order.

(16) "Dressed head-on equivalent" means weight based on whole, head-on gutted weight.

(17) "Processors" means companies engaged in the commercial processing of farmed salmon.

(18) "Processing" means to prepare farmed salmon or manufacture farmed salmon products by canning, cooking, smoking, filleting, heading, gutting, fermenting, dehydrating, drying, or consumer packaging.

[Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-010, filed 10/29/92, effective 12/1/92.]

WAC 16-580-020 Farmed salmon commodity board.

(1) Administration. The provisions of this marketing order and the applicable provisions of chapter 15.65 RCW shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of five members. Four shall be affected producer representatives elected as provided in this section. The director shall appoint one additional member who is not an affected producer to represent the department and the general public.

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

(4) Term of office.

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

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

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

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

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

Position four - three years - shall terminate on December 31, 1998.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the

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

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

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

(6) Election of board members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for

the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(q) To sue or be sued.

(12) Procedures for board.

(a) The board shall hold regular meetings, at least semi-annually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meeting Act).

(b) The board shall hold an annual membership meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members.

[Statutory Authority: RCW 15.65.050, 97-21-110, § 16-580-020, filed 10/21/97, effective 11/21/97. Statutory Authority: RCW 15.65.050 and 15.65.280, 95-22-035 (Order 5085), § 16-580-020, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.65 RCW, 92-22-062, § 16-580-020, filed 10/29/92, effective 12/1/92.]

WAC 16-580-030 Marketing order purposes. The marketing order is to promote the general welfare of the state, to enable producers of farmed salmon products to help themselves establish orderly, fair, sound, efficient, unhampered marketing. To carry out the purposes of the marketing order, the board may provide for programs in the following areas:

(1) Establish plans and conduct programs for advertising, labeling, sales, promotion, and consumer education, and/or other programs for maintaining present markets and/or creating new or larger markets for farmed salmon products. Such programs shall be directed toward increasing the sale of farmed salmon products without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of farmed salmon products nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of farmed salmon products and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University or the University of Washington, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefore, the project may be carried out by other research agencies selected by the board.

(3) Provide for marketing information and services to affected producers.

(4) Investigate and take necessary action to prevent unfair trade practices and to correct where possible, trade practices which hinder marketing of Washington produced farmed salmon products.

(5) Allocation of assessments collected from affected producers shall be made by the board using the following formula:

(a) All operating costs will be borne by all affected producers.

(b) All programs, plans, research, and marketing deemed by the board to be in the collective best interest of all affected producers, regardless of crop, will be borne by all affected producers.

[Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-030, filed 10/29/92, effective 12/1/92.]

WAC 16-580-040 Assessments and collections. (1)

The assessment on all farmed salmon products shall be one tenth of one cent (\$.001) per pound (dressed head-on equivalent) produced collectively by affected producers.

(2) The board shall determine the assessment rate each month on the basis of the total production reported, year to date, and bill the producer for his/her production for that month at that rate.

(3) For the purpose of collecting assessments, the board may require the person subject to the assessment to give adequate assurance or security for its payment.

(4) For the purpose of assuring compliance with the recordkeeping requirements and verifying reports filed by producers, the director and the board through its duly authorized employees, shall have access to and the authority to audit such records.

(5) All reports and records furnished or submitted by producers or to, or obtained by the employees of, the board which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular producer or processor from whom received, shall be treated as confidential, and the reports and all information obtained from records shall not be disclosed to board members and shall at all times be kept in the custody and under the control of one or more employees of the board who shall not disclose such information to any person other than the director, or his authorized agents. Compilations of general reports from data and information submitted by producers is authorized subject to the prohibition of disclosure of individual producers' identity or operation.

(6) Any moneys collected or received by the board pursuant to the provisions of the marketing order during or with respect to any year, may be refunded on a pro rata basis at the close of such year or at the close of such period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding year.

(7) 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 marketing 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.

(8) Assessments may, with the concurrence of the affected producer, be collected prospectively.

[Statutory Authority: RCW 15.65.050. 97-21-110, § 16-580-040, filed 10/21/97, effective 11/21/97. Statutory Authority: RCW 15.65.280. 94-08-090 (Order 5035), § 16-580-040, filed 4/5/94, effective 5/6/94. Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-040, filed 10/29/92, effective 12/1/92.]

WAC 16-580-041 Time—Place—Method for payment and collection of assessments—Production reports.

The following procedure is established for the reporting and paying of assessments:

(1) The board shall collect from affected producers a per pound assessment, in accordance with WAC 16-580-040, of dressed head-on weight equivalent on all farmed salmon produced.

(2) In the case where more than one "affected producer" is involved, the person responsible for the cost of processing shall be assessed.

(3) A production report for Washington farmed salmon shall be submitted by processors to the board within seven days of the last day of each production month.

(4) The board shall submit an assessment invoice to the affected producers within fourteen days of the last day of each production month.

(5) Assessments shall be submitted to the board by the affected producer within thirty days of the last day of each production month.

(6) Production reports shall be reviewed by the board each quarter for consistency with Washington state department of fisheries production reports.

[Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-041, filed 10/29/92, effective 12/1/92.]

WAC 16-580-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its

agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-050, filed 10/29/92, effective 12/1/92.]

WAC 16-580-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by number and fifty-one percent by volume of production of the affected producers assent to such action. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether termination is assented to whenever twenty percent by number or twenty percent by volume of production of the affected producers file written applications with the director for termination. The termination shall become effective at the end of the fiscal year.

[Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-060, filed 10/29/92, effective 12/1/92.]

WAC 16-580-070 Effective time. This marketing order for farmed salmon products shall become effective on or after October 1, 1992.

[Statutory Authority: RCW 15.65.050 and 15.65.280. 95-22-035 (Order 5085), § 16-580-070, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-070, filed 10/29/92, effective 12/1/92.]

WAC 16-580-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-080, filed 10/29/92, effective 12/1/92.]

Chapter 16-585 WAC

PUGET SOUND SALMON COMMISSION

WAC

16-585-005	Marketing order for Puget Sound gillnet salmon—Policy statement.
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16-585-020	Puget Sound salmon commodity board.
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16-585-080	Effective time.
16-585-090	Separability.

(2009 Ed.)

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-585-030	Marketing order purposes. [Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-030, filed 7/19/95, effective 8/19/95.] Repealed by 05-13-008, filed 6/3/05, effective 7/4/05. Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW.
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WAC 16-585-005 Marketing order for Puget Sound gillnet salmon—Policy statement. (1) The marketing of Puget Sound gillnet salmon within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that Puget Sound gillnet salmon be properly promoted by:

(a) Enabling producers of Puget Sound gillnet salmon to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the Puget Sound gillnet salmon they produce; and

(b) Working towards stabilizing the agricultural industry by increasing consumption of Puget Sound gillnet salmon within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the Puget Sound gillnet salmon industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that Puget Sound gillnet salmon be promoted individually and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Puget Sound gillnet salmon.

(b) Increase the sale and use of Puget Sound gillnet salmon in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Puget Sound gillnet salmon.

(d) Increase the knowledge of the health-giving qualities and dietetic value of Puget Sound gillnet salmon and products.

(e) Support and engage in programs or activities that benefit the production, harvesting, handling, processing, marketing, and uses of Puget Sound gillnet salmon produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.65 RCW through the adoption of this marketing order.

(4) The Washington state Puget Sound salmon commodity board exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the board is authorized to speak on behalf of Washington state government with regard to Puget Sound gillnet salmon under the provisions of this marketing order.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-13-008, § 16-585-005, filed 6/3/05, effective 7/4/05.]

WAC 16-585-006 Marketing order purposes. This marketing order is to promote the general welfare of the state and for the purposes of maintaining existing markets or creating new or larger local, domestic, and foreign markets; increasing production efficiency; ensuring a fair regulatory environment; or increasing per capita consumption of Puget Sound gillnet salmon produced in Washington state. The Washington state Puget Sound salmon commodity board is

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designated by the director to conduct the following programs in accordance with chapter 15.65 RCW:

(1) Establish plans and conduct programs for marketing, labeling, sales, promotion, public relations, and consumer education, or other programs for maintaining present markets or creating new or larger markets for commercially harvested Puget Sound gillnet salmon and salmon products. Such programs shall be directed toward increasing the sale, improving the markets, or promoting Puget Sound gillnet salmon and salmon products without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims on behalf of commercial Puget Sound gillnet salmon products nor disparage the quality, value, sale, or use of any other agricultural commodity. The board may also engage in cooperative efforts in the domestic or foreign marketing of Puget Sound gillnet salmon.

(2) Provide for research in the production, transportation, handling, management, harvest, harvest management, harvest selectivity, harvest regulation or proposed regulation, protection against harvest impact on habitat or other species, processing or marketing of commercial Puget Sound gillnet salmon products and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University or the University of Washington, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefore, the project may be carried out by other research agencies selected by the board.

(3) Conduct programs for the purpose of providing information and education including:

(a) Marketing information and services for affected producers of Puget Sound gillnet salmon for the verification of grades, standards, weights, tests, and sampling of quality and quantity of Puget Sound gillnet salmon purchased by handlers from affected producers.

(b) Information and services enabling affected producers to meet their resource conservation objectives.

(c) Puget Sound gillnet salmon-related education and training.

(4) Investigate and take necessary action to prevent unfair trade practices and to correct where possible, trade practices which hinder marketing of Puget Sound gillnet salmon products.

(5) Allocation of assessments collected from affected producers shall be made by the board using the following formula:

(a) All operating costs will be borne by all affected producers.

(b) All programs, plans, research, and marketing deemed by the board to be in the collective best interest of all affected producers, regardless of Puget Sound gillnet salmon or salmon product produced, will be borne by all affected producers.

(6) Subject to the provisions of the act, provide information and communicate on matters pertaining to the production, processing, transportation, marketing, or uses of Puget Sound gillnet salmon produced in Washington state to any elected official or officer or employee of any agency.

(7) The director shall approve any plan, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for marketing and promotion of Puget Sound gillnet salmon.

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of the affected commodity may be encouraged, expanded, or made more efficient.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-13-008, § 16-585-006, filed 6/3/05, effective 7/4/05.]

WAC 16-585-010 Definitions. Definitions for terms used in this chapter are also found in chapter 15.65 RCW, Washington State Agricultural Commodity Boards Act. For the purpose of this marketing order, the following additional definitions shall apply:

(1) "Act" means the Washington Agricultural Commodity Boards Act or chapter 15.65 RCW.

(2) "Affected area" means Western Washington.

(3) "Affected commodity" means commercial quantities of Puget Sound gillnet salmon.

(4) "Affected producer" means any person who is a commercial harvester of commercial quantities of Puget Sound gillnet salmon.

(5) "Commercial quantity" means any Puget Sound gillnet salmon produced for market.

(6) "Department" means the department of agriculture of the state of Washington.

(7) "Director" means the director of agriculture of the state of Washington or his/her duly appointed representative.

(8) "Fiscal year" means the twelve-month period beginning with July 1 of any year and ending with June 30th, both dates being inclusive.

(9) "Order" means this marketing order.

(10) "Person" means any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals, or any unit or agency of local or state government.

(11) "Production area" means the waters of the state of Washington in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery, or other lawful areas in which fishing is permitted pursuant to a Puget Sound commercial salmon gillnet license.

(12) "Puget Sound gillnet salmon" means salmon and salmon products which have been harvested by affected producers in the production area pursuant to Puget Sound commercial salmon gillnet license or taken with gear lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet license. "Puget Sound gillnet salmon" does not include privately farmed or cultivated salmon or salmon products nor salmon harvested pursuant to license issued by the various treaty Indian tribes. Nothing herein shall prevent the board from engaging in cooperative marketing of tribal and nontribal salmon.

(13) "Puget Sound salmon commodity board" hereinafter referred to as "board" or "commission" means the commodity board formed under the provisions of this marketing order.

(14) "Purchase" means obtain through sale, exchange, barter, or trade.

(15) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, whether directly or through agents.

(16) "Handler" or "processor" shall mean those who purchase, process for market, or otherwise obtain from affected producers the affected commodity for further handling or sale in the course of commerce. "Handler" and "processor" includes those who commercially harvest and then obtain from themselves, process, or further handle for subsequent direct sale to the public the affected commodity after having themselves produced that commodity as affected producers. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(17) "Process" means to prepare the affected commodity or product therefrom by filleting, heading, gutting, canning, cooking, smoking, fermenting, dehydrating, drying or packaging.

(18) "Affected unit" means one pound landed weight of salmon.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-13-008, § 16-585-010, filed 6/3/05, effective 7/4/05. Statutory Authority: RCW 15.65.060 and 15.65.180. 02-14-091, § 16-585-010, filed 7/1/02, effective 8/1/02. Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-010, filed 7/19/95, effective 8/19/95.]

WAC 16-585-020 Puget Sound salmon commodity board. (1) Administration. The provisions of this marketing order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of seven members, six of whom shall be affected producers appointed or elected as provided in this section. The director shall appoint one additional member to the board who is not an affected producer to represent the director. The position representing the director shall be a voting member.

(a) Director-appointed affected producer positions on the board shall be designated as position one, position two, and position three.

(b) Elected affected producer positions on the board shall be designated as position four, position five, and position six.

(c) The position representing the director who is not an affected producer shall be designated as position seven.

(3) Qualifications for board membership. The producer members of the board must be practical producers of the affected commodity and must be a citizen and resident of this state, over the age of eighteen years. Each affected producer board member must be and have been actually engaged in producing such commodity within the state of Washington for a period of five years and has during that period derived a substantial portion of his/her income therefrom and who is not primarily engaged in business, directly or indirectly, as a handler or other dealer. The qualification of members of the board as herein set forth must continue during their terms of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years. One-third of the membership as nearly as possible shall be appointed or elected each year.

(b) The term of office for the initial board members shall be as follows:

Positions one and four shall be for one year from the date of first election or until the first subsequent annual election is held.

Positions two and five shall be for two years from the date of first election or until the second subsequent annual election is held.

Positions three and six shall be for three years from the date of first election or until the third subsequent annual election is held.

(c) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members in positions one, two, and three shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

(5) Nominations of elected or director-appointed board members. Each year the director shall call a nomination meeting for elected or director-appointed affected producer board members. The meeting(s) shall be held at least thirty days in advance of the date set by the director for the election or advisory vote of board members.

(a) Notice of every nomination meeting shall be published in a newspaper of general circulation within the affected area defined in this marketing order not less than ten days in advance of the date of the meeting; and, in addition, written notice of every meeting shall be given to all affected producers according to the list maintained by the board pursuant to RCW 15.65.295.

(b) Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

(c) Any qualified affected producer may be nominated orally for membership on the board at a nomination meeting. Nominations may also be made within five days after the meeting by written petition filed with the director signed by not less than five affected producers.

(d) If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the open commission position(s) by mail to all affected producers. The notice shall call for nominations in accordance with this marketing order and shall give the final date for filing nominations which shall not be less than twenty days after the notice was mailed.

(e) When only one nominee is nominated by the affected producers for any position, RCW 15.65.250 shall apply.

(6) Election or advisory vote of board members.

(a) An election or advisory vote shall be conducted by secret ballot under the supervision of the director. Each affected producer shall be entitled to one vote.

(b) Elected affected producer members of the board shall be elected during the month of February of each year by a majority of the votes cast by the affected producers. 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) An advisory vote shall be conducted for affected producer board members appointed by the director under the provisions of RCW 15.65.243 during the month of January of each year. The names of the two candidates receiving the

most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(d) Notice of every election or advisory vote for board membership shall be published in a newspaper of general circulation within the affected area defined in this marketing order not less than ten days in advance of the date of the election or advisory vote. Not less than ten days prior to every election or advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the board pursuant to RCW 15.65.295. Any other producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications.

(e) Nonreceipt of a ballot by any person entitled to vote shall not invalidate the election or advisory vote of a board member.

(7) Vacancies.

(a) In the event of a vacancy on the board in an elected position, the board shall appoint a qualified person to fill the unexpired term. The appointment shall be made at the board's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

(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 be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board may adopt, by resolution, provisions for reimbursement of actual travel expenses incurred by members of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270. A board member may, in the discretion of the board, serve and be compensated as an employee of the commission.

(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 chairperson and other officers as it deems advisable;

(c) To employ and discharge at its discretion such assistance and personnel as the board determines necessary and proper to carry out the purpose of the order and to effectuate the policies of the act;

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order and rules adopted under the order. Expenses may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe;

(e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order;

(f) To establish a fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day;

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Records, books, and accounts shall be audited as provided in the act subject to procedures and methods lawfully prescribed by the state auditor. Books and accounts shall be closed as of the last day of each fiscal year. A copy of the audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and each member of the board;

(h) To require bond of board members and employees of the board in positions of trust in an amount the board deems necessary. Premiums for a bond or bonds shall be paid by the board from assessments collected. A bond shall not be necessary if any 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. At least sixty days prior to the beginning of its fiscal year, the board shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget;

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters;

(k) To recommend to the director, administrative rules, orders and amendments thereto for the exercise of the director's power in connection with this marketing order;

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of this marketing order and the act, along with the necessary authority and procedure for obtaining such information;

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or this order;

(n) To confer with and cooperate with the legally constituted authorities of other states of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders;

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section;

(p) To sue or be sued;

(q) To borrow money and incur indebtedness;

(r) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order;

(s) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW;

(t) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies;

(u) To enter into contracts or agreements for research in the production, processing, transportation, marketing, use, or distribution of Puget Sound gillnet salmon;

(v) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general;

(w) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this marketing order;

(x) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, manufacture, regulation, transportation, distribution, sale, or use of Puget Sound gillnet salmon including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(y) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each affected producer's production for a minimum three-year period pursuant to RCW 15.65.280;

(z) To maintain a list of the names and addresses of persons who handle Puget Sound gillnet salmon within the affected area and data on the amount and value of the Puget Sound gillnet salmon handled for a minimum three-year period by each person pursuant to RCW 15.65.280;

(aa) To maintain a list of names and addresses of all affected persons who produce Puget Sound gillnet salmon and the amount, by unit, of Puget Sound gillnet salmon produced during the past three years pursuant to RCW 15.65.295;

(bb) To maintain a list of all persons who handle Puget Sound gillnet salmon and the amount of Puget Sound gillnet salmon handled by each person during the past three years pursuant to RCW 15.65.295;

(cc) To establish a foundation using commission funds as grant money for the purposes established in this marketing order pursuant to RCW 15.65.043.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least semi-annually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

(b) The board shall hold an annual membership meeting, at which time an annual report will be presented. The pro-

posed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the board members and affected producers. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-13-008, § 16-585-020, filed 6/3/05, effective 7/4/05. Statutory Authority: RCW 15.65.060 and 15.65.180. 02-14-091, § 16-585-020, filed 7/1/02, effective 8/1/02. Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-020, filed 7/19/95, effective 8/19/95.]

WAC 16-585-040 Assessments and collections. (1)

The assessment on the affected commodity harvested in the production area shall be as follows: Two percent of the landed value of Puget Sound gillnet salmon shall be assessed to the producer.

(2) For the purpose of collecting assessments, the board may require the person subject to the assessment or the person responsible for collection of producer assessments to give adequate assurance or security for its collection or payment.

(3) All persons subject to the provisions of this marketing order shall make and render reports and furnish information to the director or the board as required under the act or this marketing order. Any financial and commercial information and records obtained by the director or commission are exempt from public disclosure under the provisions of RCW 15.65.203 and 42.17.31907, but shall not be disclosed to any other person save to a person with like right to obtain the same or any attorney employed by the director or the commission to give legal advice thereon or by court order.

(4) For the purpose of assuring and verifying compliance with the recordkeeping and reporting requirements of this order and the act, the director and the board through its duly authorized employees, shall have access to and the authority to audit and examine such reports or information.

(5) Any moneys collected or received by the board pursuant to the provisions of this marketing order during or with respect to any year, may be refunded on a pro rata basis at the close of each year or at the close of a period as the board determines to be reasonably adapted to effectuate the declared policies of the act and the purposes of this marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding year.

(6) Any due and payable assessment herein levied in a specified amount as provided under the act and this marketing order and any assessment which is required hereunder to be collected, shall constitute a personal debt of every person so assessed, responsible for collection, or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of assessment or other sum on or before the date due, the board may, and is hereby authorized to, add to the unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the unpaid assessment. In

the event of failure of a person or persons to pay any due and payable assessment or other sum, the board may bring a civil action against a person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent plus the costs and expenses of suit and a reasonable attorney's fee therein, and the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

(7) Assessments may, with the consent of the affected producer, be collected prospectively.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-13-008, § 16-585-040, filed 6/3/05, effective 7/4/05. Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-040, filed 7/19/95, effective 8/19/95.]

WAC 16-585-050 Time—Place—Method for payment and collection of assessments—Landing reports.

The following procedure is established for the reporting and paying of assessments:

(1) At the time of Puget Sound gillnet salmon landing, first sale or completion of a Washington department of fish and wildlife landing receipt (fish ticket), the producer shall pay and the handler shall collect and deduct from the price paid to the producer the producer's two percent assessment on the landed value of the Puget Sound gillnet salmon. This collection and deduction shall be accurately reported on the fish ticket.

(2) No later than thirty days from the last day of any month in which any Puget Sound gillnet salmon has been obtained by a handler, each such handler shall:

(a) Remit to the board all sums required to be collected and deducted from affected producers upon their landings during that month for a total of two percent of the landed value of Puget Sound gillnet salmon obtained by that handler during that month.

(b) Provide to the board with such remittance a report indicating the full name, address, and commercial salmon fishing license number of each affected producer from whom the said handler has purchased or obtained affected commodity during the said month and for each such affected producer, indicate the landed value of the Puget Sound gillnet salmon purchased or obtained, and the amount of the producer's two percent assessment which has been collected from that producer.

(3) The board may require cold storage facilities storing Puget Sound gillnet salmon to file with the board information and reports regarding the amount of the affected commodity in storage, the date of receipt, and the name, address, and commercial salmon fishing license number of each such owner, and may require that such Puget Sound gillnet salmon not be shipped from a cold storage facility until the facility has been notified by the commission that the commodity owner has paid the commission for any assessments imposed by this marketing order.

(4) All assessments due from affected producers under this order shall be payable at the time of completion of a Washington department of fish and wildlife landing receipt (fish ticket) and shall be paid by the producer and collected by the handler at that time and shall be remitted to the board as provided in this order.

(5) Producer-handlers shall pay the producer assessments and shall fulfill all the responsibilities of handlers and producers under this order including the collection, record-keeping, reporting, and remittance of assessments.

(6) When, in the judgment of the board, a particular handler or producer-handler has demonstrated its unreliability to make the collection or remittance of the producer assessments called for in this order, the board may require that said handler or producer-handler not transport, carry, ship, sell, market or otherwise handle or dispose of any of the affected commodity until every due and payable assessment provided for under this order has been paid to the board and the receipt issued.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-13-008, § 16-585-050, filed 6/3/05, effective 7/4/05. Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-050, filed 7/19/95, effective 8/19/95.]

WAC 16-585-060 Obligations of the board. Obligations incurred by the board or employees or agents thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under this order were a corporation. No liability for the debts or actions of the board, employees, or agents incurred in their official capacity under this order shall exist either against the board, officers, employees, or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-13-008, § 16-585-060, filed 6/3/05, effective 7/4/05. Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-060, filed 7/19/95, effective 8/19/95.]

WAC 16-585-070 Termination of this order. Termination shall be accomplished pursuant to RCW 15.65.183 through 15.65.193.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. 05-13-008, § 16-585-070, filed 6/3/05, effective 7/4/05. Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-070, filed 7/19/95, effective 8/19/95.]

WAC 16-585-080 Effective time. This marketing order for Puget Sound salmon shall become effective on or after April 1, 1995, and shall remain in full force and effect until terminated under the provisions of the act.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-080, filed 7/19/95, effective 8/19/95.]

WAC 16-585-090 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to other person, circumstances, or thing shall not be affected thereby.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-090, filed 7/19/95, effective 8/19/95.]

Chapter 16-600 WAC

HONEY

WAC

- 16-600-001 Promulgation.
- 16-600-010 Grades to be uniform with federal grades.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-600-020 Use of Washington state honey seal. [Order 581, effective 7/17/50.] Repealed by 98-13-030, filed 6/8/98, effective 7/9/98. Statutory Authority: RCW 69.28.020.

WAC 16-600-001 Promulgation. I, Sverre N. Omdahl, director of agriculture, by virtue of authority vested in me in RCW 69.28.020, do hereby promulgate the following laws and regulations.

[Order 581, Promulgation, effective 7/17/50.]

WAC 16-600-010 Grades to be uniform with federal grades. Effective immediately, grades of honey sold in the state of Washington shall be uniform with the federal grades for extracted honey, comb honey and cut-comb honey.

[Order 431, effective 7/10/45.]

Chapter 16-602 WAC

APIARIES

WAC

- 16-602-025 Apiarist registration fees, schedule.
- 16-602-026 Broker registration fees.
- 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

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- 16-602-040 9/27/78.] Repealed by 01-11-146, filed 5/23/01, effective 6/30/01. Statutory Authority: Chapter 15.60 RCW. 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 16-602-025 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 16-602-050 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 16-603 WAC

AQUACULTURE IDENTIFICATION REQUIREMENTS

WAC

16-603-010 Aquaculture identification requirements.

WAC 16-603-010 Aquaculture identification requirements. (1) Any sale or movement of private sector cultured aquatic products made by an aquatic farmer, other than retail sale for personal use by the purchaser or rendering or unmarketable solid waste disposal, shall:

- (a) Be accompanied by a shipping document showing:
(i) The aquatic farmer's name;
(ii) The aquatic farm mailing address;
(iii) The aquatic farm registration number required by RCW 75.58.040;
(iv) The date of transfer by the aquatic farmer;
(v) The quantity of each species; and
(b) Be labeled, showing the name of the aquatic farmer and the farmer's aquatic farm registration number on each container of cultured aquatic products.

(c) The shipping documents and labeling required under this section shall be retained and maintained by the purchaser while the private sector cultured aquatic products are under the purchaser's possession or control.

(2) The provisions of this section do not apply to shellfish if the shellfish comply with rules enacted under the labeling requirements for the Sanitary Control of Shellfish Act (WAC 246-282-080), or to live finfish or their reproductive tissues, if the finfish comply with rules enacted under the Washington department of fisheries transfer procedure set forth in chapter 220-77 WAC.

[Statutory Authority: Chapters 15.85 and 34.05 RCW. 03-13-005, § 16-603-010, filed 6/4/03, effective 7/5/03. Statutory Authority: RCW 15.85.040 and 15.85.060. 91-13-018 (Order 2086), § 16-603-010, filed 6/10/91, effective 1/1/92.]

Chapter 16-604 WAC

PUBLIC LIVESTOCK MARKETS—HEALTH, BRANDS AND WEIGHTS AND MEASURES

WAC

16-604-009 Definitions.
16-604-020 Facilities and sanitation.
16-604-025 Health regulations.
16-604-040 Penalty.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-604-001 Promulgation. [Order 1059, Promulgation, filed 7/24/67, effective 8/23/67; Order 1025, Promulgation, filed 7/22/66; Order 954, Promulgation, filed 8/20/64; Order 913, filed 4/1/63; Order 853, effective 7/19/61; Order 788, effective 6/17/59.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
16-604-002 Promulgation. [Order 1102, Promulgation, § 16.604.002 (codified as WAC 16-604-002), filed 11/18/68, effective 12/19/68.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.

16-604-003 Promulgation. [Order 1174, § 16-604-003, filed 12/15/70.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
16-604-008 License fees. [Statutory Authority: Chapter 16.65 RCW. 94-13-069 (Order 5049), § 16-604-008, filed 6/9/94, effective 7/10/94.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
16-604-010 Brand inspection regulations. [Statutory Authority: Chapter 16.65 RCW. 94-13-069 (Order 5049), § 16-604-010, filed 6/9/94, effective 7/10/94. Statutory Authority: RCW 16.65.445 and 16.65.390. 92-06-013, § 16-604-010, filed 2/24/92, effective 3/26/92; Order 1102, § 16.604.010 (codified as WAC 16-604-010), filed 11/18/68, effective 12/19/68; Order 1059, Regulation 2, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 2, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 788, effective 6/17/59.] Repealed by 99-04-069, filed 2/1/99, effective 3/4/99. Statutory Authority: Chapter 16.65 RCW.
16-604-012 Brand inspection facilities. [Statutory Authority: Chapter 16.65 RCW. 94-13-069 (Order 5049), § 16-604-012, filed 6/9/94, effective 7/10/94.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
16-604-015 Sales day. [Statutory Authority: RCW 16.65.445 and 16.65.390. 92-06-013, § 16-604-015, filed 2/24/92, effective 3/26/92.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
16-604-030 Scale installation regulations. [Order 1059, Regulation 5, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 4, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 788, effective 6/17/59.] Repealed by 98-19-037, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037 and 16.65.090.
16-604-100, 16-604-110, 16-604-120, 16-604-130, 16-604-140, 16-604-150. [Order 958, Promulgation, and Regulations 1-5, filed 8/31/64.] Superseded by Order 1059, Promulgation, Regulations 1-6, filed 7/24/67, effective 8/23/67. Later promulgation, see WAC 16-604-001 through 16-604-040.

WAC 16-604-009 Definitions. For the purposes of this order:

- (1) "Market" means public livestock market as defined in RCW 16.65.010(1).
(2) "Department" means the department of agriculture of the state of Washington.
(3) "Director" means the director of the department or his duly authorized representative.
(4) "Licensee" means any person licensed to operate a market.
(5) "Livestock" except as used in the brand inspection regulations of this order means all cattle, horses, mules, swine, sheep, goats, poultry and rabbits.
(6) "Livestock" as used in the brand inspection regulations of this order means all cattle of whatever species, breed or age.
(7) "Lot" means livestock of one ownership.
(8) "Market veterinarian" means a graduate veterinarian licensed in the state of Washington accredited by USDA and employed by a public livestock market.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-022, § 16-604-009, filed 10/13/92, effective 11/13/92; Order 1102, § 16.604.009 (codified as WAC 16-604-009), filed 11/18/68; Order 1059, Regulation 1, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 1, filed 7/22/66, effective 8/22/66.]

WAC 16-604-020 Facilities and sanitation. Licensees shall provide facilities and sanitation for the prevention of livestock diseases at their public livestock markets, as follows:

(1) The licensee shall be responsible for the moving and yarding of livestock necessary for brand inspection. Personnel employed by the salesmarket will be required to sort and designate any apparent unhealthy animals before they are admitted into trade channels.

(2) The floors of all pens and alleys that are part of a public livestock market shall be constructed of concrete or similar impervious material and kept in good repair, with a slope of not less than one-fourth inch per foot to adequate drains leading to an approved system: Provided, That the director may designate certain pens within such public livestock markets as feeding and holding pens and the floors and alleys of such pens shall not be subject to the aforementioned surfacing requirements.

(3) Feeding and holding pens maintained in an area adjacent to a public livestock market shall be constructed and separated from such public livestock market, in a manner prescribed by the director, in order to prevent the spread of communicable diseases to the livestock sold or held for sale in such public livestock market.

(4) All yards, chutes and pens used in handling livestock shall be constructed of such material which will render them easily cleaned and disinfected, and such yards, pens and chutes shall be kept clean, sanitary and in good repair at all times, as required by the director.

(5) Sufficient calf pens of adequate size to prevent overcrowding shall be provided, and such pens when used shall be cleaned and disinfected no later than the day subsequent to each sale.

(6) All swine pen facilities shall be covered and when used shall be cleaned and disinfected no later than the day subsequent to each sale.

(7) A water system carrying a pressure of forty pounds and supplying sufficient water to thoroughly wash all pens, floors, alleys and equipment shall be provided.

(8) Sufficient quarantine pens of adequate capacity shall be provided. Such pens shall be used to hold only cattle reacting to brucellosis and tuberculosis or to quarantine livestock with other contagious or communicable diseases and shall be:

(a) Hard surfaced with concrete or similar impervious material and shall be kept in good repair.

(b) Provided with separate watering facilities.

(c) Painted white with the word "quarantine" painted in red letters not less than four inches high on such quarantine pen's gate.

(d) Provided with a tight board fence not less than five and one-half feet high.

(e) Cleaned and disinfected not later than one day subsequent to the date of sale.

To prevent the spread of communicable diseases among livestock, the director shall have the authority to cause the cleaning and disinfecting of any area or all areas of a public

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livestock market and equipment or vehicles with a complete coverage of disinfectants approved by the director.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-022, § 16-604-020, filed 10/13/92, effective 11/13/92; Order 1174, § 16-604-020, filed 12/15/70; Order 1059, Regulation 3, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 3, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 853, filed 6/19/61; Order 788, effective 6/17/59.]

WAC 16-604-025 Health regulations. (1) The director shall require such testing, treating, identifying, examining and recordkeeping of livestock by a market veterinarian and/or livestock market as in the director's judgment may be necessary to prevent the spread of brucellosis, tuberculosis, or any other infectious, contagious or communicable disease among the livestock of this state.

(2) For livestock health purposes, the director shall establish procedures for inspection of livestock markets for compliance with sanitary requirements and to observe livestock being handled. Such inspections shall be conducted by animal health inspection personnel working under the jurisdiction of the director. Such inspectors will not issue health certificates, perform "private treaty work" or engage in functions other than those in connection with surveillance for communicable, infectious animal diseases and sanitary measures. Operators of markets shall arrange with a market veterinarian to perform animal health inspections, issue health certificates or certificates of veterinary inspection, perform private treaty work, and perform any testing, quarantine, or movement restrictions of animals as directed by the director of agriculture or required by federal law. Departmental inspectors will work in cooperation with any market veterinarians in performing yard inspections.

(3) Markets handling swine shall be required to identify all boars and sows with official identification. Markets must comply with chapters 16-54 and 16-80 WAC and Title 9, Code of Federal Regulations, Parts 71 and 76, when handling swine for market.

(4) No livestock may leave the market for points outside the state of Washington without first meeting the requirements of the state of destination and Title 9, Subchapter C, Code of Federal Regulations.

(5) Any animal or animals which have been found by the inspector to be diseased or unhealthy shall be handled in accordance with instructions of a veterinarian as to disposition. He may require they be marked "slaughter only" and be sold only to immediate slaughter; require they be sold "as is" with an announcement; require they be returned to consignor with or without quarantine; or require they be held under quarantine in the yard.

(6) Brucellosis.

(a) Animal health requirements as prescribed in chapters 16-54 and 16-86 WAC shall be met for animals entering or released from the public livestock markets. Those public livestock markets that are not specifically approved as per Title 9, Part 78, Subchapter C, Code of Federal Regulations that wish to provide brucellosis blood testing as approved by the director shall comply with the facilities requirements for specifically approved saleyards. Specifically approved yards (Title 9, Part 78, Code of Federal Regulations) can accept cattle and bison from out-of-state without meeting the import

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requirements provided that all Washington state animal health requirements are met at the yard upon arrival. Those yards not specifically approved can receive from out-of-state only those cattle and bison that have met all animal health requirements prior to entering the state.

(b) Animals released from Washington markets to points outside the state shall be in compliance with Federal Interstate Regulations and must meet the import requirements of the state of destination.

(c) Salesyard brucellosis reactors will be:

(i) Tagged with reactor identification tags in the left ear and branded "B" on the left jaw.

(ii) Placed in a "quarantine pen."

(iii) Sold at the close of the regular sale to licensed slaughterer or their designated agent operating under federal or state inspection or return to the farm of origin under a written quarantine.

(iv) The market veterinarian shall issue VS Form 1-27 on all suspects or reactors immediately after their sale or detection and the original copy must accompany the animals to slaughter or back to the farm of origin. The pink and yellow copies are to be mailed immediately to the state veterinarian, Olympia, and the green copy mailed immediately to the destination of shipment or shall accompany shipment.

(v) All brucellosis reactors consigned and transported directly to a licensed slaughtering establishment for immediate slaughter cannot be transported with any animals not so consigned. All trucks and railway cars or other conveyances used for the transportation of such reactors shall be cleaned and disinfected at destination under state and federal supervision.

(7) For the purpose of tracing dealer consigned livestock to herds of origin for health purposes, the certificates of permit (S.F. No. 4847) will be the accepted document for transferring tracing information to the director at the market.

Exceptions - this section does not apply to dairy cattle under twenty months nor beef cattle under twenty-four months of age.

(8) All livestock markets shall officially identify all sexually intact cattle and bison over eighteen months of age with an official backtag prior to being presented for sale. Records of the backtags applied to the animal indicating seller, buyer, and brucellosis vaccination status if animal is a female shall be maintained by the market for a period of one year.

(9) Immediate slaughter livestock.

(a) Livestock purchased through a market for slaughter in the state of Washington may be consigned only to a licensed slaughtering establishment, restricted feed lot, or another market for sale for immediate slaughter. Such animals will be cleared from the market on Washington state cattle brand certificate and must reach the declared point of destination at slaughter establishment or restricted feed lot within ten days of first being declared immediate slaughter livestock. Identification tags may not be removed and clearance papers must be presented with the animals at declared point of destination and livestock shall not be diverted to any other point.

(b) Cattle that have been declared immediate slaughter cattle shall not be commingled with cattle not so declared.

(c) No Washington state cattle brand certificate will be issued at any market unless the purchaser first certifies the

exact name and address of the destination of such domestic animals or animal and such animals are identified to herd of origin in a manner prescribed by the director.

