

WAC 16-228-1270 Restrictions on the use of pesticides on seed alfalfa, seed clover, small seeded herb and vegetable seed crops, and seed garlic. (1) For purposes of pesticide registration, the following crops, when grown to produce seed specifically for crop reproduction purposes, are considered nonfood and nonfeed sites of pesticide use:

Common Name	Scientific Name
alfalfa	<i>Medicago sativa</i>
arugula	<i>Eruca sativa</i>
beet, garden	<i>Beta vulgaris</i>
beet, sugar	<i>Beta vulgaris</i>
broccoli	<i>Brassica oleracea</i> var. <i>botrytis</i>
broccoli, Chinese	<i>Brassica oleracea</i> var. <i>alboglabra</i>
broccoli raab	<i>Brassica rapa</i> var. <i>ruvo</i>
Brussels sprouts	<i>Brassica oleracea</i> var. <i>gemmifera</i>
cabbage	<i>Brassica oleracea</i> var. <i>capitata</i>
cabbage, Chinese, bok choy	<i>Brassica rapa</i> var. <i>chinensis</i>
cabbage, Chinese, napa	<i>Brassica rapa</i> var. <i>pekinensis</i>
carrot	<i>Daucus carota</i>
cauliflower	<i>Brassica oleracea</i> var. <i>botrytis</i>
clover, berseem	<i>Trifolium alexandrinum</i>
clover, crimson	<i>Trifolium incarnatum</i>
clover, Persian	<i>Trifolium resupinatum</i>
clover, red	<i>Trifolium pratense</i>
clover, strawberry	<i>Trifolium fragiferum</i>
clover, white	<i>Trifolium repens</i>
collards	<i>Brassica oleracea</i> var. <i>acephala</i>
coriander	<i>Coriandrum sativum</i>
dill	<i>Anethum graveolens</i>
endive	<i>Cichorium endivia</i>
kale	<i>Brassica oleracea</i> var. <i>acephala</i>
kohlrabi	<i>Brassica oleracea</i> var. <i>gongylodes</i>
leek	<i>Allium porrum</i>
lettuce, head	<i>Lactuca sativa</i>
lettuce, leaf	<i>Lactuca sativa</i>
mustard greens	<i>Brassica juncea</i>
mustard, seed	<i>Brassica hirta</i>
mustard spinach	<i>Brassica rapa</i> var. <i>perviridis</i>
onion, dry bulb	<i>Allium cepa</i>
onion, Welsh	<i>Allium fistulosum</i>

Common Name	Scientific Name
parsley	<i>Petroselinum crispum</i>
parsnip	<i>Pastinaca sativa</i>
radish (other than radish, Oriental)	<i>Raphanus sativus</i>
rape greens	<i>Brassica napus</i> var. <i>napus</i>
rutabaga	<i>Brassica napus</i> var. <i>napobrassica</i>
spinach	<i>Spinacia oleracea</i>
Swiss chard	<i>Beta vulgaris</i> var. <i>cicla</i>
turnip	<i>Brassica rapa</i>

(2) For the seed crops listed in subsection (1) of this section, the following conditions shall be met:

(a) All seed screenings shall be disposed of in such a way that they cannot be distributed or used for human food or animal feed. The seed conditioner shall keep records of screening disposal for three years from the date of disposal and shall furnish the records to the director immediately upon request. Conditioner disposal records shall consist of documentation of on-farm disposal, disposal at a controlled dump site, incinerator, composter, or other equivalent disposal site and shall include the lot numbers, amount of material disposed of, the grower(s), and the date of disposal.

(b) No portion of the seed plant including, but not limited to, green chop, hay, pellets, meal, whole seed, cracked seed, roots, bulbs, leaves and seed screenings may be used or distributed for food or feed purposes.

(c) All seed from the crops listed in subsection (1) of this section grown or conditioned in this state shall bear a tag or container label which forbids use of the seed for human consumption or animal feed.

(d) No seed from the crops listed in subsection (1) of this section grown or conditioned in this state may be distributed for human consumption or animal feed.

(3) For purposes of pesticide registration, the following crop, when grown to produce bulbs specifically for crop reproduction purposes, is considered a nonfood and nonfeed site of pesticide use:

Common Name	Scientific Name
garlic, bulb	<i>Allium sativum</i>

"Garlic, bulb" is commonly referred to as "garlic seed" when grown to produce bulbs for crop reproduction purposes. For the purpose of this section, "garlic, bulb" and "garlic seed" have the same meaning, and are used interchangeably.

(4) For the bulb crop listed in subsection (3) of this section, the following conditions shall be met:

(a) All garlic seed debris shall be disposed of in such a way that it cannot be distributed or used for human food or animal feed. The garlic seed grower shall keep records of debris disposal for three years from the date of disposal and shall furnish the records to the director immediately upon request. Grower disposal records shall consist of documentation of on-farm disposal, disposal at a controlled dump site, incinerator, composter, or other equivalent disposal site and shall include the lot numbers, amount of material disposed of, the grower(s), and the date of disposal.

(b) No portion of the garlic seed plant including, but not limited to, green chop, hay, pellets, meal, roots, garlic bulbs, leaves and debris may be used or distributed for food or feed purposes.

(c) All garlic seed grown or processed in this state shall bear a tag or container label which forbids use of the garlic bulbs for human consumption or animal feed.

(d) No garlic seed grown or processed in this state may be distributed for human consumption or animal feed.

(5) Violation of any condition listed in subsection (2) or (4) of this section is declared to be a violation of chapters 17.21 and 15.58 RCW.

(6) If the department receives a proposal to add an additional seed crop not listed in subsection (1) or (3) of this section, sufficient information must be provided to the department to support the designation of the seed crop as a nonfood and nonfeed site. The department will determine if the designation of the seed crop as a nonfood and nonfeed site is appropriate based upon evaluation of available information, and may consult with the U.S. Environmental Protection Agency prior to a final decision.

(7) The conditions contained in subsections (1) through (6) of this section shall not apply to a seed crop grown in Washington, or its byproducts, if any one of the following conditions exist:

(a) No pesticides were applied to the seed crop;

(b) Only pesticides registered and labeled for application to the seed crop, and having established tolerances or tolerance exemptions for residues of pesticides on the seed crop and its by-products, were used on the seed crop; or

(c) If the seed crop has been certified under provisions of RCW 15.86.070 the Organic Products Act.

[Statutory Authority: RCW 15.58.040, 17.21.030 and chapter 34.05 RCW. WSR 19-16-152, § 16-228-1270, filed 8/7/19, effective 9/7/19. Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1270, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. WSR 00-22-073, § 16-228-1270, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1270, filed 10/20/99, effective 11/20/99.]