

# Title 16 WAC

## AGRICULTURE, DEPARTMENT OF

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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### Chapter 16-06 WAC PUBLIC RECORDS

**WAC**

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- 16-06-175 You may also contact an agency public records coordinator 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.] Repealed by 09-03-032, filed 1/12/09, effective 2/12/09. Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW.
- 16-06-195 Disclosure procedure. [Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-195, filed 7/2/96, effective 8/2/96.] Repealed by 09-03-032, filed 1/12/09, effective 2/12/09. Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW.
- 16-06-215 Qualifications on nondisclosure. [Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-215, filed 7/2/96, effective 8/2/96.] Repealed by 09-03-032, filed 1/12/09, effective 2/12/09. Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW.
- 16-06-230 Interagency disclosure. [Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-230, filed 7/2/96, effective 8/2/96.] Repealed by 09-03-032, filed 1/12/09, effective 2/12/09. Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW.
- 16-06-235 Request for public records disclosure form. [Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-235, filed 7/2/96, effective 8/2/96.] Repealed by 09-03-032, filed 1/12/09, effective 2/12/09. Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW.

**WAC 16-06-150 The purpose of the rule.** The purpose of this chapter is to establish the procedures the Washington state department of agriculture will follow to provide full access to public records, and to implement the provisions of the Public Records Act, chapter 42.56 RCW. These rules provide information to persons requesting access to the department's public records and establish procedures for both requestors and department staff.

[Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW. 09-03-032, § 16-06-150, filed 1/12/09, effective 2/12/09. 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.** "Department" means the Washington state department of agriculture.

"Disclosure" means inspection or copying.

"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.

"Writing" means handwriting, typewriting, printing, photostating, telefaxing, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.

[Statutory Authority: Chapters 34.05, 42.17, 42.56, and 43.23 RCW. 09-03-032, § 16-06-155, filed 1/12/09, effective 2/12/09. 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 department organization, address and telephone number of Olympia administrative offices.** The administrative offices of the Washington state department of agriculture 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 seven divisions:

- (1) Director's office;
- (2) Administrative services division;
- (3) Animal services division;
- (4) Commodity inspection division;
- (5) Food safety and consumer services division;
- (6) Pesticide management division; and
- (7) Plant protection 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 can assist persons in locating office locations around the state. The department's organization chart is available upon request from the Public Records Officer and the Human Resources Office, Washington State Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560.

[Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW. 09-03-032, § 16-06-160, filed 1/12/09, effective 2/12/09. 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 Department organization description by division and program.** An organizational description by division and program is as follows:

**Director's office:**

- The director's office covers legislative affairs, internal program review, domestic and international marketing, policy development and review, bioenergy coordination, agency communications, and quality and performance.

**Administrative services division:**

- The administrative services division includes accounting, budget, payroll, forms and records, adjudicative proceedings, public disclosure, Washington administrative code filings, personnel office, information technology services, safety and risk management, commodity commission activities, and the fairs commission program.

**Animal services division:**

- The animal health program conducts programs to monitor, diagnose, manage and eradicate specific animal diseases such as tuberculosis, scrapie, and poultry diseases, and conducts programs to prevent the introduction of foreign animal diseases. The program manages animal health emergencies and responds to certain animal welfare issues.
- The livestock brand inspection program registers brands and inspects livestock when animal ownership changes or animals leave the state. This program provides services to cattle and horse owners in an effort to prevent theft of the animals and licenses feedlots and sales facilities. The establishment and licensure of livestock markets is also implemented within this program.

- The animal identification program implements the voluntary national animal identification system in Washington state to facilitate the tracking of animals and managing animal disease outbreaks.

**Commodity inspection division:**

- The fruit and vegetable inspection program provides phytosanitary certification, shipping point inspection, third-party grading of raw product for processing and export certification, and licenses controlled atmosphere storage facilities.
- The grain inspection program provides inspection, analytical, and weighing services to ensure orderly commerce for grain, dry peas, lentils, rapeseed, and similar commodities produced in Washington state or shipped through Washington ports from other states.
- The grain warehouse audit program licenses, bonds, and audits public grain storage warehouses and grain dealers who buy covered commodities from producers. Auditing procedures include verification of grain records and purchase contracts with producers, and a physical inventory of stored commodities at warehouses.
- The seed program inspects fields for insects and disease; inspects and tests seed for purity and germination; provides phytosanitary certification for export; and issues labeling permits. The program areas of responsibility are seed certification, seed testing, phytosanitary inspection and testing, and seed law enforcement.

**Food safety and consumer services division:**

- The food safety program inspects and licenses dairy and food processing facilities and provides services aimed to protect the public from injury and illness caused by food, dairy, and egg products that are contaminated, adulterated or otherwise unfit for consumption.
- The dairy nutrient management program inspects dairy farms; provides assistance; and enforces laws that include state and federal water quality laws and rules regarding animal feeding operations.
- The microbiology laboratory supports the food safety program by testing food and dairy products for quality measures and for food poisoning organisms, and by examining food products for contamination by insects, rodents or filth. The laboratory also supports animal health programs by testing animal blood and tissue for disease to aid in disease eradication programs and to allow animals to move interstate or internationally.
- The organic food program inspects and licenses organic producers and processors. The program provides services to consumers and supports the organic food industry by ensuring that all food products making organic claims meet standards for organic production and labeling.

**Pesticide management division:**

- The pesticide management division administers the laws and rules related to pesticides, animal feed and fertilizer, and administers the waste pesticide disposal program.
- The pesticide compliance program enforces state and federal pesticide laws, conducts routine inspections of pesticide applications and pesticide distribution facilities, and investigates allegations of pesticide misuse.

- The registration services program registers pesticides, fertilizer and animal feed distributed in Washington; inspects fertilizer and feed manufacturing, storage and distribution facilities; conducts waste pesticide collection events; and conducts environmental assessments related to pesticide use in the state of Washington.
- The certification and training program provides outreach and safety training on the use of pesticides, licenses pesticide application equipment, structural pest inspectors, dealer managers, and commercial, public, and private pesticide applicators, operators and consultants; approves recertification courses; and tracks educational credits on pesticide and inspector licensees.

#### Plant protection division:

- The chemistry and hop program supports several department programs by analyzing samples taken in investigations of alleged pesticide misuse; monitors food for pesticide residues; analyzes commercial feed and fertilizer samples to determine if they meet label guarantees; grades hops for seed, stem and leaf content; and analyzes hops for brewing value.
- The commission merchants program licenses commission merchants, dealers, brokers, and cash buyers, which includes administering required bonds and the investigation of complaints.
- The pest program provides services aimed to prevent the establishment of high-risk and exotic insects, plant diseases, weeds and other pest species through surveys, inspections, quarantines, and eradication projects.
- Plant services program provides regulatory inspection of nurseries in an effort to provide consumers and the nursery industry with healthy, pest-free and disease-free plant materials; enforces quarantines to prevent pest introductions; and provides testing and inspection services to assure pest-free planting stock.
- The weights and measures program checks prepackaged items to verify quantity of contents; inspects and tests commercial weighing and measuring devices; licenses public weighmasters and weighers; responds to consumer complaints; surveys labeling and advertising of products packaged or sold by weight, measure, or count; and develops standards and conducts compliance activities related to motor fuels and biofuels.

[Statutory Authority: Chapter 43.23 RCW and RCW 34.05.353, 09-24-056, § 16-06-165, filed 11/25/09, effective 12/26/09. Statutory Authority: RCW 42.56.380, chapters 43.23 and 34.05 RCW. 09-12-013, § 16-06-165, filed 5/21/09, effective 6/21/09. Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW. 09-03-032, § 16-06-165, filed 1/12/09, effective 2/12/09. Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-165, filed 7/2/96, effective 8/2/96.]

**WAC 16-06-180 Public records officer.** (1) Any person wishing to request access to the department's public records, or seeking assistance in making a public records request, should contact the public records officer.

(2) You may contact the public records officer by mail at Washington State Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560, by telephone at 360-902-1809, by fax at 360-902-2092, or by e-mail at: [publicdisclosure@agr.wa.gov](mailto:publicdisclosure@agr.wa.gov).

(3) The name of the department's current public records officer is also on file with the office of the code reviser in accordance with RCW 42.56.580 and is published in the *Washington State Register*.

(4) The public records officer will oversee compliance with the Public Records Act, but a designee of the public records officer may process the request or otherwise fulfill the duties of the public records officer. The public records officer will provide the fullest assistance to requestors.

[Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW. 09-03-032, § 16-06-180, filed 1/12/09, effective 2/12/09. 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 the department's public records are available for disclosure except as otherwise provided by chapter 42.56 RCW or any other law. Many records are available on the department's web site at: <http://agr.wa.gov>. Requestors are encouraged to view the records available on the web site prior to submitting a records request.

(2) The department will respond promptly to requests for disclosure. E-mail requests will be handled in the same manner as other types of mail received by the department. Public records requests received by e-mail after regular business hours will be considered received on the next business day. Within five business days of receiving a public records request, the department will respond by doing one or more of the following:

(a) Make the records available for inspection or copying;

(b) Send the copies to the requestor if copies are requested and payment of a deposit for the copies is made or terms of payment have been agreed upon;

(c) Provide a reasonable estimate of when records will be available;

(d) Request clarification from the requestor if the request is unclear or does not sufficiently identify the requested records. Clarification may be requested and provided by telephone; or

(e) Deny the public records request.

(3) The public records officer may revise the estimate of when records will be available when it is necessary to clarify 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 from disclosure.

(4)(a) Some records are exempt from disclosure, in whole or in part. If the department believes that a record is exempt from disclosure and should be withheld, the department will provide a written statement of the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld.

(b) If only a portion of a record is exempt from disclosure, the department will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the records are being redacted.

(5) In the event the requested records name a specific person or pertain to a specific person and may be exempt from disclosure, the department may, prior to providing the records, give notice to others whose rights may be affected by the disclosure. Sufficient notice will be given to allow

affected persons to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(6)(a) The public records officer may provide access for inspection and copying of records in installments when the request is for a large number of records.

(b) The public records officer may stop searching for the remaining records and close the request if within thirty days the requestor fails to claim or inspect records in one or more of the installments.

(c) The department has the discretion to determine the order in which it responds to requests for public records based on staff and resource availability, the size of the request, and the ease in locating or duplicating the records requested.

(7) The public records officer will close the request and indicate to the requestor that the department has closed the request when the requestor:

(a) Withdraws the request;

(b) Fails to provide clarification when requested by the department;

(c) Fails to fulfill obligations to inspect the records; or

(d) Fails to pay the deposit or pay the final payment for the requested copies.

(8) If, after the department has informed the requestor that it has provided all available records, the department becomes aware of additional responsive records existing at the time of the request, it will promptly inform the requestor of the additional records and provide them on an expedited basis.

[Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW. 09-03-032, § 16-06-185, filed 1/12/09, effective 2/12/09. 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 Public records requests.** (1) A person wishing to inspect or copy the department's public records may make the request in writing on the department's public records request form or in writing by first class mail, e-mail, or fax. Requests for public records may be initiated at any department office during customary business hours, Monday through Friday, excluding legal holidays. Requests must include the following information:

(a) The name, address and telephone number or other contact information of the person requesting the records;

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

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

(2)(a) The request should be submitted to the public records officer at: Washington State Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560.

(b) The request may also be submitted by fax to 360-902-2092 or by e-mail at: [publicdisclosure@agr.wa.gov](mailto:publicdisclosure@agr.wa.gov).

(3) If a requestor cannot submit a request for public records in writing and desires to make an oral request either in person or by telephone, the public records officer or designee receiving the request will summarize the request in writing and then verify in writing with the requestor that the summary correctly memorializes the request.

[Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW. 09-03-032, § 16-06-190, filed 1/12/09, effective 2/12/09. Statutory Authority: Chapters

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

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

(2) The department charges a fee of fifteen cents per page of copy when copy charges exceed ten dollars for providing copies of public records. The department may also charge actual costs of mailing, including the cost of the shipping container. This charge is the amount necessary to reimburse the department for copying costs incident to the disclosure request.

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

(4) The public records officer may waive the fee when the expenses of processing payment exceeds the costs of providing copies.