(10) Health of swine.

(a) Intrastate consignments. Washington swine that are healthy, unexposed to any contagious or infectious disease and not under quarantine may enter and leave any market in the state after veterinary inspection.

(b) Interstate consignments.

(i) Slaughter swine. Swine not known to be affected with or exposed to infectious or communicable swine diseases may be moved into the state without health certificate to a recognized slaughtering center, public stockyards under federal supervision or livestock market specifically approved under Part 76, Title 9, Code of Federal Regulations for immediate slaughter, and may not be diverted enroute. The waybills or certificates for shipment must state for "slaughter only."

(ii) Feeder and breeder swine - must have originated from states in Stage IV or Stage V pseudorabies free status and/or comply with the entry requirements as stated in chapter 16-54 WAC. Animals must be accompanied by official health certificate stating that they are clinically free of symptoms of infectious and contagious disease or exposure thereto, unless consigned to a market approved under Part 76, Title 9, CFR. The consignor and consignee will be properly listed with exact mailing addresses clearly shown. Such hogs must not come in contact with hogs from states of unlike status prior to or during shipment, and must have been transported in one continuous movement.

(c) Swine brucellosis. All interstate swine over six months of age entering public livestock markets to be sold for breeding purposes must have been tested and found negative to brucellosis within thirty days prior to entry or originate in a validated brucellosis free herd. Swine not in compliance will not be sold as breeder swine. Swine originating from a herd where brucellosis is known to exist will not be sold as breeder swine.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-022, § 16-604-025, filed 10/13/92, effective 11/13/92; Order 1174, § 16-604-025, filed 12/15/70; Order 1059, Regulation 4, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 3, 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 853, filed 6/19/64; Order 788, effective 6/17/59.]

WAC 16-604-040 Penalty. The violation of any regulation set forth in this order shall constitute a violation of the applicable statute under which such regulation was adopted.

[Order 1174, § 16-604-040, filed 12/15/70; Order 1059, Regulation 6, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 6, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 788, effective 6/17/59.]

Chapter 16-610 WAC LIVESTOCK BRAND INSPECTION (Formerly chapter 16-607 WAC)

WAC

16-610-005 Definitions.

LIVESTOCK IDENTIFICATION ADVISORY BOARD

16-610-010 Livestock identification advisory board.

- 16-610-012 Livestock identification advisory board—Length of term.
- 16-610-013 Livestock identification advisory board—Vacancies.
- GENERAL PROVISIONS**
- 16-610-015 Certificate of permit.
- 16-610-016 Self-inspection certificate.
- 16-610-018 Proof of ownership documents.
- 16-610-020 Cattle inspections for brands or other proof of ownership.
- 16-610-025 Horse inspections for brands or other proof of ownership.
- 16-610-035 Inspections for cattle and horses moving out of Washington state.
- 16-610-045 Cattle inspections at certified feedlots and slaughter plants.
- 16-610-050 Cattle inspections for private transactions.
- 16-610-055 Ownership disputes.

VETERINARIAN CERTIFICATION

- 16-610-060 Veterinarian certification.
- 16-610-062 Veterinarian certification—Suspension and revocation.

FEES

- 16-610-065 Livestock identification fees.

BRANDS

- 16-610-070 Renewal of recorded brands.
- 16-610-075 Livestock heritage brands.
- 16-610-080 Freeze branding.
- 16-610-085 Production brands.

PENALTIES

- 16-610-095 Penalty schedule for notices of infraction.

CUSTOM SLAUGHTERING

- 16-610-100 Identification of custom slaughtered animals.

CERTIFIED FEEDLOTS

- 16-610-115 Certified feedlots—Application inspection.

PUBLIC LIVESTOCK MARKETS

- 16-610-120 Public livestock markets—Identification requirements.
- 16-610-122 Release of cattle and horses from public livestock markets.
- 16-610-125 Public livestock market livestock inspection facilities.
- 16-610-130 Public livestock market scales.
- 16-610-135 Failure to conduct a sale on an allocated sale day.
- 16-610-140 Approval of special sales and open consignment horse sales.
- 16-610-145 Requirements for farmers cooperative associations and associations of livestock breeders holding special sales.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-610-011 Who can serve on the livestock identification advisory board? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-011, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW.
- 16-610-090 Can production brands be used to identify beef cattle? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-090, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW.
- 16-610-092 What style of numbers must be used for production brands? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-092, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW.
- 16-610-094 Are production brands recorded with the director? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-094, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW.

- 16-610-105 Are certificates of permit required for custom slaughtered cattle? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-105, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW.
- 16-610-110 Can a custom meat facility accept carcasses of cattle slaughtered by the cattle owner? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-110, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW.
- 16-610-124 What if cattle and horses consigned to a public livestock market are not sold? [Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 04-01-171, § 16-610-124, filed 12/23/03, effective 1/23/04.] Repealed by 07-14-057, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW.

WAC 16-610-005 Definitions. In addition to the definitions found in RCW 16.57.010, 16.58.020, and 16.65.010, the following definitions apply to this chapter:

"Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders.

"Beef commission assessment point" means a person or business, as designated by the Washington state beef commission, required to collect and submit the mandatory per-head beef promotional fees directly to the commission when the sale of cattle occurs.

"Beef promotion fee" means the mandatory state and/or federal beef commission assessment fee under RCW 16.67.120 and 16.67.122 that is collected on each head of cattle at the time of sale.

"Farmers cooperative association" means any cooperative association of livestock producers. Farmers cooperative association does not include livestock youth organizations such as 4-H, FFA, or other junior livestock groups.

"Livestock heritage brand" means a designation given to a brand that has been deactivated by the recorded owner. A heritage brand may not be applied to livestock.

"Market" means a public livestock market as defined in RCW 16.65.010(1).

"Special sale" means a public sale conducted by an individual, youth organization, livestock breeders association, or farmers cooperative association on a seasonal or occasional basis.

"USDA" means the United States Department of Agriculture.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-005, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-005, filed 12/23/03, effective 1/23/04.]

LIVESTOCK IDENTIFICATION ADVISORY BOARD

WAC 16-610-010 Livestock identification advisory board. (1) The livestock identification advisory board is established in RCW 16.57.015 for the purpose of advising the director regarding:

- (a) Livestock identification programs administered under chapter 16.57 RCW and these rules;
- (b) Inspection fees; and
- (c) Related licensing fees.

(2) The board is appointed by the director and is composed of six members representing beef producers, public livestock market operators, horse owners, dairy farmers, cattle feeders, and meat processors. The director is an ex officio member of the advisory board.

(3) The board must elect a member to serve as board chair. The board chair, or the chair's designee, is responsible for organizing and conducting board meetings.

(4) The board must meet with the director at least once a year to offer its advice. Additional meetings may be held at the request of the director or a majority of the board's membership.

(5) Livestock identification advisory board members must be residents of the state of Washington and actively engaged in the industry they represent.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-010, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-010, filed 12/23/03, effective 1/23/04.]

WAC 16-610-012 Livestock identification advisory board—Length of term. (1) Advisory board members serve staggered three-year terms. Terms begin on July 1 and end on June 30.

(2) Positions are numbered one through six as follows:

- (a) Position one - beef producers;
- (b) Position two - public livestock market operators;
- (c) Position three - horse owners;
- (d) Position four - dairy farmers;
- (e) Position five - cattle feeders; and
- (f) Position six - meat processors.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-012, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-012, filed 12/23/03, effective 1/23/04.]

WAC 16-610-013 Livestock identification advisory board—Vacancies. (1) To fill a vacancy resulting from an expired term, the director must solicit nominations from affected statewide industry groups. Nominations from industry groups must be submitted to the director before May 1 of the year in which the term expires. If a nomination is not received for a vacant position, the director may appoint a qualified person to fill that position.

(2) The director may fill, for the unexpired portion of a term, vacancies that occur before a term expires. When such vacancies occur, advisory board members and the presidents of affected statewide industry groups may submit names to the director for consideration.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-013, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-013, filed 12/23/03, effective 1/23/04.]

GENERAL PROVISIONS

WAC 16-610-015 Certificate of permit. (1) A certificate of permit (WSDA form #7020), commonly known as a "transportation permit" or a "haul slip," must accompany livestock:

- (a) In transit (cattle);
- (b) Consigned to a public livestock market, special sale, or livestock processing facility; or
- (c) Upon entry into a certified feedlot (cattle).

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(2) The certificate of permit may not be used as a bill of sale for cattle.

(3) A certificate of permit may be purchased by contacting the department at 360-902-1855. The price is \$1.00 for a book of twenty-five.

(4) The certificate of permit must include:

- (a) Owner's name and address;
- (b) Livestock breed;
- (c) Sex of the animal;
- (d) Brand or other methods of livestock identification; and
- (e) Any other information that the director considers necessary.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-015, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-015, filed 12/23/03, effective 1/23/04.]

WAC 16-610-016 Self-inspection certificate. (1) A self-inspection certificate is used for cattle inspections at the point of private sale, trade, gifting, barter, or any other action not in connection with a public livestock market that constitutes a change of ownership.

(2) You may purchase these forms by contacting the department at 360-902-1855.

The purchase price of a self-inspection certificate is equal to the sum of the number of head involved in the transaction multiplied by the current inspection fee of \$1.60 and the number of head involved in the transaction multiplied by the beef promotion fee.

(3)(a) Self-inspection certificates must be completed and signed by the buyer and seller. The original completed copy of the certificate must be given to the buyer and must accompany the cattle. The seller must also retain a copy of the completed certificate.

(b) Self-inspection is limited to transactions involving twenty-five head or less of cattle.

(c) The buyer must be given proof of ownership for all cattle bearing brands not recorded to the seller.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-016, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-016, filed 12/23/03, effective 1/23/04.]

WAC 16-610-018 Proof of ownership documents. (1) Proof of ownership for cattle and horses may be established by presenting one of the following documents:

(a) An official livestock inspection certificate issued by the director.

(b) A duplicate certificate or certified copy of an original inspection document issued by the director.

(c) For cattle only, a self-inspection certificate signed by both the seller and the buyer. Additional proof of ownership for all livestock bearing brands not recorded to the seller must be provided to the buyer.

(d) An official inspection certificate issued by another state or province that maintains a livestock inspection program.

(e) Registration papers on purebred horses.

(f) Registration papers on purebred cattle if the brand is not recorded in this state.

(g) For horses only, a bill of sale. Department form #7092 Equine Bill of Sale may be used and may be purchased

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by contacting the department at 360-902-1855. The purchase price of an Equine Bill of Sale is \$1.00 for a book of twenty-five.

(h) A certificate of veterinary inspection issued by a state that does not maintain a livestock inspection program. Vaccination/test tags and the animal description must be verifiable and match the document.

(2) Only original inspection certificates, official duplicate certificates, or certified copies of inspection certificates are acceptable. Carbon copies, faxed copies or photocopies will not be accepted. The name of the livestock owner must appear on the document that is submitted.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-018, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-018, filed 12/23/03, effective 1/23/04.]

WAC 16-610-020 Cattle inspections for brands or other proof of ownership. (1) All cattle must be inspected for brands or other proof of ownership:

(a) Before being moved out of Washington state, unless the provisions of WAC 16-610-035(2) apply.

(b) When offered for sale at any public livestock market or special sale approved by the director.

(c) Upon delivery to any cattle processing plant where the United States Department of Agriculture maintains a meat inspection program, unless the cattle:

(i) Originate from a certified feedlot; or

(ii) Are accompanied by an inspection certificate issued by the director, or a veterinarian certified by the director, or an agency in another state or Canadian province authorized by law to issue such a certificate.

(2) All cattle entering or reentering any certified feedlot licensed under chapter 16.58 RCW must be inspected for brands or other proof of ownership before commingling with other cattle unless the cattle are accompanied by an inspection certificate issued by the director, or a veterinarian certified by the director, or an agency in another state or Canadian province authorized by law to issue such a certificate.

(3) All cattle must be inspected for brands or other proof of ownership at any point of private sale, trade, gifting, barter, or any other action that constitutes a change of ownership, except for individual private sales of unbranded female dairy breed cattle involving fifteen head or less.

(4) Exemptions from mandatory inspections do not exempt cattle sellers from paying beef promotion fees owed to the Washington state beef commission under chapter 16.67 RCW.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-020, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-020, filed 12/23/03, effective 1/23/04.]

WAC 16-610-025 Horse inspections for brands or other proof of ownership. All horses must be inspected for brands or other proof of ownership:

(1) Before being moved out of Washington state, unless the provisions of WAC 16-610-035 apply.

(2) When offered for sale at any public livestock market or special sale approved by the director.

(3) When offered for sale at any special open consignment horse sale as defined in RCW 16.65.010.

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(4) At any special sale where horses of more than one owner are offered for sale.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-025, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-025, filed 12/23/03, effective 1/23/04.]

WAC 16-610-035 Inspections for cattle and horses moving out of Washington state. (1) Except as provided in subsection (2) of this section, all cattle and horses must be inspected by the director or a certified veterinarian for brands or other proof of ownership before being moved out of Washington state.

(2) Exceptions:

(a) Cattle and horses may be moved out of Washington state without inspection when they are destined for a public livestock market in another state where brand inspection is performed by Washington state department of agriculture inspectors or an agent according to an agreement with the other state.

(b) Cattle and horses moving out of Washington state to public livestock markets must be accompanied by a certificate of permit showing that the livestock are destined for and are being transported directly to the designated out-of-state inspection point. The certificate of permit is not valid for transportation to any point other than the designated inspection point.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-035, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-035, filed 12/23/03, effective 1/23/04.]

WAC 16-610-045 Cattle inspections at certified feedlots and slaughter plants. Inspections of cattle required under WAC 16-610-020 (1)(c) or 16-610-020(2) and at any other beef commission assessment collection point must be conducted by the director.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-045, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-045, filed 12/23/03, effective 1/23/04.]

WAC 16-610-050 Cattle inspections for private transactions. Inspections of cattle required under WAC 16-610-020(3) may be conducted by:

(1) The director; or

(2) Veterinarians certified by the director; or

(3) The buyer and seller using a self-inspection certificate.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-050, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-050, filed 12/23/03, effective 1/23/04.]

WAC 16-610-055 Ownership disputes. The director may review or investigate any verified complaint involving disputed ownership that is filed with the director.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-055, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-055, filed 12/23/03, effective 1/23/04.]

VETERINARIAN CERTIFICATION

WAC 16-610-060 Veterinarian certification. (1) The director may certify veterinarians, who are licensed and

accredited in Washington state and who comply with the requirements of this section, to issue livestock inspection certificates.

(2) Veterinarians licensed and accredited in Washington state who wish to issue inspection certificates for livestock must apply for certification on the department's application form (WSDA form #7028). The application must include the following:

(a) The full name and principal business address of the individual applying for certification;

(b) The applicant's Washington state veterinary license number;

(c) The geographic area in which the applicant will issue inspection certificates for livestock;

(d) A statement describing the applicant's experience with large animals, especially cattle and horses;

(e) A brief statement indicating that the applicant is requesting certification to issue inspection certificates for cattle, horses or both;

(f) The signature of the applicant; and

(g) Any other additional information as requested by the director.

(3) All applications must be accompanied by a check or money order for the amount of the certification fee of thirty-five dollars per applicant.

(4) Certifications expire on the third December 31st following the date of issuance. For example, if a certificate was issued on October 14, 2003, it would expire on December 31, 2005.

(5) All veterinarians applying for certification must complete department-provided training. The department will provide to each person applying for certification a copy of the most current brand book and any supplements issued to date. Training will include, but will not be limited to, the:

(a) Reading of printed brands;

(b) Reading of brands or other marks on live animals;

(c) Completion of official documents; and

(d) Review of satisfactory ownership documents.

(6) The director will maintain a list of veterinarians certified to perform livestock inspections. Interested parties may request a copy of the list from the department by calling 360-902-1855.

(7) Inspections by certified veterinarians are conducted upon request and provided at the discretion of the veterinarian.

(8) Certified veterinarians must submit all required inspection fees to the director and copies of each inspection certificate within thirty days of the date of issue.

(9) The director may deny certification to issue inspection certificates if the veterinarian fails to meet the requirements of this section or knowingly makes false or inaccurate statements regarding his or her qualifications on the certification application.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-060, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-060, filed 12/23/03, effective 1/23/04.]

WAC 16-610-062 Veterinarian certification—Suspension and revocation. (1) The director may suspend or revoke a veterinarian's certification to issue inspection certificates if the veterinarian knowingly:

(a) Makes or acquiesces in false or inaccurate statements on livestock inspection certificates regarding:

(i) The date or location of the inspection;

(ii) The marks or brands on the livestock inspected;

(iii) The owner's name; or

(iv) Any other statement about the livestock inspected.

(b) Fails to properly verify the ownership status of the animal before issuing an inspection certificate.

(c) Issues an inspection certificate without actually conducting an inspection of the livestock.

(d) Fails to submit inspection fees and certificates issued to the director within thirty days from the date of issue.

(2) Actions under this section will be taken in accordance with chapter 34.05 RCW.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-062, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-062, filed 12/23/03, effective 1/23/04.]

FEES

WAC 16-610-065 Livestock identification fees. All livestock identification inspection fees charged by the director are specified in statute under RCW 16.57.220 but are reproduced in this section for ease of reference.

For purposes of this section, the time and mileage fee means seventeen dollars per hour and the current mileage rate set by the office of financial management.

Certificate	Fees:
Inspection Certificate - Cattle	<p>(1) The livestock inspection fee for cattle is \$1.60 per head or the time and mileage fee, whichever is greater, except: The fee for livestock inspection for cattle is \$1.10 per head or the time and mileage fee, whichever is greater, when cattle are identified with a valid brand recorded to the owner of the cattle in Washington or another state or province.</p> <p>(a) This fee does not apply for inspection of cattle when documenting a change of ownership with a self-inspection certificate.</p> <p>(b) Proof of the recording status of out-of-state brands must be presented to the director at the time of inspection.</p> <p>(2) The livestock inspection fee for cattle is \$4.00 per head for cattle delivered to a USDA inspected slaughter facility with a daily capacity of no more than five hundred head of cattle.</p>

Certificate	Fees:
	(3) No inspection fee is charged for a calf that is inspected prior to moving out-of-state under an official temporary grazing permit if the calf is part of a cow-calf unit and the calf is identified with the owner's Washington state-recorded brand. (4) No inspection fee is charged for a dairy calf less than thirty days old that is delivered to a USDA inspected slaughter facility.
Inspection Certificate - Horse	(5) The livestock inspection fee for horses is \$3.50 per head or the time and mileage rate, whichever is greater, except:
Inspection Certificate - Groups of thirty or more horses	(6) The livestock inspection fee for groups of thirty or more horses is \$2.00 per head or the time and mileage fee, whichever is greater, if: (a) The horses are owned by one individual; and (b) The inspection is performed on one date and at one location; and (c) Only one certificate is issued.
Inspection Certificate - Minimum fee	(7) The minimum fee for a livestock inspection is \$5.00 . The minimum fee does not apply to livestock consigned to and inspected at a public livestock market, special sale, or a cattle processing plant.
Annual individual identification certificate for individual animals	(8)(a) The livestock inspection fee for an annual individual identification certificate for cattle and horses is \$20.00 per head or the time and mileage fee, whichever is greater. (b) The livestock inspection fee for an annual individual identification certificate for groups of thirty or more horses or cattle is \$5.00 per head or the time and mileage fee, whichever is greater, if: (i) The horses or cattle are owned by one individual; (ii) The inspection is performed on one date and at one location; and (iii) Only one certificate is issued.
Lifetime individual identification certificate	(9) A livestock inspection fee for a lifetime individual identification certificate for horses and cattle is \$60.00 per head or the time and mileage fee, whichever is greater.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-065, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-065, filed 12/23/03, effective 1/23/04.]

BRANDS

WAC 16-610-070 Renewal of recorded brands. Brand recordings are renewed for a period of four years, and the director may establish a staggered renewal schedule. Owners of recorded brands, upon notification by the director, must file for renewal by December 31st of the year in which a recording expires.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-070, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-070, filed 12/23/03, effective 1/23/04.]

WAC 16-610-075 Livestock heritage brands. (1) A brand may be recorded as a livestock heritage brand upon initial application.

(2) The owner of a recorded brand may record the brand as a livestock heritage brand during any designated renewal period.

(a) The fee to record a livestock heritage brand is six hundred dollars.

(b) A livestock heritage brand is recorded for a period of twenty years.

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(c) Livestock heritage brands are listed in a separate section of the WSDA brand book.

(d) A livestock heritage brand is considered inactive and may not be applied to livestock.

(3) The owner of a livestock heritage brand may reactivate the brand at any time upon written notification to the director.

(a) The owner of a reactivated livestock heritage brand shall not be required to submit renewal fees during the remainder of the original twenty-year period as long as the recorded ownership of the brand does not change.

(b) If the owner of the reactivated brand changes the ownership status (adds, deletes, or transfers ownership to another), the brand will automatically be due for renewal at the end of the current four-year recording period.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-075, filed 6/28/07, effective 7/29/07.]

WAC 16-610-080 Freeze branding. Freeze branding techniques to identify livestock may be used to comply with the requirements of chapters 16.57 RCW and the other requirements of this section as long as the brand is recorded with the director.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-080, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-080, filed 12/23/03, effective 1/23/04.]

WAC 16-610-085 Production brands. (1) Before a production brand may be used in Washington state, it must be recorded with the director according to the provisions of chapter 16.57 RCW and in the same manner as an ownership brand.

(2) Forms to record a brand may be obtained from the director.

(3) The director will not charge a fee to record a production brand if the person recording the brand has already paid to record an ownership brand.

(4) Production brands are not recognized for ownership purposes, recorded for ownership purposes, or accepted for livestock inspection purposes.

(5) Dairy cattle: Owners may use any digit or combination of digits as a production brand to identify their dairy cattle as long as the brand is located on the neck or between the hock and the stifle of a hind leg.

(6) Beef cattle: Owners may use a production brand to identify beef cattle but only when the cattle also bear a brand that is currently recorded to the owner of the animal.

(a) On beef cattle, production brands may be located on either side of the animal on the shoulder or hip.

(b) Any numeral digit or combination of digits may be used for a beef cattle production brand as long as they do not conflict with currently recorded ownership brands.

(7) Only Arabic numerals can be used for production brands.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-085, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-085, filed 12/23/03, effective 1/23/04.]

PENALTIES

WAC 16-610-095 Penalty schedule for notices of infraction. (1) If any person fails to comply with the requirements of chapters 16-610 WAC and 16.57 RCW (Identification of livestock), the director may issue that person a notice of infraction and may assess a penalty.

(2) The following infractions have the base penalty listed, not including statutory assessments.

Livestock Identification Program
Civil Infraction Schedule for Violations of Chapter 16.57 RCW

Violation	Base Penalty
RCW 16.57.260	Removal of cattle and horses from Washington state without an inspection certificate.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.267	Failing to present an animal for mandatory inspection.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.270	Refusing to assist in establishing ownership and identity.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.350	Interfering with the director in the performance of livestock identification duties.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.050	Using an unrecorded brand.
Each offense	\$37.00
RCW 16.57.243	Moving cattle without proof of ownership.
Each offense	\$37.00
RCW 16.57.275	Transporting a carcass without proof of ownership.
Each offense	\$37.00
RCW 16.57.277	Failing to attach custom slaughter tags.
Each offense	\$37.00
RCW 16.57.410	Acting as a registering agency without a permit.
Each offense	\$37.00

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-095, filed 6/28/07, effective 7/29/07.]

CUSTOM SLAUGHTERING

WAC 16-610-100 Identification of custom slaughtered animals. (1) Any person presenting cattle for slaughter to a licensed custom slaughterer must give the custom slaughterer a completed certificate of permit. The certificate of permit documents the ownership of the animal at the time of slaughter.

(2) Any person licensed as a custom slaughterer must complete and attach a custom slaughter beef tag to each of the four quarters of all slaughtered cattle that are handled. In order to identify the owner of the carcass, these tags must remain attached to the quarters until the carcass is processed and the quarters are cut and wrapped.

(3) Only the department may provide custom slaughter beef tags to custom slaughterers. The fee for each set of four custom slaughter beef tags is one dollar and fifty cents.

(4)(a) Custom meat facilities may accept carcasses of cattle slaughtered by the cattle owner only if a certificate of permit, signed by the owner, accompanies the carcass.

(b) Without a certificate of permit signed by the owner, custom meat facilities can only accept carcasses from mobile or fixed location custom farm slaughterers or officially inspected slaughter plants.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-100, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-100, filed 12/23/03, effective 1/23/04.]

CERTIFIED FEEDLOTS

WAC 16-610-115 Certified feedlots—Application inspection. (1)(a) Before issuing an initial certified feedlot license, the director will conduct an inspection of all cattle in the feedlot inventory and their corresponding ownership documents.

(b) The applicable fee for this inspection of cattle is found in WAC 16-610-065.

(2) If a certified feedlot license is not renewed, all cattle in the feedlot inventory are subject to the inspection requirements for feedlots without a certification.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-115, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-115, filed 12/23/03, effective 1/23/04.]

PUBLIC LIVESTOCK MARKETS

WAC 16-610-120 Public livestock markets—Identification requirements. (1) Any person licensed to operate a public livestock market is responsible for identifying all cattle and horses consigned to the public livestock market.

(2) Identification must be done under the supervision of the director and may occur either before or at the time the animals are inspected.

(3) Acceptable methods of identification are a USDA-approved numbered back tag placed on each animal or some other method of identification that is approved by USDA. Tags must be placed in numerical order.

(4) The licensee is responsible for moving, confining, and/or restraining livestock as needed to allow for a complete inspection.

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(5) The director may exempt certain groups of one-brand or no-brand cattle under the same ownership from the individual identification requirements of this section if the integrity of the inspection process can be maintained.

(6) It is the responsibility of the licensee or consignor to present livestock to the director so an inspection can be performed.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-120, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-120, filed 12/23/03, effective 1/23/04.]

WAC 16-610-122 Release of cattle and horses from public livestock markets. (1) Before allowing the removal of any cattle or horses from any public livestock market, a licensee or the licensee's agent or employee must:

(a) Obtain a livestock inspection clearance from the director for the cattle or horses being removed; and

(b) Issue a release to the person wishing to remove the cattle or horses.

(2) Cattle and horses that have been offered for sale at a public livestock market but did not sell, will not be assessed an additional inspection fee upon reconsignment if:

(a) The reconsignment occurs within eight days of the original sale;

(b) The animals are reconsigned to the original sale facility;

(c) The animals have not been removed from the original sale facility before reconsignment;

(d) The animals have not been commingled with other animals; and

(e) No animals have been added or removed from the group.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-122, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-122, filed 12/23/03, effective 1/23/04.]

WAC 16-610-125 Public livestock market livestock inspection facilities. The director must approve all livestock inspection facilities at public livestock markets. For the director's approval, inspection facilities must:

(1) Include a chute that is constructed according to the following specifications:

(a) Constructed with a solid base on each side of sufficient strength to contain cattle and horses. The base must be at least twenty-four but not more than thirty-six inches in height.

(b) Above the base on each side, the chute must have wire cables extended along its entire length. The cables must be separated by six-inch intervals and must extend vertically to a height of at least six feet.

(c) The cables must be attached every sixteen feet to a vertical post that is alternated with a pipe or stay every eight feet to provide support and to keep the cables tight.

(d) The chute must be well lit by shop, spot, or floodlights. These lights must be located on both sides of the chute at a height of five feet above the highest cable. Beginning at the head of the chute, this lighting must extend along three-fourths of the length of the chute.

(2) Electrical outlets must be available at all chutes so clippers can be conveniently used.

(3) Inspection areas must be well covered by adequate roofing and kept free of any water leaks or water build-up of any kind.

(4) Inspection areas must incorporate a work area for livestock inspectors on each side of the chute. The work area must:

(a) Provide an inspector with at least thirty inches of workspace along the entire length of the chute; and

(b) Be enclosed by fencing or some other permanent structure that protects inspectors while cattle and horses are unloaded and moved along the chute.

(5) Inspection areas must include an office. The office must:

(a) Be constructed according to dimensions of at least eight feet by ten feet;

(b) Contain adequate heating; and

(c) Be equipped with a counter built at a standing work level height and with a width of approximately eighteen inches.

(6) The licensee shall provide sufficient indoor office space as needed in order for the director to process and distribute inspection documents to the buyer.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-125, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-125, filed 12/23/03, effective 1/23/04.]

WAC 16-610-130 Public livestock market scales. (1)

To ensure that scales can be tested with relative ease and convenience:

(a) All scales that are inaccessible to a test truck must be accessible by a convenient, unobstructed, hard-surfaced approach ramp or walkway that connects with the scale deck at the scale deck level; and

(b) All doors and passageways leading to the scale must have a minimum width of six feet.

(2) Preferably, scale decks should be constructed using reinforced concrete with "Z" bar coping. If cleats are used that are more than three-fourths inch in thickness, they must be:

(a) Hinged; or

(b) Readily removable; or

(c) Accompanied by a satisfactory covering to allow for proper testing.

(3) All stock racks must be securely fastened to the scale deck. There must be a minimum clearance of three inches between the rack and the surrounding stationary construction.

(4) Adequate space and visibility must be provided around scales so that interested parties may observe the weighing operation.

(5) All dial scales used by the licensee must be:

(a) Readily visible to all interested parties; and

(b) Equipped with a mechanical weight recorder.

(6) All beam scales used by the licensee must be equipped with a balance indicator, a weigh beam, and a mechanical weight recorder. The balance indicator, weigh beam, and mechanical weight recorder must be readily visible to all interested parties.

(7)(a) The pit and foundation beneath the scale deck must be constructed in a singular, uniform and massively solid way.

(b) Coping iron is required on all corners adjacent to the deck.

(c) The pit must be six feet in depth, dry and readily accessible for inspection. When conditions are sufficiently adverse, the director may allow exceptions to this six-foot depth requirement. However, a minimum of two feet clearance between the lowest scale lever and the pit floor must always be provided.

(d) To insure safe and accurate inspections, sufficient electrical lighting must be provided in the inspection facility, especially around the chute and scales and in the pit beneath the scale deck.

(8) The recording element must be adequately housed for protection against wind and weather.

(9) Scales are not required at markets only licensed to handle horses and mules unless these animals are sold by weight. When these animals are sold by weight, the scale requirements of this section apply.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-130, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-130, filed 12/23/03, effective 1/23/04.]

WAC 16-610-135 Failure to conduct a sale on an allocated sale day. (1)

If a licensed operator of a public livestock market fails more than six times in a twelve-month period to conduct a sale on a sale day that has been allocated to the licensee by the director, the allocation of that sale day is subject to change or revocation by the director.

(2) Any change or revocation of an allocated sale day must be considered in an administrative hearing conducted according to the provisions of chapter 34.05 RCW.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-135, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-135, filed 12/23/03, effective 1/23/04.]

WAC 16-610-140 Approval of special sales and open consignment horse sales. (1)

An individual, farmers cooperative association, association of livestock breeders, or youth livestock organization such as 4-H, FFA, or other junior livestock group may submit an application to the director for a special sale or open consignment horse sale. Approval of applications for a special sale or open consignment horse sale is at the discretion of the director.

(2) A livestock market may submit an application to the director for a special sale or open consignment horse sale on a day not specifically assigned to it. Approval of special sales and open consignment horse sales on unassigned days is at the discretion of the director.

(3) Special sales and open consignment horse sales are limited to three sales per month per applicant in any location, as long as all requirements are met and the proper permits and license have been obtained.

(4) "Special sale" does not mean a public sale by a group of individuals conducting private treaty sales of horses brought to a central location if:

(a) Funds are not handled by a third party; and

(b) The buyer meets the inspection requirements contained in RCW 16.57.260.

(5) Application for approval of a special sale or open consignment horse sale must be made at least fifteen days in advance of the proposed sale.

(6) The application for a special sale or open consignment horse sale must be made on forms provided by the director and must contain the following:

- (a) Name, address, and contact number of the applicant;
- (b) Type of applicant: Producer, livestock market, or association;
- (c) Name of sale and/or event;
- (d) Type and number of livestock expected to be sold;
- (e) Date, time, and location of the sale;
- (f) Name and contact number of the veterinarian who will be providing animal health services; and
- (g) The signature of the applicant.

(7) In addition to the requirements in subsections (5) and (6) of this section, the application for an open consignment horse sale must also provide the director with the following:

- (a) A detailed statement showing all of the assets and liabilities of the applicant;
- (b) A schedule of rates and charges that the applicant will impose on the seller or consignor, including the entry fee, commission, pass out (no sale) fees, stabling, etc.;
- (c) Verification of custodial account, as per RCW 16.65.140;
- (d) Written evidence of valid bond, as per RCW 16.65.232; and
- (e) The projected approximate value of the horses to be handled.

(8) The director charges a special sale application fee of fifty dollars, which is specified in RCW 16.65.420, and an open consignment horse sale license fee of one hundred dollars, as specified in RCW 16.65.042. Applications will not be processed until the application fee is paid. There is no application fee for youth livestock organizations.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-140, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-140, filed 12/23/03, effective 1/23/04.]

WAC 16-610-145 Requirements for farmers cooperative associations and associations of livestock breeders holding special sales. To assure that any special sale proposed by a farmers cooperative association or association of livestock breeders is limited to the sale of their own livestock, the association may be required to provide verification to the director that any person offering livestock for sale at the special sale was a member of the association at the time of the filing of any consignment application, contract or commitment.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. 07-14-057, § 16-610-145, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-145, filed 12/23/03, effective 1/23/04.]

**Chapter 16-622 WAC
AGRICULTURE MARKETING AND FAIR
PRACTICES**

WAC

16-622-001	Purpose.
16-622-005	Definitions.
16-622-010	Application for accreditation of an association of producers.
16-622-015	Accreditation file.
16-622-020	Accreditation file requirements—Association of producers.
16-622-025	Accreditation file—Processor.

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16-622-030	Accreditation procedure.
16-622-035	Amended application for accreditation.
16-622-040	Renewal of application for accreditation.
16-622-045	Hearings.
16-622-050	Negotiating period.
16-622-055	Deadline for application for or review of negotiating unit accreditation.
16-622-060	Report of negotiating session.
16-622-900	Severability.

WAC 16-622-001 Purpose. The department of agriculture promulgates this chapter to implement the provisions of the Agricultural Marketing and Fair Practices Act, chapter 15.83 RCW (chapter 355, Laws of 1989). The purpose of this act is to establish standards of fair practices required of handlers, producers, and association of producers dealing in sweet corn and potatoes and to establish the mutual obligation of handlers and accredited associations of producers to negotiate relative to the production or marketing of these agricultural commodities.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-001, filed 4/2/90, effective 5/3/90.]

WAC 16-622-005 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accredited association of producers" means an association of producers which is accredited by the director to be the exclusive negotiating agent for all producer members of the association within a negotiating unit.

(2) "Advance contract" means a contract for purchase and sale of a crop entered into before the crop becomes a growing crop and providing for delivery at or after the harvest of that crop.

(3) "Agricultural products" as used in this chapter means sweet corn and potatoes produced for sale from farms in this state.

(4) "Association of producers" means any association of producers of agricultural products engaged in marketing, negotiating for its members, shipping, or processing as defined in section 15(a) of the Federal Agriculture Marketing Act of 1929 or in section 1 of 42 Stat. 388.

(5) "Department" means the department of agriculture of the state of Washington.

(6) "Director" means the director of the department of agriculture or duly authorized representative.

(7) "Handler" means a processor or a person engaged in the business or practice of:

(a) Acquiring agricultural products from producers or associations of producers for use by a processor;

(b) Processing agricultural products received from producers or associations of producers, provided that a cooperative association owned by producers shall not be a handler except when contracting for crops from producers who are not members of the cooperative association;

(c) Contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product for use by a processor; or

(d) Acting as an agent or broker for a handler in the performance of any function or act specified in (a), (b), or (c) of this subsection.

(8) "Negotiate" means meeting at reasonable times and for reasonable periods of time commencing at least sixty days before the normal planting date and concluding thirty days prior to the normal planting date to make a serious, fair, and reasonable attempt to reach agreement by acknowledging or refuting with reason points brought up by either party with respect to the price, terms of sale, compensation for products produced under contract, or other terms relating to the production or sale of these products: Provided, That neither party shall be required to disclose proprietary business or financial records or information.

(9) "Negotiating unit" means a negotiating unit approved by the director under the provisions of this chapter and shall include all members of an accredited association of producers supplying qualified commodities to a single processing facility.

(10) "Person" means an individual, partnership, corporation, association, or any other entity.

(11) "Processor" means any person that purchases agricultural crops from a producer and cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner for eventual resale. A person who solely cleans, sorts, grades, and packages a farm product for sale without altering the natural condition of the product is not a processor. A person processing any portion of a crop is a processor.

(12) "Producer" means a person engaged in the production of agricultural products as a farmer or planter, including a grower or farmer furnishing inputs, production management, or facilities for growing or raising agricultural products. A producer who is also a handler shall be considered a handler under this chapter.

(13) "Qualified commodity" means agricultural products as defined in subsection (3) of this section.

(14) "Processing facility" means a facility operated by a processor at a single location where qualified commodities purchased from producers are canned, frozen, dried, dehydrated, cooked, pressed, powdered, or otherwise processed in a manner for eventual resale.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-005, filed 4/2/90, effective 5/3/90.]

WAC 16-622-010 Application for accreditation of an association of producers. An association of producers requesting accreditation to serve as the exclusive negotiating agent on behalf of its members who are within a proposed negotiating unit with respect to any qualified commodity shall file with the director an application to accredit a negotiating unit containing the following information:

(1) The name and address of the processing facility for which accreditation of a negotiating unit is being requested.

(2) A description of the geographical boundaries of the proposed negotiating unit, stated in terms of the number of miles, from the processing facility in each direction of the most distant producer in the proposed unit.

(3) A list of the names of producers who are members of the proposed negotiating unit and the total number of acres of qualified commodities contracted for delivery by those producers to the processing facility for each of the previous two years.

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(4) The total number of members of the association of producers proposing the negotiating unit, a list of the counties in which those members reside, and the total number of acres of qualified commodities the association of producers had contracts to represent on behalf of its producer members for the previous growing season.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-010, filed 4/2/90, effective 5/3/90.]

WAC 16-622-015 Accreditation file. Both the association of producers requesting accreditation of a negotiating unit and the person operating the processing facility for which the negotiating unit is being proposed shall create and maintain in their possession an accreditation file for the purpose of allowing the director to determine if the association of producers has met the requirements for the accreditation of the negotiating unit. The file shall be available to the department during normal working hours with reasonable advance notice. Documents contained in the file shall become a permanent part of the file and shall be serially numbered and indexed to assure the integrity of the file. Copies of original documents may be placed in the file or new documents may be created to satisfy the requirements of this chapter. The director may examine other records as necessary to confirm the validity of the information contained in the accreditation file. The accreditation files shall be maintained at the principal business address of the association of producers and the person operating the processing facility. In the case where the principal business address of the person operating a processing facility is located outside of the state of Washington, the accreditation file shall be maintained at the processing facility or at some other location within the state of Washington as approved by the director.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-015, filed 4/2/90, effective 5/3/90.]

WAC 16-622-020 Accreditation file requirements—Association of producers. The association of producers shall create and maintain an accreditation file for each negotiating unit it is requesting accreditation for, which shall include the following:

(1) A copy of the articles of incorporation and by-laws of the association;

(2) A copy of the contract between the association of producers and the producer empowering the association to sell or negotiate the terms of sale of its members qualified commodities and a list of the producers who have executed said contract; and

(3) A list of the names of producers who are members of the proposed negotiating unit together with the number of acres of qualified commodities that each producer had contracted to deliver to the processing facility for each of the previous two growing seasons.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-020, filed 4/2/90, effective 5/3/90.]

WAC 16-622-025 Accreditation file—Processor. The processor shall create and maintain an accreditation file for each processing facility where a negotiating unit is being pro-

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posed by an association of producers, which shall include the following:

(1) A list of the names of producers for each facility with whom the processor had an advance contract for qualified commodities for each of the previous two growing seasons;

(2) The total number of acres of qualified commodities the processing facility had contracted to receive the production from under the provisions of advance contracts for each of the previous two growing seasons.

(3) A copy of the contract between the processor and producer supplying the affected commodities.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-025, filed 4/2/90, effective 5/3/90.]

WAC 16-622-030 Accreditation procedure. The director shall, upon receipt of an application for accreditation of a negotiating unit, promptly notify in writing the processor who operates the processing facility. The director shall schedule a time to examine the accreditation files of both the association of producers and the processor operating the processing facility. This examination shall not occur prior to five working days following the receipt of the notice to the processor of the application for accreditation of the negotiating unit. The director shall issue a report of findings resulting from the examination of the accreditation files of both parties which shall include:

(1) Whether the association of producers is owned and controlled by producers and that one of its functions is to act as principal or agent for its members in negotiations with processors;

(2) Whether the association of producers has valid and binding contracts with its members who are part of the proposed negotiating unit;

(3) Whether the members of the proposed negotiating unit represent more than fifty percent of the total average number of producers of record at the processing facility with advance contracts for the previous two growing seasons, or whether the number of acres of qualified commodities produced by members of the proposed negotiating unit, who were producers of records at the processing facility, represents more than fifty percent of the total average number of acres of qualified commodity obtained through advance contracts for the previous two growing seasons.

If the director's findings regarding subsection (1), (2), and (3) above are that the association meets the criteria for accreditation, a notice of accreditation of the negotiating unit will be issued to both parties. If the finding regarding any of the subsections above is that the association fails to meet any of the criteria, a notice citing the specific deficiency will be issued to both parties pending the filing of an amended application in a timely manner.

The director shall not accredit more than one bargaining unit for each processing facility. Should more than one proposed bargaining unit meet the criteria for accreditation the director shall accredit the proposed negotiating unit that would function as the most effective agent for producers in negotiating with the processor. The director, when considering the accreditation of proposed negotiating units, shall consider the ratio of the number of producers to acres previously contracted by those producers, with substantial weight given to the number of acres contracted.

(2009 Ed.)

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-030, filed 4/2/90, effective 5/3/90.]

WAC 16-622-035 Amended application for accreditation. An association of producers upon receiving notice of deficiencies in the application for accreditation of a proposed negotiating unit may file an amended application with the director. The amended application will be examined in the same manner as the initial application. Amended applications must be filed with the director within thirty days of receipt of the notice of deficiencies in the application.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-035, filed 4/2/90, effective 5/3/90.]

WAC 16-622-040 Renewal of application for accreditation. An affected processor or an affected association of producers may petition the director to require an accredited association of producers to renew the application for accreditation of a negotiating unit. If the director concurs with the request of the petitioners or determines that a renewed application would best carry-out the purposes of the chapter, then the parties will be notified of the requirement that a new application be filed. The renewed application shall be examined in the same manner as an initial application.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-040, filed 4/2/90, effective 5/3/90.]

WAC 16-622-045 Hearings. A hearing, conducted under the provisions of chapter 34.05 RCW, to determine whether alleged violations of RCW 15.83.030 or 15.83.040 have occurred may be held concurrently with the hearing for civil penalty under section (9) of the act.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-045, filed 4/2/90, effective 5/3/90.]

WAC 16-622-050 Negotiating period. The negotiating period provided in RCW 15.83.010 shall commence each year on January 15th for potatoes and sweet corn. Negotiations may begin at any time prior to this date and may continue past the date which is forty-five days following this date by mutual consent of the affected parties. Contracts which are agreed to during this mutual consent period will be considered advance contracts.

[Statutory Authority: RCW 15.83.100. 92-07-030, § 16-622-050, filed 3/10/92, effective 4/10/92. Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-050, filed 4/2/90, effective 5/3/90.]

WAC 16-622-055 Deadline for application for or review of negotiating unit accreditation. Applications for accreditation of a negotiating unit or petitions by affected parties for renewal of an existing negotiating unit shall be received by the director by September 1st of each year to allow sufficient time to determine if the criteria for accreditation has been met. Applications or petitions received after that date will be considered for the next succeeding negotiating period. Applications for accreditation of negotiating units for the 1990 growing season will be accepted until January 10, 1990.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-055, filed 4/2/90, effective 5/3/90.]

WAC 16-622-060 Report of negotiating session. (1) Each accredited association of producers and handler shall, within a reasonable time following a negotiating session, place a copy of a summary of the discussions into their respective accreditation file maintained for that negotiating unit. For the purposes of this section, a negotiating session is a meeting of the parties at which pertinent information is exchanged. Each summary shall accurately reflect the substance of discussions and the points raised by either side. Each summary shall be signed by an authorized representative of the association of producers or handler which prepared it. Each summary shall contain the last offer of contract terms placed on the table during that negotiating session. Either party may place supplementary materials regarding the negotiation into their file.

(2) At the conclusion of the forty-five day negotiating period which is thirty days prior to the normal planting date, each of the parties to a negotiation shall place, in their respective accreditation file for that negotiating unit, a report summarizing the negotiations and indicating whether an agreement was reached.

[Statutory Authority: RCW 15.83.100. 92-07-030, § 16-622-060, filed 3/10/92, effective 4/10/92.]

WAC 16-622-900 Severability. If any section or provision of this rule shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the rule as a whole, or any section, provision or part thereof, not adjudged invalid or unconstitutional.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-900, filed 4/2/90, effective 5/3/90.]

Chapter 16-623 WAC

COMMISSION MERCHANT ACT—LICENSING FEES, PROOF OF PAYMENT, CARGO MANIFESTS AND REGISTRATION OF ACREAGE COMMITMENTS

WAC

- 16-623-001 What is the purpose of this chapter?
- 16-623-005 What definitions are important to this chapter?
- 16-623-010 What requirements apply to licenses for commission merchants, dealers, brokers, cash buyers and agents?

- 16-623-015 What securities are acceptable in lieu of a surety bond?
- 16-623-020 What are the recordkeeping requirements for commission merchants, dealers and cash buyers?
- 16-623-030 Is a cargo manifest required for transporting hay and straw?
- 16-623-040 How must a processor's plant capacity be reported?
- 16-623-050 What notification requirements apply to grower-processor commitments?
- 16-623-060 How are contract volumes established?

WAC 16-623-001 What is the purpose of this chapter? The purpose of this chapter is to implement and clarify selected portions of chapter 20.01 RCW. This chapter addresses four topics.

- (1) Licensing fees and requirements for commission merchants, dealers, brokers, cash buyers or agents.
- (2) Recordkeeping and proof of payment requirements for licensees.
- (3) Cargo manifests and shipping documents that accompany hay and straw during transportation.
- (4) Rules governing the registration of processor acreage commitments made to producers of annual crops.

[Statutory Authority: Chapters 20.01 and 34.05 RCW, 2003 1st sp.s. c 25. 05-09-094, § 16-623-001, filed 4/20/05, effective 5/21/05. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510. 00-22-071, § 16-623-001, filed 10/30/00, effective 11/30/00.]

WAC 16-623-005 What definitions are important to this chapter? In addition to the definitions listed in RCW 20.01.010, the following definitions are important to understanding this chapter:

- "Department" means the Washington state department of agriculture.
- "Director" means the director of the Washington state department of agriculture or their designee.

[Statutory Authority: Chapters 20.01 and 34.05 RCW, 2003 1st sp.s. c 25. 05-09-094, § 16-623-005, filed 4/20/05, effective 5/21/05.]

WAC 16-623-010 What requirements apply to licenses for commission merchants, dealers, brokers, cash buyers and agents? (1) The following table summarizes the license fee requirements for commission merchants, dealers, brokers, cash buyers, or agents:

License Class	License Fee	Annual Expiration Date	Annual Renewal Date	Penalty Amount for Not Renewing Before January 1
Commission merchant	\$474.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Dealer	\$474.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Limited dealer	\$263.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Broker	\$316.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Cash buyer	\$105.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Agent	\$52.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Additional license per class	\$25.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees

(2) A licensee can be licensed in more than one class for an additional fee of twenty-five dollars per class. The principal license must be in the class requiring the greatest fee and all requirements must be met for each class in which a license is being requested.

(3) All fees and penalties must be paid before the department issues a license.

(4) Applications for licenses are considered incomplete unless an effective bond or other acceptable form of security is also filed with the director.

(5) Licenses may be obtained by contacting the department's commission merchants program at 360-902-1854 or e-mail at: commerch@agr.wa.gov. Application forms, bond forms, and forms for securities in lieu of a surety bond are available on the department's web site at: <http://www.agr.wa.gov/Inspection/CommissionMerchants/default.asp>.

[Statutory Authority: Chapters 20.01 and 34.05 RCW, 07-13-097, § 16-623-010, filed 6/20/07, effective 7/21/07. Statutory Authority: Chapters 20.01 and 34.05 RCW, 2003 1st sp.s. c 25, 05-09-094, § 16-623-010, filed 4/20/05, effective 5/21/05. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510, 00-22-071, § 16-623-010, filed 10/30/00, effective 11/30/00.]

WAC 16-623-015 What securities are acceptable in lieu of a surety bond? An applicant or licensee may file an assignment of savings or irrevocable letter of credit with the director in lieu of a surety bond. These instruments are subject to the same requirements and provisions as bonds stated in RCW 20.01.210, 20.01.211, and 20.01.212.

[Statutory Authority: Chapters 20.01 and 34.05 RCW, 2003 1st sp.s. c 25, 05-09-094, § 16-623-015, filed 4/20/05, effective 5/21/05.]

WAC 16-623-020 What are the recordkeeping requirements for commission merchants, dealers and cash buyers? Every commission merchant, dealer, and cash buyer who takes possession of or purchases agricultural products must keep accurate records. The recordkeeping requirements for:

(1) Commission merchants are specified in RCW 20.01.370;

(2) Dealers and cash buyers are specified in RCW 20.01.380; and

(3) Brokers are specified in RCW 20.01.400.

[Statutory Authority: Chapters 20.01 and 34.05 RCW, 2003 1st sp.s. c 25, 05-09-094, § 16-623-020, filed 4/20/05, effective 5/21/05. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510, 00-22-071, § 16-623-020, filed 10/30/00, effective 11/30/00.]

WAC 16-623-030 Is a cargo manifest required for transporting hay and straw? (1) All commission merchants, dealers, their employees or licensed agents must have a copy of the cargo manifest with each load when transporting hay or straw on equipment owned or under their control.

(2) Any common carrier transporting hay or straw for a commission merchant or dealer may use shipping documents required by either the Washington public utilities and transportation commission or interstate commerce commission instead of the department form described in subsection (5) of this section.

(3) Any common carriers, commission merchants, dealers, their employees or licensed agents transporting hay or straw may use shipping documents other than the department

form described in subsection (5) of this section if they have been reviewed and authorized by the department before their use.

(4) Unless the exceptions in subsections (2) and (3) of this section apply, the manifest must be on a form prescribed by the director which is available from the department.

(5) At a minimum, the form requires the following information:

(a) Purchaser's name and address;

(b) Hauler's name and address;

(c) Business or person the products were received from and their address;

(d) The commodity, unit count, unit price, total price, total weight, tare weight and weight of the commodity;

(e) Terms of the settlement;

(f) Date;

(g) Signature of the licensee or their agent; and

(h) Signature of the consignor or their authorized representative.

[Statutory Authority: Chapters 20.01 and 34.05 RCW, 2003 1st sp.s. c 25, 05-09-094, § 16-623-030, filed 4/20/05, effective 5/21/05. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510, 00-22-071, § 16-623-030, filed 10/30/00, effective 11/30/00.]

WAC 16-623-040 How must a processor's plant capacity be reported? (1) According to RCW 20.01.510, a processor must report the daily total capacity in tons, cases or other legal and customary measure for:

(a) Each crop; and

(b) All plants that process any Washington agricultural product.

(2) For each processing plant reported, the report must include the:

(a) Name;

(b) Site address;

(c) Business address; and

(d) Name of the person(s) who may receive legal service.

[Statutory Authority: Chapters 20.01 and 34.05 RCW, 2003 1st sp.s. c 25, 05-09-094, § 16-623-040, filed 4/20/05, effective 5/21/05. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510, 00-22-071, § 16-623-040, filed 10/30/00, effective 11/30/00.]

WAC 16-623-050 What notification requirements apply to grower-processor commitments? (1)(a) Within ten days after a commitment with a processor is made, a grower must notify the director that they have an oral commitment for a specified amount of product.

(b) The grower's notification to the director must be in writing and sent by certified mail to the Washington State Department of Agriculture, c/o the Commission Merchants Program, P.O. Box 42591, Olympia, Washington 98504-2591.

(2) Once the grower's notification is received, the director has five days to notify the processor by certified mail.

(3) Regardless of whether or not the processor confirms the director's notice, the processor must simultaneously notify the director and grower, by certified mail, within ten days of receipt of the director's notice.

(4) The processor may accept all, none, or any portion of the acreage and/or tonnage stated in the notice.

(5) Once the oral commitment is confirmed for all or for a portion of the acreage and/or tonnage, the processor is committed to receive the acreage or tonnage specified.

(6) If the contract is the processor's standard contract and the terms of the contract, price or other conditions later offered to the grower are unacceptable to the grower, then the agreement is not binding upon the processor.

[Statutory Authority: Chapters 20.01 and 34.05 RCW, 2003 1st sp.s. c 25. 05-09-094, § 16-623-050, filed 4/20/05, effective 5/21/05. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510. 00-22-071, § 16-623-050, filed 10/30/00, effective 11/30/00.]

WAC 16-623-060 How are contract volumes established? For contracts purchasing the production of a specific number of acres, the:

(1) Amount contracted for will be based on the crop yield for the comparable area for the most recent five-year average; and

(2) Crop yield will be determined by using data from the USDA's National Agricultural Statistics Service.

[Statutory Authority: Chapters 20.01 and 34.05 RCW, 2003 1st sp.s. c 25. 05-09-094, § 16-623-060, filed 4/20/05, effective 5/21/05. Statutory Authority: RCW 20.01.040, [20.01.]125, [20.01.]370, [20.01.]380, [20.01.]410, [20.01.]510. 00-22-071, § 16-623-060, filed 10/30/00, effective 11/30/00.]

Chapter 16-645 WAC

HOPS BALES—WEIGHTS AND TARES

WAC

16-645-005	Hops—Bale.
16-645-010	Hops—Tare.

WAC 16-645-005 Hops—Bale. The standard weight for a bale of hops is fixed at from one hundred seventy-five to two hundred thirty pounds.

[Statutory Authority: RCW 19.94.190 [(1)](a). 99-06-072, § 16-645-005, filed 3/2/99, effective 4/2/99.]

WAC 16-645-010 Hops—Tare. (1) The amount of tare to be deducted from the gross weight of each bale of hops grown and sold is fixed at five pounds per bale for bales wrapped in burlap cloth. The tare for bales wrapped in plastic baling cloth is fixed at zero.

(2) Any vendor of hops using heavier sacking than specified above or using any extraneous material in the baling thereof shall have the additional sacking or extraneous material deducted as additional tare.

[Statutory Authority: RCW 19.94.190 [(1)](a). 99-06-072, § 16-645-010, filed 3/2/99, effective 4/2/99.]

Chapter 16-657 WAC

RETAIL PRICING OF MOTOR AND HEATING FUEL

WAC

16-657-001	Retail sales of motor fuels and home heating products.
16-657-010	Compliance schedule for retail motor fuel and home heating products dispensers.
16-657-025	Posting of motor fuel prices—Cash and credit sales.
16-657-030	Interim retail sales of home heating products.
16-657-040	Posting of alcohol blend gasolines.

[Title 16 WAC—p. 634]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-657-020	Interim retail sales of motor fuels. [Statutory Authority: Chapter 19.94 RCW. 79-12-030 (Order 1661), § 16-657-020, filed 11/19/79.] Repealed by 83-09-012 (Order 1794), filed 4/11/83. Statutory Authority: Chapter 19.94 RCW.
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WAC 16-657-001 Retail sales of motor fuels and home heating products. All retail fuel metering and computing devices shall:

(1) Display the price per gallon or price per litre: Provided, That if motor fuel is offered for sale by the litre, the price per litre must be clearly displayed on the dispenser directly adjacent to the corresponding price per gallon, with the information appearing in contrasting letters of at least two inches in height;

(2) Indicate the amount of fuel delivered during a single retail transaction;

(3) Register the selling price per unit;

(4) Register the total selling price for a single retail transaction;

(5) Compute the price per gallon or litre as set forth in National Bureau of Standards Handbook 44.

[Statutory Authority: Chapter 19.94 RCW. 83-09-012 (Order 1794), § 16-657-001, filed 4/11/83; 79-12-030 (Order 1661), § 16-657-001, filed 11/19/79.]

WAC 16-657-010 Compliance schedule for retail motor fuel and home heating products dispensers. Devices which do not meet the requirements of WAC 16-657-001 (3) and (4) shall be brought into compliance on or before July 1, 1981.

[Statutory Authority: Chapter 19.94 RCW. 79-12-030 (Order 1661), § 16-657-010, filed 11/19/79.]

WAC 16-657-025 Posting of motor fuel prices—Cash and credit sales. The following rules apply to the posting of prices of retail sales of motor fuels. As used herein, motor fuel means any fuel used in motor vehicles, including but not limited to gasoline, diesel, propane and alcohol-gasoline blends. As used herein, motor vehicles shall include all wheeled motorized vehicles, and all boats and airplanes.

(1) The posted or advertised price of motor fuel at retail outlets must be available to all consumers. Any condition or qualification required to obtain the posted price must be clearly displayed in letters of contrasting color at least one-half the size of the posted price and immediately adjacent thereto.

(2) A cash price may be posted or advertised if the posting of the price clearly shows it to be limited to cash purchases. The information shall be in letters at least one-half the size of the posted price and immediately adjacent thereto.

(3) Cash and credit sales.

(a) If a retailer elects to establish separate islands for cash and credit sales, the islands shall be clearly marked as such in letters at least six inches in height and of proportional width.

(b) If a retailer elects to permit cash and credit card sales from the same dispenser, the credit price will be displayed on the meter face. Immediately adjacent to or on the pump a chart shall be posted showing the cash discount price in one

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cent increments. The lettering on the chart shall be of such size and contrast lettering as to be easily read by the consumer.

(4) Posted prices of motor fuels at retail outlets shall include all federal, state and local taxes.

(5) The director of agriculture may require retailers to post additional signs or information as necessary to assure that the consumer is aware of information as necessary to make an informed purchase.

(6) Nothing herein shall be construed to prevent the use of a dispenser which is designed, manufactured, or adapted to permit cash and credit card sales from a single dispenser by manual or automatic means and which computes prices per gallon or litre pursuant to standards established in National Bureau of Standards Handbook 44.

[Statutory Authority: Chapter 19.94 RCW, 83-09-012 (Order 1794), § 16-657-025, filed 4/11/83.]

WAC 16-657-030 Interim retail sales of home heating products. Computing dispensing devices used in the delivery of home heating products which do not meet the requirements of WAC 16-657-001 (3) and (4) shall be altered to provide for an interim half price sale program and the following requirements shall be followed:

(1) Such procedures shall be required when the price of one grade of fuel goes above the capabilities of one device at or operated from a given location. Once it is necessary for one device to be set at half price or modified to the litre, all devices at or operated from that location must be set at the same method of sale.

(2) The consumer's copy of the invoice covering deliveries of home heating products made on a basis of either half pricing or by the litre shall bear a clear and legible legend stating the computations have been made on the respective method of sale.

[Statutory Authority: Chapter 19.94 RCW, 79-12-030 (Order 1661), § 16-657-030, filed 11/19/79.]

WAC 16-657-040 Posting of alcohol blend gasolines.

(1) All retail motor fuel devices dispensing alcohol blend gasolines shall state on the face of the device that alcohol ingredients are contained therein. The statement shall disclose what alcohol products are included, i.e., methyl alcohol, ethyl alcohol, and the percentage of alcohol that is contained therein. The statement shall be conspicuously posted in letters at least one-half inch in height, at least one-sixteenth inch in stroke, in contrasting letters, in a location as to be easily seen by consumers and in the following format:

CONTAINS ____% ethyl/methyl ALCOHOL

(2) The percentage of alcohol disclosed on the dispensing device shall be the ratio between the amount of ethyl alcohol, or methyl alcohol including co-solvents or proprietary inhibitors, or any other alcohol, to the total product volume.

[Statutory Authority: RCW 19.94.505, 98-13-074, § 16-657-040, filed 6/15/98, effective 7/16/98. Statutory Authority: Chapter 19.94 RCW, 84-12-040 (Order 1829), § 16-657-040, filed 5/30/84.]

(2009 Ed.)

**Chapter 16-659 WAC
WEIGHTS AND MEASURES—LIQUEFIED
PETROLEUM GAS**

WAC

16-659-002 Purpose.
16-659-010 Liquefied petroleum gas.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

16-659-001 Promulgation. [Order 1142, § 16-659-001, filed 2/27/70, effective 4/1/70; Order 1103, § 16-659-001, filed 12/23/68, effective 2/1/69; Order 1036, filed 11/14/66, effective 12/15/66.] Repealed by 98-13-073, filed 6/15/98, effective 7/16/98. Statutory Authority: RCW 19.94.340 and [19.94].390.

WAC 16-659-002 Purpose. The department of agriculture promulgates this chapter to implement the provisions of RCW 19.94.340. The provisions allow the director to issue reasonable rules as necessary to assure that the amounts of commodities sold are determined in accordance with good commercial practice and are determined and represented to be accurate and informative to all interested parties.

[Statutory Authority: RCW 19.94.340 and [19.94].390, 98-13-073, § 16-659-002, filed 6/15/98, effective 7/16/98.]

WAC 16-659-010 Liquefied petroleum gas. (1) Liquefied petroleum gas shall be sold or exposed for sale at retail only by avoirdupois weight, specified in pounds; liquid measure, specified in gallons; or vapor, specified in cubic feet.

(2) When sold by weight or by liquid measure or in units of cubic feet, it shall be dispensed and sold only by the use of such devices that conform to the requirements set forth in *National Institute of Standards and Technology Handbook 44*, edition specified in chapter 16-662 WAC.

(3) Liquefied petroleum gas sold or delivered to a consumer by liquid measure shall be corrected to a temperature of 60 F with an automatic correction device, or the quantity delivered shall be corrected to a temperature of 60 F in accordance with the volume correction factor table for liquefied petroleum gases set forth in subsection (6) of this chapter. When the delivery is made through a meter automatically corrected for temperature, the retail sales ticket shall show the meter adjusted gallons delivered and state that the temperature correction was made automatically. When the delivery is made through a meter not corrected automatically, the retail sales ticket shall show the metered gallons delivered and the temperature of the liquid at the time of delivery, the volume correction factor and the corrected gallonage: Provided, That this section shall be applicable to new equipment, equipment that has changed ownership or equipment used in the state of Washington for the first time after the effective date of this section. This subsection shall be applicable to all other equipment and with respect to the manual issuances of sales tickets as of January 1, 1969. This subsection shall not apply to unit sales or deliveries made direct to fuel tanks on trucks and automobiles operated on highways, or to containers of less than 200 pound water capacity.

(4) If a device is equipped with an automatic temperature compensator, this shall be connected, operable, and used at all times. Such automatic temperature compensator may not be removed, nor may a compensated device be replaced with

an uncompensated device, without the written approval of the weights and measures authority having jurisdiction over the device. Nothing in this subsection shall prohibit the removal of a meter or temperature compensator for repair providing notice of such removal for repair shall be given the weights and measures office in Olympia within three working days.

(5)(a) Containers, including I.C.C. cylinders, with water capacity less than 200 pounds, shall be charged and sold by weight or by metered measure, except containers excluded by law or regulation. The tare weight of the container and the net weight of the contents shall be plainly and conspicuously marked on the outside of the container or on a label firmly attached thereto. This subsection shall not be construed to require the net weight to be labeled on a container that is being filled at the time of sale. Tare weight shall not be construed to include the valve protecting cap which shall be removed when weighing. When liquefied petroleum gas is sold by refilling of a container the vendor shall give the purchaser full credit for the unused liquid remaining in the container being refilled. When liquefied petroleum gas is sold by an exchange of containers the vendor shall specify conspicuously on a label firmly attached to the container the following: Tare weight of the container, the net weight of the contents and the name and address of the facility where the tank was filled. The address shall include the street address, city, state and zip code. Tare weight shall not be construed to include the valve protecting cap. The cap shall be removed when weighing.

(b) A delivery ticket shall be issued at the time of filling and shall set forth the exact amount of liquefied petroleum gas dispensed in terms of weight or if converted to gallons the weight factor used in such conversion. Any service charge shall be shown separately on the delivery ticket but may be included in the total price.

(c) When sold by weight, the tare weight, any unused portion and/or the net weight shall be determined only on devices that are adequately protected from wind and weather conditions that will assure normal accuracy.

(6) Volume correction factor table.

Specific Gravity at 60 F/60 F

[CODIFICATION NOTE: THE GRAPHIC PRESENTATION OF THESE TABLES HAS BEEN VARIED SLIGHTLY IN ORDER THAT THEY WOULD FALL WITHIN THE PRINTING SPECIFICATIONS FOR THE WASHINGTON ADMINISTRATIVE CODE. THE FOLLOWING TABLE WAS TOO WIDE TO BE ACCOMMODATED IN THE WIDTH OF THE WAC COLUMN. THE TABLE AS CODIFIED HAS BEEN DIVIDED INTO TWO TABLES COVERING THE "SPECIFIC GRAVITY AT 60 F/60 F." PART ONE IS FOR 0.500, 0.5079, 0.510, 0.520, 0.530, AND 0.540. PART TWO IS FOR 0.550, 0.560, 0.5631, 0.570, 0.580, AND 0.5844.]

[PART 1—0.500, 0.5079, etc.]

Degrees Fahr	Propane					
	0.500	0.5079	0.510	0.520	0.530	0.540
VOLUME CORRECTION FACTORS						
-15	1.112	1.109	1.107	1.102	1.097	1.093
-10	1.105	1.102	1.100	1.095	1.091	1.087
- 5	1.098	1.094	1.094	1.078	1.085	1.081
0	1.092	1.088	1.088	1.084	1.080	1.076
2	1.089	1.086	1.085	1.081	1.077	1.074

[PART 1—0.500, 0.5079, etc.]

Degrees Fahr	Propane					
	0.500	0.5079	0.510	0.520	0.530	0.540
VOLUME CORRECTION FACTORS						
4	1.086	1.083	1.082	1.079	1.075	1.071
6	1.084	1.080	1.080	1.076	1.072	1.069
8	1.081	1.078	1.077	1.074	1.070	1.066
10	1.078	1.075	1.074	1.071	1.067	1.064
12	1.075	1.072	1.071	1.068	1.064	1.061
14	1.072	1.070	1.069	1.066	1.062	1.059
16	1.070	1.067	1.066	1.063	1.060	1.056
18	1.067	1.065	1.064	1.061	1.057	1.054
20	1.064	1.062	1.061	1.058	1.054	1.051
22	1.061	1.059	1.058	1.055	1.052	1.049
24	1.058	1.056	1.055	1.052	1.049	1.046
26	1.055	1.053	1.052	1.049	1.047	1.044
28	1.052	1.050	1.049	1.047	1.044	1.041
30	1.049	1.047	1.046	1.044	1.041	1.039
32	1.046	1.044	1.043	1.041	1.038	1.036
34	1.043	1.041	1.040	1.038	1.036	1.034
36	1.039	1.038	1.037	1.035	1.033	1.031
38	1.036	1.035	1.034	1.032	1.031	1.029
40	1.033	1.032	1.031	1.029	1.028	1.026
42	1.030	1.029	1.028	1.026	1.025	1.023
44	1.027	1.026	1.025	1.023	1.022	1.021
46	1.023	1.022	1.022	1.021	1.020	1.018
48	1.020	1.019	1.019	1.018	1.017	1.016
50	1.017	1.016	1.016	1.015	1.014	1.013
52	1.014	1.013	1.012	1.012	1.011	1.010
54	1.010	1.010	1.009	1.009	1.008	1.007
56	1.007	1.007	1.006	1.006	1.005	1.005
58	1.003	1.003	1.003	1.003	1.003	1.002
60	1.000	1.000	1.000	1.000	1.000	1.000
62	0.997	0.997	0.997	0.997	0.997	0.997
64	0.993	0.993	0.994	0.994	0.994	0.994
66	0.991	0.990	0.990	0.990	0.991	0.992
68	0.986	0.986	0.987	0.987	0.988	0.989
70	0.983	0.983	0.984	0.984	0.985	0.986
72	0.979	0.980	0.981	0.981	0.982	0.983
74	0.976	0.975	0.977	0.978	0.980	0.980
76	0.972	0.973	0.974	0.975	0.977	0.978
78	0.969	0.970	0.970	0.972	0.974	0.975
80	0.965	0.966	0.967	0.969	0.971	0.972
82	0.961	0.963	0.963	0.966	0.968	0.969
84	0.957	0.959	0.960	0.962	0.965	0.966
86	0.954	0.956	0.956	0.959	0.961	0.964
88	0.950	0.952	0.953	0.955	0.958	0.961
90	0.946	0.949	0.949	0.952	0.955	0.958
92	0.942	0.945	0.946	0.949	0.952	0.955
94	0.938	0.941	0.942	0.946	0.949	0.952
96	0.935	0.938	0.939	0.942	0.946	0.949
98	0.931	0.934	0.935	0.939	0.943	0.946
100	0.927	0.930	0.932	0.936	0.940	0.943
105	0.918	0.920	0.923	0.927	0.932	0.935
110	0.907	0.911	0.913	0.918	0.923	0.927
115	0.897	0.901	0.904	0.910	0.915	0.920
120	0.887	0.892	0.894	0.900	0.907	0.912

To convert from measured volume at another temperature to net volume at 60°F: Measure the volume and temperature. Determine the gravity at 60°F. Refer to the column corresponding to this gravity and read the volume conversion factor opposite the observed temperature. Multiply the observed volume by this factor to obtain the volume at 60°F.

[PART 2—0.550, 0.560, etc.]

Degrees Fahr	iso-Butane					N-Butane 0.5844
	0.550	0.560	0.5631	0.570	0.580	
VOLUME CORRECTION FACTORS						
-15	1.089	1.084	1.083	1.080	1.077	1.075
-10	1.083	1.079	1.078	1.075	1.072	1.071
-5	1.077	1.074	1.073	1.070	1.067	1.066
0	1.073	1.069	1.068	1.066	1.063	1.062
2	1.070	1.067	1.066	1.064	1.061	1.060
4	1.068	1.065	1.064	1.062	1.059	1.058
6	1.065	1.062	1.061	1.059	1.057	1.055
8	1.063	1.060	1.059	1.057	1.055	1.059
10	1.061	1.058	1.057	1.055	1.053	1.051
12	1.059	1.056	1.055	1.053	1.051	1.049
14	1.056	1.053	1.053	1.051	1.049	1.047
16	1.054	1.051	1.050	1.048	1.046	1.045
18	1.051	1.049	1.048	1.046	1.044	1.043
20	1.049	1.046	1.046	1.044	1.042	1.041
22	1.046	1.044	1.044	1.042	1.040	1.040
24	1.044	1.042	1.042	1.040	1.038	1.037
26	1.042	1.039	1.039	1.037	1.036	1.036
28	1.039	1.037	1.037	1.035	1.034	1.034
30	1.037	1.035	1.035	1.033	1.032	1.032
32	1.035	1.033	1.033	1.031	1.030	1.030
34	1.032	1.031	1.030	1.029	1.028	1.028
36	1.030	1.028	1.028	1.027	1.025	1.025
38	1.027	1.026	1.025	1.025	1.023	1.023
40	1.025	1.024	1.023	1.023	1.021	1.021
42	1.023	1.022	1.021	1.021	1.019	1.019
44	1.020	1.019	1.019	1.018	1.017	1.017
46	1.018	1.017	1.016	1.016	1.015	1.015
48	1.015	1.014	1.014	1.013	1.013	1.013
50	1.013	1.012	1.012	1.011	1.011	1.011
52	1.101	1.009	1.009	1.009	1.009	1.009
54	1.007	1.007	1.007	1.007	1.006	1.006
56	1.005	1.005	1.005	1.005	1.004	1.004
58	1.002	1.002	1.002	1.002	1.002	1.002
60	1.000	1.000	1.000	1.000	1.000	1.000
62	0.997	0.998	0.998	0.998	0.998	0.998
64	0.995	0.995	0.995	0.995	0.996	0.996
66	0.992	0.993	0.993	0.993	0.993	0.993
68	0.990	0.990	0.990	0.990	0.991	0.991
70	0.987	0.988	0.988	0.988	0.989	0.989
72	0.984	0.985	0.986	0.986	0.987	0.987
74	0.982	0.983	0.983	0.984	0.985	0.985
76	0.979	0.980	0.981	0.981	0.982	0.982
78	0.977	0.978	0.978	0.979	0.980	0.980
80	0.974	0.975	0.976	0.977	0.978	0.978
82	0.971	0.972	0.973	0.974	0.976	0.976
84	0.968	0.970	0.971	0.972	0.974	0.974
86	0.966	0.967	0.968	0.969	0.972	0.972
88	0.963	0.965	0.966	0.967	0.969	0.969
90	0.960	0.962	0.963	0.964	0.967	0.967
92	0.957	0.959	0.960	0.962	0.964	0.965
94	0.954	0.957	0.958	0.959	0.962	0.962
96	0.952	0.954	0.955	0.957	0.959	0.960
98	0.949	0.952	0.953	0.954	0.957	0.957
100	0.946	0.949	0.950	0.952	0.954	0.955
105	0.939	0.943	0.943	0.946	0.949	0.949
110	0.932	0.936	0.937	0.939	0.943	0.944
115	0.925	0.930	0.930	0.933	0.937	0.938
120	0.918	0.923	0.924	0.927	0.931	0.932

To convert from measured volume at another temperature to net volume at 60°F: Measure the volume and temperature.

Determine the gravity at 60°F. Refer to the column corresponding to this gravity and read the volume conversion factor opposite the observed temperature. Multiply the observed volume by this factor to obtain the volume at 60°F.

[Statutory Authority: RCW 19.94.340 and [19.94].390. 98-13-073, § 16-659-010, filed 6/15/98, effective 7/16/98; Order 1142, § 16-659-010, filed 2/27/70, effective 4/1/70; Order 1103, § 16-659-010, filed 12/23/68, effective 2/1/69; Order 1036, filed 11/14/66, effective 12/15/66.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

Chapter 16-662 WAC

WEIGHTS AND MEASURES—NATIONAL HANDBOOKS

WAC

16-662-100	What is the purpose of this chapter?
16-662-105	What national weights and measures standards are adopted by the Washington state department of agriculture (WSDA)?
16-662-110	Does the WSDA modify NIST Handbook 44?
16-662-115	Does the WSDA modify NIST Handbook 130?
16-662-120	How does the WSDA conduct inspections of the net contents of packaged goods under NIST Handbook 133?
16-662-125	When does WSDA take enforcement action when conducting price verification inspections under NIST Handbook 130?