(5) Electronic records: The department may charge the actual costs incurred for providing recordings in electronic format, such as the cost of scanning records or the cost of providing records on a CD-ROM. There will be no charge for e-mailing electronic records to a requestor unless another cost applies.

[Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW. 09-03-032, § 16-06-200, filed 1/12/09, effective 2/12/09. 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 department's public records, the following will apply:

(1) Public records made available for inspection may not be removed from the area the department makes available for inspection. The department has the discretion to designate the means and the location for the inspection of records.

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

(3) Public records may not be marked or altered in any manner during inspection.

(4) After inspection is complete, the public records officer or designee will make requested copies or arrange for copying.

(5) 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.

(6) Whenever a public records request involves an entire file, a group of records, or a large number of records, the department is allowed a reasonable time to review the records to determine whether information is exempt from disclosure under chapter 42.56 RCW or other law.

[Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW. 09-03-032, § 16-06-205, filed 1/12/09, effective 2/12/09. 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 Public Records Act provides that a number of types of information or records are exempt from public inspection and copying. In addition, records are exempt from disclosure if any other statute exempts or prohibits disclosure. Requestors should be aware

of the following exemptions to public disclosure specific to department records. This list is not exhaustive and other exemptions may apply:

(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 (reference RCW 42.56.230(2)).

(2) Investigative records (reference RCW 42.56.240).

(3) Test questions, scoring keys, and other examination data used to administer a license (reference RCW 42.56.250 (1)).

(4) Records that 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 (reference RCW 42.56.290).

(5) Lists of individuals requested for commercial purposes (reference RCW 42.56.070(9)).

(6) Social Security numbers are confidential and not subject to disclosure except when expressly required by or governed by other law (reference RCW 41.56.250; for full text, see subsection (9) of this section).

(7) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required or governed by other law (reference RCW 42.56.230 (4)).

(8) Applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to the applicant (reference RCW 42.56.250(2)).

(9) Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency (reference RCW 42.56.250(3)).

(10) Information provided for the semi-annual report for fertilizers, minerals and limes that would reveal the business operation of the person making the report (reference RCW 15.54.362(5) and 42.56.380(2)).

(11) The semiannual report required in the Commercial Feed Act is not a public record, and any information given in such report which would reveal the business operation of the person making the report is exempt from disclosure, and information obtained by the department from other governmental agencies or other sources that is used to verify information received in the report is exempt from public disclosure (reference RCW 15.53.9018).

(12) The department has the authority to publish reports of official seed inspections, seed certifications, laboratory statistics, verified violations of this chapter, and other seed branch activities which do not reveal confidential information regarding individual company operations or production (reference RCW 15.49.370(8)).

(13) Business related information obtained under the Organic Food Products Act concerning an entity certified under that act or an applicant for certification under RCW 15.86.110, and records whose disclosure is prohibited by the federal Organic Certification Act, 7 U.S.C. Sec. 6515(g) and the rules adopted under that act (reference RCW 42.56.380 (1)).

(14) Consignment information contained on phytosanitary certificates issued by the department under chapters 15.13, 15.17, and 15.49 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 (reference RCW 42.56.380(4)).

(15) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by the former chapter 15.110 RCW or chapter 43.325 RCW (the energy freedom loan program) (reference RCW 42.56.270(4)).

(16) Information obtained under RCW 15.19.080 regarding the purchases, sales, or production of an individual American ginseng grower or dealer (reference RCW 42.56.380 (6)).

(17) Financial statement information required to determine whether or not an applicant for a license to operate a warehouse under chapter 22.09 RCW, agriculture commodities, meets minimum net worth requirements (reference RCW 22.09.040(9)).

(18) All financial statement information to determine whether or not an applicant for a license to be a grain dealer under chapter 22.09 RCW meets the minimum net worth requirements (reference RCW 22.09.045(7)).

(19) Information submitted by an individual or business for the purpose of participating in a state or national animal identification system. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under chapter 16.36 RCW once they are complete (reference RCW 42.56.380(9)).

(20) Results of testing for animal diseases not required to be reported under chapter 16.36 RCW that is done at the request of the animal owner or the owner's designee and that can be identified to a particular business or individual is exempt from disclosure (reference RCW 42.56.380(10)).

(21) Information that can be identified to a particular business and that is collected under chapter 15.17 RCW, standards of grades and packs, and specifically RCW 15.17.140(2) and 15.17.143 for certificates of compliance (reference RCW 42.56.380(7)).

(22) Financial statement information provided under RCW 16.65.030 (1)(d), public livestock markets, is confidential information and not subject to public disclosure (reference RCW 16.65.030 (1)(d) and 42.56.380(8)).

(23) Privileged or confidential information or data that contains trade secrets, commercial, or financial information and is required and submitted under the Washington Pesticide Control Act (reference RCW 15.58.060 (1)(c) and 15.58.065).

(24) 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 (reference RCW 43.23.270 and 42.56.270(3)).

(25) Information submitted by an applicant under chapter 17.24 RCW that is privileged or confidential because it contains trade secrets or commercial or financial information (reference RCW 17.24.061).

(26) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.89, 15.100, and 16.67 RCW, or required by the department to administer these chapters or the department's programs (reference RCW 42.56.380(3)).

(27) Financial and commercial information and records supplied by persons:

(a) To the department for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or

(b) To the department or commodity boards or commissions formed under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.89, 15.100, or 16.67 RCW, with respect to domestic or export marketing activities or individual producer's production information (reference RCW 42.56.380(5)).

(28) Farm plans developed by conservation districts, unless the farm plan is used for the application or issuance of a permit (reference RCW 42.56.270(17)).

(29) Under RCW 42.56.610 and 90.64.190, information identifying the number of animals; volume of livestock nutrients generated; number of acres covered by the plan or used for land application of livestock nutrients; livestock nutrients transferred to other persons; and crop yields in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations not required to apply for a National Pollutant Discharge Elimination System permit is disclosable in the following ranges:

(a) Number of animals: Beef cattle

- 1 to 19
- 20 to 159
- 160 to 299
- 300 to 999
- 1,000 to 5,999
- 6,000 to 10,999
- 11,000 to 15,999
- 16,000 to 20,999
- 21,000 to 25,999
- 26,000 to 31,199
- 31,200 to 37,439
- 37,440 to 44,999
- 45,000 and above

(b) Number of animals: Mature dairy cattle

- 1 to 37
- 38 to 199
- 200 to 699
- 700 to 1,699
- 1,700 to 2,699
- 2,700 to 3,699
- 3,700 to 4,699

- 4,700 to 5,699
- 5,700 to 6,839
- 6,840 and above

(c) Number of animals: Dairy heifers

- 1 to 49
- 50 to 149
- 150 to 299
- 300 to 999
- 1,000 to 1,999
- 2,000 to 2,999
- 3,000 to 3,999
- 4,000 and above

(d) Number of animals: Swine (fifty-five pounds or greater)

- 1 to 19
- 20 to 159
- 160 to 399
- 400 to 749
- 750 to 2,499
- 2,500 to 4,249
- 4,250 to 5,999
- 6,000 to 7,749
- 7,750 and above

(e) Number of animals: Swine (less than fifty-five pounds)

- 1 to 99
- 100 to 499
- 500 to 1,099
- 1,100 to 1,999
- 2,000 to 2,999
- 3,000 to 9,999
- 10,000 to 16,999
- 17,000 to 23,999
- 24,000 to 30,999
- 31,000 and above

(f) Number of animals: Layers (all ages)

- 1 to 199
- 200 to 999
- 1,000 to 10,999
- 11,000 to 24,999
- 25,000 to 81,999
- 82,000 to 138,999
- 139,000 to 195,999
- 196,000 to 252,999
- 253,000 to 309,999
- 310,000 to 371,999
- 372,000 to 446,399
- 446,400 to 535,679
- 535,680 to 642,815
- 642,816 to 771,379
- 771,380 to 925,655
- 925,656 to 1,110,787
- 1,110,788 to 1,332,945
- 1,332,946 and above

(g) Number of animals: Broilers (all ages)

- 1 to 199
- 200 to 999
- 1,000 to 17,999
- 18,000 to 37,499
- 37,500 to 124,999
- 125,000 to 212,499

212,500 to 299,999	2.1 to 3.5
300,000 and above	3.6 to 5
(h) Number of animals: Horses	5.1 to 7
1 to 19	7.1 to 9
20 to 79	9.1 to 12
80 to 149	12.1 to 14.5
150 to 499	14.6 to 17
500 to 849	17.1 to 19.5
850 to 1,199	19.6 to 22
1,200 to 1,549	22.1 to 26
1,550 and above	26.1 and above
(i) Livestock nutrients generated or exported by volume (ft <sup>3</sup> /day)	
1 to 74	
75 to 134	
135 to 299	
300 to 449	
450 to 749	
750 to 1,499	
1,500 to 2,499	
2,500 to 4,999	
5,000 to 8,499	
8,500 to 11,999	
12,000 to 15,999	
16,000 and above	
(j) Livestock nutrients generated or exported by weight (tons/year)	
1 to 5,256	
5,257 to 10,512	
10,513 to 21,024	
21,025 to 42,048	
42,049 to 84,096	
84,097 to 164,184	
164,185 to 262,734	
262,735 to 394,200	
394,201 to 558,384	
558,385 to 722,634	
722,635 to 919,734	
919,735 to 1,051,134	
1,051,135 and above	
(k) Number of acres covered by the plan or used for land application of livestock nutrients	
0 to 25	
26 to 65	
66 to 120	
121 to 300	
301 to 550	
551 to 900	
901 to 1,300	
1,301 to 1,800	
1,801 to 2,500	
2,501 to 3,200	
3,201 to 4,000	
4,001 to 6,000	
6,001 to 9,000	
9,001 to 11,500	
11,501 to 14,000	
14,001 and above	
(l) Crop yields - tons/acre	
0 to 1	
1.1 to 2	

[Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW. 09-03-032, § 16-06-210, filed 1/12/09, effective 2/12/09. Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-210, filed 7/2/96, effective 8/2/96.]

**WAC 16-06-220 Review of denial of request for inspection or copying of public records.** (1) Any person who objects to the initial denial of a records request may petition in writing to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the department denying the request.

(2) The public records officer will immediately consider the petition and either affirm or reverse the denial within two business days following the department's receipt of the petition, or within such other time as the department and the requestor mutually agree to.

(3) Under RCW 42.56.530, if the department denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Any person may obtain court review of a denial of a public records request under RCW 42.56.550 at the conclusion of two business days after the initial denial, regardless of any internal administrative appeal.

[Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW. 09-03-032, § 16-06-220, filed 1/12/09, effective 2/12/09. 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.** (1) The department's public records officer, located in the Olympia administrative office, will develop and maintain an agency index of the following records:

- (a) Department records retention schedules;
- (b) Final orders;
- (c) Declaratory orders entered after June 30, 1990;
- (d) Interpretative statements;
- (e) Policy statements; and
- (f) Department rule docket.

(2) Information on obtaining or viewing the department's index can be obtained from 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 34.05, 42.56, and 43.23 RCW. 09-03-032, § 16-06-225, filed 1/12/09, effective 2/12/09. Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-225, filed 7/2/96, effective 8/2/96.]

**WAC 16-06-250 Processing of public records requests—Electronic records.** (1) Requesting electronic records: The process for requesting electronic public records is the same as for requesting paper public records.

(2) Providing electronic records:

(a) The department has the discretion to determine whether to provide records electronically or in paper form.

(b) When a requestor requests records in an electronic format, the public records officer will endeavor to provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the department and is generally commercially available, or in a format that is reasonably translatable from the format in which the department keeps the record.

(c) When electronic records require redaction, or are contained in a proprietary data base, or otherwise cannot be reasonably provided in an electronic format, the department will provide paper copies of the records to the requestor.

(3) Customized access to data bases: With the consent of the requestor, the department may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. The department may charge a fee consistent with RCW 43.105.280 for customized access.

[Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW. 09-03-032, § 16-06-250, filed 1/12/09, effective 2/12/09.]

### Chapter 16-30 WAC

#### RESTRICTED FEEDLOTS AND RESTRICTED HOLDING FACILITIES

##### WAC

16-30-030 Conditions of permit to operate a restricted feedlot.