Reviser's note: NBS Handbook 44, Fourth Edition, filed June 18, 1973, Order 1318 entitled "Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices" and 1975 replacement sheets for NBS Handbook 44 - fourth edition, filed August 18, 1976. By authority of RCW 34.05.210(4), this edition has been omitted from publication in the Washington Administrative Code. Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-662-001,	16-662-002, 16-662-003, 16-662-010, 16-662-020, and 16-662-030; provisions of National Bureau of Standards Handbook 44, 2nd edition, as set forth in RCW 19.93.060 have been superseded in total by the 3rd edition, as amended in 1966. [Order 1035, filed 11/14/66, effective 12/15/66 and Order 1072, filed 11/27/67, effective 1/1/68.] Handbook 44 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.
16-662-040	Promulgation—Weights and measures regulation adopting National Bureau of Standards Handbook 44, 3rd edition. [Order 1134, § 16-662-040, filed 12/29/69, effective 2/1/70; Order 1035, Regulation 1, filed 11/14/66, effective 12/15/66.] Repealed by Order 1318, filed 6/18/73, effective 8/1/73. Later promulgation, see WAC 16-662-070.
16-662-050	Promulgation—Weights and measures regulation adopting amendments to National Bureau of Standards Handbook 44, 3rd edition. [Order 1072, Regulation 1, filed 11/27/67, effective 1/1/68.] Repealed by Order 1134, filed 12/29/69, effective 2/1/70. See later enactment WAC 16-662-040.
16-662-060	Promulgation—Weights and measures regulations adopting National Bureau of Standards Handbook 44, 4th edition as amended in 1972. [Order 1318, § 16-662-060, filed 6/18/73, effective 8/1/73.] Repealed by Order 1480, filed 8/18/76. Later promulgation, see WAC 16-662-071.
16-662-070	Promulgation. [Order 1480, § 16-662-070, filed 8/18/76. Formerly WAC 16-662-040.] Repealed by 97-12-075, filed 6/4/97, effective 7/5/97. Statutory Authority: Chapter 19.94 RCW.
16-662-071	Replacement of amendments. [Order 1480, § 16-662-071, filed 8/18/76. Formerly WAC 16-662-060.] Repealed by 97-12-075, filed 6/4/97, effective 7/5/97. Statutory Authority: Chapter 19.94 RCW.

WAC 16-662-100 What is the purpose of this chapter? (1) This chapter establishes requirements for the state of Washington that are reasonably consistent with the uniform rules adopted by the National Conference on Weights and Measures and that are in effect in other states.

(2) This chapter applies specifically to the:

(a) Uniform specifications, tolerances and other technical requirements for weighing and measuring devices addressed in the *National Institute of Standards and Technology (NIST) NIST Handbook 44*;

(b) Uniform procedures for checking the net contents of packaged goods addressed in *NIST Handbook 133*;

(c) Uniform packaging and labeling regulation addressed in *NIST Handbook 130*;

(d) Uniform regulation for the method of sale of commodities addressed in *NIST Handbook 130*;

(e) Uniform examination procedure for price verification addressed in *NIST Handbook 130*; and

(f) Engine fuels, petroleum products, and automotive lubricants regulation addressed in *NIST Handbook 130*.

(3)(a) *NIST Handbook 44*, *NIST Handbook 130* and *NIST Handbook 133*, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. They are also available on the National Institute of Standards and Technology web site at <http://ts.nist.gov/ts/htdocs/230/235/owmhome.htm>.

(b) For information regarding the contents and application of these publications, contact the weights and measures program at the Washington State Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560, telephone number 360-902-1857, or e-mail wts&measures@agr.wa.gov.

[Statutory Authority: Chapters 19.112 and 34.05 RCW. 07-05-083, § 16-662-100, filed 2/21/07, effective 3/24/07. Statutory Authority: Chapters 19.94 and 34.05 RCW. 05-10-088, § 16-662-100, filed 5/4/05, effective 6/4/05; 03-08-017, § 16-662-100, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-100, filed 6/4/97, effective 7/5/97.]

WAC 16-662-105 What national weights and measures standards are adopted by the Washington state department of agriculture (WSDA)? The WSDA adopts the following national standards:

National standard for:	Contained in the:
(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment	2008 Edition of <i>NIST Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices</i>
(2) The procedures for checking the accuracy of the net contents of packaged goods	Fourth Edition (January 2005) of <i>NIST Handbook 133 - Checking the Net Contents of Packaged Goods</i>

National standard for:	Contained in the:
(3) The requirements for packaging and labeling, method of sale of commodities, examination procedures for price verification, and engine fuels, petroleum products and automotive lubricants	2008 Edition of <i>NIST Handbook 130 - Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality</i> , specifically:
(a) Weights and measures requirements for all food and nonfood commodities in package form	<i>Uniform Packaging and Labeling Regulations</i> adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2008 Edition
(b) Weights and measures requirements for the method of sale of food and nonfood commodities	<i>Uniform Regulation for the Method of Sale of Commodities</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2008 Edition
(c) Weights and measures requirements for price verification	<i>Examination Procedure for Price Verification</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2008 Edition
(d) Definitions and requirements for standard fuel specifications; classification and method of sale of petroleum products; retail storage tanks; condemned products; product registration; and test methods and reproducibility limits	<i>Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Regulation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2008 Edition

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 08-05-007, § 16-662-105, filed 2/7/08, effective 3/9/08. Statutory Authority: Chapters 19.112 and 34.05 RCW. 07-05-083, § 16-662-105, filed 2/21/07, effective 3/24/07. Statutory Authority: Chapters 19.94 and 34.05 RCW. 07-01-115A, § 16-662-105, filed 12/20/06, effective 1/20/07; 06-08-102, § 16-662-105, filed 4/5/06, effective 5/6/06; 05-10-088, § 16-662-105, filed 5/4/05, effective 6/4/05; 04-12-025, § 16-662-105, filed 5/26/04, effective 6/26/04; 03-08-017, § 16-662-105, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapter 19.94 RCW. 02-12-029, § 16-662-105, filed 5/29/02, effective 6/29/02. 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 Does the WSDA modify NIST Handbook 44? The WSDA adopts the following modification to *NIST Handbook 44*, which is identified in WAC 16-662-105(1):

Modified Section:	Modification:
General Code: Section G-UR.4.1. Maintenance of Equipment	In the last sentence of G-UR.4.1., Maintenance of Equipment, change the

Modified Section:	Modification:
	words "device user" to "device owner or operator." As a result of this modification, the last sentence of G-UR.4.1. will read: "Equipment in service at a single place of business found to be in error predominantly in a direction favorable to the device owner or

Modified Section:	Modification:
	operator shall not be considered "maintained in a proper operating condition.""

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 07-01-115A, § 16-662-110, filed 12/20/06, effective 1/20/07; 05-10-088, § 16-662-110, filed 5/4/05, effective 6/4/05; 03-08-017, § 16-662-110, filed 3/25/03, effective 4/25/03. 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.]

WAC 16-662-115 Does the WSDA modify NIST Handbook 130? The WSDA adopts the following modifications to the *Uniform Regulation for the Method of Sale of Commodities* requirements published in *NIST Handbook 130*, identified in WAC 16-662-105 (3)(b):

Modified Section:	Modification:
(1) Section 2.20. Gasoline-Oxygenate Blends	<p>Modify section 2.20.1. Method of Retail Sale - Type of Oxygenate must be Disclosed, to read: All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as "with" or "containing" (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read "contains ethanol." The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase "or other ethers." In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This information shall be posted on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position in a type at least 12.7 mm (1/2 in.) in height, 1.5 mm (1/16 in.) stroke (width of type). Methanol at one percent or greater, by volume, in gasoline for use as motor vehicle fuel must be labeled with the maximum percentage of methanol contained in the motor vehicle fuel. Ethanol at no less than one percent and no more than ten percent, by volume, must be labeled "Contains up to 10% Ethanol." Ethanol at greater than ten percent by volume must be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word "ethanol." (Example: E85 Ethanol.)</p> <p>Modify section 2.20.2. Documentation for Dispenser Labeling Purposes, to read: At the time of delivery of the fuel, the retailer shall be provided, on an invoice, bill of lading, shipping paper, or other documentation a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen). In addition, any gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending. When ethanol and/or methanol is blended at one percent or greater, by volume, in gasoline for use as motor vehicle fuel, documentation must include the volumetric percentage of ethanol and/or methanol.</p>
(2) Section 2.23. Animal Bedding	Add a new subsection, which reads: 2.23.1 Sawdust, Barkdust, Decorative Wood Particles, and Similar Products. As used in this subsection, "unit" means a standard volume equal to 200 cubic feet. When advertised, offered for sale, or sold within Washington state, quantity representations for sawdust, barkdust, decorative wood particles, and similar loose bulk materials must be in cubic measures or units and fractions thereof.

The WSDA adopts the following modifications to the *Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Regulation* requirements published in *NIST Handbook 130*, identified in WAC 16-662-105 (3)(d):

Modified Section:	Modification:
(1) Section 2.12. Motor Oil	Delete section 2.12.

Modified Section:	Modification:
(2) Section 2.13. Products for Use in Lubricating Manual Transmissions, Gears, or Axles	Delete section 2.13.
(3) Section 2.14. Products for Use in Lubricating Automatic Transmissions	Delete section 2.14.
(4) Section 3.2.6. Method of Retail Sale. Type of Oxygenate must be Disclosed	Modify section 3.2.6 to read: All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as "with" or "containing" (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read "contains ethanol." The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase "or other ethers." In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This information shall be posted on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position in a type at least 12.7 mm (1/2 in.) in height, 1.5 mm (1/16 in.) stroke (width of type). Methanol at one percent or greater, by volume, in gasoline for use as motor vehicle fuel must be labeled with the maximum percentage of methanol contained in the motor vehicle fuel. Ethanol at no less than one percent and no more than ten percent, by volume, must be labeled "Contains up to 10% Ethanol." Ethanol at greater than ten percent by volume must be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word "ethanol" (example: E85 Ethanol).
(5) Section 3.2.7. Documentation for Dispenser Labeling Purposes	Modify section 3.2.7 to read: The retailer shall be provided, at the time of delivery of the fuel, on an invoice, bill of lading, shipping paper, or other documentation, a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen). In addition, any gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending. When ethanol and/or methanol is blended at one percent or greater, by volume, in gasoline for use as motor vehicle fuel, documentation must include the volumetric percentage of ethanol and/or methanol.
(6) Section 3.8.2. Retail Dispenser Labeling	Modify section 3.8.2 to read: Each retail dispenser of not less than one percent and not more than ten percent, by volume, fuel ethanol must be labeled "Contains up to 10% Ethanol." Each retail dispenser of greater than ten percent fuel ethanol by volume must be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word "ethanol" (example: E85 Ethanol).
(7) Section 3.9.2. Retail Dispenser Labeling	Modify section 3.9.2 to read: Each retail dispenser of fuel methanol shall be labeled by the capital letter M followed by the numerical value maximum volume percent and ending with the word "methanol." (Example: M85 Methanol.)
(8) Section 3.13. Oil	Delete section 3.13.
(9) Section 3.14. Automatic Transmission Fluid	Delete section 3.14.
(10) Section 3.15.2. Labeling of Retail Dispensers Containing between 5% and 20% Biodiesel	Modify section 3.15.2 to read: 3.15.2. Labeling of Retail Dispensers Containing not More Than 5% Biodiesel. Each retail dispenser of biodiesel blend containing not less than two percent and not more than five percent biodiesel must be labeled "Contains up to 5% Biodiesel." 3.15.2.1. Retail dispensers containing less than two percent biodiesel may not be labeled as dispensing biodiesel or biodiesel blends. Delete section 3.15.2.2.
(11) Section 3.15.3. Labeling of Retail Dispensers Containing more than 20% Biodiesel	Modify section 3.15.3 to read: 3.15.3. Labeling of Retail Dispensers Containing More Than 5% Biodiesel. Each retail dispenser of biodiesel or biodiesel blend containing more than five percent biodiesel must be labeled with the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either "biodiesel" or "biodiesel blend" (examples: B100 Biodiesel; B60 Biodiesel blend).
(12) Section 3.15.5. Exemption	Delete section 3.15.5.

Modified Section:	Modification:
(13) Section 7. Test Methods and Reproducibility Limits	Add a new subsection that reads: 7.3 Biodiesel Blends - The test method for determining the percent biodiesel in a blend of biodiesel and diesel fuel shall be EN 14078 "Liquid petroleum products - Determination of fatty methyl esters (FAME) in middle distillates - Infrared spectroscopy method." When ASTM develops a comparable standard test method, the ASTM method will become the standard method for purposes of this rule.

[Statutory Authority: Chapters 19.112 and 34.05 RCW. 07-05-083, § 16-662-115, filed 2/21/07, effective 3/24/07. Statutory Authority: Chapters 19.94 and 34.05 RCW. 05-10-088, § 16-662-115, filed 5/4/05, effective 6/4/05; 03-08-017, § 16-662-115, filed 3/25/03, effective 4/25/03. Statutory Authority: RCW 19.94.195. 98-13-072, § 16-662-115, filed 6/15/98, effective 7/16/98. Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-115, filed 6/4/97, effective 7/5/97.]

WAC 16-662-120 How does the WSDA conduct inspections of the net contents of packaged goods under NIST Handbook 133? WSDA inspects packages using the Used Dry Tare procedures outlined in *NIST Handbook 133*.

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 05-10-088, § 16-662-120, filed 5/4/05, effective 6/4/05.]

WAC 16-662-125 When does WSDA take enforcement action when conducting price verification inspections under NIST Handbook 130? WSDA uses *NIST Handbook 130*, Examination Procedure For Price Verification, Paragraph 11.2., Model Enforcement Levels. Overcharges will be used to determine price accuracy for enforcement actions under chapter 19.94 RCW. WSDA may issue a civil penalty after failure of the third price accuracy inspection.

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 05-10-088, § 16-662-125, filed 5/4/05, effective 6/4/05.]

Chapter 16-663 WAC

SERVICE AGENTS—REPORTING, TEST PROCEDURES, STANDARDS AND CALIBRATION OF WEIGHING AND MEASURING DEVICES

WAC

- 16-663-100 Purpose.
- 16-663-110 Definitions.
- 16-663-120 Registration, certification and standards.
- 16-663-130 Adequacy of standards and submission of standards for certification.
- 16-663-140 Identification of work—Labels and seals.
- 16-663-150 Reports and responsibilities of service agents and servicepersons.
- 16-663-160 Registration certificate—Revocation, suspension, refusal to renew—Appeal.
- 16-663-170 Unlawful practices—Penalties.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-663-001 Promulgation. [Order 1319, § 16-663-001, filed 6/18/73.] Repealed by 00-22-072, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 19.94.010, 19.94.190.
- 16-663-010 A regulation of weights and measures servicemen—Relating to reporting and test procedures—Reporting forms and submission of testing standards by persons servicing and calibrating commercial weighing and measuring devices—Definitions. [Order 1319, § 16-663-010, filed 6/18/73.] Repealed by 00-22-072, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 19.94.010, 19.94.190.
- 16-663-020 Submission of standards. [Order 1319, § 16-663-020, filed 6/18/73.] Repealed by 00-22-072, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 19.94.010, 19.94.190.
- 16-663-030 Availability of adequate standards. [Order 1319, § 16-663-030, filed 6/18/73.] Repealed by 00-22-072, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 19.94.010, 19.94.190.

- 16-663-040 Reports to be filed by serviceman or service agency. [Order 1319, § 16-663-040, filed 6/18/73.] Repealed by 00-22-072, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 19.94.010, 19.94.190.
- 16-663-050 Unlawful practices—Penalty. [Order 1319, § 16-663-050, filed 6/18/73.] Repealed by 00-22-072, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 19.94.010, 19.94.190.
- 16-663-060 Effective date. [Order 1319, § 16-663-060, filed 6/18/73.] Repealed by 00-22-072, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 19.94.010, 19.94.190.

WAC 16-663-100 Purpose. The following regulation addresses the mandatory registration, rights and responsibilities of service agents involved in installing, servicing and calibrating weighing and measuring devices. The rule addresses reporting devices placed in service, test procedures, reporting forms and submission of test standards by persons servicing and calibrating weighing and measuring devices.

[Statutory Authority: RCW 19.94.010, 19.94.190. 00-22-072, § 16-663-100, filed 10/30/00, effective 11/30/00.]

WAC 16-663-110 Definitions. (1) Installation - setting up for use, connecting or adjusting any new, used or remanufactured commercial weighing or measuring device being placed into service.

(2) Placed in service - to cause or permit the commercial usage of any commercial weighing or measuring device.

(3) Returned to service - the instance where servicepersons or service agencies are called upon to service, repair, or recondition a commercial weighing or measuring device that has been "rejected," ordered "out of service," or "condemned" by weights and measures officials with the intent of placing such a device back into service.

(4) Registered serviceperson - any individual who for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions a commercial weighing or measuring device, and who registers himself as such with the director.

(5) Registered service agent - any agent, firm, partnership, company, or corporation, which, for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions a commercial weighing or measuring device, and which registers with the director.

(6) Commercial weighing and measuring device - any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight, measure or count. It shall include any accessory

attached to or used in connection with a commercial weighing or measuring device when the accessory is designed or installed so that its operation affects, or may affect, the accuracy, correctness, or indication of the device.

(7) Reciprocity - the mutual cooperative interchange of rights and agreements between any other state or states that have similar rules and laws concerning registered service agents and recognition of standards.

(8) Laboratory - the metrology laboratory of any state, agency, or any recognized private industry metrology laboratory as determined by the director. All such laboratories must possess current appropriate National Institute of Standards and Technology (NIST) certifications.

(9) Accuracy - commercial weighing or measuring devices are considered accurate when the performance or value - that is, its indications, its deliveries, its recorded representations, or its capacity or actual value, etc., as determined by tests made with suitable standards - conforms to the standards, tolerances and other performance requirements set forth in the edition of National Institute of Standards and Technology Handbook 44 currently adopted by the director.

(10) Correct - a weighing or measuring device is considered correct when in addition to being accurate, it meets all applicable specifications and requirements as set forth in the edition of National Institute of Standards and Technology Handbook 44 currently adopted by the director.

(11) Certification - a document provided by the director to service agents registered with the department.

[Statutory Authority: RCW 19.94.010, 19.94.190.00-22-072, § 16-663-110, filed 10/30/00, effective 11/30/00.]

WAC 16-663-120 Registration, certification and standards. (1) Service agents and servicepersons who intend to provide service that permits a weighing or measuring device to be placed back into commercial service must register with the department annually. Service agents and servicepersons must register on a form provided by the department annually. The fee for registration is specified in RCW 19.94.-2582. This registration requirement does not apply to city sealers.

(2) Service agents and servicepersons registering with the department will specifically state the types of devices they will be placing in service. Such a statement is the agent's or person's certification that they are knowledgeable of the requirements of the state and possess proper and certified equipment and standards to perform the services.

(3) The registered service agent or serviceperson shall submit a copy of their tag or label, seal or seal press identification mark to the department at time of registration.

(4) The department will issue an official registration certification for each service agent and serviceperson whose application is approved. Official registration certificates are valid for a period of one year from date of registration.

(5) For requests that are denied the department will provide reasons, in writing, for the denial and refund payment.

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 08-20-069, § 16-663-120, filed 9/25/08, effective 10/26/08. Statutory Authority: RCW 19.94.010, 19.94.190.00-22-072, § 16-663-120, filed 10/30/00, effective 11/30/00.]

WAC 16-663-130 Adequacy of standards and submission of standards for certification. (1) All service

agents and servicepersons shall use standards of adequate quantity and design to place commercial weighing and measuring devices in service.

(2) Submission of standards for inspection. All standards used for servicing, repairing and/or calibrating commercial weighing and measuring devices must be submitted at least every two years for examination and certification. The standards will be submitted to the state's metrology laboratory or a laboratory of any state in which a reciprocity agreement has been entered. The state metrology laboratory examines and certifies standards using the current version of National Institute of Standards and Technology Handbook 105.

(3) Recognition of out-of-state certification of any standard that has been inspected and examined by any state or agency in which the director has entered a reciprocity agreement will be considered correct if said examination is within the previous two-year period. Proof of inspection must be submitted to the department with the registration application.

(4) Proof of certification shall be maintained by the owner of the standards and be kept with the standards during normal usage for the purpose of inspection by the director or authorized representative.

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 08-20-069, § 16-663-130, filed 9/25/08, effective 10/26/08. Statutory Authority: RCW 19.94.010, 19.94.190.00-22-072, § 16-663-130, filed 10/30/00, effective 11/30/00.]

WAC 16-663-140 Identification of work—Labels and seals. (1) Each registered service agent and serviceperson shall identify his/her work on commercially used weighing and measuring devices by:

(a) Applying an adhesive tag or label in a conspicuous location on the device; or

(b) Using a distinctive security seal or seal press impression.

(2) The adhesive tag or label shall legibly show at least the serviceperson registration number, business telephone number and date of service.

(3) Any security seal or seal press used to comply with subsection (1) of this section shall identify the individual registered serviceperson applying the seal.

(4) The registered service agent or serviceperson shall submit a copy of the tag or label, seal or seal press identification mark to the department at time of registration.

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 08-20-069, § 16-663-140, filed 9/25/08, effective 10/26/08. Statutory Authority: RCW 19.94.010, 19.94.190.00-22-072, § 16-663-140, filed 10/30/00, effective 11/30/00.]

WAC 16-663-150 Reports and responsibilities of service agents and servicepersons. (1) Any person installing a new or used weighing or measuring device that is being put in use for the first time at that location must provide a notice of installation to the department. The notice shall state the date placed in service, type of device, capacity, business' name and site address, and name and address of the service company installing the device. The report shall also indicate whether the device is new or used.

(2) After correcting a rejected device, registered service agents or servicepersons must return the reject report issued by the weights and measures official to the address indicated on the form within seven days from completion of work. All discrepancies noted on the department's rejection report must

be corrected before returning the device to service. The form must be signed and dated by the registered serviceperson returning the device to service. The form must also legibly indicate his/her registration number and show the number or identifying mark of security seals that were removed and applied to affect the correction.

(3) A registered service agent or serviceperson will submit a copy of his/her test report showing the as-found and as-corrected readings with the reject report when putting a rejected device back into service.

(4) Commercially used weighing or measuring devices put into service or returned to service must be correct and meet all applicable specifications and requirements set forth in the edition of National Institute of Standards and Technology Handbook 44 currently adopted by the director. The device must also meet current (NTEP) requirements in effect for the device.

(5) Devices must be installed in accordance with manufacturer's instructions.

(6) A device installed in a fixed location must be installed so that its operation or performance will not be adversely affected by any characteristic of the foundation, supports, or any other detail of the installation.

(7) Equipment must be installed in such a manner that all required markings are readily observable.

(8) A device must be installed so that it will be correct and it meets all performance requirements when associated or nonassociated equipment is operated in its usual and customary manner.

(9) Faulty installation conditions must be corrected, and any defective parts must be renewed or suitably repaired, before adjustments are made.

(10) When equipment is adjusted, the adjustment must be made so that performance errors are as close as practicable to zero value.

(11) Equipment put into service, repaired, adjusted, calibrated or refurbished must be sealed with an appropriate security seal and the seal number recorded on the inspection test report. Any security seal removed prior to servicing the device will be noted on the test report and will include the number or identifying mark of the security seal.

(12) Equipment must be assembled and installed so that it does not facilitate the perpetration of fraud.

[Statutory Authority: RCW 19.94.010, 19.94.190.00-22-072, § 16-663-150, filed 10/30/00, effective 11/30/00.]

WAC 16-663-160 Registration certificate—Revocation, suspension, refusal to renew—Appeal. (1) The department has the authority to revoke, suspend, or refuse to renew the official registration certificate of any service agent or serviceperson for any of the following reasons:

(a) Fraud or deceit in obtaining an official registration certificate;

(b) A finding by the department of a pattern of intentional fraudulent or negligent activities in the installation, inspection, testing, checking, adjusting, or systematically standardizing and approving the graduations of any weighing or measuring instrument or device;

(c) Knowingly placing back into commercial service any weighing or measuring instrument or device that is incorrect or inaccurate;

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(d) A violation of any provision of this chapter; or

(e) Conviction of a crime or an act constituting a crime under the laws of this state, the laws of another state, or federal law.

(2) If the department revokes, suspends, or refuses to renew an official registration certificate, an individual will have the right to appeal the decision in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and RCW 19.94.2584.

[Statutory Authority: RCW 19.94.010, 19.94.190.00-22-072, § 16-663-160, filed 10/30/00, effective 11/30/00.]

WAC 16-663-170 Unlawful practices—Penalties.

Any person who, by himself or herself, by his or her agent or employee, or as the agent or employee of another person, violates the provisions of this rule is subject to a civil penalty of up to five thousand dollars as specified in RCW 19.94.510.

[Statutory Authority: RCW 19.94.010, 19.94.190.00-22-072, § 16-663-170, filed 10/30/00, effective 11/30/00.]

Chapter 16-664 WAC

NATIONAL TYPE EVALUATION PROGRAM

WAC

16-664-010	Purpose.
16-664-020	Definitions.
16-664-030	Certificate of Conformance—When required.
16-664-040	Commercial and law enforcement equipment—Certificate of Conformance—Requirements—Exemptions—One-of-a-kind device—Repaired device—Remanufactured device—Device copy—Components.
16-664-050	Unlawful acts.
16-664-060	Penalty.

WAC 16-664-010 Purpose. The purpose of this rule is to assure users, sellers, manufacturers and weights and measures officials that a particular model or type of device and/or equipment is capable of meeting applicable standards.

[Statutory Authority: RCW 19.94.190 and 19.94.195.97-12-076, § 16-664-010, filed 6/4/97, effective 7/5/97.]

WAC 16-664-020 Definitions. For purposes of this rule:

(1) "Certificate of Conformance" means a document issued by the National Institute of Standards and Technology based on testing by a participating laboratory. The certificate evidences conformance of a type with the requirements of the National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, or 105-3.

(2) "Device" means any weighing and measuring device as defined in subsection (4) of this section, Commercial and law enforcement equipment.

(3) "Director" means the director of the Washington state department of agriculture.

(4) "Commercial and law enforcement equipment" means:

(a) Any weighing or measuring equipment commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic

charge or payment for services rendered on the basis of weight or measure.

(b) Any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed that its operation affects the accuracy of the device.

(c) Weighing and measuring equipment in official use for the enforcement of law or for the collection of statistical information by government agencies.

(5) "National type evaluation program" means a program of cooperation between the National Institute of Standards and Technology, other federal agencies, the National Conference on Weights and Measures, the states, and the private sector for determining, on a uniform basis, conformance of a type with the relevant provisions of National Institute of Standards and Technology Handbook 44, "*Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*" and National Conference on Weights and Measures, Publication 14, "*National Type Evaluation Program, Administrative Procedures, Technical Policy, Checklists, and Test Procedures*."

(6) "One-of-a-kind device" means a device manufactured for sale that has been categorized and tested as a "one-of-a-kind" device. If the manufacturer constructs an additional device or devices, the device is no longer considered to be "one-of-a-kind." This definition also applies to any device that has been determined to be a "one-of-a-kind" device by a weights and measures jurisdiction in one state and the manufacturer decides to manufacture and install the device in another state. In this case, the device must be traceable to a Certificate of Conformance, unless NTEP decides that a Certificate of Conformance will not be required.

(7) "Participating laboratory" means any state measurement laboratory that has been accredited by the National Institute of Standards and Technology in accordance with its program for the Certification of Capability of State Measurement Laboratories, or any state weights and measures agency or other laboratory that has been authorized to conduct a type evaluation under the National Type Evaluation Program.

(8) "Person" means both plural and singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.

(9) "Remanufactured device" means a device to which an overhaul or replacement of parts has been performed so the device can be installed in a new location.

(10) "Repaired device" means the maintenance or replacement of parts for a device to remain or return to service in the same location.

(11) "Type" means a model or models of a particular device, measurement system, instrument, or element that positively identifies the design. A specific type may vary in its measurement ranges, size, performance, and operating characteristics as specified in the Certificate of Conformance.

(12) "Type evaluation" means the testing, examination, and/or evaluation of a type by a participating laboratory under the National Type Evaluation Program.

[Statutory Authority: RCW 19.94.190 and 19.94.195. 97-12-076, § 16-664-020, filed 6/4/97, effective 7/5/97.]

WAC 16-664-030 Certificate of Conformance—When required. The director shall require a device to be

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traceable to a Certificate of Conformance prior to its installation or use for commercial or law enforcement purposes.

[Statutory Authority: RCW 19.94.190 and 19.94.195. 97-12-076, § 16-664-030, filed 6/4/97, effective 7/5/97.]

WAC 16-664-040 Commercial and law enforcement equipment—Certificate of Conformance—Requirements—Exemptions—One-of-a-kind device—Repaired device—Remanufactured device—Device copy—Components. (1) Except for a device exempted under subsection (6) of this section, no person shall sell a device, within the state of Washington, unless it is traceable to a Certificate of Conformance. Certificate of Conformance documentation must be provided as part of the sales transaction.

(2) No person shall use a device within the state of Washington, unless it is traceable to a Certificate of Conformance, except when the device is exempted by subsection (3), (4), or (5) of this section. Certificate of Conformance documentation must be maintained at the device location.

(3) A device in service in Washington prior to July 5, 1997, that meets the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44, is not required to be traceable to a Certificate of Conformance.

(4) A device in service in Washington prior to July 5, 1997, removed from service by the owner or on which the department has issued a removal order after July 5, 1997, and returned to service at a later date shall be modified to meet all specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 effective on the date of the return to service. Such a device is not required to be traceable to a Certificate of Conformance.

(5) A device in service in Washington prior to July 5, 1997, which is repaired after such date shall meet the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 is not required to be traceable to a Certificate of Conformance.

(6) A device in service in Washington prior to July 5, 1997, and sold after such date shall be modified by the seller to meet the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 on or before the date sold, unless the buyer and seller agree by written contract to exchange the modification responsibility in which case modification must be completed before further commercial application. Such commercial weighing or measuring device is not required to be traceable to a Certificate of Conformance.

(7) A device in service in another state prior to July 5, 1997, may be installed in Washington; however, the device shall meet the specifications, tolerances, and technical requirement for weighing and measuring devices in National Institute of Standards and Technology Handbook 44 and be traceable to a Certificate of Conformance.

(8) One-of-a-kind device — A "one-of-a-kind" device is not required to be traceable to a Certificate of Conformance. However, if the manufacturer decides to make an additional device or devices, the device will no longer be considered to be "one-of-a-kind" and it shall be traceable to a Certificate of

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Conformance. For scales, the load cells and electronic indicators must be traceable to a Certificate of Conformance.

(9) Repaired device — If a person makes changes to a device to the extent that the metrological characteristics are changed, that specific device is no longer traceable to the Certificate of Conformance.

(10) Remanufactured device — If a person repairs or remanufactures a device, they are obligated to repair or remanufacture it consistent with the manufacturer's original design; otherwise, that specific device is no longer traceable to a Certificate of Conformance.

(11) Copy of a device — The manufacturer who copies the design of a device that is traceable to a Certificate of Conformance, but which is made by another company, must obtain a separate Certificate of Conformance for the device. The Certificate of Conformance for the original device shall not apply to the copy.

(12) Device components — If a person buys a load cell(s) and an indicating element that are traceable to Certificates of Conformance and then manufactures a device from the parts, that person shall obtain a Certificate of Conformance for the device.

[Statutory Authority: RCW 19.94.190 and 19.94.195. 98-01-014, § 16-664-040, filed 12/5/97, effective 1/5/97; 97-12-076, § 16-664-040, filed 6/4/97, effective 7/5/97.]

WAC 16-664-050 Unlawful acts. It shall be unlawful for a person to:

(1) Use a device in commercial application if a Certificate of Conformance has not been issued for such device, unless exempt under WAC 16-664-040;

(2) Sell a device for use in commercial application if a Certificate of Conformance has not been issued for such device, unless exempt under WAC 16-664-040.

[Statutory Authority: RCW 19.94.190 and 19.94.195. 97-12-076, § 16-664-050, filed 6/4/97, effective 7/5/97.]

WAC 16-664-060 Penalty. Any person who violates the provisions of this chapter is subject to penalties as provided under chapter 19.94 RCW.

[Statutory Authority: RCW 19.94.190 and 19.94.195. 97-12-076, § 16-664-060, filed 6/4/97, effective 7/5/97.]

Chapter 16-674 WAC

WEIGHTS AND MEASURES—EXEMPTIONS, WEIGHMASTERS AND DEVICE REGISTRATION

WAC

16-674-010	Exemptions and definitions.
16-674-030	Weighmaster license issuance, expiration and fees.
16-674-040	Weighmaster license—Late renewal penalty.
16-674-050	Weigher license.
16-674-055	Weighing and measuring devices.
16-674-095	Device registration.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-674-001	Promulgation. [Order 792, Promulgation, filed 3/1/60.] Decodified by Order 1145, filed 2/27/70. Later promulgation, see WAC 16-674-002.
16-674-002	Promulgation. [Order 1145, § 16-674-002, filed 2/27/70, effective 4/1/70. Formerly WAC 16-650-001.] Repealed by 93-03-079, filed 1/19/93, effective 2/19/93. Statutory Authority: 1992 c 237.

16-674-020	Disposition of condemned and confiscated weights and measures. [Order 1145, § 16-674-020, filed 2/27/70, effective 4/1/70; Order 897, Regulation 3, filed 1/14/63.] Repealed by 93-03-079, filed 1/19/93, effective 2/19/93. Statutory Authority: 1992 c 237.
16-674-060	Inspection and testing fees. [Statutory Authority: 1992 c 237. 93-03-079, § 16-674-060, filed 1/19/93, effective 2/19/93.] Repealed by 96-01-040, filed 12/13/95, effective 1/13/96. Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16.
16-674-065	Special inspection and testing fees. [Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-065, filed 12/13/95, effective 1/13/96.] Repealed by 02-15-141, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 19.94.010, 19.94.190, and 15.18.410. Later promulgation, see WAC 16-675-050.
16-674-070	Late fees. [Statutory Authority: 1992 c 237. 93-03-079, § 16-674-070, filed 1/19/93, effective 2/19/93.] Repealed by 96-01-040, filed 12/13/95, effective 1/13/96. Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16.
16-674-080	Fees for federal grain elevator scales. [Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-080, filed 12/13/95, effective 1/13/96. Statutory Authority: 1992 c 237. 93-03-079, § 16-674-080, filed 1/19/93, effective 2/19/93.] Repealed by 02-15-141, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 19.94.010, 19.94.190, and 15.18.410.
16-674-090	Fees for railroad track scales. [Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-090, filed 12/13/95, effective 1/13/96. Statutory Authority: 1992 c 237. 93-03-079, § 16-674-090, filed 1/19/93, effective 2/19/93.] Repealed by 02-15-141, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 19.94.010, 19.94.190, and 15.18.410. Later promulgation, see WAC 16-675-060.
16-674-092	Service agent registration. [Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-092, filed 12/13/95, effective 1/13/96.] Repealed by 00-22-072, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 19.94.010, 19.94.190.
16-674-100	City sealers report forms prescribed. [Statutory Authority: 1992 c 237. 93-03-079, § 16-674-100, filed 1/19/93, effective 2/19/93.] Repealed by 96-01-040, filed 12/13/95, effective 1/13/96. Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16.

WAC 16-674-010 Exemptions and definitions. (1)

The weighing or measuring instruments or devices listed below are exempted from the sealing or marking inspection and testing requirements of RCW 19.94.163, because they are of such character or size that such sealing or marking would be inappropriate, impractical, or damaging to the apparatus in question:

- Measure containers
- Milk bottles
- Lubricating oil bottles
- Berry baskets and boxes.

(2) Unless the context clearly requires otherwise, the definitions provided for in chapter 19.94 RCW and in this section shall apply to this chapter.

(a) "Commercial weighing or measuring device" shall be construed to include any weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. It shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects the accuracy of the device.

(b) "Owner" shall be construed to mean the individual or business actually using a weighing or measuring device for commercial purposes, regardless of who is the legal owner or lien holder of such device.

[Statutory Authority: RCW 19.94.010, 19.94.190, and 15.18.410. 02-15-141, § 16-674-010, filed 7/22/02, effective 8/22/02. Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-010, filed 12/13/95, effective 1/13/96. Statutory Authority: 1992 c 237. 93-03-079, § 16-674-010, filed 1/19/93, effective 2/19/93; Order 1145, § 16-674-010, filed 2/27/70, effective 4/1/70; Order 792, Regulation 3, effective 3/1/60.]

WAC 16-674-030 Weighmaster license issuance, expiration and fees. (1) Weighmaster licenses issued under RCW 15.80.460 shall expire on June 30th following the date of issuance.

(2) Upon expiration, suspension or revocation of the license, the weighmaster must surrender their impression seal to the director or his/her representative within ten days if they do not renew their license, if their license is suspended or if their license is revoked. The seal may be surrendered by sending the seal to the department or by surrendering the seal to the director or his/her duly appointed representative.

(3) Businesses or individuals applying to renew their license or applying for their initial license with the department must have a current bond in the amount specified in RCW 15.80.480 and that bond must remain in force and effect for not less than the entire licensing period.

(4) Weighing and measuring devices used by weighmasters are considered to be in commercial use and must be registered. Registrations are accomplished through the department of licensing as part of the master license service under chapter 19.02 RCW.

(5) Proof of a scale test within the last twelve months must be submitted with the application.

(6) Applications must be submitted with the proper fees as specified in chapter 15.80 RCW.

(7) Applications received without subsections (3), (4), (5) and (6) of this section will be considered incomplete applications and will be returned to the applicant.

[Statutory Authority: Chapters 15.80 and 34.05 RCW. 08-20-070, § 16-674-030, filed 9/25/08, effective 10/26/08. Statutory Authority: RCW 19.94.010, 19.94.190, and 15.18.410. 02-15-141, § 16-674-030, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-674-030, filed 7/25/91, effective 8/25/91.]

WAC 16-674-040 Weighmaster license—Late renewal penalty. (1) Renewal applications for weighmaster licenses issued under chapter 15.80 RCW not filed by July 1st of any one year are subject to a penalty of fifty percent of the renewal fee as provided by RCW 15.80.470.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 19.94.010, 19.94.190, and 15.18.410. 02-15-141, § 16-674-040, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220,

17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-674-040, filed 7/25/91, effective 8/25/91.]

WAC 16-674-050 Weigher license. Weigher licenses issued under RCW 15.80.500 shall expire on June 30th following the date of issuance.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-674-050, filed 7/25/91, effective 8/25/91.]

WAC 16-674-055 Weighing and measuring devices.

(1) Weighing and measuring devices used by weighmasters must meet all legal requirements for commercial weighing and measuring devices.

(2) Weighmaster scales must be tested not less than every twelve months and must conform to the tolerances and specifications in the edition of NIST Handbook 44, "*Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*," adopted by the department in chapter 16-662 WAC. Inspections must be performed by either service agents registered with the department or by the department. The department is under no obligation to provide this inspection service.

(3) A legible copy of the current scale inspection and current master business license must be maintained at the same site as the scale and must be immediately made available to the director or his representative upon request.

[Statutory Authority: Chapters 15.80 and 34.05 RCW. 08-20-070, § 16-674-055, filed 9/25/08, effective 10/26/08. Statutory Authority: RCW 19.94.010, 19.94.190, and 15.18.410. 02-15-141, § 16-674-055, filed 7/22/02, effective 8/22/02.]

WAC 16-674-095 Device registration. (1) All weighing or measuring devices used for commercial purposes in the state shall be registered annually. Devices in commercial use within a city having a city sealer and a weights and measures program that has adopted registration fees shall be registered with the city. Devices used commercially outside of such city shall register with the department. If the commercial use of the device is within such city that has not adopted fees, the device shall be registered with the department.

(2) The device registration fees established in RCW 19.94.175 shall apply unless a city jurisdiction has adopted separate registration fees for devices used within its jurisdiction. Cities may establish separate annual registration fees for devices within city jurisdictions; however, they may not exceed the fees in RCW 19.94.175 for registering the use of a similar instrument or device. Payment of the device registration fee constitutes registration. Cities shall notify the department of agriculture regarding the adoption of fee levels and any changes in fees.

(3) All device registrations with the department shall be accomplished as part of the department of licensing, master license system under chapter 19.02 RCW. Devices shall be initially registered at the time the owner applies for a master license for a new business or when the device is first placed into commercial use. Device registrations with a city may be accomplished through the master licensing system with a let-

ter of request for implementation assistance from the city to the department of agriculture.

(4) The department of licensing shall remit to the department of agriculture all registration fees collected less reasonable collection expenses. The department of agriculture shall forward to the city that portion of fees attributable to city registrations.

[Statutory Authority: RCW 19.94.010, 19.94.190, and 15.18.410. 02-15-141, § 16-674-095, filed 7/22/02, effective 8/22/02. Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-095, filed 12/13/95, effective 1/13/96.]

Chapter 16-675 WAC

CALIBRATION SERVICES, SPECIAL INSPECTION AND TESTING FEES

WAC

- 16-675-015 What is the purpose of this chapter?
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- 16-675-035 What condition must your weights and measures standards be in when they are submitted to the laboratory for testing or calibration?
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-675-010 Purpose. [Statutory Authority: RCW 19.94.216, 19.94.315. 02-15-140, § 16-675-010, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 19.94.216 and 19.94.325. 97-12-024, § 16-675-010, filed 5/29/97, effective 6/29/97; 95-21-097 (Order 5084), § 16-675-010, filed 10/18/95, effective 11/18/95. Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-010, filed 5/25/94, effective 6/25/94. Statutory Authority: RCW 19.94.190 and chapter 19.94 RCW. 90-24-004 (Order 2063), § 16-675-010, filed 11/26/90, effective 12/27/90.] Repealed by 04-23-043, filed 11/10/04, effective 12/11/04. Statutory Authority: Chapters 19.94 and 34.05 RCW.
- 16-675-020 Definitions. [Statutory Authority: RCW 19.94.216 and 19.94.325. 97-12-024, § 16-675-020, filed 5/29/97, effective 6/29/97. Statutory Authority: RCW 19.94.190 and chapter 19.94 RCW. 90-24-004 (Order 2063), § 16-675-020, filed 11/26/90, effective 12/27/90.] Repealed by 04-23-043, filed 11/10/04, effective 12/11/04. Statutory Authority: Chapters 19.94 and 34.05 RCW.
- 16-675-029 Condition of submitted weights and measures. [Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-029, filed 5/25/94, effective 6/25/94.] Repealed by 95-21-097 (Order 5084), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 19.94.216 and 19.94.325.
- 16-675-030 Condition of submitted weights and measures. [Statutory Authority: RCW 19.94.216, 19.94.315. 02-15-140, § 16-675-030, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 19.94.216. 98-12-030, § 16-675-030, filed 5/28/98, effective 6/28/98. Statutory Authority: RCW 19.94.216 and 19.94.325. 97-12-024, § 16-675-030, filed 5/29/97, effective 6/29/97; 95-21-097 (Order 5084), § 16-675-030, filed 10/18/95, effective 11/18/95. Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-030, filed 5/25/94, effective 6/25/94. Statutory Authority: RCW 19.94.190 and chapter 19.94 RCW. 90-24-004 (Order 2063), § 16-675-030, filed 11/26/90, effective 12/27/90.] Repealed by 04-23-043, filed 11/10/04, effective 12/11/04. Statutory Authority: Chapters 19.94 and 34.05 RCW.

- 16-675-039 Schedule of laboratory fees. [Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-039, filed 5/25/94, effective 6/25/94.] Repealed by 95-21-097 (Order 5084), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 19.94.216 and 19.94.325.
- 16-675-040 Schedule of laboratory fees. [Statutory Authority: RCW 19.94.216, 19.94.315. 02-15-140, § 16-675-040, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 19.94.216. 98-12-030, § 16-675-040, filed 5/28/98, effective 6/28/98. Statutory Authority: RCW 19.94.216 and 19.94.325. 97-12-024, § 16-675-040, filed 5/29/97, effective 6/29/97; 95-21-097 (Order 5084), § 16-675-040, filed 10/18/95, effective 11/18/95. Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-040, filed 5/25/94, effective 6/25/94. Statutory Authority: RCW 19.94.190 and chapter 19.94 RCW. 90-24-004 (Order 2063), § 16-675-040, filed 11/26/90, effective 12/27/90.] Repealed by 04-23-043, filed 11/10/04, effective 12/11/04. Statutory Authority: Chapters 19.94 and 34.05 RCW.
- 16-675-050 Special inspection and testing fees. [Statutory Authority: RCW 19.94.216, 19.94.315. 02-15-140, § 16-675-050, filed 7/22/02, effective 8/22/02.] Repealed by 04-23-043, filed 11/10/04, effective 12/11/04. Statutory Authority: Chapters 19.94 and 34.05 RCW.
- 16-675-060 Fees for railroad track scales. [Statutory Authority: RCW 19.94.216, 19.94.315. 02-15-140, § 16-675-060, filed 7/22/02, effective 8/22/02.] Repealed by 04-23-043, filed 11/10/04, effective 12/11/04. Statutory Authority: Chapters 19.94 and 34.05 RCW.

WAC 16-675-015 What is the purpose of this chapter? The purpose of this chapter is to implement:

- (1) RCW 19.94.216(1) and 19.94.325(2), which allows the director of the Washington state department of agriculture to establish reasonable fees for inspection, tolerance testing and calibration services performed on weights and measures standards by the metrology laboratory; and
- (2) RCW 19.94.175(3), which allows the director to establish fees for inspecting and testing weighing and measuring devices when the inspections and tests are specifically requested by the device's owner.

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 04-23-043, § 16-675-015, filed 11/10/04, effective 12/11/04.]

WAC 16-675-025 What definitions apply to this chapter? The following definitions apply to this chapter.

- "Calibration" means the comparison of a measurement standard or instrument with another standard or instrument to detect, correlate, report, or eliminate, by adjustment, any inaccuracy of the compared standard or instrument.
- "Department" means the Washington state department of agriculture (WSDA).
- "Director" means the director of the department or the director's designated representative.
- "Laboratory" means the metrology laboratory operated by the department.
- "Tolerance testing" means a measurement operation performed to determine whether the actual value of a standard, artifact, or instrument is within a permitted tolerance of its nominal value.

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 04-23-043, § 16-675-025, filed 11/10/04, effective 12/11/04.]

WAC 16-675-035 What condition must your weights and measures standards be in when they are submitted to the laboratory for testing or calibration? Weights and measures standards submitted to the laboratory for tolerance

testing or calibration must be in a physical condition that allows the laboratory to perform the requested service.

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 04-23-043, § 16-675-035, filed 11/10/04, effective 12/11/04.]

WAC 16-675-037 Does the laboratory repair weights and measures standards brought in for testing and calibration? (1) Weights and measures standards, whose physical condition, prevents the laboratory from performing the requested service may be:

- (a) Returned to the sender at the sender's expense; or
- (b) Repaired, if possible, by the laboratory.
- (2) When possible, the laboratory will make repairs:
 - (a) At the rate of one hundred dollars per hour; and
 - (b) Only after a signed written repair agreement between the department and the owner of the weights or measures standard is concluded.

(3) All repair fees charged by the laboratory are in addition to any testing or calibration fees charged by the laboratory.

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 04-23-043, § 16-675-037, filed 11/10/04, effective 12/11/04.]

WAC 16-675-045 What fees does the laboratory charge for the services it performs? The metrology laboratory charges the following fees for services performed:

Service Performed	Fee
Inspection, tolerance testing and calibration services performed at the metrology laboratory	\$105.50 per hour
Inspection, tolerance testing and calibration services performed at other than the metrology laboratory	\$105.50 per hour plus mileage and per diem at the rates established by the office of financial management (OFM) when the service is performed
Any service provided by the laboratory	Minimum one-half hour charge

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 07-13-051, § 16-675-045, filed 6/14/07, effective 7/15/07; 04-23-043, § 16-675-045, filed 11/10/04, effective 12/11/04.]

WAC 16-675-055 What fees are charged when the inspecting and testing of a weighing or measuring device is specifically requested by the device's owner? The fees in the following table apply to inspecting and testing weighing or measuring devices when the inspection or test is:

- (1) Specifically requested by the device's owner or his/her representative; or
- (2) Performed on devices used by an agency or institution that receives money from the legislature or the federal government.

Weighing and Measuring Device	Inspection and/or Testing Fee
Small scales "zero to four hundred pounds capacity"	\$16.80 per scale

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Weighing and Measuring Device	Inspection and/or Testing Fee
Intermediate scales "four hundred pounds to five thousand pounds capacity"	\$56.10 per scale
Large scales "over five thousand pounds capacity"	\$140.30 per scale
Large scales with supplemental devices	\$168.40 per scale
Railroad track scales	\$1,123.00 per scale
Liquid fuel meters with flows of less than twenty gallons per minute	\$16.80 per meter
Liquid fuel meters with flows of at least twenty but not more than one hundred fifty gallons per minute	\$56.10 per meter
Fuel meters with flows over one hundred fifty gallons per minute	\$168.40 per meter
Liquid petroleum gas meters with one-inch diameter or smaller dispensers	\$56.10 per meter
Liquid petroleum gas meters with greater than one-inch diameter dispensers	\$168.40 per meter
Inspection services not covered by the above special inspection fees	\$37.80 per hour for labor and travel time (minimum one hour charge)

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 07-13-051, § 16-675-055, filed 6/14/07, effective 7/15/07; 04-23-043, § 16-675-055, filed 11/10/04, effective 12/11/04.]

WAC 16-675-065 What requirements apply to testing railroad track scales in Washington state? (1) All railroad track scale owners in Washington state must provide a suitable:

- (a) Facility or facilities for testing track scales;
- (b) Car or other device for testing track scales.
- (2) The department must use the car, device, or facility provided to test the accuracy of all track scales.
- (3) Track scale owners (railroad companies) must move the car, device, or facility to locations designated by the department without charge.
- (4) The cost of providing and maintaining the car, device, or facility must be equitably and reasonably apportioned by the department among all railroad track scale owners.

[Statutory Authority: Chapters 19.94 and 34.05 RCW. 04-23-043, § 16-675-065, filed 11/10/04, effective 12/11/04.]

Chapter 16-695 WAC

RULES RELATING TO GINSENG MANAGEMENT

WAC

- 16-695-005 Purpose.
- 16-695-010 Definitions.
- 16-695-015 Collection of wild ginseng.
- 16-695-020 Dealers and growers—Annual registration with the department—Requirements.
- 16-695-025 Grower records.
- 16-695-030 Dealer records.
- 16-695-035 Out-of-state ginseng.

16-695-040	Selling and/or shipping of ginseng—Certificates.
16-695-045	Maintaining separate lots of ginseng.
16-695-050	Dealer and/or grower holding ginseng after March 31 of the year.
16-695-055	Inspection or submission of records.
16-695-060	Export procedures.
16-695-065	Fees—Hourly, overtime.
16-695-070	Schedule of fees and charges.
16-695-075	Unlawful activities.
16-695-080	Enforcement actions.

WAC 16-695-005 Purpose. These rules are promulgated under chapter 34.05 RCW to establish standards and administer a ginseng management program. This program will promote the production and export of cultivated ginseng and prohibit acts detrimental to the survival of the indigenous wild ginseng population of the United States. These rules shall regulate the sale and export of ginseng, establish a registration program for dealers and growers, and provide for the certification of cultivated American ginseng.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-005, filed 11/18/97, effective 12/19/97.]

WAC 16-695-010 Definitions. The following definitions shall apply:

(1) "Cultivated ginseng" means any part of a ginseng plant that is growing or grown in managed beds under artificial or natural shade and cultivated according to recognized ginseng horticultural practices. Cultivated ginseng includes woodsgrown ginseng.

(2) "Dealer" means anyone who buys ginseng for resale, or grows and sells it for export. This definition does not apply to persons who buy ginseng solely for the purpose of final retail sale to consumers in the United States.

(3) "Dealer registration" means an annual registration issued by the department authorizing a dealer to buy, collect, or otherwise acquire ginseng for resale or export.

(4) "Department" means the Washington state department of agriculture.

(5) "Director" means the director of the department or his duly appointed representative.

(6) "Dry weight" means the weight in pounds and ounces of harvested or collected ginseng root that is dried and is no longer viable.

(7) "Export" means export outside the boundaries of the United States.

(8) "Out-of-state ginseng" means ginseng that is grown or originated outside the state of Washington.

(9) "Ginseng" means any and all parts of the plant known as American ginseng (*Panax quinquefolius* L.) including but not limited to: Plants, whole roots, essentially intact roots, root chunks, slices, seeds, and tissue.

(10) "Green ginseng" means a ginseng root from which the moisture has not been removed by drying.

(11) "Green weight" means the weight in pounds and ounces of freshly harvested or collected ginseng root that is not dried and is still viable.

(12) "Grower" means a person who grows "cultivated," "wild simulated" and or "woodsgrown" ginseng, and sells it to a dealer.

(13) "Grower registration" means an annual registration issued by the department which enables a grower to sell cultivated ginseng that the grower has produced.

(2009 Ed.)

(14) "Person" means any individual, firm, partnership, corporation, company, society, association or other business entity, and every officer, agent or employee thereof, agency or organized group of persons whether or not incorporated.

(15) "Wild ginseng" means ginseng growing naturally within its native range.

(16) "Wild simulated ginseng" means cultivated ginseng grown in a wooded site where wild ginseng is not established.

(17) "Woodsgrown ginseng" means ginseng grown in managed beds under natural shade.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-010, filed 11/18/97, effective 12/19/97.]

WAC 16-695-015 Collection of wild ginseng. No grower's or dealer's registration will be issued for the collection, sale or distribution of wild ginseng for the purpose of sale or distribution.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-015, filed 11/18/97, effective 12/19/97.]

WAC 16-695-020 Dealers and growers—Annual registration with the department—Requirements. Dealers and growers must register with the Washington state department of agriculture, and the following requirements apply.

(1) No person may act as a dealer without first registering with the department. Registration shall be made annually on a form provided by the department and will expire on March 31 of each year. The department will assign a registration number to each person registered under this subsection.

(2) No person shall act as a grower without first registering with the department. Registration shall be made annually on a form provided by the department and will expire on March 31 of each year. The department will assign a registration number to each person registered under this subsection.

(3) Any person who acts as a dealer and a grower must register as both.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-020, filed 11/18/97, effective 12/19/97.]

WAC 16-695-025 Grower records. A grower selling cultivated ginseng shall do all of the following when selling to a dealer:

(a) Provide a record of sale containing all of the following information to the dealer:

- (i) Grower's name and address;
- (ii) Grower's registration number;
- (iii) Ginseng certificate number;
- (iv) Ginseng dry weight;
- (v) Year harvested;
- (vi) County of harvest;
- (vii) Date of transaction;

(b) Certify that the ginseng was grown in Washington state. The certificate of origin shall be in the form prescribed by the director;

(c) Maintain records of all ginseng production and sales. Records must be maintained for a period of three years.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-025, filed 11/18/97, effective 12/19/97.]

WAC 16-695-030 Dealer records. Dealers shall keep true and accurate records of transactions, including both sales and purchase records, in a format prescribed by the director. Records must be maintained for a period of three years.

- (1) Purchase records shall include:
- (a) Dealer's name;
 - (b) Dealer's registration number;
 - (c) Dealer's address;
 - (d) Grower/seller name;
 - (e) Grower/seller registration number;
 - (f) Ginseng weight in pounds and ounces;
 - (g) Designation of green or dry ginseng;
 - (h) Designation of wild or cultivated ginseng;
 - (i) Harvest year of ginseng;
 - (j) County in which the ginseng was harvested;
 - (k) Date of transaction;
- (2) Sales records shall include the following information:

- (a) Dealer's name;
- (b) Dealer's registration number;
- (c) Dealer's address;
- (d) Buyer's name;
- (e) Buyer's registration number;
- (f) Ginseng weight in pounds and ounces;
- (g) Designation of green or dry ginseng;
- (h) Designation of wild or cultivated ginseng;
- (i) Harvest year;
- (j) County in which the ginseng was harvested;
- (k) Date of transaction.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-030, filed 11/18/97, effective 12/19/97.]

WAC 16-695-035 Out-of-state ginseng. (1) No dealer may purchase, receive or import out-of-state ginseng unless it is accompanied by a valid certificate of origin issued by the state or country of origin. The certificate must include the state or country of origin, the source (wild or cultivated), year of harvest, and dry weight of the out-of-state ginseng.

(2) The dealer shall retain for a period of three years a copy of each written certificate of origin received.

(3) If a dealer receives ginseng not accompanied by a valid certificate of origin, the uncertified ginseng must be returned within 30 days to the state or country of origin. Failure to do so shall render the ginseng illegal for commerce.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-035, filed 11/18/97, effective 12/19/97.]

WAC 16-695-040 Selling and/or shipping of ginseng—Certificates. (1) Except as described in subsection (7) of this section, no person shall sell or ship ginseng out-of-state or export Washington grown ginseng unless it is accompanied by a valid, prenumbered certificate of origin on a form issued by the department. The department shall, upon request and payment of the required fee(s), provide each registered grower or dealer with forms for certificates of origin. The department shall identify each certificate of origin form with a serial number, the registration number of the grower or dealer, and the expiration date of the certificate. The expiration date shall be the following March 31. Registered growers or dealers may certify their own cultivated ginseng by filling

out and signing a certificate of origin form. The certificate of origin shall contain the following information:

- (a) State of origin;
 - (b) Serial number of certificate;
 - (c) Dealer's and/or grower's state registration number;
 - (d) Year of harvest of ginseng being certified;
 - (e) Designation as cultivated roots or plants;
 - (f) Designation as dried or fresh (green) roots, or live plants;
 - (g) Weight of roots or plants (or number of plants) separately expressed both numerically and in writing;
 - (h) Date of certification;
 - (i) Signature of grower or dealer making certification.
- (2) All of the following conditions must be met in order for a Washington certificate of origin to be valid:
- (a) The certificate of origin form must be used on or prior to its expiration date,
 - (b) The certificate must be signed by the grower or dealer whose registration number was entered on it by the department, and
 - (c) The ginseng must be cultivated ginseng grown in Washington state.

(3) Forms for certificates of origin are issued by the department in triplicate. The original is designated for the dealer's use in commerce; the first copy is for the dealer's records; and the second copy shall be sent within two weeks of issuance by the grower or dealer to the Washington State Department of Agriculture, Laboratory Services Division, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560.

(4) Unused forms for certificates of origin shall become void on the March 31 following issuance by WSDA. All voided certificates of origin and forms for certificates of origin shall be sent within two weeks to the Washington State Department of Agriculture, Laboratory Services Division, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560.

(5) No person shall export ginseng grown in Washington using an out-of-state issued certificate.

(6) Certificates of origin shall not be issued for wild ginseng.

(7) Subsection (1) of this section shall not apply to a person who sells or ships cultivated ginseng out-of-state to a person who is buying or receiving it solely for the purpose of final retail sale to consumers in the United States, if the person selling or shipping keeps a record for a period of three years which includes:

- (a) Name and address of the buyer or receiver;
- (b) Weight of the ginseng in pounds and ounces;
- (c) Date of the sale or shipment;
- (d) County of harvest of the ginseng;
- (e) Year of harvest of the ginseng.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-040, filed 11/18/97, effective 12/19/97.]

WAC 16-695-045 Maintaining separate lots of ginseng. Dealers shall maintain separation between lots of out-of-state ginseng and that harvested in Washington until a certificate of origin has been issued for the ginseng harvested in the state.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-045, filed 11/18/97, effective 12/19/97.]

WAC 16-695-050 Dealer and/or grower holding ginseng after March 31 of the year. Any grower or dealer holding ginseng on or after March 31 must report all carryover stocks on a form provided by the department, which shall list name and address of the grower or dealer, location of the lot, lot identification, county of harvest, dry or green weight in pounds and ounces, and year of harvest.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-095-050, filed 11/18/97, effective 12/19/97.]

WAC 16-695-055 Inspection or submission of records. (1) All records required to be kept under this chapter must be made available to the Washington state department of agriculture upon request for audit, inspection, and/or copying.

(2) Pursuant to the authority provided in chapter 15.17 RCW, the department shall not disclose information obtained regarding purchases, sales, or production of an individual American ginseng dealer, except for providing reports to the United States Fish and Wildlife Service. This information is exempt from public disclosure required by chapter 42.17 RCW.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-055, filed 11/18/97, effective 12/19/97.]

WAC 16-695-060 Export procedures. Valid federal CITES documents are necessary to export ginseng.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-060, filed 11/18/97, effective 12/19/97.]

WAC 16-695-065 Fees—Hourly, overtime. Fees shall be charged sufficient to cover the department's cost of implementing this chapter.

(1) Ginseng certification activities shall be provided at an hourly and overtime rate. The overtime rate shall apply for service provided subsequent to a regularly scheduled eight-hour week day shift or on Saturdays, Sundays, and state legal holidays. No service will be performed on Thanksgiving Day, Christmas Day or New Years Day, beginning at 5:00 p.m., on the previous day.

(2) Charges shall be for a minimum of one hour. Additional time shall be charged in one-half hour increments.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-065, filed 11/18/97, effective 12/19/97.]

WAC 16-695-070 Schedule of fees and charges. The following schedule for ginseng certification activities shall apply:

- (1) Certificate of origin form, each \$25.65
- (2) Hourly rate as established in chapter 16-401 WAC.
- (3) Overtime rate as established in chapter 16-401 WAC.
- (4) Travel time at the appropriate hourly or overtime rate shall be assessed.
- (5) Mileage and per diem shall be charged at the rate established by the state office of financial management.
- (6) Postage and other miscellaneous costs shall be charged back at actual cost.

(2009 Ed.)

(7) Certification activities shall include auditing records of the production, sales and storage of ginseng, and issuing certificates.

[Statutory Authority: Chapter 15.19 RCW. 02-12-031, § 16-695-070, filed 5/29/02, effective 6/29/02. Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-070, filed 11/18/97, effective 12/19/97.]

WAC 16-695-075 Unlawful activities. A person shall not do any of the following:

- (1) Fail to maintain all required records.
- (2) Fail to submit information to the department as required in WAC 16-695-050.
- (3) Fail to submit voided certificates of origin or forms for certificates of origin to the department.
- (4) Buy, otherwise acquire, or possess uncertified ginseng, which is required by this chapter to be certified.
- (5) Export uncertified ginseng from this state.
- (6) Possess ginseng originating from another state without authorization from the state of origin.
- (7) Violate chapter 15.17 RCW or any rule promulgated thereunder, or any lawful order of the director.
- (8) Knowingly provide incorrect or false information on a registration application, report, certificate of origin, or other document required under this act.
- (9) Provide a purchaser with a record of sale for more ginseng than is actually sold or otherwise exchanged.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-075, filed 11/18/97, effective 12/19/97.]

WAC 16-695-080 Enforcement actions. (1) The director may take any enforcement action authorized by chapter 15.17 RCW.

(2) Upon determination that an applicant or registered ginseng dealer or grower has violated this chapter, and after following the notice and hearing requirements and provisions of chapter 34.05 RCW concerning adjudicative proceedings, the director of the department may deny, suspend, or revoke any registration or application for registration.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-080, filed 11/18/97, effective 12/19/97.]

Chapter 16-700 WAC

STATE FAIR FUND—PRORATION

WAC

16-700-002	Definition.
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16-700-011	Fair reorganization.
16-700-021	Qualifications.
16-700-022	Requirements.
16-700-024	Director's review.
16-700-027	Board of directors.
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16-700-040	Consideration given to community support.
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16-700-075	Special assistance grant limits.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-700-001	Promulgation. [Order 1279, § 16-700-001, filed 11/28/72, effective 1/1/73; Order 847, Promulgation,
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16-700-020 effective 6/8/61.] Repealed by 80-01-019 (Order 1662), filed 12/14/79, effective 1/1/81.
 Allocations. [Order 1279, § 16-700-020, filed 11/28/72, effective 1/1/73; Order 847, Regulation 2, effective 6/8/61.] Repealed by 80-01-019 (Order 1662), filed 12/14/79, effective 1/1/81.

WAC 16-700-002 Definition. Agricultural fair: A fair or exhibition which is intended to promote agriculture by including a balanced variety of exhibits of livestock and agricultural products, as well as related arts and manufactures; including products of the farm home, and educational contests, displays, and demonstrations designed to train youth and to promote the welfare of farm people and rural living.

[Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-002, filed 12/14/79, effective 1/1/81.]

WAC 16-700-010 Activity reports required. Any area county fair desiring to apply for an allocation from the state fair fund under the provisions of chapter 61, Laws of 1961, must submit to the director annually, on or before February 15 of the following year, reports covering all of its activities on forms to be supplied by the director, and include a certified auditor's report of receipts and expenditures attributed to the fair. Any community fair or youth show must submit to the director annually, on or before December 1, the reports of its activities on forms to be supplied by the director.

[Statutory Authority: RCW 15.76.180. 97-04-078, § 16-700-010, filed 2/5/97, effective 3/8/97; Order 1279, § 16-700-010, filed 11/28/72, effective 1/1/73; Order 847, Regulation 1, effective 6/8/61.]

WAC 16-700-011 Fair reorganization. Beginning January 1, 1994, and until June 30, 1997, the director may waive applications requirements, as defined in WAC 16-700-010 and adjust the basic annual allocation as defined in WAC 16-700-021, when a county fair reorganizes and makes application for allocation from the fair fund as an area fair.

[Statutory Authority: RCW 15.76.180. 95-15-101, § 16-700-011, filed 7/19/95, effective 8/19/95.]

WAC 16-700-021 Qualifications. (1) Any community fair applying for an allocation from the state fair fund shall have on display or exhibit at one place, open to the public, for at least a seven-hour period:

(a) Three or more of the following animal categories: Beef, sheep, swine, horses, dairy, goats, llamas, dogs, and poultry and rabbits (poultry and rabbits being in one category) with at least five exhibits in each category, except poultry and rabbits and dogs which shall have ten; and

(b) At least three of the following categories: Foods, clothing, horticulture, crops, floriculture, arts and crafts, with at least five exhibits in each category.

(c) Each category, to qualify as per above, shall have at least three exhibitors.

(d) Each fair shall have at least twenty-five exhibitors in total.

(2) Such community fair, whose application is accepted by the director, shall be entitled to an annual allocation of up to fifty percent of the premiums and prizes paid to the participants. An allocation of up to one hundred percent reimbursement of premiums and prizes paid may be made on a merit basis to such fairs as reporting one thousand dollars or more

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of the value of such premiums and prizes: Provided, That any community fair that has for its purpose the education and training of youth in the matters of rural living and production agriculture and serving the 4-H and FFA members and all interested youth in its community, may qualify for an allocation with:

(a) Three or more of the following categories: Beef, sheep, swine, dairy, horses, llamas or goats; or

(b) At least two of the following categories: Beef, sheep, swine, dairy, llamas and/or goats, and at least two of the following categories: Foods, clothing, horticulture, crops, floriculture, arts and crafts, dogs, poultry and/or rabbits (poultry and/or rabbits being one category).

(c) Each category, to qualify as per above, shall have at least three exhibitors.

(d) Each fair shall have at least twenty-five exhibitors in total.

(e) All such exhibits are to be exhibited by youth exhibitors, at one place, open to the public, for at least a seven-hour period. Such fair shall be entitled to a maximum annual allocation of up to fifty percent reimbursement of premiums and prizes.

(3) Any area fair may not receive an allocation in excess of the total reimbursement of premiums and prizes.

[Statutory Authority: RCW 15.76.180. 97-12-028, § 16-700-021, filed 5/30/97, effective 6/30/97; 97-04-078, § 16-700-021, filed 2/5/97, effective 3/8/97. Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-021, filed 12/14/79, effective 1/1/81.]

WAC 16-700-022 Requirements. All agricultural fairs shall:

(1) Have a written statement of aims and purposes made public.

(2) Provide special activities for youth development, such as judging contests, educational demonstrations, and displays designed to train youth.

(3) Hold all activities to be considered as part of the fair on consecutive days: Provided, That a portion of these activities may be held up to seven days before the first day of the fair.

[Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-022, filed 12/14/79, effective 1/1/81.]

WAC 16-700-024 Director's review. Any fair not qualifying under WAC 16-700-021 or 16-700-022(3) may apply to the director for a review of its circumstances and the director is authorized to determine eligibility on the basis of those circumstances on a case-by-case basis.

[Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-024, filed 12/14/79, effective 1/1/81.]

WAC 16-700-027 Board of directors. Area and community fairs and youth shows shall have an organized governing board of directors, be nonprofit, and show evidence of community support.

[Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-027, filed 12/14/79, effective 1/1/81.]

WAC 16-700-030 Effect of donated labor, materials, and equipment. For the purpose of matching state fair fund allocations those fairs whose local resources are not suffi-

cient to match dollar for dollar may in preparing their annual reports place a reasonable itemized monetary value upon donated labor, materials and equipment used in the construction, repairing and maintenance of fair grounds, buildings and facilities.

[Order 847, Regulation 3, effective 6/8/61.]

WAC 16-700-040 Consideration given to community support. Special consideration may be given to each of the several criteria by which fairs are to receive a merit rating. Special consideration may be given, however, to small and comparatively isolated fairs with limited local resources when such fairs have shown that a maximum community effort has been made in support of these fairs.

[Statutory Authority: RCW 15.76.180. 97-04-078, § 16-700-040, filed 2/5/97, effective 3/8/97; Order 847, Regulation 4, effective 6/8/61.]

WAC 16-700-050 Merit criteria. The merit of area, district, county and community fairs shall be determined on the basis of the following criteria:

(1) **Aims and purposes:** For what reason or purposes is the show held and what is the evidence of successful achievement of these aims and purposes?

(2) **Organization and management:** To what extent is the organization, its officers and management, and the physical facilities and financial resources geared to accomplish the objectives stated above?

(3) **Area served:** What is the extent of the area from which exhibits and exhibitors are drawn and the extent of the area served?

(4) **General attractiveness:** Are the agricultural, educational, commercial and recreational features wellbalanced, making the fair attractive to the fairgoing public?

(5) **Exhibits:** What is the number, quality and diversity of exhibits and their general rating judged by recognized standards of excellence, as well as their neatness and orderliness in all departments, in open and junior classes?

(6) **Community, county or area interest:** How is full participation and support of the area served indicated by (a) attendance, both paid and total, and (b) by active support of service clubs, farm organizations and other groups?

(7) **Success of the fair:** How successful does the fair appear, measured by its accomplishment in relation to resources available?

[Statutory Authority: RCW 15.76.180. 97-04-078, § 16-700-050, filed 2/5/97, effective 3/8/97; Order 847, Regulation 5, effective 6/8/61.]

WAC 16-700-060 Criteria for youth shows and fairs. Youth shows and fairs shall be judged on a merit basis according to the following criteria:

(1) **Aims and purposes:** To what extent does the show supplement 4-H, FFA and other related youth programs and to what extent does it provide opportunity for showing results of supervised training in these programs?

(2) **Organization and management:** To what extent is the organization, its officers and management and the physical setup geared to accomplish the objectives stated above?

(3) **Scope:** What does the show include in the nature of youth participation, such as number of participants, kind and

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number of exhibits or displays, and the clubs or chapters represented?

(4) **Quality:** What is the general attractiveness of the show in all departments, the general rating of exhibits judged by recognized standards of excellence, and the neatness and orderliness in all departments?

(5) **Financial statement:** What are the receipts of all kinds, the expenditures, including salaries and wages, premiums paid, financial reserves and general obligations?

(6) **Area and/or community support:** In what ways does the area served support this show?

(7) **Special activities:** To what extent does the show provide special activities for youth development, such as judging contests, educational demonstrations, banquets, barbecues, programs, or other supervised recreation?

[Statutory Authority: RCW 15.76.180. 97-04-078, § 16-700-060, filed 2/5/97, effective 3/8/97; Order 847, Regulation 6, effective 6/8/61.]

WAC 16-700-070 Reserve for disaster grants. Allocations to fairs from the special assistance portion of the state fair fund shall be made on a matching basis except that this requirement may be waived in the case of assistance due to disasters resulting from fire, flood, wind, snow, earthquake or other acts of God. A reserve of not less than \$5,000 shall be held for the purpose of making disaster grants.

[Order 847, Regulation 7, effective 6/8/61.]

WAC 16-700-075 Special assistance grant limits. The director may limit the grants from the special assistance portion of the state fair fund to disaster grants to county and area fairs, as defined in WAC 16-700-070.

[Statutory Authority: RCW 15.76.180. 93-02-028, § 16-700-075, filed 12/31/92, effective 2/1/93.]

WAC 16-700-080 Qualifying premiums and prizes. Premiums and prizes that qualify for listing for allocation purposes shall be those paid for exhibits and educational contests, displays, and demonstrations of an educational nature. This is not to include judges fees and expenses, livestock sale revenues, prizes or premiums for promotion or entertainment activities such as queen contests, parades, dances, rodeos, and races.

[Statutory Authority: RCW 15.76.180. 97-04-078, § 16-700-080, filed 2/5/97, effective 3/8/97; Order 1279, § 16-700-080, filed 11/28/72, effective 1/1/73.]

WAC 16-700-090 Effective date. The effective date of these amended rules shall be January 1, 1981 (WAC 16-700-001, 16-700-020, 16-700-021, 16-700-022, 16-700-024, 16-700-027, and 16-700-090).

[Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-090, filed 12/14/79, effective 1/1/81.]

Chapter 16-720 WAC

DIETARY SUPPLEMENTS—ELEMENTAL IRON

WAC

16-720-001	Promulgation.
16-720-010	Definition.
16-720-020	Requirement.
16-720-030	Penalty.

Reviser's note: By the promulgation of Order 1483, filed in the office of the code reviser on September 2, 1976, the effective date of chapter 16-720 WAC, was extended from January 1, 1977, to June 2, 1977.

WAC 16-720-001 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 70.106 RCW, after due notice as provided under chapters 42.32 [42.30] and 34.04 RCW, and a public hearing held in Olympia, Washington on January 28, 1976 and on August 30, 1976 do hereby promulgate the following regulations requiring dietary iron supplements and dietary multiple-vitamin-with iron supplements to be packaged in child-resistant containers.