**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 shall be no contact between animals not also similarly restricted.

(2) No cattle shall be removed from the restricted feedlot except to a federally inspected slaughter plant, a slaughter plant of like status, or a restricted feedlot of like status.

(3) The restricted feedlot will be maintained in a condition that follows common industry practices to mitigate disease risk.

(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. 09-03-018, § 16-30-030, filed 1/9/09, effective 2/9/09; 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.]

### Chapter 16-86 WAC

#### CATTLE AND BISON DISEASES IN WASHINGTON STATE

##### WAC

16-86-005 Definitions.  
16-86-125 Duties of accredited veterinarians—Training requirement for veterinarians performing tuberculosis testing in cattle and bison.

**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.

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

"Director" means the director of WSDA or the director's authorized representative.

"Official calfhooed vaccinate" means female cattle between four and twelve months of age that are vaccinated with brucellosis vaccine at a calfhooed 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 calfhooed 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. 09-03-019, § 16-86-005, filed 1/9/09, effective 2/9/09; 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.]

**WAC 16-86-125 Duties of accredited veterinarians—Training requirement for veterinarians performing tuberculosis testing in cattle and bison.** (1) All testing of cattle or bison in Washington state for tuberculosis shall be performed by a veterinarian accredited by the United State Department of Agriculture, Animal and Plant Health Inspection Service (USDA APHIS). In addition, all accredited veterinarians testing cattle or bison in Washington state for tuberculosis are required to successfully complete training in tuberculosis testing procedures provided by USDA or the department. Accredited veterinarians who have not successfully completed the training by April 30, 2010, may not perform official tuberculosis testing of cattle or bison in Washington state. A schedule of training opportunities is available by contacting the department at:

Washington State Department of Agriculture  
 Animal Services Division  
 1111 Washington Street S.E.  
 P.O. Box 42577  
 Olympia, Washington 98504-2577  
 360-902-1878.

(2) The department may review the testing results and other records associated with tuberculosis testing of cattle or bison by accredited veterinarians in Washington state. In the event that the response rates reported by an accredited veterinarian do not meet the response rates standards established in Appendix C of the *Bovine Tuberculosis Eradication Uniform Methods and Rules*, effective January 1, 2005 (adopted in WAC 16-86-120), the director may require additional training or may refuse to accept the testing of cattle or bison for tuberculosis performed by that veterinarian.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 09-03-019, § 16-86-125, filed 1/9/09, effective 2/9/09.]

**Chapter 16-90 WAC  
 PENALTY SCHEDULE**

<b>WAC</b>	
16-90-005	Purpose.
16-90-010	Penalty outline.
16-90-015	Revoking, suspending, or denying a permit or license.
16-90-020	Issuance of a civil penalty without first issuing a notice of correction.
16-90-030	Penalty schedule.

**WAC 16-90-005 Purpose.** The purpose of this chapter is to provide for fair and uniform determination of penalties issued under RCW 16.36.113 and to provide for fair and uniform actions taken in relation to permits or licenses issued by the department as a result of violations of chapter 16.36 RCW and the rules adopted under that statute.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 09-03-020, § 16-90-005, filed 1/9/09, effective 2/9/09.]

**WAC 16-90-010 Penalty outline.** (1) In accordance with RCW 16.36.113, any person who violates chapter 16.36 RCW or the rules adopted under that statute may be subject to a civil penalty in an amount of not more than one thousand dollars for each violation.

(2) Each violation is a separate and distinct offense. Penalties may be assessed per violation or per head when pertaining to animals, depending on the unique circumstances of the violation(s). Every person who, through an act of commission or omission, procures, aids, or abets in the violation is in violation and may be subject to a civil penalty. When a person has committed multiple violations, the violations are cumulative for purposes of calculating the appropriate penalty. Penalties will be added together.

(3) Moneys collected from civil penalty payments will be deposited in the state general fund.

(4) Nothing in this chapter shall prevent the department from:

(a) Choosing not to pursue a civil penalty, permit or license denial, suspension, or revocation;

(b) Issuing a notice of correction in lieu of pursuing a civil penalty, permit or license denial, suspension, or revocation;

(c) Negotiating settlement(s) of cases on such terms and for reasons as it deems appropriate.

(5) A prior violation covered by a settlement agreement may be used by the department for the purpose of determining the appropriate penalty for future violations, if not prohibited by the agreement.

(6) A violation committed during a period when an individual's permit or license is suspended or revoked may be subject to the maximum civil penalty of one thousand dollars or revocation of the permit or license for a period of up to five years. A violation committed by an unlicensed or unpermitted person is subject to the provisions of this chapter.

(7) The department may also choose to refer a violation to any federal, state or county authority with jurisdiction over the activities in question.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 09-03-020, § 16-90-010, filed 1/9/09, effective 2/9/09.]

**WAC 16-90-015 Revoking, suspending, or denying a permit or license.** (1) The department retains the sole discretion to determine when a permit or license should be revoked or suspended. 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 permit or license when the applicant has committed a violation of chapter 16.36 RCW or the rules adopted under the 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 permit or license when the applicant has an outstanding civil penalty owed to the department from a previous violation of any statute or rule under the jurisdiction of the department.

(4) The department may, at its discretion, suspend a permit or 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.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 09-03-020, § 16-90-015, filed 1/9/09, effective 2/9/09.]

**WAC 16-90-020 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.

(2) The department may assess a civil penalty without first issuing a notice of correction in accordance with RCW 43.05.110.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 09-03-020, § 16-90-020, filed 1/9/09, effective 2/9/09.]

**WAC 16-90-030 Penalty schedule.** (1) The following penalty schedule will be used for violations of Washington state animal health laws and rules, including chapter 16.36 RCW and the rules adopted under that statute. The level of civil penalty is determined by the number of prior civil penalties the person has received in the past ten years excluding notices of correction.

Violation	Procedural Violations	Disease Violations
First	\$150.00	\$250.00
Second	\$350.00	\$650.00
Third and subsequent	\$1,000.00	\$1,000.00

(2) Procedural violations: A "procedural violation" is a violation of the administrative functions associated with state import regulations where the violation did not cause a threat to Washington state's livestock industry. Procedural violations include but are not limited to violations of the following statutes and rules:

- WAC 16-54-030 Certificate of veterinary inspection, and entry permit requirements.
- WAC 16-54-032 Certificate of veterinary inspection—Required information.
- WAC 16-54-068 Restrictions.
- WAC 16-54-082 Domestic bovine animals—Importation requirements.
- WAC 16-54-088 Temporary grazing permits.
- WAC 16-54-105 Llamas and alpacas.
- WAC 16-54-160 Birds other than poultry—Importation and testing requirements.
- WAC 16-54-180 Wild and exotic animals and birds—Importation and testing requirements.
- Chapter 16-74 WAC Livestock testing—Duties of owners.
- WAC 16-80-045 Identification of swine.
- WAC 16-86-017 Grazing permits.

(3) Disease violations: A "disease violation" is a violation of animal health statute and rules that cause a threat to Washington state's livestock industry and include the failure to obtain required testing and vaccinations prior to entry into Washington state. Disease violations include, but are not limited to, violations of the following statutes and rules:

- RCW 16.36.105 Swine, garbage feeding, license—Application—Fee—Inspection.
  - Chapter 16-25 WAC Disposal of dead livestock.
  - Chapter 16-42 WAC Biological products.
  - WAC 16-54-025 Transporting livestock—Sanitary requirements.
  - WAC 16-54-028 Testing procedure requirements.
  - WAC 16-54-065 Prohibited entries.
  - WAC 16-54-068(4) - proof of current rabies vaccination.
  - WAC 16-54-071 Domestic equine and equine reproductive products—Importation requirements.
  - WAC 16-54-083 Domestic and foreign bovine brucellosis requirements.
  - WAC 16-54-085 Domestic bovine tuberculosis requirements.
  - WAC 16-54-086 Bovine trichomoniasis requirements.
  - WAC 16-54-090 Goats—Importation and testing requirements.
  - WAC 16-54-101 Sheep—Importation and testing requirements.
  - WAC 16-54-111 Swine—Importation and testing requirements.
  - WAC 16-54-145 Poultry and game birds, including ratites—Importation and testing requirements.
  - Chapter 16-59 WAC Avian diseases in Washington state.
  - Chapter 16-70 WAC Animal disease—Reporting.
  - Chapter 16-71 WAC Equine infectious anemia.
  - WAC 16-80-025 Disinfecting premises.
  - WAC 16-80-030 Disinfecting vehicles.
  - WAC 16-86-015 Change of ownership requirements for cattle and bison in Washington.
  - WAC 16-86-026 Brucellosis testing requirements for raw milk dairies.
  - WAC 16-86-110 Q fever testing requirements for raw milk dairies.
  - WAC 16-86-130 Cattle used in rodeo or timed events.
  - WAC 16-86-140 Tuberculosis testing requirements for raw milk dairies.
  - WAC 16-89-022 Scrapie identification of sheep and goats.
  - WAC 16-89-090 Destruction and disposal of scrapie infected animals or flocks.
  - WAC 16-89-120 Concealing the disease.
  - WAC 16-89-150 Brucellosis testing for sheep and goat dairies.
  - WAC 16-89-170 Q fever testing requirements for sheep and goat dairies.
  - WAC 16-89-180 Tuberculosis testing for goat dairies.
- (4) A one thousand dollar civil penalty will be issued regardless of the number of prior violations for a violation of the following:
- (a) Chapter 16-30 WAC Restricted feedlots and restricted holding facilities;
  - (b) WAC 16-54-071 (13) and (14) - piroplasmosis;
  - (c) WAC 16-54-111 Swine—Importation and testing requirements;
  - (d) WAC 16-54-180 Wild and exotic animals and birds—Importation and testing requirements;
  - (e) WAC 16-80-015 Sale of quarantined animals;
  - (f) WAC 16-80-040 Vaccination;

(g) WAC 16-80-047 Mandatory reporting of suspected pseudorabies;

(h) Importation of a foreign animal disease or "trans-boundary" diseased animal. A transboundary animal disease is a disease that has been eradicated within the borders of the United States that would cause an economic loss if detected; and

(i) All quarantine and hold order violations under chapter 16.36 RCW. The department may assess a civil penalty for these violations without first issuing a notice of correction in accordance with RCW 43.05.110.

(5) Mitigating factors: The department reserves the right to decrease the civil penalty assessed for a violation by up to one hundred dollars in circumstances that include, but are not limited to, voluntary disclosure of a violation, or voluntary taking of remedial measures that would result in increased public protection and a decreased likelihood that the violation will be repeated.

(6) Aggravating factors: The department reserves the right to increase the civil penalty assessed for a violation by up to five hundred dollars, not to exceed one thousand dollars per violation. Circumstances may include, but are not limited to, situations where the violator knowingly commits a violation, where the civil penalty assessed is not substantially equivalent to the violator's economic benefit derived from the violation, the high magnitude of the harm, or potential harm to humans, animals, or property caused by the violation, the similarity of the current alleged violation to previous violations committed within the past ten years, or the extent to which the alleged violation is part of a pattern of the same or substantially similar conduct.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 09-03-020, § 16-90-030, filed 1/9/09, effective 2/9/09.]

**Chapter 16-91 WAC**

**REQUESTED ANIMAL SERVICES AND HOLDING FACILITIES—FEES**

**WAC**

16-91-005	Purpose of rule.
16-91-010	Services provided under this chapter.
16-91-020	Restricted holding facility license.
16-91-030	Requesting services from the department.
16-91-040	Fee schedule for inspection services provided.
16-91-050	Testing fees.
16-91-060	Billing and payment process.

**WAC 16-91-005 Purpose of rule.** The purpose of this rule is to establish a schedule as authorized in RCW 16.36.-023 for fees charged to animal owners or other authorized persons when requesting:

- (1) The establishment and inspection of restricted holding facilities (also known as animal holding facilities) authorized under this chapter and chapter 16-30 WAC;
- (2) The inspection and monitoring of animals in authorized restricted holding facilities; and
- (3) Special inspections of animals or animal facilities that the director may provide.

As provided by RCW 16.36.023, the fees in this chapter, as closely as practicable, cover the cost of the service provided.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 09-03-022 and 09-03-023, § 16-91-005, filed 1/9/09, effective 2/9/09.]

**WAC 16-91-010 Services provided under this chapter.** The following services may be provided under this chapter:

- (1) Inspections related to establishment and monitoring of restricted holding facilities under chapter 16-30 WAC.  
An inspection of the property is required upon application for license to establish a restricted holding facility and with annual renewal of that license. The inspection may include, but is not limited to, the evaluation of compliance capabilities with isolation requirements, biosecurity protocols, sanitation practices, recordkeeping, and overall health of animals in quarantine.
- (2) Inspections related to the monitoring of animals held in a licensed restricted holding facility. Inspections may include, but are not limited to, follow-up activities or investigations related to confirmatory disease testing, mortality review, recordkeeping compliance (hold order, test chart submission, etc.), and overall health of the animals.
- (3) Special inspections of animals or animal facilities at the request of the animal owner or authorized persons. Special inspections may include, but are not limited to, visual inspections of biosecurity and sanitation conditions, rodent control, and overall animal health. Time may also be spent safely handling and sampling animals for disease testing.
- (4) Other special inspections may be provided upon request and at the discretion of the director.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 09-03-022 and 09-03-023, § 16-91-010, filed 1/9/09, effective 2/9/09.]

**WAC 16-91-020 Restricted holding facility license.**

(1) An initial application fee of two hundred dollars is established for licensure of a restricted holding facility. The fee for the initial inspection is at the rates set in WAC 16-91-040. There is a renewal fee of one hundred dollars for the license and the applicable fee for the annual inspection of the facility. To implement the rule, the first expiration date of the license will be June 30, 2010, and June 30 every year after.

(2) Information about the application process and the standards for issuing a license to a restricted holding facility are found in chapter 16-30 WAC.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 09-03-022 and 09-03-023, § 16-91-020, filed 1/9/09, effective 2/9/09.]

**WAC 16-91-030 Requesting services from the department.**

Inspections for services under this chapter are provided at the discretion of the department based on availability of staff and priorities. The department is not obligated to provide an inspection in response to a request. An applicant must place a service request in order to ensure staffing.

(1) Service requests must be received by the state veterinarian's office two business days prior to the date of 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.

(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: Chapters 16.36 and 34.05 RCW. 09-03-022 and 09-03-023, § 16-91-030, filed 1/9/09, effective 2/9/09.]

**WAC 16-91-040 Fee schedule for inspection services provided.** (1) Requested services during normal business hours are provided at the hourly rate per inspector of eighty-five dollars per hour. In addition, the current mileage and per diem rates as established by the Washington state office of financial management (OFM) will be charged for travel.

(2) The hourly charge is assessed in one-half hour increments. The charges are incurred starting when staff leave their official work station and ending on return to their official work station.

(3) The hourly rate will be one hundred dollars for services provided during nonbusiness hours. Nonbusiness hourly rates apply for services provided before 8:00 a.m. or after 5:00 p.m. during the weekday and for services provided on Saturday, Sunday, or recognized state government holidays listed in RCW 1.16.050.

(4) Persons requesting service with less than two business days notice may be subject to a charge of two additional hours at the applicable hourly rate.

(5) If staff must provide service at multiple locations, the final billings will be prorated accordingly.

(6) The department will recoup at cost, from the person requesting the service, expenses for unforeseen items necessary to complete the inspection service.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 09-03-022 and 09-03-023, § 16-91-040, filed 1/9/09, effective 2/9/09.]

**WAC 16-91-050 Testing fees.** The cost of any testing of animals is a separate expense that is the responsibility of the animal owner and is not included in the charge for services under this chapter.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 09-03-022 and 09-03-023, § 16-91-050, filed 1/9/09, effective 2/9/09.]

**WAC 16-91-060 Billing and payment process.** (1) The department will bill the parties requesting services for services rendered.

(2) The fees are due and payable upon billing.

(3) A late fee of one percent per month on the unpaid balance will be assessed against persons more than thirty days in arrears.

(4) In addition to other penalties, the director may refuse to perform any inspection or services provided under this chapter for any person in arrears unless the person makes payment in full prior to such inspection or certification service.

(5) 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.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 09-03-022 and 09-03-023, § 16-91-060, filed 1/9/09, effective 2/9/09.]

## Chapter 16-157 WAC ORGANIC FOOD STANDARDS AND CERTIFICATION

### WAC

16-157-020 Adoption of the National Organic Program.

**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 October 9, 2008, 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: Chapter 15.86 and 34.05 RCW. 09-15-152, § 16-157-020, filed 7/21/09, effective 8/21/09. 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.]

## Chapter 16-170 WAC SPECIAL PERMITS FOR SLAUGHTERING POULTRY

### WAC

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 special permit to slaughter, prepare and sell poultry?
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16-170-036	What other information must I submit to the department if I am issued a two-year special permit?
16-170-037	What type of slaughter/preparation site diagram is required?
16-170-041	Must I reapply for a special permit if there is a change in the conditions under which my two-year special permit was issued?
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16-170-060	What happens when I reach the one thousand poultry limit in the statute?
16-170-070	What are the site requirements for slaughtering, preparing and selling poultry covered by this chapter?
16-170-075	What requirements apply to the equipment used to slaughter, prepare and sell poultry covered by this chapter?
16-170-080	Can a mobile processing unit be used to slaughter, prepare and sell poultry covered by this chapter?
16-170-090	Who can be in my poultry slaughter site while the slaughter-preparation process is taking place?
16-170-100	Must I wear protective clothing while slaughtering, processing and selling poultry covered by this chapter?
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16-170-120	Must I wash my hands before slaughtering poultry?
16-170-125	Are handwashing stations required at my poultry slaughter site?
16-170-130	Can I use hand dips at my poultry slaughter site?
16-170-135	Do I need a toilet near my poultry slaughter site?
16-170-140	What offal and rinse water disposal requirements apply to my poultry slaughter site?
16-170-145	How do I store my poultry slaughter equipment and utensils to prevent contamination?

16-170-150	How do I ensure that my poultry slaughter contact surfaces are clean and maintained in a sanitary condition?
16-170-155	What requirements apply to the water used in my poultry slaughter site?
16-170-170	What requirements apply to the storing and handling of the bags I give my customers to transport the poultry they purchase from me?
16-170-175	What requirements apply to the chilling and storing of slaughtered poultry?
16-170-180	What recordkeeping requirements apply to my special permit poultry slaughter operation?

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

16-170-040	How long is my temporary special permit valid? [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.] Repealed by 09-16-035, filed 7/28/09, effective 8/28/09. Statutory Authority: RCW 69.07-103, chapters 69.07 and 34.05 RCW, and 2009 c 114.
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**WAC 16-170-010 What is the purpose of this chapter?** The purpose of this chapter is to implement chapter 69.07 RCW by establishing rules relating to the:

(1) Issuance of special permits regulating the slaughter, preparation and sale of one thousand or fewer whole raw poultry in a calendar year by the agricultural producer when the poultry are sold directly to the ultimate consumer at the producer's farm.

(2) Conditions under which poultry identified in this chapter are slaughtered, prepared and sold that are generally patterned after those established by the state board of health for temporary food service establishments under chapter 246-215 WAC but are tailored to poultry slaughter, preparation, and sale activities.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-010, filed 7/28/09, effective 8/28/09. 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, chapter 246-215 WAC 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 poultry and who slaughter and sell one thousand or fewer whole raw poultry 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 poultry under this chapter.

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

**"Director"** means the director of the WSDA.

**"Potable water"** means water that is in compliance with chapter 16-165 WAC and with the Washington state department of health's drinking water quality standards in chapters 246-290 and 246-291 WAC.

**"Poultry"** means domesticated fowl that is valued for its meat or eggs such as chickens, turkeys, ducks or geese.

**"Sanitize"** means to adequately treat poultry 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 poultry or its safety for the consumer.

**"Special permit"** means a permit to slaughter poultry issued under RCW 69.07.103. The permit expires on December 31st and is issued for either one or two years as requested by the permit applicant.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-020, filed 7/28/09, effective 8/28/09. 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 special permit to slaughter, prepare and sell poultry?** An agricultural producer of poultry who slaughters and prepares one thousand or fewer poultry in a calendar year and sells the poultry as whole raw poultry from their farm to the ultimate consumer, must obtain a special permit before slaughter of the poultry.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-030, filed 7/28/09, effective 8/28/09. 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 special permit?**

(1) An application for a special permit may be obtained 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 the completed special permit application packet along with check or money order for the permit fee at least six weeks prior to the planned slaughter of poultry. In accordance with RCW 69.07.103(4), the fee for the special permit is seventy-five dollars for one year, or one hundred twenty-five dollars for two years.

(3) The special permit application packet must include:

- A completed application form;
- A diagram of the slaughter/preparation site;
- A description of the processing steps or a process flow diagram;
- The proposed days or dates of slaughter for the current year;
- A description of the rinse water and offal disposal procedures; and

(f) Documentation verifying that the water used at the slaughter/preparation site complies with the requirements in WAC 16-170-155. If the well, spring or other private water supply, the water must have a passing bacterial test conducted within sixty days of submitting the application to the department. A copy of the test results must be attached to the special permit application.

(4) Once WSDA receives the special permit application, the applicant will be contacted to schedule an on-site inspec-

tion. The inspection must occur before the special permit can be further processed or issued.

(5) Once received, the special permit must be prominently and conspicuously posted at the slaughter site so customers are able to see it.

(6) Slaughtering, preparing and selling poultry regulated by this chapter is prohibited prior to receipt of the special permit.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-035, filed 7/28/09, effective 8/28/09. 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 16-170-036 What other information must I submit to the department if I am issued a two-year special permit?** A two-year special permit holder must submit to the department the following information at least six weeks prior to slaughtering poultry during the second year of the permit:

(1) The proposed second year days or dates of slaughter; and

(2) If the site utilized a well, spring or other private water supply, a copy of a passing bacterial test conducted within sixty days prior to submitting the second year slaughter dates to the department.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-036, filed 7/28/09, effective 8/28/09.]

**WAC 16-170-037 What type of slaughter/preparation site diagram is required?** (1) The site diagram must clearly show the location of all poultry 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 poultry rearing areas.

(2) All items illustrated on the site diagram under subsection (1) of this section must be clearly labeled.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-037, filed 7/28/09, effective 8/28/09. 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 16-170-041 Must I reapply for a special permit if there is a change in the conditions under which my two-year special permit was issued?** (1) If a significant change in the conditions under which the two-year special permit is issued, you must reapply for a special permit under WAC 16-170-035. Significant change under this section means a substantial change in the information previously submitted to the department under WAC 16-170-035.

(2) If the special permit holder was issued a two-year special permit and must reapply for a permit under this section, the department will apply fifty dollars of the two-year permit fee towards the new permit application fee.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-041, filed 7/28/09, effective 8/28/09.]

**WAC 16-170-050 Must I notify the department before I change the dates I plan to slaughter my poultry?** The department must be notified at least one week in advance if slaughter of poultry regulated by this chapter is planned on dates other than those previously reported to the department.

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The department may be notified by mail, e-mail, fax, or by telephone followed by a written confirmation.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-050, filed 7/28/09, effective 8/28/09. 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 poultry limit in the statute?** The special permit issued under this chapter provides for the slaughter of a total of one thousand or fewer whole raw poultry to the ultimate consumer. Agricultural producers who slaughter more than one thousand poultry in a calendar year must comply with the requirements of chapter 69.07 RCW.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-060, filed 7/28/09, effective 8/28/09. 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 poultry covered by this chapter?** At a minimum, the poultry 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 poultry 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 poultry unless the customer takes possession within four hours.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-070, filed 7/28/09, effective 8/28/09. 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 poultry covered by this chapter?** All equipment used to slaughter, prepare and sell poultry must be readily cleanable and in good repair.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-075, filed 7/28/09, effective 8/28/09. 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.]

**WAC 16-170-080 Can a mobile processing unit be used to slaughter, prepare and sell poultry 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 poultry under this chapter, a MPU may be used.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-080, filed 7/28/09, effective 8/28/09. 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 poultry slaughter site while the slaughter-preparation process is taking**

**place?** (1) Only authorized persons may be present in the poultry 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 the poultry slaughter site.