[Order 1483, § 16-720-001, filed 9/2/76, effective 6/2/77; Order 1433, § 16-720-001, filed 3/1/76, effective 1/1/77.]

WAC 16-720-010 Definition. Dietary supplement means any vitamin and/or mineral preparation offered in tablet, capsule, wafer or other similar uniform unit form; in powder, granular, flake, or liquid form; or in the physical form of a conventional food but which is not a conventional food; and which purports to be or is represented for special dietary use by humans to supplement their diets by increasing the total dietary intake of one or more of the essential vitamins and/or minerals.

[Order 1483, § 16-720-010, filed 9/2/76, effective 6/2/77; Order 1433, § 16-720-010, filed 3/1/76, effective 1/1/77.]

WAC 16-720-020 Requirement. Iron preparations. Animal and human drugs (except for injectable drugs), and dietary supplements, as defined in WAC 16-720-010, that provide an equivalent of 250 milligrams or more of elemental iron per total package, shall be packaged in accordance with the provisions of chapter 70.106 RCW, the Washington Poison Prevention Act of 1974.

[Order 1483, § 16-720-020, filed 9/2/76, effective 6/2/77; Order 1433, § 16-720-020, filed 3/1/76, effective 1/1/77.]

WAC 16-720-030 Penalty. Any person found to be in violation of WAC 16-720-020 shall be subject to the penalties provided in RCW 70.106.140.

[Order 1483, § 16-720-030, filed 9/2/76, effective 6/2/77; Order 1433, § 16-720-030, filed 3/1/76, effective 1/1/77.]

Chapter 16-730 WAC

ASPARAGUS EQUIPMENT LEASE PROGRAM

WAC

16-730-005	What is the purpose of the asparagus equipment lease program?
16-730-007	How does the department ensure that program participants comply with the program's purpose?
16-730-010	What definitions are important to this chapter?
16-730-015	How will the asparagus equipment leasing program be administered?
16-730-020	Who is eligible to participate in the asparagus equipment leasing program?
16-730-025	How does an eligible asparagus handler/packer apply to the equipment leasing program?
16-730-030	When will an applicant know if they have been approved to participate in the equipment leasing program?
16-730-035	If an application is denied, can the applicant request a review of the director's decision?

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16-730-040	If an applicant's initial application is disapproved, can the applicant reapply to the equipment leasing program?
16-730-045	What is the process the program will follow to distribute equipment leasing money to approved applicants?
16-730-050	How will the program's equipment leasing money be allocated in 2004?
16-730-055	For the initial leasing program, what are the base distribution amounts for each category of handler/packers?
16-730-060	What requirements apply to equipment leasing program lease agreements?
16-730-062	What happens if an approved handler/packer defaults on a lease?
16-730-065	How long will the initial asparagus equipment leasing program be in operation?
16-730-070	Who develops the depreciation schedules for the program's leased equipment?
16-730-075	Will the equipment used in the asparagus equipment leasing program be offered for sale to the handler/packer who leased it?

WAC 16-730-005 What is the purpose of the asparagus equipment lease program? (1) The Washington state department of agriculture is establishing the asparagus equipment lease program to implement section 308(10), chapter 276, Laws of 2004 (ESHB 2459), which directs the Washington state department of agriculture (WSDA) to purchase agricultural products packing equipment and to negotiate an appropriate agreement with the agricultural industry for the use of that equipment.

(2) The asparagus equipment lease program allows Washington state packers and handlers of Washington asparagus to lease with an opportunity to purchase automated labor saving equipment that will strengthen their post-harvest efforts to efficiently handle or pack fresh, frozen or pickled asparagus.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-005, filed 6/28/05, effective 7/29/05.]

WAC 16-730-007 How does the department ensure that program participants comply with the program's purpose? To ensure that program participants are in compliance with the terms of the program and to ensure that the leased equipment is being used only to pack and process fresh, frozen or pickled asparagus, the participating handlers must, during each year of their participation, give the department or its agent a letter:

- (1) Certifying that the leased equipment is being used for the program's intended purpose; and
- (2) Summarizing the cost and labor savings for that year.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-007, filed 6/28/05, effective 7/29/05.]

WAC 16-730-010 What definitions are important to this chapter? "Applicant" means any person who applies to participate in the equipment leasing program and commercially handles 250,000 pounds or more of asparagus in the calendar year that they apply.

"Approved handler/packer" means any asparagus handler and/or packer who has submitted an equipment leasing program application to the department and has been approved by the department to participate in the program.

"Automation" means the technique and equipment used to bring about automatic operation and control of a process.

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"Department" means the Washington state department of agriculture.

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Handler/packer" means a person who sells, arranges for sale, represents, processes, distributes or packages fresh, frozen or pickled asparagus.

"Facility" means any place where fresh asparagus is prepared, handled and packaged as fresh, frozen, or pickled for sale.

"Labor saving" means actions, activities or processes designed to decrease the amount of human labor needed to prepare, handle or package fresh, frozen or pickled asparagus.

"Leasing" means to obtain the use of asparagus handling or packing equipment through the asparagus equipment leasing program.

"Packing equipment" means equipment associated with the activities of the post-harvest handler/packer of fresh, frozen or pickled asparagus.

"Person" means an individual, firm, partnership, corporation, or association engaged in handling and/or packing fresh, frozen or pickled Washington state asparagus.

"Program administrator" means the director of the Washington state department of agriculture or the director's designee.

"Review committee" means a group of five to seven people representing the department and the Washington asparagus commission staff and members and one at large agricultural representative who is neither directly affiliated with the asparagus industry nor any of the equipment leasing program applicants. The purpose of the committee is to review equipment leasing program applications.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-010, filed 6/28/05, effective 7/29/05.]

WAC 16-730-015 How will the asparagus equipment leasing program be administered? The director or the director's designee will administer the asparagus equipment leasing program according to the rules of this chapter. If necessary, the program administrator, following the rule-making procedures in chapter 34.05 RCW (Administrative Procedure Act), may develop and implement additional rules or guidelines to ensure that this program is successful in achieving its purpose.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-015, filed 6/28/05, effective 7/29/05.]

WAC 16-730-020 Who is eligible to participate in the asparagus equipment leasing program? To be eligible to participate in the asparagus equipment leasing program, a post-harvest asparagus handler must:

(1)(a) Pack a minimum of 250,000 pounds of fresh, frozen or pickled asparagus in Washington in the calendar year in which they apply; and

(b) Provide documentation verifying the 250,000 pounds. Verification can include asparagus commission assessments or other industry accepted documentation.

(2) Comply with all applicable federal, state, and local laws and rules related to doing business in Washington and handling food products.

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[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-020, filed 6/28/05, effective 7/29/05.]

WAC 16-730-025 How does an eligible asparagus handler/packer apply to the equipment leasing program?

(1) Eligible handler/packers can obtain an equipment leasing program application by contacting:

Asparagus Leasing Program
Washington State Department of Agriculture
1111 Washington St. S.E., 2nd Floor
P.O. Box 42560
Olympia, WA 98504-2560

(2) Eligible applicants must complete the program application and provide the department with the following information:

(a) Verification consistent with normal and usual leasing agreements that their business is a going concern;

(b) Verification that they have the ability to adequately insure any equipment they may lease;

(c) A statement declaring their eligibility and intent to participate in the program;

(d) Documentation of their ability to provide the necessary upkeep and maintenance of any equipment they may lease;

(e) A description of the equipment to be leased and its cost;

(f) A description of how the leased equipment will automate their post-harvest operation and how it will reduce post-harvest labor costs; and

(g) The pounds of asparagus processed for the period of years identified on the application and documentation verifying the pounds processed.

(3) The completed application and the related information (subsection (2) of this section) must be submitted to:

Asparagus Leasing Program
Washington State Department of Agriculture
1111 Washington St. S.E., 2nd Floor
P.O. Box 42560
Olympia, WA 98504-2560

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-025, filed 6/28/05, effective 7/29/05.]

WAC 16-730-030 When will an applicant know if they have been approved to participate in the equipment leasing program?

(1) The department, in consultation with the Washington asparagus commission, the Washington asparagus council and the industry at large, will establish application deadlines, application review dates and dates for notifying applicants if they have been accepted to participate in the equipment lease program.

(2) The process for reviewing and approving application is as follows:

(a) The review committee will review all applications and recommend approved applicants to the director.

(b) The director will review the review committee's recommendations.

(c) Once the director approves the recommended applicants, applicants will be notified of the results within five working days of the director's decision.

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(3) The department may implement additional application cycles as needed in order to insure that handler/packers may fully participate in the program.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-030, filed 6/28/05, effective 7/29/05.]

WAC 16-730-035 If an application is denied, can the applicant request a review of the director's decision? (1) An applicant whose application has been denied by the director may request a review of the director's decision. The request for review must:

- (a) Specify the date of the decision or action being appealed;
- (b) Explain as precisely as possible the issue to be resolved by the administrative review;
- (c) Include the address of the applicant; and
- (d) Be signed by the applicant.

(2) Administrative reviews of denied applications will follow an informal process conducted by the director's designee.

(a) The review will be completed within thirty days after receipt of the review request.

(b) Once the review is completed, the department has ten days to inform the handler of the review decision.

(3) The rights of the department provided in this section are exclusive and are in addition to any other rights and remedies provided by law.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-035, filed 6/28/05, effective 7/29/05.]

WAC 16-730-040 If an applicant's initial application is disapproved, can the applicant reapply to the equipment leasing program? (1) Program applicants whose initial application was denied have ten days from the date they received the director's decision denying their application to reapply.

(2) Applicants must reapply by following the procedures outlined in WAC 16-730-025.

(3) When reapplying, the applicant must request different equipment and/or a different mix of equipment from that listed on their original application.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-040, filed 6/28/05, effective 7/29/05.]

WAC 16-730-045 What is the process the program will follow to distribute equipment leasing money to approved applicants? The program's equipment leasing money will be distributed indirectly to approved applicants as follows:

(1) The department, in consultation with the Washington asparagus commission, the Washington asparagus council and the asparagus industry at large, will determine the amount of equipment leasing money allocated to each approved applicant and then distribute this money to a department approved equipment leasing company.

(2) The approved leasing company will then purchase the equipment and subsequently lease it to an approved applicant.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-045, filed 6/28/05, effective 7/29/05.]

WAC 16-730-050 How will the program's equipment leasing money be allocated in 2004? (1) The initial allocation of equipment leasing money for 2004 will be distributed based upon documented annual average pounds of asparagus an approved handler/packer reported from 2001 through 2004.

Note: If additional application cycles are needed to administer current and future equipment lease allocations and distributions, the department may adjust the initial four-year annual average production period (2001-2004).

(2)(a) Unless the department, in consultation with the Washington asparagus commission, the Washington asparagus council and the asparagus industry at large, determines that the allocation formula be changed, all approved applicants will receive either a base amount of at least \$75,000 for their initial 2004-program allocation or an amount adjusted to reflect an appropriate base for future program offerings.

(b) If the department does change the allocation formula, it will notify the Washington state asparagus industry and, specifically, Washington state asparagus handler/packers.

(3) The department has developed the following categories to help allocate the equipment lease program's initial 2004 offering:

Handler/Packer Categories*	Pounds of Asparagus Handled Annually
Small	Less than 1,000,000 pounds
Medium	1,000,000 to 2,000,000 pounds
Large	2,000,001 to 5,000,000 pounds

*Note: These categories could change. If they do, the department will notify asparagus handler/packers and the industry.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-050, filed 6/28/05, effective 7/29/05.]

WAC 16-730-055 For the initial leasing program, what are the base distribution amounts for each category of handler/packers?

Note: The department will always work with the review committee to assure that the distributions to approved applicants are fair and equitable and based on the pounds processed formula.

(1) The final handler/packer allocation for 2004 is illustrated in the following table:

Handler/Packer Size	Dollar Allocation per Handler/Packer
Small	\$87,000.00
Medium	\$110,500.00
Large	\$154,500.00

(2) Future distributions will be determined by the:

- (a) Amount of program funds available after all administrative and contract-leasing costs are subtracted from the total program allocation received from the legislature; and
- (b) Number of participants in the program; and
- (c) Department consultations with the Washington asparagus commission, the Washington asparagus council and the asparagus industry at large.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-055, filed 6/28/05, effective 7/29/05.]

WAC 16-730-060 What requirements apply to equipment leasing program lease agreements? (1) The department will follow office of financial management (OFM) procurement guidelines when selecting a leasing company to act as its agent to purchase and manage all equipment leasing arrangements for all approved handler/packers.

(2) All approved handler/packers will complete a lease agreement with the department approved leasing firm.

(3) All equipment lease agreements:

(a) Must be exclusive to the approved handler/packers for the term of the contract with the leasing company; and

(b) Are not transferable without the written approval of the department.

(4) Lease agreements cannot be paid off before the leasing company's contract termination date.

(5) In addition to the leasing requirements contained in this chapter, the department, in its contract with the leasing company, will include other lease requirements that approved handler/packers must follow.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-060, filed 6/28/05, effective 7/29/05.]

WAC 16-730-062 What happens if an approved handler/packer defaults on a lease? (1) If an approved handler/packer defaults on a lease agreement, the department retains ownership of the equipment and will make the equipment available to other asparagus handlers through a selection process determined by the department in consultation with the Washington asparagus commission, the Washington asparagus council and asparagus industry representatives.

(2) The selection process used by the department to redistribute defaulted lease equipment to approved handler/packers must comply with any applicable state and federal laws and regulations.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-062, filed 6/28/05, effective 7/29/05.]

WAC 16-730-065 How long will the initial asparagus equipment leasing program be in operation? (1) How long the initial equipment leasing program will be in operation will be determined by:

(a) An office of financial management (OFM) approved depreciation schedule for each type of equipment that will be available for leasing; and

(b) The period of time needed to:

(i) Surplus and transfer equipment; and

(ii) Complete program closeout activities.

(2) For any distributions following the initial one, the department may modify the program length, depreciation schedules, contract requirements or leasing agreements.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-065, filed 6/28/05, effective 7/29/05.]

WAC 16-730-070 Who develops the depreciation schedules for the program's leased equipment? The department, with final approval from OFM, will develop depreciation schedules for the program's leased equipment. These schedules will be based upon the characteristic economic useful lives of asparagus processing and handling equipment used by the industry.

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[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-070, filed 6/28/05, effective 7/29/05.]

WAC 16-730-075 Will the equipment used in the asparagus equipment leasing program be offered for sale to the handler/packer who leased it? (1) At the end of its depreciation period, the equipment leased to a handler/packer will be declared "surplus" and offered for sale to the handler/packer or their designee.

(2) If a handler/packer wants to sell their leased equipment to a designee, they must complete a designee form and have the form approved by the department.

[Statutory Authority: Chapters 15.04 and 34.05 RCW, 2004 c 276. 05-14-049, § 16-730-075, filed 6/28/05, effective 7/29/05.]

Chapter 16-731 WAC

ASPAGARUS GROWER EQUIPMENT LEASE PROGRAM

WAC

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WAC 16-731-010 What is the purpose of the asparagus grower equipment lease program? (1) The Washington state department of agriculture is establishing the asparagus grower equipment lease program to implement section 3217, chapter 520, Laws of 2007 (ESHB 1092), which appropriates funds to the Washington state department of agriculture to extend and expand the department's asparagus automation and mechanization program. These rules also provide the criteria and qualifications to apply for participation in this program.

(2) The asparagus grower equipment lease program allows Washington state asparagus growers to lease with an opportunity to purchase labor saving equipment that will

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strengthen their production and harvesting efforts to efficiently produce fresh asparagus.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-010, filed 9/15/08, effective 10/16/08.]

WAC 16-731-020 How does the department ensure that program participants comply with the program's purpose? To ensure that program participants are in compliance with the terms of the program and to ensure that the leased equipment is being used principally to produce or harvest fresh asparagus, the participating growers must, during each year of their participation, provide the department or its agent a letter:

- (1) Certifying that the leased equipment is being used for the program's intended purpose; and
- (2) Summarizing the cost and labor savings for that year relative to asparagus production or harvesting.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-020, filed 9/15/08, effective 10/16/08.]

WAC 16-731-030 What definitions are important to this chapter? "Applicant" means any person who applies to participate in the asparagus grower equipment leasing program and who produces in the state of Washington asparagus in commercial quantities (6,000 pounds or more in a calendar year) for fresh market, for processing, or for sale to processors and paid assessments to the Washington asparagus commission in the calendar year preceding the year in which they submit an application.

"Automation" means a labor-saving technique or equipment used to bring about automatic operation and control of a process.

"Department" means the Washington state department of agriculture.

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Equipment" means labor-saving equipment used principally to aid in the production or harvesting of asparagus but excludes general farming equipment, such as tractors.

"Grower" means any person who produces in the state of Washington asparagus in commercial quantities for fresh market, for processing, or for sale to processors.

"Labor saving" means actions, activities or processes designed to decrease the amount of human labor needed to produce or harvest fresh asparagus.

"Leasing" means to obtain the use of asparagus production or harvesting equipment through the asparagus grower equipment leasing program.

"Person" means an individual, firm, partnership, corporation, or association engaged in growing fresh Washington state asparagus.

"Program administrator" means the director of the Washington state department of agriculture or the director's designee.

"Review committee" means a group of five to seven people that is made up of representatives from the department, the Washington asparagus commission staff and its members. In addition, one agricultural representative who is neither directly affiliated with the asparagus industry nor any of the equipment leasing program applicants shall be part of the committee. The purpose of the committee is to review

equipment leasing program applications and make selection recommendations to the director.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-030, filed 9/15/08, effective 10/16/08.]

WAC 16-731-040 How will the asparagus grower equipment leasing program be administered? The director or the director's designee will administer the asparagus equipment leasing program according to the rules of this chapter.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-040, filed 9/15/08, effective 10/16/08.]

WAC 16-731-050 Who is eligible to participate in the asparagus grower equipment leasing program? To be eligible to participate in the asparagus grower equipment leasing program, a grower must:

(1)(a) Produce in the state of Washington asparagus in commercial quantities (6,000 pounds) in the calendar year preceding the year in which they apply; and

(b) Provide documentation verifying the 6,000 pounds. Verification can include proof of payment of asparagus commission assessments or other industry accepted documentation.

(2) Comply with all applicable federal, state, and local laws and rules related to doing business in Washington.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-050, filed 9/15/08, effective 10/16/08.]

WAC 16-731-060 How does an eligible asparagus grower apply to the equipment leasing program? (1) Eligible growers can obtain an equipment leasing program application by contacting:

Asparagus Grower Leasing Program
Washington State Department of Agriculture
1111 Washington St. S.E., 2nd Floor
P.O. Box 42560
Olympia, WA 98504-2560

(2) Eligible applicants must complete the program application and provide the department with the following information:

(a) Verification consistent with normal and usual leasing agreements that their business is a going concern;

(b) Verification that they have the ability to adequately insure any equipment they may lease;

(c) A statement declaring their eligibility and intent to participate in the program;

(d) Documentation of their ability to provide the necessary upkeep and maintenance of any equipment they may lease;

(e) A description of the equipment to be leased and its cost, along with the percentage of equipment cost the applicant pledges to match (minimum of 25% required);

(f) A description of how the leased equipment will automate their production or harvesting operation;

(g) The estimated amount of labor savings in terms of wages and labor hours to be achieved through automation; and

(h) The number of pounds of asparagus produced as stated in a range for the period of years identified on the

application. (The department will verify the pounds of production with the Washington asparagus commission.)

(3) The completed application and the related information (subsection (2) of this section) must be submitted to:

Asparagus Grower Leasing Program
Washington State Department of Agriculture
1111 Washington St. S.E., 2nd Floor
P.O. Box 42560
Olympia, WA 98504-2560

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-060, filed 9/15/08, effective 10/16/08.]

WAC 16-731-070 How will applicants be selected to participate in the equipment leasing program? (1) The department, in consultation with the Washington asparagus commission, and the industry at large, will establish application deadlines, application review dates and dates for notifying applicants if they have been selected to participate in the equipment lease program.

(2) The process for reviewing and approving applications is as follows:

(a) The review committee will review all applications, weigh the responses, rank the applications and make selection recommendations to the director based on the selection criteria which will include:

- (i) The application is complete and includes all required information;
- (ii) The percentage of equipment costs that the applicant is willing to match relative to the cost of the equipment;
- (iii) The amount of labor savings to be achieved;
- (iv) The type and reliability of the equipment requested; and
- (v) The extent to which the equipment will be used in the production or harvesting of asparagus.

Additionally, the following balancing factors shall be used to determine the final ranking:

- (A) Geographic location of applicant;
- (B) Size of operation or business;
- (C) Type of equipment requested, with preference given to requests for mechanical harvesting equipment.

(b) The director will review the committee's recommendations and ranking. The director reserves the right to modify the committee's recommendations and ranking. If the final ranking results in a tie, the director reserves the right to select the successful applicant(s) by lot.

(c) Once the director selects the successful applicants, applicants will be notified of the results within five working days of the director's decision.

(3) The department may implement additional application cycles if needed.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-070, filed 9/15/08, effective 10/16/08.]

WAC 16-731-080 If an application is not selected, can the applicant request a review of the director's decision? (1) An applicant whose application is not selected by the director may request a review of the director's decision within ten calendar days after the decision has been mailed to the applicant. The request for review must:

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(a) Specify the date of the decision or action being reviewed;

(b) Explain as precisely as possible the issue or error to be resolved by the review;

(c) Include the address of the applicant; and

(d) Be signed by the applicant.

(2) Reviews of unsuccessful applications will follow an informal process conducted by the director or director's designee based on the following criteria:

(a) Was there a factual or numerical error in scoring the application?

(b) Were the selection criteria as listed in WAC 16-731-070 (2)(a) erroneously applied?

(3) The review will be completed within fifteen days after receipt of the review request.

(4) Once the review is completed, the department has five working days to inform the applicant of the review decision.

(5) The rights of the department provided in this section are exclusive and are in addition to any other rights and remedies provided by law.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-080, filed 9/15/08, effective 10/16/08.]

WAC 16-731-090 If an applicant's initial application is not selected, can the applicant reapply to the equipment leasing program? (1) If an applicant whose initial application was not selected has been notified that additional program funds are available, the applicant has ten days from the date they receive notification of the availability of additional funds to reapply.

(2) Applicants must reapply by following the procedures outlined in WAC 16-731-060.

(3) When reapplying, the applicant must present a different proposal from that contained in their original application. Differences may include a greater percentage of matching funds, a request for different equipment and/or a way to improve labor or cost savings.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-090, filed 9/15/08, effective 10/16/08.]

WAC 16-731-100 How will the program distribute equipment leasing funds? The program's equipment leasing funds will be distributed indirectly for the benefit of selected applicants through an approved leasing company. The approved leasing company will purchase the production or harvesting equipment, request reimbursement from the department in the amount of the allocation for that applicant and subsequently lease the equipment to the selected applicant. Title to the equipment shall be held by the department. "Reimbursement" means that equipment has already been paid for or a bill for the equipment is due and payable within thirty days.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-100, filed 9/15/08, effective 10/16/08.]

WAC 16-731-110 How will the program's equipment leasing funds be allocated? (1) The initial allocation of equipment leasing funds will be distributed based upon the

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availability of funds and the evaluation of the application using the criteria set forth in WAC 16-731-070 (2)(a).

(2) An applicant will receive no more than 75% of the value of the equipment to be purchased.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-110, filed 9/15/08, effective 10/16/08.]

WAC 16-731-120 For the leasing program, what are the maximum distribution amounts for each successful grower applicant? (1) The final grower allocation will not exceed 75% of the value of the equipment to be purchased.

(2) Any future distributions will be determined by:

(a) The amount of program funds available after all administrative and contract-leasing costs are subtracted from the total program allocation received from the legislature;

(b) The number of participants in the program;

(c) Whether any viable projects were eligible for funding but not previously selected; and

(d) Department consultations with the Washington asparagus commission and the industry at large.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-120, filed 9/15/08, effective 10/16/08.]

WAC 16-731-130 What requirements apply to equipment leasing program lease agreements? (1) The department will follow the department of general administration purchased service procurement guidelines when selecting a leasing company to act as its agent to purchase and manage all equipment leasing arrangements for all selected growers.

(2) All selected growers must enter into a department-approved lease agreement with the department-approved leasing firm.

(3) All equipment lease agreements:

(a) Must be exclusive to the selected grower for the term of the contract with the leasing company; and

(b) Are not transferable without the written approval of the department.

(4) Lease agreements cannot be paid off before the leasing company's contract termination date.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-130, filed 9/15/08, effective 10/16/08.]

WAC 16-731-140 What happens if a selected asparagus grower defaults on a lease? If a selected grower defaults on a lease agreement, the department retains ownership of the equipment and will make the equipment available to other asparagus growers. Availability will be determined by whether any other applicant that was not selected is interested in leasing the equipment or if none, if any other asparagus grower is interested in leasing the equipment.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-140, filed 9/15/08, effective 10/16/08.]

WAC 16-731-150 How long will the asparagus grower equipment leasing program be in operation? (1) How long the equipment leasing program will be in operation will be determined by:

(a) An office of financial management (OFM) approved depreciation schedule for each type of equipment that will be available for leasing; and

(b) The period of time needed to:

(i) Surplus and dispose of or transfer the equipment; and
(ii) Complete program closeout activities.

(2) For any distributions following the initial one, the department may modify the program length, depreciation schedules, contract requirements or leasing agreements.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-150, filed 9/15/08, effective 10/16/08.]

WAC 16-731-160 Who develops the depreciation schedules for the program's leased equipment? The department, with final approval from OFM, will develop depreciation schedules for the program's leased equipment. These schedules will be based upon the characteristic economic useful lives of asparagus production or harvesting equipment used by the industry.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-160, filed 9/15/08, effective 10/16/08.]

WAC 16-731-170 Will the equipment used in the asparagus grower equipment leasing program be offered for sale to the grower who leased it? (1) At the end of its depreciation period, the equipment leased to a grower will be declared "surplus" and offered for sale to the grower or their designee at a price to be determined at the end of the depreciation period.

(2) If a grower chooses not to purchase the leased equipment at the end of its depreciation period, the state will attempt to first sell the surplus equipment to another grower.

[Statutory Authority: RCW 15.04.402, 2007 c 520, and chapter 34.05 RCW. 08-19-061, § 16-731-170, filed 9/15/08, effective 10/16/08.]

Chapter 16-750 WAC

STATE NOXIOUS WEED LIST AND SCHEDULE OF MONETARY PENALTIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-750-010	Proposed noxious weed list. [Statutory Authority: RCW 17.10.080. 87-05-016 (Order 18, Resolution No. 18), § 16-750-010, filed 2/11/87; 86-07-024 (Order 17, Resolution No. 17), § 16-750-010, filed 3/13/86; 85-07-003 (Order 16, Resolution No. 16), § 16-750-010, filed 3/7/85; 84-06-047 (Order 15, Resolution No. 15), § 16-750-010, filed 3/6/84; 83-07-042 (Order 14, Resolution No. 14), § 16-750-010, filed 3/17/83; 82-06-045 (Order 13, Resolution No. 13), § 16-750-010, filed 3/3/82. Statutory Authority: Chapter 17.10 RCW. 81-07-039 (Order 12, Resolution No. 12), § 16-750-010, filed 3/13/81; 80-03-075 (Order 11, Resolution No. 11), § 16-750-010, filed 2/29/80; 78-06-014 (Order 10, Resolution No. 10), § 16-750-010, filed 5/10/78; Order 8, § 16-750-010, filed 3/1/77; Order 7, § 16-750-010, filed 4/15/76; Order 5, § 16-750-010, filed 3/7/75; Order 4, § 16-750-010, filed 3/27/74; Order 3, § 16-750-010, filed 4/3/73; Order 2, § 16-750-010, filed 3/16/72; Order 1, § 16-750-010, filed 4/9/71.] Repealed by 88-07-016 (Order 22, Resolution No. 22), filed 3/7/88. Statutory Authority: RCW 17.10.080.
16-750-175	State noxious weed control board—Reports. [Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-175, filed 12/2/92, effective 1/2/93.] Repealed by 99-24-029, filed 11/23/99, effective 1/3/00. Statutory Authority: Chapter 17.10 RCW.
16-750-190	State noxious weed control board—Rule amendments. [Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-190, filed 12/2/92, effective 1/2/93.] Repealed by 99-24-029, filed 11/23/99, effective 1/3/00. Statutory Authority: Chapter 17.10 RCW.
16-750-900	Noxious weeds—Civil infractions—Schedule of monetary penalties. [Statutory Authority: RCW 17.10.350. 88-07-016 (Order 22, Resolution No. 22), § 16-750-900, filed 3/7/88.] Repealed by 93-01-004, filed 12/2/92, effective 1/2/93. Statutory Authority: Chapter 17.10 RCW.
16-750-950	State noxious weed control board position numbers—Eligibility for voting. [Statutory Authority: RCW 17.10.030. 89-16-007 (Order 28, Resolution No. 28), § 16-750-950, filed 7/21/89, effective 8/21/89.] Repealed by 93-01-004, filed 12/2/92, effective 1/2/93. Statutory Authority: Chapter 17.10 RCW.

WAC 16-750-001 State noxious weed list—Purpose.

In accordance with RCW 17.10.080 a state noxious weed list of the names of those plants which the state noxious weed control board finds to be highly destructive, competitive, or difficult to control by cultural or chemical practices is adopted.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-001, filed 11/23/99, effective 1/3/00; 91-24-072, § 16-750-001, filed 12/2/91, effective 1/2/92. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-001, filed 3/7/88.]

WAC 16-750-003 Definitions. (1) The definitions in this section shall apply throughout this chapter, unless the context plainly requires otherwise:

(a) "Action" means the transaction of the official business of the Washington state noxious weed control board including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, and final actions.

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(b) "Board" means the Washington state noxious weed control board, or a duly authorized representative.

(c) "Director" means the director of the department of agriculture, or the director's appointed representative.

(d) "Executive secretary" means the executive secretary of the Washington state noxious weed control board.

(e) "Department" means the department of agriculture of this state.

(f) "Final action" means a collective positive or negative decision, or an actual vote by a majority of board members when sitting as a body or entity, upon a motion, proposal, resolution, or order.

(g) "Meeting" means meetings at which action is taken.

(h) "Regular meetings" means recurring meetings held in accordance with a periodic schedule in compliance with applicable statute or rule.

(2) The definitions in this subsection apply throughout this chapter, chapter 17.10 RCW, and any rules adopted thereunder unless the context plainly requires otherwise:

(a) "Control" means to prevent all seed production and to prevent the dispersal of the following propagules of aquatic noxious weeds - turions, fragments, tubers, and nutlets.

(b) "Contain" means to confine a noxious weed and its propagules to an identified area of infestation.

(c) "Eradicate" means to eliminate a noxious weed within an area of infestation.

(d) "Prevent the spread of noxious weeds" means to contain noxious weeds.

(e) Class A noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state.

(f) Class B noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region.

(g) "Class B designate" means those Class B noxious weeds whose populations in a region or area are such that all seed production can be prevented within a calendar year.

(h) Class C are any other noxious weeds.

(3) Any county noxious weed control board may enhance the clarity of any definition contained in subsection (2) of this section, making that definition more specific, but shall not change its general meaning.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-003, filed 11/23/99, effective 1/3/00; 97-06-108, § 16-750-003, filed 3/5/97, effective 4/5/97; 93-01-004, § 16-750-003, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-003, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-003, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-003, filed 12/7/89, effective 1/7/90; 88-18-001 (Order 24, Resolution No. 24), § 16-750-003, filed 8/25/88.]

WAC 16-750-004 Noxious weed region descriptions.

The state of Washington is divided into ten regions for the purpose of designating Class B noxious weeds.

(1) Region 1 description. A region consisting of all lands lying within the boundaries of Clallam and Jefferson counties.

(2) Region 2 description. A region consisting of all lands lying within the boundaries of Whatcom, Skagit, Snohomish, San Juan, and Island counties.

(3) Region 3 description. A region consisting of:

(a) All lands lying within the boundaries of Okanogan County.

(b) All lands lying within the boundaries of Chelan and Douglas counties and north of Highway 2.

(4) Region 4 description. A region consisting of:

(a) All lands lying within the boundaries of Ferry, Stevens, and Pend Oreille counties.

(b) All lands lying within the boundaries of Spokane County and north of the Spokane River.

(5) Region 5 description. A region consisting of all lands lying within the boundaries of Grays Harbor, Mason, Kitsap, Thurston, Pierce, and King counties.

(6) Region 6 description. A region consisting of:

(a) All lands lying within the boundaries of Kittitas and Grant counties.

(b) All lands lying within the boundaries of Chelan and Douglas counties and south of Highway 2.

(c) All lands lying within the boundaries of Yakima County and north of Highway 12 from the Yakima — Lewis County line to Yakima and north of Highway 82 from Yakima to the Yakima — Kittitas County line.

(d) All lands lying within the boundaries of Ranges 28E, 29E, and 30E of Adams County.

(7) Region 7 description. A region consisting of:

(a) All lands lying within the boundaries of Lincoln and Whitman counties.

(b) All lands lying within the boundaries of Spokane County and south of the Spokane River.

(c) All lands lying within the boundaries of Ranges 31E, 32E, 33E, 34E, 35E, 36E, 37E, and 38E of Adams County.

(8) Region 8 description. A region consisting of all lands lying within the boundaries of Pacific, Lewis, Wahkiakum, Cowlitz, Skamania, and Clark counties.

(9) Region 9 description. A region consisting of:

(a) All lands lying within the boundaries of Benton and Klickitat counties.

(b) All lands lying within the boundaries of Yakima County and south of Highway 12 from the Yakima — Lewis County line to Yakima and south of Highway 82 from Yakima to the Yakima — Kittitas County line.

(c) All lands lying within the boundaries of Franklin County and west of Highway 395.

(10) Region 10 description. A region consisting of:

(a) All lands lying within the boundaries of Asotin, Garfield, Columbia, and Walla Walla counties.

(b) All lands lying within the boundaries of Franklin County and east of Highway 395.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-004, filed 11/23/99, effective 1/3/00; 91-24-072, § 16-750-004, filed 12/2/91, effective 1/2/92; 88-18-001 (Order 24, Resolution No. 24), § 16-750-004, filed 8/25/88.]

WAC 16-750-005 State noxious weed list—Class A noxious weeds.

Common Name

bean-caper, Syrian
blueweed, Texas
brome, false
broom, Spanish
buffalobur
bulrush, ricefield
clary, meadow
cordgrass, common
cordgrass, dense flower
cordgrass, salt meadow
cordgrass, smooth
crupina, common
flax, spurge
four o'clock, wild
geranium, shiny
goatsrue
hawkweed, European
hawkweed, yellow devil
hogweed, giant
hydrilla
johnsongrass
knapweed, bighead
knapweed, Vochin
kudzu
milfoil, variable-leaf
mustard, garlic
nightshade, silverleaf
primrose-willow, floating
rush, flowering
sage, clary
sage, Mediterranean
spurge, eggleaf
starthistle, purple
sweetgrass, reed
thistle, Italian
thistle, milk
thistle, slenderflower
velvetleaf
woad, dyers

Scientific Name

Zygophyllum fabago
Helianthus ciliaris
Brachypodium sylvaticum
Spartium junceum
Solanum rostratum
Schoenoplectus mucronatus
Salvia pratensis
Spartina anglica
Spartina densiflora
Spartina patens
Spartina alterniflora
Crupina vulgaris
Thymelaea passerina
Mirabilis nyctaginea
Geranium lucidum
Galega officinalis
Hieracium sabaudum
Hieracium floribundum
Heracleum mantegazzianum
Hydrilla verticillata
Sorghum halepense
Centaurea macrocephala
Centaurea nigrescens
Pueraria montana var. lobata
Myriophyllum heterophyllum
Alliaria petiolata
Solanum elaeagnifolium
Ludwigia peploides
Butomus umbellatus
Salvia sclarea
Salvia aethiopsis
Euphorbia oblongata
Centaurea calcitrapa
Glyceria maxima
Carduus pycnocephalus
Silybum marianum
Carduus tenuiflorus
Abutilon theophrasti
Isatis tinctoria

[Statutory Authority: Chapters 17.10 and 34.05 RCW. 09-01-071, § 16-750-005, filed 12/15/08, effective 1/16/09; 07-24-023, § 16-750-005, filed 11/28/07, effective 1/1/08; 05-24-026, § 16-750-005, filed 11/30/05, effective 12/31/05; 03-04-001, § 16-750-005, filed 1/22/03, effective 2/22/03. Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-005, filed 11/23/99, effective 1/3/00; 98-24-026, § 16-750-005, filed 11/23/98, effective 1/2/99; 97-24-051, § 16-750-005, filed 11/26/97, effective 1/2/98. Statutory Authority: RCW 17.10.080.96-06-030, § 16-750-005, filed 2/29/96, effective 3/31/96. Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-005, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-005, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-005, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-005, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-005, filed 11/29/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-005, filed 3/7/88.]