(3) Authorized persons are prohibited from smoking, eating or drinking while in the poultry slaughter site.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-090, filed 7/28/09, effective 8/28/09. 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 poultry covered by this chapter?** Anyone slaughtering, preparing and selling poultry covered by this chapter must:

(1) Wear clean and adequate clothing.

"Clean and adequate" means that the clothing must be:

(a) Clean at the start of the slaughter-preparation-sale process; and

(b) Changed when the clothing becomes soiled when contamination of the raw whole poultry, any process work surface, the equipment used to chill slaughtered poultry or the bags used to transport poultry that are sold becomes imminent; and

(c) Suitable to the specific part of the process (slaughter, preparation or sale).

(2) 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.

(3) Maintain gloves, if they are used in processing, in an intact, clean, and sanitary condition. The gloves should be of an impermeable material.

(4) 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 poultry being slaughtered, prepared and sold.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-100, filed 7/28/09, effective 8/28/09. 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 poultry slaughter site?** All personal garments and belongings must be stored separately and apart from the poultry slaughter site to ensure that they do not become a source of contamination to the raw whole poultry, slaughter and preparation work surfaces and equipment, and the bags used to transport poultry that are sold.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-110, filed 7/28/09, effective 8/28/09. 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 poultry slaughter site?** (1) Commercially purchased detergents, sanitizers and other

materials related to the process may be stored in the poultry 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) Small "transport" or "use" containers containing detergents, sanitizers or other materials may be stored in the 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: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-115, filed 7/28/09, effective 8/28/09. 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 poultry?** (1) Anyone involved in the poultry slaughter process must adequately wash their hands:

(a) Before the poultry slaughtering process begins;

(b) Between the slaughtering and preparation steps in the process;

(c) Between the poultry preparation and sale steps in the process;

(d) After each absence from the poultry slaughter site; and

(e) Any time hands become contaminated.

(2) "Adequately washing hands" means thoroughly washing hands to prevent contaminating the slaughtered poultry. Adequate handwashing methods consist of:

(a) Applying soap to hands;

(b) Using warm water;

(c) Scrubbing your hands thoroughly; and

(d) Using methods to rinse and dry hands that prevent contamination.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-120, filed 7/28/09, effective 8/28/09. 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 poultry slaughter site?** (1) Anyone involved in the poultry 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 the poultry slaughter site and near toilet facilities.

(3) If handwashing stations are not conveniently located in the poultry slaughter site and near 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 the toilet facilities.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-125, filed 7/28/09, effective 8/28/09. 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 poultry slaughter site?** (1) "Hand dips" or "hand sanitizing stations" are recommended but not required in the poultry slaughter site. Sanitizing hands using hand dips or hand sanitizing stations is not a substitute for adequate handwashing methods. However, if hand dips are used, they must be properly positioned and maintained.

(2) "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: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-130, filed 7/28/09, effective 8/28/09. 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 poultry slaughter site?** (1) At least one toilet must be available and conveniently located at the poultry slaughter site.

(2) A domestic toilet is sufficient if the poultry slaughter operation is a family operation where only family members are employed. However, if the operation has employees, toilet facilities must be provided at the slaughtering site or employees must be allowed to use the domestic toilet.

(3) Portable chemical toilets may be used at the poultry slaughter site 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 the poultry slaughter site.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-135, filed 7/28/09, effective 8/28/09. 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 poultry slaughter site?** The poultry 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 poultry;

(b) Any potable water stored and used at the slaughter site;

(c) Any product contact surfaces at the slaughter site; or

(d) Any bags used to package raw whole poultry sold to the ultimate consumers.

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(3) The 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 poultry slaughter area.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-140, filed 7/28/09, effective 8/28/09. 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 poultry slaughter equipment and utensils to prevent contamination?** (1) All of the poultry slaughter equipment and utensils must be stored so they will not become contaminated between uses.

(2) All utensils used to slaughter and prepare poultry, 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: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-145, filed 7/28/09, effective 8/28/09. 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 poultry 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 poultry, must be kept free of any residue or contaminant that could contaminate or adulterate (as defined in RCW 69.04.210), the raw whole poultry 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 poultry carcass;

(b) Decomposed, filthy, or putrid; or

(c) Injurious to public health.

(3) All poultry slaughter and preparation contact surfaces must be sanitized:

(a) Before they are used; and

(b) After they are cleaned.

(4) A separate bucket of sanitizer must be kept in the poultry 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 poultry 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: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-150, filed 7/28/09, effective 8/28/09. 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 poultry slaughter site?** (1) Any water used in the slaughter, preparation or sale of your poultry must be of a safe and sanitary quality, which means the water sup-

ply 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 poultry slaughter site for use by the processor as long as the transport vehicle and water are of safe and sanitary quality.

(3) Water used from a private water system for the slaughter, preparation or sale of poultry must be sampled and tested at least annually. Copies of water test reports must be on file at the farm and available for review by WSDA during routine slaughter site inspections.

(4) Any ice manufactured on the farm for use in the poultry slaughter process must be manufactured from potable water.

(5) All ice used at the poultry slaughter site that is not manufactured on the farm must be from an approved source.

(6) All ice used at the poultry slaughter site must be properly handled and stored to protect against contamination.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-155, filed 7/28/09, effective 8/28/09. 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 poultry they purchase from me?** (1) All bags used to package the slaughtered whole poultry 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 bags at the poultry 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 poultry is inserted into a bag, the bag must be handled so it and the poultry is 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: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-170, filed 7/28/09, effective 8/28/09. 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 poultry?** (1) All slaughtered poultry 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 poultry during this time.

(2) Chilling poultry 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 poultry carcass and monitoring the temperature to ensure proper chilling at or below forty-five degrees Fahrenheit within four hours of slaughter.

(4)(a) Slaughtered poultry can be stored for up to forty-eight hours before they are sold.

(b) During their storage period, poultry 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 poultry carcasses must be protected from physical, chemical, microbial contamination and deterioration.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-175, filed 7/28/09, effective 8/28/09. 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 special permit poultry slaughter operation?**

(1) At a minimum, the following records must be kept at the special permit holder's farm:

(a) A record of the poultry slaughter dates;

(b) The number of poultry by species slaughtered on each slaughter date and the cumulative total of poultry by species slaughtered;

(c) The temperature control log monitoring proper poultry slaughter cool down and storage; and

(d) The water testing records if required by WAC 16-170-155.

(2) All records required under subsection (1) of this section must be:

(a) Maintained so that the information they intend to convey is clear and understandable.

(b) Available at the farm and available to department inspectors upon request.

(c) Retained at the farm for six months after the expiration of the special permit.

[Statutory Authority: RCW 69.07.103, chapters 69.07 and 34.05 RCW, and 2009 c 114. 09-16-035, § 16-170-180, filed 7/28/09, effective 8/28/09. 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 16-230 WAC

### USE OF CHEMICALS AND CHEMICALLY TREATED MATERIALS IN CERTAIN COUNTIES

#### WAC

16-230-410

What are use restricted herbicides in Spokane County?

**WAC 16-230-410 What are use restricted 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. 09-21-006, § 16-230-410, filed 10/8/09, effective 11/8/09; 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.]

### Chapter 16-232 WAC

#### USE RESTRICTED HERBICIDES IN CERTAIN COUNTIES

##### WAC

16-232-007 What are use restricted pesticides in certain areas of Walla Walla County?

**WAC 16-232-007 What are use restricted 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) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort);

(b) Desiccants and defoliants (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. 09-21-006, § 16-232-007, filed 10/8/09, effective 11/8/09; 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.]

### Chapter 16-233 WAC

#### WORKER PROTECTION STANDARDS

##### WAC

16-233-001 Federal worker protection standards—Washington state department of labor and industries.

16-233-025 Violations of this chapter—Worker protection standards—40 CFR, §170.9.

16-233-120 Entry restrictions—Standards for workers—40 CFR, §170.112.

16-233-140 Pesticide safety training—Standards for workers—40 CFR, §170.130.

16-233-225 Pesticide safety training—Standards for pesticide handlers—40 CFR, §170.230.

16-233-245 Personal protective equipment—Standards for pesticide handlers—40 CFR, §170.240.

**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 296-307 WAC, Part I.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 09-15-139, § 16-233-001, filed 7/21/09, effective 8/21/09; 96-21-008 (Order 6002), § 16-233-001, 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 hazards addressed by the WISHA Field Sanitation Standard, WAC 296-307-095, or other agricultural, nonpesticide hazards.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 09-15-139, § 16-233-025, filed 7/21/09, effective 8/21/09; 96-21-008 (Order 6002), § 16-233-025, 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)(A) Gloves shall be of the type specified on the pesticide product labeling. Gloves made of leather, cotton, or other absorbent materials must not be worn for early-entry activities, unless gloves made of these materials are listed as acceptable for such use on the product labeling. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, leather gloves may be worn on top of chemical-resistant gloves. However, once leather gloves have been worn for this use, they shall not be worn thereafter for any other purpose, and they shall only be worn over chemical-resistant gloves.

(B) Separable glove liners may be worn beneath chemical-resistant gloves, unless the pesticide product labeling specifically prohibits their use. Separable glove liners are defined as separate glove-like hand coverings made of lightweight material, with or without fingers. Work gloves made from lightweight cotton or poly-type material are considered to be glove liners if worn beneath chemical-resistant gloves. Separable glove liners may not extend outside the chemical-resistant gloves under which they are worn. Chemical-resistant gloves with nonseparable absorbent lining materials are prohibited.

(C) If used, separable glove liners must be discarded immediately after a total of no more than ten hours of use or within twenty-four hours of when first put on, whichever comes first. The liners must be replaced immediately if directly contacted by pesticide. Used glove liners shall not be reused. Contaminated liners must be disposed of in accordance with any federal, state, or local regulations.

(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.

(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.

(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. 09-15-139, § 16-233-120, filed 7/21/09, effective 8/21/09; 96-21-008 (Order 6002), § 16-233-120, 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 agricultural 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 materi-

als 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.

(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.

Note: In addition to the training required by this section, the department of labor and industries requires all agricultural employers, without exception, to train all employees in accordance with WAC 296-307-550, employer chemical hazard communication.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 09-15-139, § 16-233-140, filed 7/21/09, effective 8/21/09; 96-21-008 (Order 6002), § 16-233-140, 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.

Note: In addition to the training required by this section, the department of labor and industries requires all agricultural employers, without exception, to train all employees in accordance with WAC 296-307-550, employer chemical hazard communication.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 09-15-139, § 16-233-225, filed 7/21/09, effective 8/21/09; 96-21-008 (Order 6002), § 16-233-225, 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)(i) Gloves shall be of the type specified on the pesticide product labeling. Gloves made of leather, cotton, or other absorbent materials may not be worn while mixing, loading, applying, or otherwise handling pesticides, unless gloves made of these materials are listed as acceptable for such use on the product labeling.

(ii) Separable glove liners may be worn beneath chemical-resistant gloves, unless the pesticide product labeling specifically prohibits their use. Separable glove liners are defined as separate glove-like hand coverings, made of lightweight material, with or without fingers. Work gloves made from lightweight cotton or poly-type material are considered to be glove liners if worn beneath chemical-resistant gloves. Separable glove liners may not extend outside the chemical-resistant gloves under which they are worn. Chemical-resistant gloves with nonseparable absorbent lining materials are prohibited.

(iii) If used, separable glove liners must be discarded immediately after a total of no more than ten hours of use or within twenty-four hours of when first put on, whichever comes first. The liners must be replaced immediately if directly contacted by pesticide. Used glove liners shall not be reused. Contaminated liners must be disposed of in accordance with any federal, state, or local regulations.

(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 chapter 296-307 WAC, Part Y-5. If the

label does not specify the type of respirator to be used, it shall meet the requirements of chapter 296-307 WAC, Part Y-5. The respiratory protection requirements of chapter 296-307 WAC, Part Y-5, 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. The wearing of chemical-resistant gloves when entering or leaving an aircraft used to apply pesticides is optional, unless such gloves are required on the pesticide product labeling. If gloves are brought into the cockpit of an aircraft that has been used to apply pesticides, 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.
- (iii) 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.