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)	alyssum, hoary <i>Berteroa incana</i>	(a)	regions 1, 2, 5, 6, 8, 9, 10
		(b)	region 3, except Okanogan County
		(c)	Okanogan County, of region 3, except Ranges 29 through 31 East of Townships 37 through 40 North
		(d)	Adams and Whitman counties of region 7.
(2)	arrowhead, grass-leaved <i>Sagittaria graminea</i>	(a)	regions 1, 3, 4, 6, 7, 8, 9, 10
		(b)	region 2 except Lake Roesiger, Lake Serene, Lake Loma and Echo Lake in Snohomish County
		(c)	region 5 except Mason Lake in Mason County.
(3)	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.
(4)	blueweed <i>Echium vulgare</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9, 10
		(b)	region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 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.
(5)	broom, Scotch <i>Cytisus scoparius</i>	(a)	regions 3, 4, 6, 7, 9, 10.
(6)	bryony, white <i>Bryonia alba</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9
		(b)	region 7 except Whitman County
		(c)	Franklin and Asotin counties of region 10.
(7)	bugloss, common <i>Anchusa officinalis</i>	(a)	regions 1, 2, 3, 5, 6, 8, 9, 10
		(b)	region 4 except Stevens and Spokane counties
		(c)	Lincoln, Adams, and Whitman counties of region 7.
(8)	bugloss, annual <i>Anchusa arvensis</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9
		(b)	Lincoln and Adams counties
		(c)	Whitman County except ranges 43 through 46 East of Townships 16 through 20 North
		(d)	Asotin County of region 10.
(9)	butterfly bush <i>Buddleja davidii</i>	(a)	Pend Oreille County of region 4
		(b)	Grays Harbor County, and that portion of Thurston County lying below the ordinary high-water mark of the Nisqually River in region 5
		(c)	Kittitas County of region 6
		(d)	Lincoln County of region 7.
(10)	camelthorn <i>Alhagi maurorum</i>	(a)	regions 1, 2, 3, 4, 5, 7, 8, 9
		(b)	region 6 except those portions of Sections 23, 24, 25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County and except the area west of Highway 17 and north of Highway 26 in Adams County
		(c)	Franklin, Columbia, Garfield, and Asotin counties of region 10

Name	Will be a "Class B designate" in all lands lying within:
(11)	carrot, wild <i>Daucus carota</i>
	<p>(d) an area beginning at the Washington—Oregon border at the southwest portion of section 5, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning.</p> <p>(a) regions 3, 7 (except where intentionally cultivated)</p> <p>(b) Spokane and Ferry counties of region 4 (except where intentionally cultivated)</p> <p>(c) region 6, except Yakima County (except where intentionally cultivated)</p> <p>(d) region 9, except Yakima County (except where intentionally cultivated)</p> <p>(e) region 10, except Walla Walla County (except where intentionally cultivated).</p>
(12)	catsear, common <i>Hypochaeris radicata</i>
(13)	chervil, wild <i>Anthriscus sylvestris</i>
(14)	cinquefoil, sulfur <i>Potentilla recta</i>
(15)	daisy, oxeye <i>Leucanthemum vulgare</i>
(16)	elodea, Brazilian <i>Egeria densa</i>
(17)	fanwort <i>Cabomba caroliniana</i>
(18)	fennel, common <i>Foeniculum vulgare</i> (except var. <i>azoricum</i>)
(19)	fieldcress, Austrian <i>Rorippa austriaca</i>
(20)	floating heart, yellow <i>Nymphoides peltata</i>
(21)	gorse <i>Ulex europaeus</i>
(22)	hawkweed, mouseear <i>Hieracium pilosella</i>

		Will be a "Class B designate" in all lands lying within:	
Name			
		(c)	Thurston County lying within T17N, R1W, S31; T16N, R2W, S30 W1/2; T16N, R3W, S25, SE1/4; T16N, R3W, S36, N1/2; T16N, R2W, S31, NW1/4.
(23)	hawkweed, orange <i>Hieracium aurantiacum</i>	(a)	regions 1, 3, 6, 9, 10
		(b)	Skagit County of region 2
		(c)	Ferry County of region 4
		(d)	Pierce, Thurston and King counties of region 5
		(e)	Lincoln and Adams counties of region 7
		(f)	Lewis County of region 8.
(24)	hawkweed, polar <i>Hieracium atratum</i>	(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10
(25)	hawkweed, queen-devil <i>Hieracium glomeratum</i>	(a)	region 5 outside the boundaries of Mt. Rainier National Park.
		(b)	Ferry County of region 4.
(26)	hawkweed, smooth <i>Hieracium laevigatum</i>	(a)	regions 1, 3, 4, 5, 6, 7, 8, 9, 10
		(b)	San Juan, Island, and Skagit counties of region 2.
(27)	hawkweed, yellow <i>Hieracium caespitosum</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 10
		(b)	region 4 except Stevens and Pend Oreille counties
		(c)	region 9 except sections 32, 33 and 34 of T6N, R12E, and sections 4, 5, 6, and 7 of T5N, R12E, and section 12 of T5N, R11E, of Klickitat County.
(28)	helmet, policeman's <i>Impatiens glandulifera</i>	(a)	regions 1, 3, 4, 6, 7, 8, 9, 10
		(b)	region 2 except Whatcom County
		(c)	region 5 except Thurston County.
(29)	herb-Robert <i>Geranium robertianum</i>	(a)	regions 3, 4, 6, 7, 9, 10
(30)	houndstongue <i>Cynoglossum officinale</i>	(a)	Kittitas County of region 6
		(b)	Douglas and Chelan counties of regions 3 and 6.
(31)	indigobush <i>Amorpha fruticosa</i>	(a)	regions 1, 2, 3, 4, 5, 6
		(b)	regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream
		(c)	regions 8, 9, and 10 except within 200 feet of the Columbia River.
(32)	knapweed, black <i>Centaurea nigra</i>	(a)	regions 1, 2, 3, 4, 7, 9, 10
		(b)	region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
		(c)	region 6 except Kittitas County
		(d)	region 8 except Clark County.
(33)	knapweed, brown <i>Centaurea jacea</i>	(a)	regions 1, 2, 3, 4, 7, 9, 10
		(b)	region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
		(c)	region 6 except Kittitas County
		(d)	region 8 except Clark County.
(34)	knapweed, diffuse <i>Centaurea diffusa</i>	(a)	regions 1, 2, 5, 8
		(b)	Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5, 6, 7, 8, 17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30E. lying in Grant County; all W.M.

Name		Will be a "Class B designate" in all lands lying within:	
		(c)	Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22, 26, 27, 28, 31, 32, 33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2, 10, 11, 14, 15, 19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6
(35)	knapweed, meadow <i>Centaurea jacea x nigra</i>	(d)	Franklin County of regions 9 and 10.
		(a)	regions 1, 2, 3, 4, 7, 9, 10
		(b)	region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
(36)	knapweed, Russian <i>Acroptilon repens</i>	(c)	region 6 except Kittitas County
		(d)	region 8 except Clark County.
		(a)	regions 1, 2, 5, 7, 8
		(b)	region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County
(37)	knapweed, spotted <i>Centaurea stoebe</i>	(c)	Adams County of region 6 except for the area west of Highway 17 and North of Highway 26
		(d)	Intercounty Weed District No. 52
		(e)	region 10 except Franklin County.
		(a)	regions 1, 2, 3, 5, 6, 9
		(b)	Ferry County of region 4
		(c)	Adams and Whitman counties of region 7
		(d)	region 8, except that portion of Lewis County below the ordinary high watermark of the Tilton River from Hwy. 508 to Lake Mayfield
(38)	knotweed, Bohemian <i>Polygonum bohemicum</i>	(e)	region 10 except Garfield County.
		(a)	Kittitas County of region 6
		(b)	Chelan and Douglas counties of regions 3 and 6
		(c)	Pend Oreille County of region 4
		(d)	Asotin County of region 10.
(39)	knotweed, giant <i>Polygonum sachalinense</i>	(a)	Kittitas County of region 6
		(b)	Pend Oreille County of region 4
		(c)	Asotin County of region 10.
(40)	knotweed, Himalayan <i>Polygonum polystachyum</i>	(a)	Kittitas County of region 6
		(b)	Pend Oreille County of region 4
		(c)	Lewis County of region 8
		(d)	Asotin County of region 10.
(41)	knotweed, Japanese <i>Polygonum cuspidatum</i>	(a)	Kittitas County of region 6
		(b)	Chelan and Douglas counties of regions 3 and 6
		(c)	Pend Oreille County of region 4
		(d)	Asotin County of region 10.
(42)	kochia <i>Kochia scoparia</i>	(a)	Regions 1, 2, 5, 8
		(b)	Pend Oreille County of region 4
		(c)	Kittitas County of region 6.
(43)	laurel, spurge <i>Daphne laureola</i>	(a)	regions 3, 4, 6, 7, 8, 9, 10
		(b)	San Juan, Snohomish and Skagit counties of region 2
		(c)	Grays Harbor and Mason counties of region 5.
(44)	lawnweed <i>Soliva sessilis</i>	(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10
		(b)	region 5 except King and Thurston counties.
(45)	lepyrodiclis <i>Lepyrodiclis holosteoides</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9, 10
		(b)	region 7 except an area within Whitman County east of the Pullman—Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.
(46)	loosestrife, garden <i>Lysimachia vulgaris</i>	(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10
		(b)	region 5 except King County

Name	Will be a "Class B designate" in all lands lying within:
(47)	loosestrife, purple <i>Lythrum salicaria</i>
	<ul style="list-style-type: none"> (c) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line. (a) regions 1, 4, 7, 8 (b) region 2 except Snohomish County (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside (d) Grays Harbor, Mason, Kitsap, and Thurston counties of region 5 (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 (f) Pierce County, except those areas lying within T2D, 21, 22N, R1W and R1E, all sections (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 (h) region 9 except Benton County (i) region 10 except Walla Walla County (j) Intercounty Weed Districts No. 51 and No. 52.
(48)	loosestrife, wand <i>Lythrum virgatum</i>
	<ul style="list-style-type: none"> (a) regions 1, 4, 7, 8 (b) region 2 except Snohomish County (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside (d) region 5 except King County (e) 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 (g) region 9 except Benton County (h) region 10 except Walla Walla County (i) Intercounty Weed Districts No. 51 and No. 52.
(49)	nutsedge, yellow <i>Cyperus esculentus</i>
	<ul style="list-style-type: none"> (a) regions 1, 2, 3, 4, 5, 7, 8 (b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M. (c) region 9 except: <ul style="list-style-type: none"> (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.

Name		Will be a "Class B designate" in all lands lying within:
		The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River. Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road.
		(ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County
(50)	oxtongue, hawkweed <i>Picris hieracioides</i>	(d) region 10 except Walla Walla County.
		(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
(51)	parrotfeather <i>Myriophyllum aquaticum</i>	(b) region 8 except Skamania County.
		(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
(52)	pepperweed, perennial <i>Lepidium latifolium</i>	(b) region 8 except Clark, Cowlitz, and Wahkiakum counties.
		(a) regions 1, 2, 3, 4, 5, 7, 8, 10
		(b) Intercounty Weed Districts No. 51 and 52
		(c) Kittitas County of region 6
		(d) Adams County of region 6 except for the area west of Highway 17 and north of Highway 26.
(53)	poison-hemlock <i>Conium maculatum</i>	(a) Clallam County and that area lying within Port Townsend city limits in Jefferson County of region 1
		(b) Snohomish and San Juan counties of region 2
		(c) Pend Oreille County of region 4
		(d) Kitsap and Thurston counties of region 5
		(e) Kittitas County of region 6
		(f) Lincoln County of region 7
		(g) Clark County of region 8.
(54)	primrose, water <i>Ludwigia hexapetala</i>	(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
		(b) region 8 except T8N, R3W, S14 of Cowlitz County.
(55)	puncturevine <i>Tribulus terrestris</i>	(a) Skagit County of region 2
		(b) Kittitas County of region 6
		(c) Adams County
		(d) Clallam County of region 1.
(56)	ragwort, tansy <i>Senecio jacobaea</i>	(a) regions 3, 4, 6, 7, 9, 10
		(b) region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.
(57)	reed, common, nonnative genotypes <i>Phragmites australis</i>	(a) region 1
		(b) Island, San Juan and Snohomish counties of region 2
		(c) Okanogan County of region 3
		(d) Pend Oreille and Stevens counties of region 4
		(e) region 5 except Grays Harbor and Pierce counties
		(f) Kittitas County of region 6
		(g) Yakima County of regions 6 and 9
		(h) Lincoln County of region 7
		(i) Clark and Lewis counties of region 8

Name	Will be a "Class B designate" in all lands lying within:
(58)	Saltcedar <i>Tamarix ramosissima</i>
	(j) Klickitat County of region 9 (k) Asotin County of region 10. (a) regions 1, 2, 3, 4, 5, 7, 8, unless intentionally established prior to 2004 (b) region 6 except Grant County, unless intentionally established prior to 2004 (c) region 9 except Benton and Franklin counties, unless intentionally established prior to 2004 (d) region 10 except Franklin County, unless intentionally established prior to 2004.
(59)	sandbur, longspine <i>Cenchrus longispinus</i>
	(a) regions 1, 2, 3, 4, 5, 7, 8 (b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52 (c) Intercounty Weed District No. 51 (d) Kittitas County of region 6 (e) Asotin County of region 10.
(60)	skeletonweed, rush <i>Chondrilla juncea</i>
	(a) regions 1, 2, 3, 5, 8 (b) Franklin County except T13N, R36E; and T14N, R36E (c) Adams County except those areas lying east of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line. (d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road I Northwest (e) Stevens County north of Township 33 North of region 4 (f) Ferry and Pend Oreille counties of region 4 (g) region 9 except the Dallesport area in Klickitat County lying within Township 2N, Ranges 13 and 14 (h) Asotin County of region 10 (i) Garfield County south of Highway 12 (j) 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 (k) 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.
(61)	sowthistle, perennial <i>Sonchus arvensis ssp. arvensis</i>
	(a) regions 1, 2, 3, 4, 7, 8, 9, 10 (b) Adams County of region 6 (c) region 5 except for sections 28, 29, 30, 31, 32, and 33 in T19N, R1E of Thurston and Pierce counties.
(62)	spurge, leafy <i>Euphorbia esula</i>
	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (b) region 7 except as follows: (i) T27N, R37E, Sections 34, 35, 36; T27N, R38E, Sections 31, 32, 33; T26N, R37E, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 26; T26N, R38E, Sections 5, 6, 7, 8 of Lincoln County (ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.
(63)	spurge, myrtle <i>Euphorbia myrsinites L</i>
	(a) Pend Oreille County of region 4 (b) Along the Asotin, Grande Ronde, and Snake rivers and in all other areas that are not an actively cultivated garden in Asotin County of region 10.

	Name	Will be a "Class B designate" in all lands lying within:
(64)	starthistle, yellow <i>Centaurea solstitialis</i>	(a) regions 1, 2, 3, 5, 6, 8 (b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25 (c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (d) Franklin County (e) region 9 except Klickitat County (f) lands west of Shumaker Grade and south of Mill Road in Asotin County.
(65)	Swainsonpea <i>Sphaerophysa sal-sula</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.
(66)	thistle, musk <i>Carduus nutans</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10 (b) Spokane and Pend Oreille counties.
(67)	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.
(68)	thistle, Scotch <i>Onopordum acanthium</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (c) Franklin County.
(69)	toadflax, Dalmatian <i>Linaria dalmatica ssp. dalmatica</i>	(a) regions 1, 2, 5, 8, 10 (b) Douglas County of region 3 lying south of T25N and west of R25E (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 (d) Kittitas, Chelan, Douglas, and Adams counties of region 6 (e) Intercounty Weed District No. 51 (f) Weed District No. 3 of Grant County (g) Lincoln and Adams counties (h) The western two miles of Spokane County of region 7 (i) region 9 except as follows: (i) those areas lying within Yakima County (ii) those areas lying west of the Klickitat River and within Klickitat County.

		Will be a "Class B designate" in all lands lying within:	
(70)	Name		
	watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	(a)	regions 1, 9, 10
		(b)	region 7 except Spokane County
		(c)	region 8 except within 200 feet of the Columbia River
		(d)	Adams County of region 6
		(e)	in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4.

[Statutory Authority: Chapters 17.10 and 34.05 RCW. 09-01-071, § 16-750-011, filed 12/15/08, effective 1/16/09; 07-24-023, § 16-750-011, filed 11/28/07, effective 1/1/08; 06-24-056, § 16-750-011, filed 12/4/06, effective 1/4/07; 05-24-026, § 16-750-011, filed 11/30/05, effective 12/31/05; 05-01-012, § 16-750-011, filed 12/2/04, effective 1/2/05. Statutory Authority: Chapter 17.10 RCW. 04-13-014, § 16-750-011, filed 6/4/04, effective 7/5/04. Statutory Authority: Chapters 17.10 and 34.05 RCW. 03-24-012, § 16-750-011, filed 11/20/03, effective 12/21/03; 03-04-001, § 16-750-011, filed 1/22/03, effective 2/22/03. 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.]

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

Common Name	Scientific Name
archangel, yellow	<i>Lamium galeobdolon</i>
babysbreath	<i>Gypsophila paniculata</i>
beard, old man's	<i>Clematis vitalba</i>
bindweed, field	<i>Convolvulus arvensis</i>
blackberry, evergreen	<i>Rubus laciniatus</i>
blackberry, Himalayan	<i>Rubus armeniacus</i>
canarygrass, reed	<i>Phalaris arundinacea</i>
cockle, white	<i>Silene latifolia ssp. alba</i>
cocklebur, spiny	<i>Xanthium spinosum</i>
cress, hoary	<i>Cardaria draba</i>
dodder, smoothseed alfalfa	<i>Cuscuta approximata</i>
goatgrass, jointed	<i>Aegilops cylindrica</i>
groundsel, common	<i>Senecio vulgaris</i>
hawkweed, common	<i>Hieracium lachenalii</i>
hawkweed, other nonnative species	<i>Hieracium sp.</i> , except species designated in the note in the left-hand column

Note:
 This listing includes all species of *Hieracium*, 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 (*H. canadense*)
 – houndstongue hawkweed (*H. cynoglossoides*)
 – long-beaked hawkweed (*H. longiberbe*)
 – narrow-leaved hawkweed (*H. umbellatum*)
 – slender hawkweed (*H. gracile*)
 – western hawkweed (*H. albertinum*)
 – white-flowered hawkweed (*H. albiflorum*)
 – woolley-weed (*H. scouleri*)
 henbane, black
 iris, yellow flag
 ivy, English, 4 cultivars only:

Hyoscyamus niger
Iris pseudacorus
Hedera hibernica 'Hibernica'
Hedera helix 'Baltica'
Hedera helix 'Pittsburgh'
Hedera helix 'Star'
Matricaria perforata

mayweed, scentless

[Statutory Authority: Chapters 17.10 and 34.05 RCW. 09-01-071, § 16-750-015, filed 12/15/08, effective 1/16/09; 07-24-023, § 16-750-015, filed 11/28/07, effective 1/1/08; 06-24-056, § 16-750-015, filed 12/4/06, effective 1/4/07; 05-01-012, § 16-750-015, filed 12/2/04, effective 1/2/05. Statutory Authority: Chapter 17.10 RCW. 04-13-014, § 16-750-015, filed 6/4/04, effective 7/5/04. Statutory Authority: Chapters 17.10 and 34.05 RCW. 03-24-012, § 16-750-015, filed 11/20/03, effective 12/21/03; 03-04-001, § 16-750-015, filed 1/22/03, effective 2/22/03. 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 2/16/95, effective 3/19/95; 94-01-076, § 16-750-015, filed 12/10/93, effective 1/10/94; 93-01-004, § 16-750-015, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-015, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-015, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-015, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-015, filed 11/29/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-015, filed 3/7/88.]

WAC 16-750-020 Noxious weeds—Civil infractions—Schedule of monetary penalties. Civil infractions under chapter 17.10 RCW shall be assessed a monetary penalty according to the following schedule:

(1) Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control the noxious weeds will be assessed the following monetary penalties. The penalties are assessed per parcel, per noxious weed species, per day after expiration of the notice to control filed pursuant to RCW 17.10.170:

(a) Any Class A noxious weed:	
1st offense within five years	\$ 750
2nd and any subsequent offense	1,000
(b) Any Class B designate noxious weed in the noxious weed control region in which the land lies:	
1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

(c) Any Class B nondesignate noxious weed in the noxious weed control region in which the land lies; or any Class C noxious weed:

1st offense within five years	\$ 250
2nd offense	500
3rd offense	750
4th and any subsequent offense	1,000

(2) Any person who enters upon any land in violation of an order in force pursuant to RCW 17.10.210 will be assessed as follows:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

(3) Any person who interferes with the carrying out of the provisions of chapter 17.10 RCW shall be assessed as follows:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-020, filed 11/23/99, effective 1/3/00; 97-06-108, § 16-750-020, filed 3/5/97, effective 4/5/97; 93-01-004, § 16-750-020, filed 12/2/92, effective 1/2/93.]

WAC 16-750-025 Plant monitor list—Purpose. The purpose of the monitor list is to gather more information on suspect weeds as well as monitor for occurrence or spread. Information collected may be used to justify future inclusion on the state noxious weed list. There is no regulatory aspect to this list. Reasons for plant inclusion on the monitor list include:

(1) There is reason to believe the species is invasive or poses a potential threat to Washington.

(2) Additional information is needed on distribution, abundance, or biology.

(3) The species was once present in Washington and on the state noxious weed list. It is now being monitored for reoccurrence.

(4) There is need to verify existence (site investigation), verify identification, and/or obtain voucher specimen.

(5) It exists in an adjacent state or province or occurs on an adjacent state or province's noxious weed list and is not known to occur in Washington.

Native species of Washington will not be included on the monitor list. Each weed included on the monitor list will be included by vote of the noxious weed committee. A sponsor is required in order to place a weed on the monitor list. The current monitor list is kept in the state noxious weed board office.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-025, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-025, filed 12/2/92, effective 1/2/93.]

WAC 16-750-100 State noxious weed control board—Description—Purpose. The board was created pursuant to chapter 17.10 RCW, Noxious weeds—Control boards. The board is an advisory board to the department regarding the state noxious weed program and has rule-making and administrative responsibilities under chapter 17.10 RCW.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-100, filed 12/2/92, effective 1/2/93.]

[Title 16 WAC—p. 672]

WAC 16-750-105 State noxious weed control board—Powers—Duties—Responsibilities. The powers and duties of the board include:

(1) Adopting rules defining the words "control," "contain," "eradicate," and the term "prevent the spread of noxious weeds";

(2) Conducting elections to the board, and adopting rules as set forth in this chapter establishing a position number for each elected position to the board and designating in which county noxious weed control board members are eligible to vote for each elected position;

(3) Electing officers, conducting meetings, holding hearings, appointing committees, entering upon any property to administer chapter 17.10 RCW, and adopting the necessary rules to carry out its powers and duties identified herein;

(4) When petitioned, holding a hearing in a county to determine the need for activation of the county noxious weed control board and, if such a need is found to exist, ordering the county legislative authority to activate and appoint members to such board;

(5) Each year or more often, adopting a state noxious weed list, classifying the weeds on the list, and entering written findings for the inclusion of each weed on the list;

(6) Sending a copy of the state noxious weed list to each activated county noxious weed control board, regional noxious weed control board, weed district, and each county legislative authority of each county with an inactivated noxious weed control board;

(7) When petitioned and following a hearing, ordering any county noxious weed board to include a noxious weed from the state list on the county board or district's weed list;

(8) Adopting a schedule of monetary penalties for each violation of chapter 17.10 RCW classified as a civil infraction and submitting the schedule to the appropriate courts;

(9) Employing an executive secretary whose qualifications, duties, and responsibilities are set forth in this chapter and RCW 17.10.070;

(10) Preparing and distributing a biennial written report showing the expenditure of state funds on noxious weed control; specifying how the funds were spent; the status of state, county, and district programs; recommending the continued best use of state funds; and recommending the long-term needs regarding weed control;

(11) Advising the director as provided for in chapter 17.10 RCW.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-105, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-105, filed 12/2/92, effective 1/2/93.]

WAC 16-750-110 State noxious weed control board—Mission. The mission of the board is to serve as responsible stewards of Washington by protecting and preserving the land and resources from the degrading impact of noxious weeds.

The board believes that prevention is the best approach and may be achieved through full implementation of the intent of the state noxious weed law. To further that, the board strives for enhanced public awareness through improved educational efforts.

The board does not deal directly in control activities but rather works to achieve this end through others. For that rea-

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son, the board seeks to improve communication, gain cooperation, and improve coordination of the efforts for noxious weed control.

The board believes noxious weed control is best carried out by strong, adequately funded programs at the local level. To achieve this, the board strives to build public support for local programs and to empower those programs to be more successful.

[Statutory Authority: Chapter 17.10 RCW. 98-24-026, § 16-750-110, filed 11/23/98, effective 1/2/99; 93-01-004, § 16-750-110, filed 12/2/92, effective 1/2/93.]

WAC 16-750-115 State noxious weed control board—Membership. The board is comprised of nine voting members and three nonvoting members selected as follows:

(1) Four of the members are elected by the members of activated county noxious weed control boards eligible to vote for the elected position established by the state noxious weed board. Two members are elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state.

(2) The director is a voting member.

(3) One member is elected by the directors of activated weed districts formed under chapter 17.04 or 17.06 RCW.

(4) The Washington state association of counties appoints one voting member who must be a member of a county legislative authority.

(5) The director appoints two voting members to represent the public interest, one from the west side and one from the east side of the state.

(6) The director appoints three nonvoting members representing scientific disciplines relating to weed control.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-115, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-115, filed 12/2/92, effective 1/2/93.]

WAC 16-750-120 State noxious weed control board—Nominations—Elections—Terms of office—Vacancies. (1) Nominations and elections to board positions are conducted by regular mail.

(2) The board calls for nominations to elected positions at least sixty days prior to expiration of position terms.

(3) The board sends ballots to eligible activated county noxious weed control boards or weed district directors by regular mail at least forty-five days prior to expiration of each position term.

(4) Ballots must be returned no later than thirty days before expiration of each term. Only official ballots will be accepted. Photocopied ballots will be considered invalid.

(5) The board chairperson appoints a committee to count ballots and certify elections at least thirty days prior to expiration of each term.

(6) Results of elections are announced prior to the next scheduled board meeting.

(7) For the purpose of conducting nominations or elections, the board uses the current list of county noxious weed control board voting members and weed district directors.

(8) Any person who is a resident in and member of an activated county noxious weed control board in the counties represented by positions 1, 2, 3, and 4 may enter his or her

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name, or that of any qualified person in nomination for election to the board position by voting members of the above activated county noxious weed control boards.

(9) Any director of an active weed district formed under chapter 17.04 or 17.06 RCW may enter a name in nomination for election to position 5 on the board.

(10) Each candidate or each person nominating such candidate must complete a certificate of nomination, and must return it to the board postmarked by the date specified.

(11) The board creates a ballot listing the names in alphabetical order beginning with the last name first, of the candidates nominated to the position of the board: Provided, That the board shall remove the name of any person nominated who notifies the board in writing that he or she is unwilling to serve on the board.

(12) The ballot, along with the statement, if any, of each candidate in the election will be mailed by regular mail to each voting member of an activated county noxious weed control board or director of an active weed district. Only county board members or weed district directors within the established position area are eligible to vote for the board member to represent that area.

(13) Each voting member of an activated county noxious weed control board or director of an activated weed district may cast one vote for the candidates appearing on the appropriate ballot and return it to the board as provided above and as per the dates specified.

(14) The candidate receiving the highest number of votes is elected: Provided, That if the candidate fails to receive more than fifty percent of the votes cast in an election, a second election will be held between such candidate and the candidate receiving the next highest votes and: Provided further, That if there is only one candidate, that candidate will be deemed elected unanimously.

(15) The term of office for all members of the board is three years from the date of election or appointment.

(16) Vacancies among board members appointed by the director will be filled by the director. Vacancies among elected members will be filled by special election by those entities eligible to elect that position for the expired term. Special elections follow the same procedure as regular elections. Board members appointed to fill vacancies will serve out the existing term.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-120, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-120, filed 12/2/92, effective 1/2/93.]

WAC 16-750-125 State noxious weed control board position numbers—Eligibility for voting. Position numbers for elected members of the board and those eligible to vote for each position are as follows:

POSITION	VOTING ELIGIBILITY
(1) Westside, southern tier	(a) Voting members of activated county noxious weed control boards in Grays

[Title 16 WAC—p. 673]

POSITION	VOTING ELIGIBILITY Harbor, Mason, Thurston, Pierce, Lewis, Pacific, Wahkiakum, Cowl- itz, Skamania, and Clark counties.
(2) Eastside, southern tier	(a) Voting members of activated county noxious weed con- trol boards in Adams, Whitman, Asotin, Garfield, Columbia, Walla Walla, Franklin, Benton, Klickitat, and Yakima coun- ties.
(3) Westside, northern tier	(a) Voting members of activated county noxious weed con- trol boards in What- com, Skagit, San Juan, Island, Sno- homish, King, Kit- sap, Clallam, and Jefferson counties.
(4) Eastside, northern tier	(a) Voting members of activated county noxious weed con- trol boards in Okan- ogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Grant, Kit- titas, Chelan, and Douglas counties.
(5) Weed districts	(a) Directors of acti- vated weed districts in Washington.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-125, filed 12/2/92, effective 1/2/93.]

WAC 16-750-130 State noxious weed control board—Organization. The organization of the board is as follows:

- (1) The officers of the board are the chairperson, vice-chairperson, and secretary. The title of the chief administrative officer is the executive secretary.
- (2) Duties of officers.
 - (a) The chairperson presides at all meetings of the board, has the power to appoint committees, acts as ex officio member of all committees except the executive committee, serves as chairperson of the executive committee, serves as official signer of agreements between the board and public or private agencies, and performs such other duties as pertain to the office.
 - (b) The vice-chairperson performs the duties of the chairperson in his or her absence, acts as an ex officio member of all committees, and any other duties delegated by the chairperson. The vice-chairperson will assume the duties of

and serve out the term of the chairperson upon permanent departure of the chairperson.

(c) The secretary is the official keeper of the minutes and, approves them, and presents them to the board for adoption. In the absence of the chairperson and vice-chairperson, the secretary performs the duties of the chairperson.

(d) The duties of the executive secretary, in addition to administrative duties assigned elsewhere in this chapter, are to keep a record of the proceedings of the board, notify all board members, county noxious weed control boards, and weed districts of meetings, act as an ex officio nonvoting member of all committees, negotiate agreements with public and private agencies on behalf of the board, and perform other responsibilities as delegated by the chairperson.

(3) Term of office. Term of office for officers of the board is twelve months effective July 27 of the year elected and ending July 26 of the following year.

(4) Election of officers. Elections will be held at the first meeting of the fiscal year in July. Officers are elected by a majority vote of the voting members present.

(5) Vacancies of officers other than chairperson, shall be filled by election of the voting board members present.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-130, filed 11/23/99, effective 1/3/00; 97-06-108, § 16-750-130, filed 3/5/97, effective 4/5/97; 93-01-004, § 16-750-130, filed 12/2/92, effective 1/2/93.]

WAC 16-750-135 State noxious weed control board—Meetings. (1) All meetings of the board are open and public and all persons are permitted to attend any meeting of the board, except as otherwise provided in the Open Public Meetings Act, chapter 42.30 RCW.

(2) Members of the public are not required, as a condition to attendance at a board meeting, to register names, other information, or otherwise to fulfill any condition prior to attending.

(3) Interruptions. In the event that any meeting is interrupted by any person as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of individuals who are interrupting the meeting, the chairperson may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by a majority vote of the board members present. In such a session, the board will follow the procedures set forth in the Open Public Meetings Act (RCW 42.30.050).

(4) Adoption of rules, regulations, resolution, etc. The board shall not adopt any rules, regulations, resolution, etc. except in a meeting open to the public and then only at a meeting, the date of which is fixed by rule, or at a meeting of which notice has been given according to the provisions of the Open Public Meetings Act. Any action taken at meetings failing to comply with this section is null and void.

(5) Regular meetings—Schedule—Publication in State Register—Notice of change. The board will meet at least five times per year and at other times determined by the chairperson or by a majority of the voting members. If any regular meeting falls on a holiday, the meeting will be held on the next business day. The executive secretary files with the code reviser a schedule of the time and place of regular meetings on or before January of each year for publication in the Washington State Register. Notice of any change from this

meeting schedule will be published in the State Register for distribution at least twenty days prior to the rescheduled meeting date.

(6) Notice. Ten days notice of all meetings will be given by mailing a copy of the notice and agenda to each board member, county noxious weed control board, and weed district.

(7) Special meetings. The ten-day notice may be waived for special meetings which may be called at any time by the chairperson, director, or a majority of the voting board members. Special meeting notification shall follow the procedures for special meetings set forth in the Open Public Meetings Act (RCW 42.30.080).

(8) Adjournments. If a meeting is adjourned before the advertised time, a written notice will be posted at the meeting place that specifies when the meeting was adjourned.

(9) Executive sessions.

(a) The board may hold an executive session during a regular meeting which may be called by the chairperson or a majority of voting board members present. No official actions will be taken at executive sessions. Executive sessions may deal only with matters authorized by RCW 42.30-110.

(b) Before convening in executive session, the chairperson shall publicly announce the purpose of excluding the public from the meeting place and the time when the executive session will be concluded. The executive session may be extended to a later time by announcement of the chairperson.

(10) Agenda. The agenda will be prepared by the executive secretary in consultation with the chairperson. Items may be submitted by all board members to the executive secretary at least fifteen days prior to the board meeting.

(11) Attendance. Each board member is expected to attend all board and assigned committee meetings. In the event a board member is unable to attend, he or she is requested to provide the chairperson or executive secretary with the reasons for the absence prior to the meeting. Any voting member who misses two consecutive board meetings without providing the chairperson or the executive secretary with the reasons for the absences prior to the meeting may be removed from the board, following due notice and a hearing. Removal procedures may be initiated by a quorum vote of the board.

(12) Voting procedures. Board voting procedures on all matters are as follows:

(a) Five voting members constitute a quorum to conduct the affairs of the board.

(b) The chairperson may vote on all matters coming before the board.

(c) A roll call of all voting board members present may be requested on all motions by any member.

(d) All members have the right to move or second motions.

(e) Proxy voting is not permitted.

(13) Minutes. The minutes of all regular and special meetings, except executive sessions, will be promptly recorded and such records are open to public inspection.

(14) Press releases. All press releases and official information concerning board activities will be released from the board office.

(15) Public participation.

(a) Any person wishing to make a formal presentation at a regularly scheduled meeting of the board must notify the executive secretary of the subject matter at least fifteen days before the meeting.

(b) Permission to appear before the board will be granted by the executive secretary in consultation with the chairperson before the meeting. Permission includes the date and time of the meeting and the time set for formal presentation.

(c) The chairperson may, at his or her discretion, recognize anyone in the audience who indicates at the time of the meeting a desire to speak.

[Statutory Authority: Chapters 17.10 and 34.05 RCW. 09-01-071, § 16-750-135, filed 12/15/08, effective 1/16/09. Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-135, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-135, filed 12/2/92, effective 1/2/93.]

WAC 16-750-140 State noxious weed control board—Committees. Standing committees shall fairly reflect the composition of the board and unless advertised and open to the public, not more than four voting members may attend a committee meeting.

(1) Executive committee. An executive committee is authorized to deal with housekeeping and personnel matters, subject to board approval at the next scheduled board meeting. The chairperson appoints the executive committee with approval of the board.

(2) Standing committees. The standing committees of the board are: Budget, executive, noxious weed, and education. The board chairperson appoints the chairperson and other members of each committee.

(3) Ad-hoc committees may be appointed from time to time.

(4) Committee voting procedures.

(a) All members of a particular committee have the right to vote. Other members in attendance may enter into discussion, but shall have no vote.

(b) Proxy voting is not permitted.

(c) All questions decided by the committee will be by majority of the committee members present.

(5) Advisory committees. Advisory committees are established by the board as deemed necessary to the functioning of the board. Advisory committees are limited in their scope to the purposes determined by the board.

(6) Notice. Notice of committee meetings shall be given to the executive secretary.

(7) Committee reports.

(a) Committee reports and recommendations are submitted to the board in writing except when committees meet in conjunction with the board.

(b) Minority reports may be submitted by members of a committee, if signed by those members.

(8) Committee compensation. Board members attending meetings of committees will, upon request, be reimbursed on the same basis as for attendance at regularly called board meetings.

(9) All committee appointments will be reviewed in July of even-numbered years.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-140, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-140, filed 12/2/92, effective 1/2/93.]

WAC 16-750-145 State noxious weed control board—Executive secretary—Definition. The executive secretary acts as the chief administrative officer for the board and:

(1) Implements and administers the statutes, administrative rules, and policies of the noxious weed control program assigned to the board;

(2) Plans, develops, and prepares administrative rules and policies for the state noxious weed control program in conjunction with the board and the department; arranges public hearings in compliance with the Administrative Procedure Act and acts as chief hearing officer for the board; conducts elections for positions on the board;

(3) Coordinates the educational and weed control efforts of county and regional noxious weed control boards and weed districts;

(4) Coordinates board activities with the department, maintains a liaison and performs coordinating activities with other public and private agencies;

(5) Negotiates agreements, on behalf of the board, with federal agencies, tribes, and other public and private agencies;

(6) Represents the board before the state legislature; coordinates the development, edits, and oversees the production of the biennial report to the county noxious weed boards and weed districts on how state funds were spent and recommendations for the continued best use of state funds for noxious weed control;

(7) Plans, prepares, and presents programs on noxious weed control, specific weed species, and the role of the board; acts as the principal spokesperson of the board to the media, technical audiences, and the public;

(8) Maintains a collection of scientific and technical information relating to noxious weeds and integrated vegetation management; prepares written findings for the inclusion of species on the state noxious weed list;

(9) Develops, maintains, and ensures dissemination of information relating to noxious weeds to county noxious weed control boards and weed districts and keeps the general public and program participants informed of board activities and accomplishments;

(10) Provides technical advice to county noxious weed boards and weed districts on the state noxious weed law and related rules;

(11) Plans and coordinates statewide approaches to selected noxious weeds, assists in the development of statewide noxious weed survey standards, coordinates efforts with department weed specialists;

(12) Coordinates the activities of the board by scheduling all regular and committee meetings; in consultation with the chair, prepares meeting agendas; prepares all board correspondence; updates board on local, state, and federal noxious weed activities; acts as an ex officio, nonvoting member of all committees;

(13) Records the official minutes of the board and ensures their distribution; maintains all board records, acts as public record officer;

(14) Oversees fiscal management of the board's administrative budget and cooperates with the department in budget development;

(15) Supervises all board employees, approves hiring, rehiring, promotion, and termination of all board employees and ensures these processes and any disciplinary actions comply with state and department personnel policies; notifies board and department prior to initiating an adverse personnel action against any employee;

(16) Performs other assignments as determined by the board.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-145, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-145, filed 12/2/92, effective 1/2/93.]

WAC 16-750-150 State noxious weed control board—Executive secretary—Hiring and dismissal. The board has the responsibility for hiring and removing from office the executive secretary. The executive secretary may be dismissed by a majority vote of the full board upon the recommendation of the chairperson and the executive committee. Prior to initiating a dismissal the executive committee will notify the department. Neglect of duty, gross inefficiency, gross incompetence, gross misconduct, malfeasance or willful violation of obligations may give cause for a recommendation for dismissal or dismissal. Before any action is taken by the board to dismiss the executive secretary, the chairperson and one member of the executive committee will confer with the executive secretary and provide in writing and fully explain the charges and contemplated recommendation for dismissal. The privilege of a hearing before the executive committee or full board will be granted to the executive secretary prior to any formal action taken by the board. The executive secretary is granted thirty days preparation time for the hearing and is entitled to present evidence, to be assisted by favorable witnesses, and to confront unfavorable witnesses at the hearing.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-150, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-150, filed 12/2/92, effective 1/2/93.]

WAC 16-750-155 State noxious weed control board—Exchange time. The board shall provide exchange time in lieu of overtime pay to its employees for hours worked in excess of forty hours per week. The time shall accrue on an hour-for-hour basis. Exchange time has no cash value.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-155, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-155, filed 12/2/92, effective 1/2/93.]

WAC 16-750-160 State noxious weed control board—Antidiscrimination clause. No person shall be denied participation in any phase of the board's program activities because of race, color, religion, sex, marital status, national origin, age, physical, sensory, or mental handicap, or sexual orientation. This nondiscrimination shall extend to employment by the board including retirement, selection, hiring, promotion, benefits, and dismissal.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-160, filed 12/2/92, effective 1/2/93.]

WAC 16-750-165 State noxious weed control board—Budget and finances. (1) All board funds must be

expended in a manner consistent with board wishes. The executive secretary is authorized to make these expenditures as appropriate. All matters related to payment of compensation and other expenses of the board are subject to the State Budget and Accounting Act (chapter 43.88 RCW).

(2) Budget approval. The executive secretary prepares the biennial budget after consulting the budget committee. The budget will provide for costs associated with salary, personal benefits, travel, equipment, and goods and services for the operation of the board. The budget is reviewed by the board for recommendation to and approval by the department and office of financial management.

(3) The board reserves the right to pursue additional funds for its administrative budget independent of the department.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-165, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-165, filed 12/2/92, effective 1/2/93.]

WAC 16-750-170 State noxious weed control board—Legal counsel. On an as needed basis, a member of the attorney general's staff will serve as legal counsel for the board.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-170, filed 12/2/92, effective 1/2/93.]

WAC 16-750-180 State noxious weed control board—Rules of order. *Robert's Rules of Order* newly revised shall serve as parliamentary authority for procedures not covered in these rules.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-180, filed 12/2/92, effective 1/2/93.]

WAC 16-750-185 State noxious weed control board—Access to public records and documents. (1) In accordance with the Public Records Disclosure Act of Washington, the board shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of RCW 42.17.260(6), 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records.

(2) The provisions of chapter 42.17 RCW shall be liberally construed to promote full access to public records so as to assure continuing public confidence and to assure the public interest will be fully protected.

(3) Place and times for inspection and copying. The executive secretary will make public records available for inspection upon request.

(4) Charges for copying. No fee shall be charged for the inspection of public records. The executive secretary may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the board for its actual costs incident to such copying.

(5) Responses to requests. Responses to requests for public records shall be made promptly. Within five business days of receiving a public record request the board will respond as follows:

- (a) With the record requested;

- (b) Acknowledgment of the request and a reasonable estimate of the time it will take to provide the requested records or documents;

- (c) Denying the public record request.

Denials of requests will be accompanied by a written statement of the specific reasons the request is being denied and shall have received a prompt review and final determination by the board's executive committee. Additional time may be required to respond to a request due to time needed to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt. In acknowledging receipt of a public record request that is unclear, the executive secretary may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the board will not respond to it.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-185, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-185, filed 12/2/92, effective 1/2/93.]

**Chapter 16-752 WAC
NOXIOUS WEED CONTROL**

WAC

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- 16-752-715 Disposal of articles regulated under this purple nutsedge quarantine.

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- 16-752-115 Noxious weeds grant program—Purpose. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-115, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-115, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-120 Noxious weeds grant program—Forms. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-120, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-125 Noxious weeds grant program—Who may apply. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-125, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-125, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-130 Noxious weeds grant program—Application procedure. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-130, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-130, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-135 Noxious weeds grant program—Content of grant application. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-135, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-135, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-140 Noxious weeds grant program—Application evaluation—Ranking and notice of acceptance or rejection of application. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-140, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-140, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-145 Noxious weeds grant program—Evaluation criteria. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-145, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-145, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-146 Minimum standards for all grant project performance. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-146, filed 9/20/90, effective 10/21/90.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-147 Minimum standards for A and B designate control work—Grant funding. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-147, filed 9/20/90, effective 10/21/90.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-150 Noxious weeds grant program—Legal requirements. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-150, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-155 Noxious weeds grant program—Project monitoring, evaluation and reporting. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-155, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-155, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-160 Noxious weeds grant program—Billing of expenses. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-160, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-165 Noxious weeds grant program—Records retention, final report, unused allocated moneys. [Statutory Authority:

- Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-165, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-165, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-170 Noxious weeds grant program—Emergency and interim funding. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-170, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-170, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-200 Emergency noxious weeds grant program—Purpose. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-200, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-201 Emergency noxious weeds grant program—Allotment. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-201, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-202 Emergency noxious weeds grant program—Application. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-202, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-203 Emergency noxious weeds grant program—Requirements. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-203, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-204 Emergency noxious weeds grant program—Payment. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-204, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-325 Duration. [Statutory Authority: Chapter 17.10 RCW. 89-24-090, § 16-752-325, filed 12/6/89, effective 1/6/90.] Repealed by 91-03-045 (Order 2069), filed 1/11/91, effective 2/11/91. Statutory Authority: Chapter 17.10 RCW.

WAC 16-752-001 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) "Person" means any individual, partnership, corporation, association, agency, or organized group of persons whether or not incorporated.
- (4) "Hay" means the harvested herbage of forage plants, including but not limited to grasses, legumes, sedges and rushes.
- (5) "State board" means the Washington state noxious weed control board.
- (6) "Applicant" means a project sponsor.
- (7) "BARS" means the budgeting, accounting, and reporting system of municipal fiscal management.
- (8) "Environmental checklist" means the form in WAC 197-11-960.
- (9) "Executive secretary" means the state noxious weed control board executive secretary.
- (10) "Integrated pest management" means a decision-making process which combines all feasible control techniques into a program for managing targeted noxious weeds including but not limited to prevention, monitoring, consideration of alternative methods, and evaluation.

(11) "Local noxious weed control agency" means any activated county or regional noxious weed control board created under chapter 17.10 RCW, any weed district created under chapter 17.04 RCW, or any intercounty weed district created under chapter 17.06 RCW.

(12) "Monitoring" means inspecting to gather and record site specific information on which decisions about treatment choices are to be based.

(13) "Objectives" means statements of precise outcomes which can be measured to determine actual accomplishments.

(14) "Principal investigator" means the person under whose direction the noxious weed control project will be carried out such as the county weed control coordinator or county weed control board chairperson.

(15) "Project sponsor" means the county legislative authority of a county with an activated noxious weed control board, a local weed control agency, or a combination of two or more agencies acting through a lead agency, responsible for implementing an approved project.

(16) "Public benefits" means those services, goods, or other benefits, whether tangible or intangible, which accrue to persons other than those on whose property weed control measures pursuant to this chapter are undertaken.

(17) "Public costs" means those costs, whether tangible or intangible, which accrue to persons other than those on whose property weed control measures pursuant to this chapter are undertaken.

(18) "Significant environmental harm" means a reasonable likelihood of more than a moderate adverse impact on environmental quality as set forth in WAC 197-11-794.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-001, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-001, filed 1/29/88. Statutory Authority: RCW 17.10.235(2). 86-19-060 (Order 1907), § 16-752-001, filed 9/16/86.]

WAC 16-752-005 Noxious weed—Tansy ragwort in hay. The director finds that tansy ragwort, a noxious weed which is poisonous to livestock, is known to infest hay fields in Washington state. Under the authority of RCW 17.10.235, the following applies to the selling of hay in the state of Washington containing tansy ragwort (*Senecio jacobaea*) plants and parts thereof:

No person shall knowingly sell hay containing:

(1) Any viable tansy ragwort seed; or

(2) Greater than one-half of one percent of tansy ragwort by weight: Provided, That this section shall not be construed as establishing a safe level of tansy ragwort in hay for livestock consumption.

[Statutory Authority: RCW 17.10.235(2). 86-19-060 (Order 1907), § 16-752-005, filed 9/16/86.]

WAC 16-752-010 Tansy ragwort in hay—Penalties. All violations of WAC 16-752-005 are punishable under RCW 17.10.230.

[Statutory Authority: RCW 17.10.235(2). 86-19-060 (Order 1907), § 16-752-010, filed 9/16/86.]

WAC 16-752-300 Establishing quarantine. Yellow nutsedge (*Cyperus esculentus* L.) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic

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crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. It is highly invasive and its unchecked spread would entail great economic loss to the agricultural industries of the state. It is a class B noxious weed designated for control in Thurston County (WAC 16-750-011 (33)(a)). Yellow nutsedge infests a plant nursery site at the Port of Olympia in Tumwater, Washington. Movement of material from this site initiates additional infestations. RCW 17.10.210 provides that either the director or the county noxious weed control board or a weed district may issue an order for quarantine and restriction or denial of access to land determined to be so seriously infested that control measures cannot be undertaken without quarantine of the land. The director has determined:

(1) That the identified site is so seriously infested as to require quarantine; and

(2) That the movement of contaminated materials from this site presents an immediate threat of infestation to the rest of the county agricultural and nonagricultural areas; and

(3) That the restriction of such spread is critical to control efforts.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 03-16-038, § 16-752-300, filed 7/30/03, effective 8/30/03. Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-300, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-300, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-300, filed 12/6/89, effective 1/6/90.]

WAC 16-752-305 Quarantine area. The quarantine area shall encompass the Port of Olympia, located at the Olympia Airport, Tumwater, Washington, and more particularly described as follows:

County of Thurston, state of Washington:

Parcel number 12711230000 - a portion of this parcel containing twenty-two acres of nursery production, more or less and three access roads one of which begins at 85th Avenue SW, the other two begin at Old Highway 99 SW.

A tract of land in Section 11, Township 17 north, Range 2 west of the Willamette Meridian, more particularly described as follows:

A portion of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, Section 11, Township 17 North, Range 2 West, W.N., Thurston County, Washington.

Beginning at the South Quarter corner of Section 11; thence north 01°53'09"E, along the center of the section line 77.6 feet to the southerly edge of the infestation, said point being 75 feet northerly of the center of taxiway 5 and the point of beginning; thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 1254.2 feet to coordinate pair N 604966 E 1043268 North American Datum 83/91, Washington State Lambert projection South Zone; thence north 01°32'43"E parallel to and 75 feet westerly of taxiway 5, 256.1 feet (N 605222 E 1043275); thence north 74°44'42"W, parallel to and 200 feet southerly of runway 8-26, 2031.7 feet (N 605757 E 1041315); thence south 12°53'58"W, parallel to and 75 feet easterly of taxiway 4, 744.6 feet (N 605031 E 1041148); thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 866.5 feet to the point of beginning. TOGETHER WITH: Two (2) 50 foot easements for ingress and egress described as follows: Beginning at the centerline of Old Highway 99 at coordinate pair N 605688 E 1044159;

thence south 62°13'04"W, 337 feet (N 605531 E 1043861);
 thence south 37°34'07"W, 66 feet (N 605479 E 1043821);
 thence south 15°34'51"W, 432 feet (N 605063 E 1043705);
 thence south 56°50'31"W, 90 feet (N 605014 E 1043630);
 thence north 73°42'21"W, 135 feet (N 605052 E 1043500);
 thence south 73°31'23"W, 47 feet (N 605031 E 1043429).

Beginning at the coordinate pair N 605479 E 1043821;
 thence north 10°18'17"W, 78 feet (N 605556 E 103807);
 thence north 52°23'38"W, 93 feet (N 605613 E 1043733);
 thence north 74°34'40"W, 331 feet (N 605701 E 1043414);
 thence north 24°31'11"W, 63 feet (N 605758 E 1043388);
 thence north 0°58'36"W, 352 feet (N 606110 E 1043382).

Beginning at the end of 85th Avenue SE; thence north
 14°36'57"W, 44 feet; thence north 1°44'13"E, 103 feet;
 thence north 1°44'13"E, 122 feet; thence north 4°2'36"E, 103
 feet; thence north 1°44'13"E, 140 feet; thence north
 3°31'10"E, 134 feet; thence north 1°44'13"E, 146 feet; thence
 north 6°43'41"W, 141 feet; thence north 6°3'35"W, 92 feet;
 thence north 1°44'13"E, 128 feet; thence north 15°58'50"W,
 96 feet; thence south 85°33'49"W, 113 feet; thence north
 88°15'39"W, 100 feet; thence north 85°38'49"W, 133 feet;
 thence north 88°15'36"W, 137 feet; thence north
 85°28'20"W, 125 feet; thence south 89°35'45"W, 162 feet;
 thence north 88°15'32"W, 129 feet; thence north
 88°15'30"W, 200 feet; thence north 88°15'28"W, 150 feet;
 thence north 85°43'23"W, 137 feet; thence north 88°38'45"E,
 113 feet; thence north 83°56'12"W, 242 feet; thence north
 40°38'52"W, 25 feet; thence north 40°6'3"W, 25 feet.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 03-16-038, § 16-752-305, filed 7/30/03, effective 8/30/03. Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-305, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-305, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-305, filed 12/6/89, effective 1/6/90.]

WAC 16-752-310 Articles whose movement is restricted. The movement of all plants and parts of plants of yellow nutsedge and soil contaminated with propagules of the plant, including soil in nursery pots, is covered by this quarantine. The movement of all balled and burlap nursery stock is covered by this quarantine.

[Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-310, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-310, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-310, filed 12/6/89, effective 1/6/90.]

WAC 16-752-315 Regulations. Use of the property identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil, potted nursery plants and other plants from the quarantine site, except as provided in subsection (6) of this section, is prohibited without a permit from the Thurston County noxious weed control board that details the end use and exact geographic destination.

(2) All land disturbing operations including excavation, utilities work, and similar activities require a one time, no fee permit from the weed board that obligates the operator to thoroughly hose down all equipment before leaving the quarantine area and record the next two areas where the equipment is used after leaving the quarantine area.

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(3) All off-road vehicles are banned in the quarantine area without the written permission of the Thurston County noxious weed control board, except in designated parking areas.

(4) All weed control measures and irrigation practices in the quarantine area are to be conducted at the direction of the Thurston County noxious weed control board.

(5) Yellow nutsedge control shall take precedence over all other land uses in the quarantine area.

(6) The Thurston County noxious weed control board may designate and clearly mark portions of the site as free from infestation and allow removal of sand or soil from these areas without specific permit to nonagricultural sites: Provided, That adequate precautions are taken to prevent commingling of infested and noninfested soils and equipment used in the infested area is thoroughly cleaned before use in the area designated as uninfested.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 03-16-038, § 16-752-315, filed 7/30/03, effective 8/30/03. Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-315, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-315, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-315, filed 12/6/89, effective 1/6/90.]

WAC 16-752-320 Costs of quarantine. The costs of serving the notice required by RCW 17.10.210(2) shall be borne by the department. The costs of control work shall be borne by the landowner unless otherwise determined by the Thurston County noxious weed control board or the director in consultation with the Washington state noxious weed control board.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 03-16-038, § 16-752-320, filed 7/30/03, effective 8/30/03. Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-320, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-320, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-320, filed 12/6/89, effective 1/6/90.]

WAC 16-752-330 Violation and penalty. Any person who violates this quarantine shall have committed a civil infraction and shall be subject to the provisions of RCW 17.10.310 and 17.10.350 and WAC 16-750-020 which provides monetary penalties of up to one thousand dollars per infraction.

[Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-330, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-330, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-330, filed 12/6/89, effective 1/6/90.]

LYTHRUM QUARANTINE

WAC 16-752-400 Establishing quarantine. The Lythrum species (Purple loosestrife) is an aggressive, semi-aquatic, herbaceous perennial weed that has infested wetlands in the state of Washington causing serious harm to native plants and destroying habitat for birds and small mammals. Some varieties of loosestrife are cultivated and sold as nursery stock in the horticultural industry. The director of agriculture, pursuant to the powers provided in chapter 17.24 RCW and RCW 17.10.074 (1)(c), and chapter 15.13 RCW, has determined that the regulation and exclusion of this plant, plant parts, and seeds is necessary to preserve Washington wetlands from further infestation.

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[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-400, filed 7/18/90, effective 8/18/90.]

WAC 16-752-405 Lythrum quarantine—Regulated articles. The following are regulated articles:

(1) All plants and plant parts of the *Lythrum* species, *Lythrum salicaria* and *Lythrum virgatum*, and any hybrid cross thereof. This includes, but is not limited to, purple loosestrife and plants with horticultural names: The beacon, fire candle, brightness, lady sackville, Mr. Robert, Robert's, happy, roseum superbum, purple spire, rose queen, the rocket, morden pink, morden gleam, morden rose, dropmore purple, and tomentosum.

(2) All seeds of plants of the *Lythrum* species *Lythrum salicaria* and *Lythrum virgatum*.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-405, filed 7/18/90, effective 8/18/90.]

WAC 16-752-410 Lythrum quarantine—Prohibited acts. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or seeds of the species *Lythrum salicaria* or *Lythrum virgatum* into or within the state of Washington. It is further prohibited to transplant wild plants and/or plant parts of these species in the state of Washington.

This prohibition shall not apply to plants or seeds collected for herbariums, research in control methods, creation of pressed specimens for educational or identification purposes and other scientific activities: Provided, That all activities requiring live plants and/or viable seed, except pressed specimens, are conducted under a permit from the director and are conducted so as to ensure that no infestation is created.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-410, filed 7/18/90, effective 8/18/90.]

WAC 16-752-415 Disposition of regulated articles.

Any plants, plant parts or seeds transported, bought, sold, offered for sale, or planted in violation of this order shall be subject to destruction or shipment back out-of-state if the director determines that such shipment does not present a danger of infestation.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-415, filed 7/18/90, effective 8/18/90.]

WAC 16-752-420 Penalties. Any person who violates the terms of this quarantine shall be guilty of a misdemeanor and for each subsequent violation, shall be guilty of a gross misdemeanor. The director may also impose a civil penalty in an amount not more than one thousand dollars for each violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this chapter and may be subject to the civil penalty.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-420, filed 7/18/90, effective 8/18/90.]

WETLAND AND AQUATIC WEED QUARANTINE

WAC 16-752-500 Establishing wetland and aquatic weed quarantine. Washington waters and wetlands are threatened by nonnative, aggressive weeds that destroy the

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commercial, aesthetic, fish and/or wildlife habitat, and recreational value of these areas. These rooted or freely floating plant species, when established, form dense stands or mats that clog irrigation systems and waterways, displace native species, alter fish and wildlife habitat, and/or seriously impact recreational use of the waterways.

Several species of *Spartina*, generally known as cordgrasses, are nonnative, highly aggressive weeds that have invaded salt water estuarine areas on the Washington coast, displacing native species and threatening bird and mammal habitats and the shellfish industry.

The director of agriculture, pursuant to the powers provided in chapters 17.10, 15.13 and 17.24 RCW, finds that the regulation and exclusion of these plants and plant parts are necessary to preserve Washington waters and wetlands, both fresh water and estuarine, from new or additional infestation. These requirements and restrictions, contained in WAC 16-752-500 through 16-752-525, are in addition to the requirements contained in WAC 232-12-271, "Criteria for planting aquatic plants and releasing wildlife," administered by the Washington state department of fish and wildlife.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 04-19-004, § 16-752-500, filed 9/2/04, effective 10/3/04. Statutory Authority: Chapters 17.24, 17.10, and 15.13 RCW. 01-01-014, § 16-752-500, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-500, filed 3/10/92, effective 4/10/92.]

WAC 16-752-505 Wetland and aquatic weed quarantine—Regulated articles. All plants and plant parts of the following are regulated articles under this chapter:

Scientific Name	Common Name
<i>Butomus umbellatus</i>	flowering rush
<i>Cabomba caroliniana</i>	fanwort
<i>Crassula helmsii</i>	Australian swamp stonecrop
<i>Egeria densa</i>	Brazilian elodea
<i>Epilobium hirsutum</i>	hairy willow herb
<i>Glossostigma diandrum</i>	mud mat
<i>Gyneria maxima</i>	reed sweetgrass, tall manna grass
<i>Hydrilla verticillata</i>	hydrilla
<i>Hydrocharis morsus-ranae</i>	European frog-bit
<i>Lagarosiphon major</i>	African elodea
<i>Ludwigia hexapetala</i>	water primrose
<i>Lysimachia vulgaris</i>	garden loosestrife
<i>Murdannia keisak</i>	marsh dew flower, Asian spiderwort
<i>Myriophyllum aquaticum</i>	parrotfeather
<i>Myriophyllum spicatum</i>	Eurasian watermilfoil
<i>Najas minor</i>	slender-leaved naiad, brittle naiad
<i>Nymphoides peltata</i>	yellow floating heart
<i>Sagittaria graminea</i>	grass-leaved arrowhead
<i>Sagittaria platyphylla</i>	delta arrowhead
<i>Spartina alterniflora</i>	smooth cordgrass
<i>Spartina anglica</i>	common cordgrass
<i>Spartina densiflora</i>	dense-flowered cordgrass
<i>Spartina patens</i>	salt meadow cordgrass
<i>Trapa natans</i>	water chestnut, bull nut
<i>Trapa bicornus</i>	water caltrap, devil's pod, bat nut
<i>Utricularia inflata</i>	swollen bladderwort

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 05-21-028, § 16-752-505, filed 10/11/05, effective 11/11/05. Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 04-19-004, § 16-752-505, filed 9/2/04, effective 10/3/04. Statutory Authority: Chapters 17.24, 17.10, and 15.13 RCW. 01-01-014, § 16-752-505, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-505, filed 3/10/92, effective 4/10/92.]

WAC 16-752-507 Wetland and Aquatic weed quarantine—Quarantine area. The area under the wetland and aquatic weed quarantine includes all counties within the state of Washington and all states, territories, and districts of the United States.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-507, filed 3/10/92, effective 4/10/92.]

WAC 16-752-510 Wetland and aquatic weed quarantine—Prohibited acts. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or plant parts of the regulated plants, listed in WAC 16-752-505, into or within the state of Washington. It is further prohibited to intentionally transplant wild plants and/or plant parts of these species within the state of Washington.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-510, filed 3/10/92, effective 4/10/92.]

WAC 16-752-515 Wetland and aquatic weed quarantine—Exemptions. The prohibition on transporting plants or plant parts in WAC 16-752-510 shall not apply to plants or plant parts collected for herbariums, research in control methods, creation of pressed specimens for educational or identification purposes and other scientific activities, except that all activities requiring live plants, except pressed specimens, are conducted under permit from the director and are conducted in such a way that no infestation is created. No permit is required to transport plants or plant parts, as a part of a noxious weed control activity, to a sanitary landfill, to be burned, or otherwise for disposition, if such activities are conducted under the supervision of an official weed control agency or other public agency with management responsibilities for the control efforts and are conducted in such a manner that seed dispersal or dispersal of propagative materials to uninfested areas is prevented. No permit is required for live plants for educational or training purposes, if the specimens are disposed of in such a manner as to prevent infestation.

[Statutory Authority: Chapters 17.24, 17.10, and 15.13 RCW. 01-01-014, § 16-752-515, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-515, filed 3/10/92, effective 4/10/92.]

WAC 16-752-520 Wetland and aquatic weed quarantine—Disposition of regulated articles. Any plants or plant parts transported, bought, sold, offered for sale, or planted in violation of this order shall be subject to destruction or shipment out-of-state if the department determines that such shipment may be done without danger of infestation. Any action will be at the expense of the owner or the owner's agent and without compensation.

[Statutory Authority: Chapters 17.24, 17.10, and 15.13 RCW. 01-01-014, § 16-752-520, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-520, filed 3/10/92, effective 4/10/92.]

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WAC 16-752-525 Wetland and aquatic weed quarantine—Penalties. Any person who violates the terms of this quarantine, as provided in WAC 16-752-500 through 16-752-520, or who aids and abets in such violation, shall be subject to criminal and/or civil penalties provided by law.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-525, filed 3/10/92, effective 4/10/92.]

NOXIOUS WEED SEED AND PLANT QUARANTINE

WAC 16-752-600 Establishing the noxious weed seed and plant quarantine. Washington agriculture, environmental quality and natural resources are threatened by nonnative, aggressive species of noxious weeds. A number of these noxious weeds are transported and sold within the state of Washington both as nursery plants and as seeds in packets of flower seeds or "wildflower mixes." Subsequent "escape" of these ornamentals has been a documented source of a number of infestations and has resulted in large public and private expenditures by landowners and land managers, weed boards, and weed districts and the department of agriculture to achieve the control mandated in chapter 17.10 RCW. The director of agriculture, pursuant to the powers provided in chapters 17.10 and 17.24 RCW, finds that regulation of the sale of these seed packets and plants is necessary to protect Washington agriculture and natural resources and prevent public and private costs of control.

Note: For rules prescribing the limits of prohibited and restricted noxious weed seeds as contaminants in certified seed, see WAC 16-300-010 through 16-300-025.

[Statutory Authority: Chapters 17.24, 17.10 RCW. 00-24-021, § 16-752-600, filed 11/28/00, effective 12/29/00; 92-07-025, § 16-752-600, filed 3/10/92, effective 4/10/92.]

WAC 16-752-605 Noxious weed seed and plant quarantine—Quarantine area. The area under the noxious weed seed and plant quarantine includes all counties within the state of Washington and all states, territories, and districts of the United States.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-605, filed 3/10/92, effective 4/10/92.]

WAC 16-752-610 Noxious weed seed and plant quarantine—Regulated articles. All plants, plant parts, and seeds in packets, blends, and "wildflower mixes" of the following listed species are regulated under the terms of this noxious weed seed and plant quarantine:

Scientific Name	Common Names
Abutilon theophrasti	velvetleaf
Alliaria petiolata	garlic mustard
Amorpha fruticosa	indigobush, lead plant
Anchusa officinalis	common bugloss, alkanet, anchusa
Anthriscus sylvestris	wild chervil
Carduus acanthoides	plumeless thistle
Carduus nutans	musk thistle, nodding thistle
Carduus pycnocephalus	Italian thistle
Carduus tenuiflorus	slenderflower thistle
Centaurea calcitrapa	purple starthistle
Centaurea diffusa	diffuse knapweed
Centaurea jacea	brown knapweed, rayed knapweed, brown century horse-knobs, hardheads
Centaurea jacea x nigra	meadow knapweed
Centaurea biebersteinii	spotted knapweed
Centaurea macrocephala	bighead knapweed

Scientific Name	Common Names
Centaurea nigra	black knapweed
Centaurea nigrescens	Vochin knapweed
Chaenorrhinum minus	dwarf snapdragon
Crupina vulgaris	common crupina
Cytisus scoparius	Scotch broom
Daucus carota	wild carrot, Queen Anne's lace
Echium vulgare	blueweed, blue thistle, blue devil, viper's bugloss, snake flower
Euphorbia esula	leafy spurge
Euphorbia oblongata	eggleaf spurge
Galega officinalis	goatsrue
Helianthus ciliaris	Texas blueweed
Heraclium mantegazzianum	giant hogweed, giant cow parsnip
Hibiscus trionum	Venice mallow, flower-of-an-hour, bladder ketmia, modesty, shoo-fly
Hieracium aurantiacum	orange hawkweed, orange paintbrush, red daisy flameweed, devil's weed, grim-the-collier
Hieracium caespitosum	yellow hawkweed, yellow paintbrush, devil's paintbrush, yellow devil, field hawkweed, king devil
Hieracium floribundum	yellow devil hawkweed
Hieracium pilosella	mouseear hawkweed
Impatiens glandulifera	policeman's helmet
Isatis tinctoria	dyers' woad
Kochia scoparia	kochia, summer-cyprus, burning-bush, fireball, Mexican fireweed
Lepidium latifolium	perennial pepperweed
Leucanthemum vulgare	oxeye daisy, white daisy, whiteweed, field daisy, marguerite, poorland flower
Linaria dalmatica spp. dalmatica	Dalmatian toadflax
Mirabilis nyctaginea	wild four o'clock, umbrella-wort
Onopordum acanthium	Scotch thistle
Polygonum cuspidatum	Japanese knotweed
Polygonum polystachyum	Himalayan knotweed
Polygonum sachalinense	giant knotweed
Polygonum x bohemicum	Bohemian knotweed, Japanese and giant knotweed hybrid
Proboscidea louisianica	unicorn-plant
Pueraria montana var. lobata	kudzu
Salvia aethiopsis	Mediterranean sage
Salvia pratensis	meadow clary
Salvia sclarea	clary sage
Senecio jacobaea	tansy ragwort
Silybum marianum	milk thistle
Solanum elaeagnifolium	silverleaf nightshade
Solanum rostratum	buffaloburr
Soliva sessilis	lawnweed
Sorghum halepense	johnsongrass
Spartium junceum	Spanish broom
Tamarix ramosissima	saltcedar
Thymelaea passerina	spurge flax
Torilis arvensis	hedgearsley
Ulex europaeus	gorse, furze
Zygophyllum fabago	Syrian bean-caper

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 04-19-004, § 16-752-610, filed 9/2/04, effective 10/3/04. Statutory Authority: Chapters 17.24, 17.10, 15.13 RCW. 02-12-030, § 16-752-610, filed 5/29/02, effective 6/29/02. Statutory Authority: Chapters 17.24, 17.10 RCW. 00-24-021, § 16-752-610, filed 11/28/00, effective 12/29/00; 98-13-008, § 16-752-610, filed 6/4/98, effective 7/5/98. Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-610, filed 3/10/92, effective 4/10/92.]

WAC 16-752-620 Noxious weed seed and plant quarantine—Prohibited acts. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or plant parts of the regulated species listed in WAC 16-752-610 into or within the state of Washington or to sell, offer for sale, or distribute seed packets of the seed, flower seed blends, or wildflower mixes of these regulated species into or within the state of Washington.

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[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-620, filed 3/10/92, effective 4/10/92.]

WAC 16-752-630 Noxious weed seed and plant quarantine—Exceptions. The prohibition on transporting of plants and plant parts established in WAC 16-752-620 does not apply to plants or plant parts collected for herbariums, research in control methods, creation of pressed specimens, or for educational or identification purposes and other scientific activities, as long as all such activities are conducted in such a manner as to prevent infestation. In addition, plants or plant parts may be transported, as a part of a noxious weed control activity, to a sanitary landfill, to be burned, or otherwise for disposal under the supervision of a noxious weed control agency.

[Statutory Authority: Chapters 17.24, 17.10 RCW. 00-24-021, § 16-752-630, filed 11/28/00, effective 12/29/00; 92-07-025, § 16-752-630, filed 3/10/92, effective 4/10/92.]

WAC 16-752-640 Noxious weed seed and plant quarantine—Permits. The director may allow the movement of materials, otherwise prohibited, by special permit. Such permit shall specify the terms and conditions under which movement is allowed.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-640, filed 3/10/92, effective 4/10/92.]

WAC 16-752-650 Noxious weed seed and plant quarantine—Disposal of regulated articles. Any plants, plant parts, or seed packets transported, bought, sold, or offered for sale in violation of WAC 16-752-600 through 16-752-650 are subject to destruction or shipment out-of-state or other disposition in a manner prescribed by the director to prevent infestation. Any such action will be at the expense of the owner or the owner's agent and without compensation.

[Statutory Authority: Chapters 17.24, 17.10 RCW. 00-24-021, § 16-752-650, filed 11/28/00, effective 12/29/00; 92-07-025, § 16-752-650, filed 3/10/92, effective 4/10/92.]

WAC 16-752-660 Noxious weed seed and plant quarantine—Penalties. Any person who violates the terms of the noxious weed quarantine, as provided in WAC 16-752-600 through 16-752-650, or who aids or abets in such violation, shall be subject to the civil and/or criminal penalties provided in chapter 17.24 RCW.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-660, filed 3/10/92, effective 4/10/92.]

PURPLE NUTSEDGE QUARANTINE

WAC 16-752-700 Establishing quarantine for purple nutsedge. Purple nutsedge (*Cyperus rotundus*) is a highly invasive, herbaceous perennial and is commonly considered one of the most serious noxious weeds in agronomic crops in the world. Purple nutsedge propagates by seed, rhizomes, bulbs and nutlets. Soil containing nutlets is the primary mode by which purple nutsedge spreads. The establishment of purple nutsedge in Washington would cause reduction in native vegetation and great economic loss to the agricultural industries of the state. The director of agriculture, pursuant to authorities in chapter 17.24 RCW, RCW 17.10.074 (1)(c) and

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chapter 15.13 RCW, has determined that the regulation and exclusion of purple nutsedge and its parts, seeds, rhizomes, bulbs and nutlets is necessary to protect the environmental quality and agricultural crops of the state of Washington.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-700, filed 12/29/99, effective 1/29/00.]

WAC 16-752-705 What articles are regulated under the quarantine of purple nutsedge and what do you need to ship regulated articles into Washington? (1) All plants or plant parts, including seeds and propagules, of purple nutsedge (*Cyperus rotundus*).

(2) Any of the following articles entering the state of Washington from the states of Alabama, Arizona, Arkansas, California, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas and Virginia, the territories of Puerto Rico and the Virgin Islands, and any other state, territory or district of the United States where purple nutsedge is found are regulated under this quarantine as hosts or possible carriers of purple nutsedge:

- (a) All plants with roots, including planting medium and containers, except house plants;
- (b) Soil, humus, compost or manure, except for commercially packaged products;
- (c) Sod;
- (d) Plant crowns, tubers or roots for propagation; and
- (e) Any other article or means of conveyance, when it is determined by the department to present a hazard of spreading live purple nutsedge due to infestation or exposure to infestation.

(3) Shipment of the regulated articles described in subsection (2) of this section into or within the state of Washington must be accompanied by a certificate of inspection issued by an authorized state or federal regulatory authority from the state or entity of origin. The certificate of inspection must certify that the regulated article(s) has been inspected and found free of purple nutsedge and its plant parts, seeds, rhizomes, bulbs and nutlets.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-705, filed 12/29/99, effective 1/29/00.]

WAC 16-752-710 Acts prohibited by this purple nutsedge quarantine. (1) Except under the terms of a compliance agreement with the department, the movement into or within the state of Washington of the following is prohibited:

- (a) All purple nutsedge plants and purple nutsedge plant parts, including seeds and propagules; and
- (b) Soil, humus, compost, bark, sawdust, ground wood products or manure contaminated with purple nutsedge seed, rhizomes, bulbs or nutlets.

(2) Planting or propagation of purple nutsedge is prohibited.

(3) Shipment of any of the regulated articles described in WAC 16-752-705(2) into or within the state of Washington without a certificate of inspection issued in accordance with WAC 16-752-705(3) is prohibited.

(4) The department may issue permits allowing actions otherwise prohibited under this section subject to the department's conditions and provisions necessary to prevent the

introduction, escape or spread of purple nutsedge as prescribed in the permits.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-710, filed 12/29/99, effective 1/29/00.]

WAC 16-752-715 Disposal of articles regulated under this purple nutsedge quarantine. Any regulated articles that are in violation of this purple nutsedge quarantine are subject to destruction, shipment out-of-state or other disposition in a manner prescribed by the department. Any such action will be at the expense of the owner or owner's agent and without compensation.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-715, filed 12/29/99, effective 1/29/00.]