(ii) 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. 09-15-139, § 16-233-245, filed 7/21/09, effective 8/21/09; 96-21-008 (Order 6002), § 16-233-245, filed 10/3/96, effective 11/3/96.]

**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)

**WAC**

- 16-301-045 Prohibited noxious weed seeds.
- 16-301-050 Restricted noxious weed seeds.

**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.

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>Convolvulus sepium</i> L.
Bladder campion (only in timothy- <i>Phleum pratense</i> )	<i>Silene vulgaris</i>
Camelthorn	<i>Alhagi maurorum</i>
Canada thistle	<i>Cirsium arvense</i> (L.) Scop.
Hairy whitetop	<i>Lepidium appelianum</i>
Hoary cress	<i>Lepidium draba</i>
Jointed goatgrass (only in small grain)	<i>Aegilops cylindrica</i>
Knapweed complex (including bighead, Vochin, black, brown,	<i>Centaurea macrocephala</i> , <i>Centaurea nigrescens</i> , <i>Centaurea nigra</i> , <i>Centaurea jacea</i> ,

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
diffuse, meadow, Russian, spotted knapweeds (Purple starthistle)	<i>Centaurea diffusa</i> , <i>Centaurea jacea x nigra</i> , <i>Rhaponticum repens</i> , <i>Centaurea stoebe</i> , <i>Centaurea calcitrapa</i>
Leafy spurge	<i>Euphorbia esula</i> L.
Lepyrödiclis	<i>Lepyrödiclis holosteoides</i>
Perennial pepperweed	<i>Lepidium latifolium</i> L.
Perennial sowthistle	<i>Sonchus arvensis</i> L.
Quackgrass	<i>Elymus repens</i>
Serrated tussock	<i>Nassella trichotoma</i>
Silverleaf nightshade	<i>Solanum elaeagnifolium</i>
Sorghum perennial such as, but not limited to, johnsongrass, sorghum alnum, and perennial sweet sudangrass	<i>Sorghum spp.</i>
Tansy ragwort	<i>Jacobaea vulgaris</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</i> L.
Yellow starthistle	<i>Centaurea solstitialis</i> L.

[Statutory Authority: Chapter 15.49 RCW. 09-16-006, § 16-301-045, filed 7/22/09, effective 8/22/09. 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 or slender foxtail	<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 or clustered barilla salt	<i>Halogeton glomeratus C.A. Mey.</i>

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Medusahead	<i>Taeniatherum caput-medusae</i>
Plantains	<i>Plantago spp.</i>
Poverty weed	<i>Iva axillaris Pursh.</i>
Puncturevine	<i>Tribulus terrestris</i> L.
St. Johnswort	<i>Hypericum perforatum</i> L.
Dalmation toadflax	<i>Linaria dalmatica (L.) Mill.</i>
Yellow toadflax	<i>Linaria vulgaris</i> Hill.
Western ragweed	<i>Ambrosia psilostachya</i> DC.
Wild mustard	<i>Sinapis arvensis subsp. arvensis</i>
Wild oat	<i>Avena fatua</i> L.
Wild radish	<i>Raphanus raphanistrum</i>

[Statutory Authority: Chapter 15.49 RCW. 09-16-006, § 16-301-050, filed 7/22/09, effective 8/22/09. 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.]

#### 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

16-302-100	Seed certification—Prohibited noxious weed seed.
16-302-105	Seed certification—Objectionable weeds.

**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 (Crantz) Bess.</i>
Field bindweed	<i>Convolvulus arvensis</i> L.
Hedge bindweed	<i>Calystegia Spp.</i>
Camelthorn	<i>Alhagi maurorum</i>
Canada thistle	<i>Cirsium arvense (L.) Scop.</i>
Dodder	<i>Cuscuta spp.</i>
Hairy whitetop	<i>Lepidium appelianum</i>
Hoary cress	<i>Lepidium draba (L.) Desv.</i>
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>Elymus repens</i>
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>Rhaponticum repens</i>
Spotted	<i>Centaurea stoebe</i>
Purple starthistle	<i>Centaurea calcitrapa</i>

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
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, johnson- grass, sorghum almum, and perennial sweet sudangrass	<i>Sorghum</i> spp.
Tansy ragwort	<i>Jacobaea vulgaris</i>
Yellow-flowering skeleton weed	<i>Chondrilla juncea</i> L.
White cockle	<i>Silene latifolia</i> (only in timo- thy)
Bladder campion	<i>Silene vulgaris</i> (only in tim- othy)
Lepyrodielis	<i>Lepyrodielis holsteoides</i>
Velvetleaf	<i>Abutilon theophrasti</i>

[Statutory Authority: Chapter 15.49 RCW. 09-16-006, § 16-302-100, filed 7/22/09, effective 8/22/09. 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 or Slender fox- tail	<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 or Clustered bar- illa salt	<i>Halogeton glomeratus</i> C.A. Mey.
Medusahead	<i>Taeniatherum caput-medu- sea subsp. 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: Chapter 15.49 RCW. 09-16-006, § 16-302-105, filed 7/22/09, effective 8/22/09. 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.]

**Chapter 16-334 WAC  
GARLIC PLANTING STOCK REGISTRATION AND  
CERTIFICATION**

**WAC**  
16-334-030 Requirements for participation in the seed garlic certifi-  
cation program.

**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. The department may waive this requirement if the noncertified *Allium* was planted

with true seed and a representative sample of the seed was tested and found free of *Ditylenchus dipsaci*.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 09-14-021, § 16-334-030, filed 6/22/09, effective 7/23/09. Statutory Authority: Chapter 15.14 RCW. 98-11-048, § 16-334-030, filed 5/18/98, effective 6/18/98.]

## Chapter 16-354 WAC

### HOP PLANTING STOCK CERTIFICATION

#### WAC

16-354-005	Hop planting stock—General.
16-354-010	Definitions.
16-354-020	Field standards for registered mother blocks.
16-354-030	Registered mother block inspections.
16-354-040	Hop planting stock certification application and fees.
16-354-050	Hop planting stock tags and identity.
16-354-070	Hop planting stock field standards.
16-354-090	Hop planting stock grades and standards.
16-354-100	Hop planting stock tolerances.

**WAC 16-354-005 Hop planting stock—General.** (1) Planting stocks of hops and hop plants (*Humulus lupulus L.*) may be designated as foundation stock, registered stock or certified stock, if the planting stock and plants from which it was produced have been inspected and tested in accordance with procedures and requirements outlined in this chapter. At a minimum, these procedures and requirements deal with hop stunt viroid, arabis mosaic viruses, Ilar viruses and virus-like diseases, downy mildew, verticillium wilt, crown gall, root-knot 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 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.

(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 planting stock certification program is voluntary.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 09-18-115, § 16-354-005, filed 9/2/09, effective 10/3/09. 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.** "Arabis mosaic viruses" means a grouping of viruses that are polyhedral, have a bipartite genome and induce diseases such as bare-bine, spidery hop, split leaf blotch and hop chlorotic disease. In combination with satellite RNA, arabis mosaic virus induces hop nettlehead disease.

"Broken or mutilated stock" 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.

"Certified stock" means planting stock produced from foundation stock or a registered mother block that complies with the requirements of this chapter.

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

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

"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.

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

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

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

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

"Foundation stock" 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 and hop stunt viroid, and which are genetically uniform. Cuttings or rooted plants, which are used to establish registered mother blocks shall be furnished to the applicant for a fee determined by Washington State University.

"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.

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

"Hop cyst nematode" means the nematode *Heterodera humuli* Filipjev.

"Hop stunt viroid" means a group of viroids consisting of hop stunt viroid and its genetic variants.

"Ilar virus" means a grouping of viruses, including apple mosaic virus and Prunus necrotic ringspot, which share common characteristics including spherical in shape, with genetic material in three different particles and commonly inducing ring spots in hosts.

"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.

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

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

"Registered mother block" means a planting of hops established from foundation stock.

"Rootknot nematode" means the nematode *Meloidogyne* sp.

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

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

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 09-18-115, § 16-354-010, filed 9/2/09, effective 10/3/09. 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 I, filed 6/16/66; Order 996, Regulation I, filed 11/30/65; Order 947, Regulation I, filed 4/13/64.]

**WAC 16-354-020 Field standards for registered mother blocks.** (1) Certified stock may be produced only from foundation stock or registered mother blocks. In order to be a registered 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 registered mother block must consist of no more than one hop variety or strain.

(3) Registered 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.

(4) Any material planted in a registered mother block must comply with at least one of the following requirements:

(a) Foundation rootstock produced by Washington State University;

(b) Rootstock from another registered mother block;

(c) Growing plants or cuttings from foundation mother plants grown by Washington State University; or

(d) Growing plants or cuttings from another registered mother block.

(5) Plant material, including rootstock and plants described in subsection (4) of this section, may be moved from one registered mother block to another registered mother block site only after appropriate testing by a Washington State University plant pathologist and written approval by the department.

(6) A registered mother block must be kept free of hop hullings at all times.

(7) No registered mother block location may retain certification for more than:

(a) Four consecutive growing seasons, if the registered mother block was produced from rootstock; or

(b) Five consecutive growing seasons, if the registered mother block was produced from cuttings or growing plants.

(8) If a male plant or pollinated female plant is found during any inspection, the grower may harvest certified planting stock from the registered mother block for the subsequent harvest only. After this harvest, the registered mother block site must be decertified.

(9) Plant pests and weeds must be effectively controlled.

(10) Growers shall rogue (i.e., dig and remove) and immediately destroy all male, diseased, unhealthy appearing or otherwise abnormal plants.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 09-18-115, § 16-354-020, filed 9/2/09, effective 10/3/09. 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 Registered mother block inspections.** (1) A minimum of three inspections per year will be conducted by the department at each registered 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 Iilar viruses, viroids 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 planting stock.

(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: Chapters 15.14 and 34.05 RCW. 09-18-115, § 16-354-030, filed 9/2/09, effective 10/3/09. 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 planting stock certification application and fees.** (1) Application for inspection and testing of registered mother blocks and certified stock shall be filed with the department by April 1 of each year accompanied by a seventy-five dollar application fee.

(2) As a condition of participation in the hop planting stock 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 registered mother blocks and/or greenhouses for examination and testing.

(3) Fees for field inspections or inspection of harvested planting stock 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. 09-18-115, § 16-354-040, filed 9/2/09, effective 10/3/09; 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 planting stock tags and identity.** (1) Any person selling or offering for sale hop planting stock bearing a certification tag or otherwise identified as certified is responsible for the following:

(a) Accurately identifying the planting stock as to variety and year of harvest;

(b) Accurately identifying the planting stock as complying with all of the conditions of the certified hop planting stock 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. 09-18-115, § 16-354-050, filed 9/2/09, effective 10/3/09; 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 planting stock field standards.**

(1) The unit of certification is the entire registered mother block.

(2) Each entire registered 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
Arabis mosaic viruses	0
Hop stunt viroid	0

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 09-18-115, § 16-354-070, filed 9/2/09, effective 10/3/09. 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 planting stock 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 planting stock.
  - (iv) Crown gall.
  - (v) Black rot.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 09-18-115, § 16-354-090, filed 9/2/09, effective 10/3/09. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-090, filed 7/16/85.]

**WAC 16-354-100 Hop planting stock 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 planting stock in any lot shall fail to meet the requirements of Washington No. 1, and not more than six percent of the planting stock 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 planting stock from registered mother blocks after harvest and packing for the purpose of verifying that it meets grades and standards established in rule.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 09-18-115, § 16-354-100, filed 9/2/09, effective 10/3/09. 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 16-401 WAC  
NURSERY INSPECTION FEES**

**WAC**

16-401-027	Schedule of fees and charges—Applicable rates and charges.
16-401-041	Nursery dealer license fees.
16-401-045	Christmas tree grower license fees.

**WAC 16-401-027 Schedule of fees and charges—Applicable rates and charges.** The following rates apply for requested inspection services:

<b>(1) Fee or Charge:</b>	
Hourly rate—business hours	\$40.00
Hourly rate—nonbusiness hours	\$51.00
Certificate issued at time of inspection	No charge

<b>(1) Fee or Charge:</b>	
Certificate issued more than twenty-four hours after the inspection	\$19.50
Additional certificates	\$6.50
Fumigation lot or container fee	\$16.00
Certificate of plant health for noncommercial movement	\$6.80
Compliance agreement	\$40.00
Inspection tags or stickers (lots of 250)	\$7.80 per lot

(2) Mileage at the established office of financial management rate (schedule A), per diem and other authorized travel expenses 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 applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry entity, university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

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 also charge fees and/or surcharges for transmittal to federal agencies.

(7) 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: RCW 15.13.260, 15.13.280, 15.13.370, 15.14.015, chapter 34.05 RCW, and 2009 c 564. 09-23-005, § 16-401-027, filed 11/5/09, effective 1/1/10. 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 16-401-041 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 . . . . . \$42.00

(b) Gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee is . . . . . \$91.00

(c) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more . . . . . \$182.00

(2) Wholesale nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than fifteen thousand dollars . . . . . \$91.00

(b) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more . . . . . \$182.00

(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: RCW 15.13.260, 15.13.280, 15.13.370, 15.14.015, chapter 34.05 RCW, and 2009 c 564. 09-23-005, § 16-401-041, filed 11/5/09, effective 1/1/10. 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 16-401-045 Christmas tree grower license fees.**

(1) All Christmas tree growers, except those exempted in subsection (5) of this section, must obtain a Christmas tree grower license.

(2) The licensing period for a Christmas tree grower license is February 1st to January 31st.

(3) The annual fee for a Christmas tree grower license is forty dollars plus an acreage assessment of three dollars per acre. The annual Christmas tree grower license fee for any person may not exceed five thousand dollars.

(4) Growers must submit an application for Christmas tree grower license and the annual fee to the department by February 1st.

(5) Any Christmas tree grower owning Christmas trees, whose business consists solely of retail sales to the ultimate consumer, is exempt from the requirements of this section if:

(a) The grower has less than one acre of Christmas trees; or

(b) The grower harvests, by u-cut or otherwise, fewer than four hundred Christmas trees per year.

[Statutory Authority: RCW 15.13.311, chapter 34.05 RCW, 2007 c 335, and 2009 c 564. 09-22-091, § 16-401-045, filed 11/4/09, effective 1/1/10.]

**Chapter 16-461 WAC**  
**INSPECTION REQUIREMENTS FOR**  
**FRUITS AND VEGETABLES**

**WAC**

16-461-010 Inspection certificate and/or permit required.

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

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-10-047, § 16-461-010, filed 5/1/09, effective 6/1/09. 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.]

### Chapter 16-470 WAC

#### QUARANTINE—AGRICULTURAL PESTS

##### WAC

16-470-105	Area under order for apple maggot—Pest free area—Quarantine areas.
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.
16-470-320	Onion white rot disease—Restrictions—Control—Prevention—Sanitation.
16-470-330	Onion white rot disease—Enforcement.
16-470-340	Onion white rot disease—Research.
16-470-912	Schedule of fees and charges—Applicable fees and charges.
16-470-917	Schedule of fees and charges—Fees for post entry inspection services.
16-470-921	Schedule of fees and charges—Miscellaneous fees.

**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-Yakima County line; thence easterly along the county line to the Yakima River; thence northerly along the Yakima River to its confluence with Lmuma Creek; thence easterly along Lmuma Creek to Interstate Highway No. 82; thence southerly along Interstate Highway No. 82 to the Kittitas-Yakima County line; thence east 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. 09-18-086, § 16-470-105, filed 9/1/09, effective 10/2/09; 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 16-470-300 Quarantine—Onion white rot disease.** Onion white rot is a potentially devastating disease of onions and closely related species, which can greatly decrease yields and reduce storage quality. It is spread primarily by movement of contaminated water, soil, equipment, tools, and machinery, and by infested onion plants and plant parts. Onion white rot disease is caused by the fungus *Sclerotium cepivorum*. Once a field is infested, the fungus remains indefinitely in the soil. The director finds that onion white rot disease is detrimental to the onion industry of Washington and establishes a quarantine to prevent introduction and spread of the disease into noninfested areas of the state.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 09-17-099, § 16-470-300, filed 8/18/09, effective 9/18/09. 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.]

**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" means Adams, Benton, Franklin and Grant counties.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 09-17-099, § 16-470-305, filed 8/18/09, effective 9/18/09. 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 quarantine for onion white rot disease is all states of the United States and all areas of Washington outside of the pest-free area.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 09-17-099, § 16-470-310, filed 8/18/09, effective 9/18/09. 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.**

(1) No person shall transport onion bulbs, sets or seedlings into the pest-free area for the purpose of planting or propagation, except those that are certified free of onion white rot disease by the plant protection organization of the state of origin.

(2) Except as provided in this chapter, no person shall bring machinery, tools, or equipment, previously used in onion production, into the pest-free area unless the machinery, tools, or equipment have been cleaned and sanitized prior to movement into the pest-free area. Cleaning must include the thorough removal of all soil and debris followed by sanitization with steam under pressure or other methods approved by the department.

(3) Livestock which have been pastured on fields infested with *Sclerotium cepivorum* or which have been fed white rot infested plant parts may not be transported into the pest-free area. Onion plants or plant parts may not be transported into the pest-free area for livestock feed. 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.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 09-17-099, § 16-470-320, filed 8/18/09, effective 9/18/09. 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 onion plant, plant part, or plantings within the pest-free area to determine whether *Sclerotium cepivorum* is present. If *Sclerotium cepivorum* is detected at any stage of production or transportation or in soil, the department may impound any infested onions or other articles and by written order direct the control and eradication of an infestation.

(2) Movement of infested onions or other articles within the pest-free area or removal of infested onions or other articles from the pest-free area is prohibited, except when the infested onions or other articles are accompanied by a written permit issued by the department. Requests for permits must be addressed to: Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture,

1111 Washington St. S.E., P.O. Box 42560, Olympia, WA 98540-2560; fax 360-902-2092; e-mail: nursery@agr.wa.gov.

(3) Control and eradication methods that may be used are limited to those approved by the department. They may include:

(a) Destroying onions from an infested lot, bin, or location, and other infested articles;

(b) Prohibiting the production of onions in part or all of any infested area;

(c) Preventing off-flow of irrigation or rainwater from any infested area;

(d) Prohibiting the pasturing of animals on any infested area;

(e) Requiring 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: Chapters 17.24 and 34.05 RCW. 09-17-099, § 16-470-330, filed 8/18/09, effective 9/18/09. 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 written approval of the department.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. 09-17-099, § 16-470-340, filed 8/18/09, effective 9/18/09. Statutory Authority: Chapter 17.24 RCW. 85-20-043 (Order 1873), § 16-470-340, filed 9/25/85.]

**WAC 16-470-912 Schedule of fees and charges—Applicable fees and charges.** (1) Hourly rate.

Hourly rate - business hours	\$40.00
Hourly rate - nonbusiness hours	\$51.00

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Plant pathology laboratory diagnostic fees:

(a) Nematode assay (plant material) . . . . . \$38.00

(b) Nematode assay (soil) . . . . . \$60.00

(c) Assay for dwarf bunt (TCK), Karnal bunt, flag smut. . . . . \$60.00

Note: Fee is for one sample for one specific organism, unless more than one organism 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, multiple phase test procedures, or prolonged incubation periods.

The rate charged shall not be less than the cost to the department of performing the tests.

[Statutory Authority: RCW 17.24.021, 17.24.131, chapter 34.05 RCW, and 2009 c 564. 09-23-006, § 16-470-912, filed 11/5/09, effective 1/1/10. 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 9/1/06.]

time 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 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. . . . . \$81.00

(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: RCW 17.24.021, 17.24.131, chapter 34.05 RCW, and 2009 c 564. 09-23-006, § 16-470-917, filed 11/5/09, effective 1/1/10. 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 and other authorized travel expenses 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: RCW 17.24.021, 17.24.131, chapter 34.05 RCW, and 2009 c 564. 09-23-006, § 16-470-921, filed 11/5/09, effective 1/1/10. 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 16-497 WAC**

**HOP DISEASE QUARANTINE**

**WAC**

16-497-005	Hop disease quarantine—Definitions.
16-497-020	Regulated articles.
16-497-030	Regulations—Conditions governing the movement of regulated articles.
16-497-050	Exemption.

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

16-497-060 Violation and penalty. [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.] Repealed by 09-18-116, filed 9/2/09, effective 10/3/09. Statutory Authority: Chapters 17.24, 15.14, and 34.05 RCW.

**WAC 16-497-005 Hop disease quarantine—Definitions.** "Arabis mosaic viruses" means a grouping of viruses that are polyhedral, have a bipartite genome and induce diseases such as bare-bine, spidery hop, split leaf blotch and hop chlorotic disease. In combination with satellite RNA, arabis mosaic virus induces hop nettlehead disease.

"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.

"Hop stunt viroid" means a group of viroids consisting of hop stunt viroid and its genetic variants.

"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.

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

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

[Statutory Authority: Chapters 17.24, 15.14, and 34.05 RCW. 09-18-116, § 16-497-005, filed 9/2/09, effective 10/3/09. Statutory Authority: RCW 17.24.041. 95-18-033 (Order 5082), § 16-497-005, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-005, filed 3/27/91, effective 4/27/91.]

**WAC 16-497-020 Regulated articles.** Plants and all parts (except the kiln dried cone) of hops (*Humulus lupulus* L.)

[Statutory Authority: Chapters 17.24, 15.14, and 34.05 RCW. 09-18-116, § 16-497-020, filed 9/2/09, effective 10/3/09. 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 hop plant parts will be admitted into the state of Washington, if all of the following provisions are complied with:

(1) The hop plant or hop plant parts have been certified in accordance with the regulations of an official state agency, in a certification program that requires a minimum of all of the following:

(a) At least two field inspections during the growing season.

(b) Zero percent certification tolerances for powdery mildew, Verticillium wilt, hop stunt viroid, arabis mosaic viruses and Iilar viruses.

(c) All shipments of certified planting stock are apparently free of insect pests.

(d) All shipments are 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 are 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 must notify the department's plant services program 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 must hold them in isolation from other hop planting stock until they are inspected and/or released by the department.

[Statutory Authority: Chapters 17.24, 15.14, and 34.05 RCW. 09-18-116, § 16-497-030, filed 9/2/09, effective 10/3/09. 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 16-497-050 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 research purposes by the United States Department of Agriculture or the state experiment stations in the state of Washington.

[Statutory Authority: Chapters 17.24, 15.14, and 34.05 RCW. 09-18-116, § 16-497-050, filed 9/2/09, effective 10/3/09. 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.]

## Chapter 16-512 WAC

### FRYERS, BROILERS AND ROASTERS

#### WAC

16-512-040

Assessments and assessment funds.

#### **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 .10 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: Chapters 15.66 and 34.05 RCW. 09-16-024, § 16-512-040, filed 7/27/09, effective 8/27/09. 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.]

**Chapter 16-531 WAC****WASHINGTON GRAIN COMMISSION****WAC**

16-531-010

Rules for implementation of promotional hosting by the Washington grain commission.

**WAC 16-531-010 Rules for implementation of promotional hosting by the Washington grain commission.** RCW 15.04.200 provides 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 grain 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) Chief executive officer;
- (c) Vice-president;
- (d) Program director;
- (e) 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.

(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, chief executive officer, and/or treasurer are authorized to approve direct payment or reimbursements submitted in accordance with these rules: Provided, That the chair, chief executive officer and treasurer are not authorized to approve their own vouchers.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations and promote sales of wheat or barley/malting barley or processed wheat or barley products: Provided, That such hosting shall not violate federal or state conflict of interest laws:

(a) Individuals from private business, associations, commissions, and accompanying interpreter(s);

(b) Foreign government officials and accompanying interpreter(s);

(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 or barley/malting barley or processed wheat or 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 or will serve to cultivate trade relations, or promote the sale of wheat or barley/malting barley or processed wheat or barley products.

[Statutory Authority: RCW 15.04.200, 15.115.140, and chapter 34.05 RCW. 10-01-195, § 16-531-010, filed 12/23/09, effective 1/23/10.]

**Chapter 16-623 WAC****COMMISSION MERCHANT ACT—LICENSING FEES, PROOF OF PAYMENT, CARGO MANIFESTS AND REGISTRATION OF ACREAGE COMMITMENTS****WAC**

16-623-010

What requirements apply to licenses for commission merchants, dealers, brokers, cash buyers and agents?

**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	\$560.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Dealer	\$560.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Limited dealer	\$310.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Broker	\$375.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Cash buyer	\$125.00	December 31	Before January 1	A late renewal penalty of twenty-five percent of the total fees
Agent	\$61.00	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](mailto: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/>.

[Statutory Authority: RCW 20.01.020, 20.01.040, chapter 34.05 RCW, and 2009 c 564. 09-20-047, § 16-623-010, filed 10/1/09, effective 11/1/09. 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.]

**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?

**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/WeightsAndMeasures/index.cfm>.

(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](mailto:wts&measures@agr.wa.gov).

[Statutory Authority: Chapters 19.94, 19.112, and 34.05 RCW. 09-19-007, § 16-662-100, filed 9/3/09, effective 10/4/09. 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	2009 Edition of <i>NIST Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices</i>

National standard for:	Contained in the:
(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>
(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	2009 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 Regulation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130, 2009 Edition</i>
(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, 2009 Edition</i>

National standard for:	Contained in the:
(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, 2009 Edition</i>
(d) Definitions and requirements for standard fuel specifications; classification and method of sale of petroleum products; retail storage tanks and dispenser filters; condemned product; product registration; and test methods and reproducibility limits	<i>Uniform Engine Fuels and Automotive Lubricants Regulation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130, 2009 Edition</i>

[Statutory Authority: Chapters 19.94, 19.112, and 34.05 RCW. 09-19-007, § 16-662-105, filed 9/3/09, effective 10/4/09. 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 modifications 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 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 operator shall not be considered "maintained in a proper operating condition.""
Liquid-Measuring Devices: Section S.1.6.4.1. Unit Price	Modify subsection (b) under section S.1.6.4.1. Unit Price, to read: Whenever a grade, brand, blend, or mixture is offered for sale from a device at more than one unit price, then all of the unit prices at which that product is offered for sale shall be displayed or shall be capable of being displayed on the dispenser using controls available to the consumer prior to the delivery of the product or after prepayment for the product but prior to its delivery. It is not necessary that all of the unit prices for all grades, brands, blends, or mixtures be simultaneously displayed prior to the delivery of the product. This subsection shall not apply to fleet sales, other contract sales, or truck refueling sales (e.g., sales from dispensers used to refuel trucks).

[Statutory Authority: Chapters 19.94, 19.112, and 34.05 RCW. 09-19-007, § 16-662-110, filed 9/3/09, effective 10/4/09. 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	<p>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.</p>
(3) Section 2.31.2 Labeling of Retail Dispensers	<p>Add a new subsection which reads: 2.31.2.5. Labeling of Retail Dispensers Containing Not More Than 5% Biodiesel. Each retail dispenser of biodiesel or biodiesel blend containing not less than two percent and not more than five percent biodiesel must be labeled "Contains up to 5% Biodiesel." Retail dispensers containing less than two percent biodiesel may not be labeled as dispensing biodiesel or biodiesel blends.</p> <p>Add a new subsection which reads: 2.31.2.6. 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).</p>
(4) Section 2.31.4. Exemption	Delete section 2.31.4.

The WSDA adopts the following modifications to the *Uniform Engine Fuels 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.
(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.

Modified Section:	Modification:
(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. Labeling Requirements	Add a new subsection which reads: (c) 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	Add a new subsection which reads: (c) 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	Add a new subsection which reads: 3.15.2.5. 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." Retail dispensers containing less than two percent biodiesel may not be labeled as dispensing biodiesel or biodiesel blends. Add a new subsection which reads: 3.15.2.6. 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).
(11) Section 3.15.4. Exemption	Delete section 3.15.4.
(12) Section 7. Test Methods and Reproducibility Limits	Add a new subsection which 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 19.94, 19.112, and 34.05 RCW. 09-19-007, § 16-662-115, filed 9/3/09, effective 10/4/09. 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.]

**Chapter 16-752 WAC**  
**NOXIOUS WEED CONTROL**

**WAC**

16-752-001	Definitions.
16-752-300	Yellow nutsedge—Establishing quarantine.
16-752-305	Yellow nutsedge—Quarantine area.
16-752-310	Yellow nutsedge—Articles whose movement is restricted.
16-752-315	Yellow nutsedge—Regulations.
16-752-320	Yellow nutsedge—Costs of quarantine.
16-752-330	Yellow nutsedge—Violation and penalty.
16-752-400	Establishing quarantine.
16-752-505	Wetland and aquatic weed quarantine—Regulated articles.
16-752-515	Wetland and aquatic weed quarantine—Exemptions.
16-752-610	Noxious weed seed and plant quarantine—Regulated articles.

**WAC 16-752-001 Definitions.** The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

"Department" means the Washington state department of agriculture.

"Director" means the director of agriculture of this state, or a duly authorized representative.

"Hay" means the harvested herbage of forage plants, including but not limited to grasses, legumes, sedges and rushes.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-001, filed 9/3/09, effective 10/4/09. 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 16-752-300 Yellow nutsedge—Establishing quarantine.** Yellow nutsedge (*Cyperus esculentus* L.) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic 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 (49)(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. 09-19-006, § 16-752-300, filed 9/3/09, effective 10/4/09; 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 Yellow nutsedge—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. [W.M.], 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. 09-19-006, § 16-752-305, filed 9/3/09, effective 10/4/09; 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 Yellow nutsedge—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 restricted. The movement of all balled and burlap nursery stock is restricted.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-310, filed 9/3/09, effective 10/4/09. 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 Yellow nutsedge—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.

(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. 09-19-006, § 16-752-315, filed 9/3/09, effective 10/4/09; 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 Yellow nutsedge—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. 09-19-006, § 16-752-320, filed 9/3/09, effective 10/4/09; 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 Yellow nutsedge—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: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-330, filed 9/3/09, effective 10/4/09. 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.]

**WAC 16-752-400 Establishing quarantine.** The *Lythrum* genus (Purple loosestrife) is an aggressive, semiaquatic, 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.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-400, filed 9/3/09, effective 10/4/09. 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 16-752-505 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>Glyceria 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>Ludwigia peploides</i>	floating primrose-willow
<i>Lysimachia vulgaris</i>	garden loosestrife

Scientific Name	Common Name
<i>Murdannia keisak</i>	marsh dew flower, Asian spiderwort
<i>Myriophyllum aquaticum</i>	parrotfeather
<i>Myriophyllum heterophyllum</i>	variable-leaf milfoil
<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>Schoenoplectus mucronatus</i>	ricefield bulrush
<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>Stratiotes aloides</i>	water soldier
<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

This list is comprised of the most recent and accepted scientific and common names of the quarantine plant species. Regulated status also applies to all synonyms of these botanical names.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-505, filed 9/3/09, effective 10/4/09. 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 16-752-515 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. However, all activities requiring live plants, except pressed specimens, must be conducted under permit from the director and must be 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.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-515, filed 9/3/09, effective 10/4/09. 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 16-752-610 Noxious weed seed and plant quarantine—Regulated articles.** All plants, plant parts, and seeds in packets, blends, and "wildflower mixes" of the fol-

lowing listed species are regulated under the terms of this noxious weed seed and plant quarantine:

Scientific Name	Common Names
<i>Abutilon theophrasti</i>	velvetleaf
<i>Alliaria petiolata</i>	garlic mustard
<i>Amorpha fruticosa</i>	indigobush, lead plant
<i>Anchusa officinalis</i>	common bugloss, alkanet, anchusa
<i>Anthriscus sylvestris</i>	wild chervil
<i>Brachypodium sylvaticum</i>	false brome
<i>Carduus acanthoides</i>	plumeless thistle
<i>Carduus nutans</i>	musk thistle, nodding thistle
<i>Carduus pycnocephalus</i>	Italian thistle
<i>Carduus tenuiflorus</i>	slenderflower thistle
<i>Centaurea calcitrapa</i>	purple starthistle
<i>Centaurea diffusa</i>	diffuse knapweed
<i>Centaurea jacea</i>	brown knapweed, rayed knapweed, brown centaury horse-knobs, hardheads
<i>Centaurea jacea x nigra</i>	meadow knapweed
<i>Centaurea biebersteinii</i>	spotted knapweed
<i>Centaurea macrocephala</i>	bighead knapweed
<i>Centaurea nigra</i>	black knapweed
<i>Centaurea nigrescens</i>	Vochin knapweed
<i>Chaenorrhinum minus</i>	dwarf snapdragon
<i>Crupina vulgaris</i>	common crupina
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	wild carrot, Queen Anne's lace
<i>Echium vulgare</i>	blueweed, blue thistle, blue devil, viper's bugloss, snake flower
<i>Euphorbia esula</i>	leafy spurge
<i>Euphorbia oblongata</i>	eggleaf spurge
<i>Galega officinalis</i>	goatsrue
<i>Geranium lucidum</i>	shiny geranium
<i>Helianthus ciliaris</i>	Texas blueweed
<i>Heracleum mantegazzianum</i>	giant hogweed, giant cow parsnip
<i>Hibiscus trionum</i>	Venice mallow, flower-of-an-hour, bladder ketmia, modesty, shoo-fly
<i>Hieracium aurantiacum</i>	orange hawkweed, orange paintbrush, red daisy flameweed, devil's weed, grim-the-collier
<i>Hieracium caespitosum</i>	yellow hawkweed, yellow paintbrush, devil's paintbrush, yellow devil, field hawkweed, king devil
<i>Hieracium floribundum</i>	yellow devil hawkweed
<i>Hieracium pilosella</i>	mouseear hawkweed
<i>Hieracium sabaudum</i>	European hawkweed
<i>Impatiens glandulifera</i>	policeman's helmet
<i>Isatis tinctoria</i>	dyers' woad
<i>Kochia scoparia</i>	kochia, summer-cyprus, burning-bush, fireball, Mexican fireweed
<i>Lepidium latifolium</i>	perennial pepperweed

<b>Scientific Name</b>	<b>Common Names</b>
<i>Leucanthemum vulgare</i>	oxeye daisy, white daisy, whiteweed, field daisy, marguerite, poorland flower
<i>Linaria dalmatica</i> spp. <i>dalmatica</i>	Dalmatian toadflax
<i>Mirabilis nyctaginea</i>	wild four o'clock, umbrella-wort
<i>Onopordum acanthium</i>	Scotch thistle
<i>Polygonum cuspidatum</i>	Japanese knotweed
<i>Polygonum polystachyum</i>	Himalayan knotweed
<i>Polygonum sachalinense</i>	giant knotweed
<i>Polygonum x bohemicum</i>	Bohemian knotweed, Japanese and giant knotweed hybrid
<i>Proboscidea louisianica</i>	unicorn-plant
<i>Pueraria montana</i> var. <i>lobata</i>	kudzu
<i>Salvia aethiopsis</i>	Mediterranean sage
<i>Salvia pratensis</i>	meadow clary
<i>Salvia sclarea</i>	clary sage
<i>Senecio jacobaea</i>	tansy ragwort
<i>Silybum marianum</i>	milk thistle
<i>Solanum elaeagnifolium</i>	silverleaf nightshade
<i>Solanum rostratum</i>	buffaloburr
<i>Soliva sessilis</i>	lawnweed
<i>Sorghum halepense</i>	johnsongrass
<i>Spartium junceum</i>	Spanish broom
<i>Tamarix ramosissima</i>	saltcedar
<i>Thymelaea passerina</i>	spurge flax
<i>Torilis arvensis</i>	hedgearsley
<i>Ulex europaeus</i>	gorse, furze
<i>Zygophyllum fabago</i>	Syrian bean-caper

This list is comprised of the most recent and accepted scientific and common names of the quarantine plant species. Regulated status also applies to all synonyms of these botanical names.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-610, filed 9/3/09, effective 10/4/09; 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.]