RULE MAKING ORDER
(RCW 34.05.360)

CR-103 (4/25/96)

Agency: Agriculture

☒ Permanent Rule
☐ Emergency Rule
☐ Expedited Repeal

(1) Date of adoption: November 30, 2000

(2) Purpose: This rule provides general regulations for the Seed Program at the Department of Agriculture. As required by the Governor's Executive Order on Regulatory Improvement and agency policy, the proposed rule is updated and rewritten in a clear and usable format. Existing chapters of rules will be repealed and the significant language in those chapters is revised into three new proposed chapters of rules for the Seed Program (WAC 16-301, 16-302, and 16-303).

(3) Citation of existing rules affected by this order:
Repealed: WAC 16-300, 16-304, 16-313, 16-316, 16-317, 16-318, 16-493, 16-494 & 16-494
Amended:
Suspended:

(4) Statutory authority for adoption: RCW 15.49.005; RCW 15.49.081; RCW 15.49.310; RCW 15.49.370(3)
Other Authority: RCW 17.24

PERMANENT RULE ONLY
Adopted under notice filed as WSR 00-20-075 & 00-20-076 on 10/3/00 (date).
Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY
Under RCW 34.05.350 the agency for good cause finds:
☐ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
☐ (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY
Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:
☐ Yes ☒ No If Yes, explain:

(6) Effective date of rule:

Permanent Rules or Expedited Repeal	Emergency Rules
☒ 31 days after filing	☐ Immediately
☐ Other (specify) _____*	☐ Later (specifiy) _____

***(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)**

Name (Type or Print)
Jim Jesernig

Signature
Jim Jesernig

Title
Director

Date
12/1/00

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
DEC 4 2000
TIME 2:45 AM PM
WSR 00-24-077

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New		Amended		Repealed	
Federal rules or standards:	New		Amended		Repealed	
Recently enacted state statutes:	New		Amended		Repealed	

The number of sections adopted at the request of nongovernmental entity:

New _____ Amended _____ Repealed _____

The number of sections adopted in the agency's own initiative:

New _____ Amended _____ Repealed _____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New 3 Amended _____ Repealed 9

The number of sections adopted using:

Negotiated rule making:	New		Amended		Repealed	
Pilot rule making:	New		Amended		Repealed	
Other alternative rule making:	New	3	Amended		Repealed	9

Chapter 16-301 WAC

GENERAL SEED REGULATIONS

NEW SECTION

WAC 16-301-005 General seed standards--Definitions. Definitions for terms used in this chapter and in chapters 16-302 and 16-303 WAC may be found in chapter 15.49 RCW, seed. For the purposes of these chapters, the following definitions shall apply unless otherwise provided for in law or rule:

"Agricultural seed" as defined in RCW 15.49.011(2) includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized within this state as agricultural seeds, lawn seeds, and combination of such seeds, and may include common and restricted noxious weed seeds but not prohibited noxious weed seeds.

"AOSA" means the Association of Official Seed Analysts.

"AOSCA" means the Association of Official Seed Certifying Agencies.

"Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

"Arbitration committee" means the committee established by the director under RCW 15.49.101 to hear and make determinations in mandatory, nonbinding, arbitration cases.

"Bean" means common beans and adzuki beans.

"Blend" as defined in RCW 15.49.011(3) means seed consisting of more than one variety of a species, each in excess of five percent by weight of the whole.

"Blending" as related to this chapter shall be the process of commingling two or more lots of seed to form one lot of uniform quality.

"Buyer" means a person who purchases seeds.

"Chairperson" means the person selected by the arbitration committee from among their numbers to preside.

"Certifying agency" as defined in RCW 15.49.011(5) means:

(a) An agency authorized under the laws of any state, territory, or possession to certify seed officially and which has standards and procedures approved by the United States secretary of agriculture to assure the genetic purity and identity of the seed certified; or

(b) An agency of a foreign country determined by the United

States Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed-certifying agencies under (a) of this subsection.

"Common bean" means *Phaseolus vulgaris L.*

"Complete record" means information which relates to the origin, treatment, germination and purity (including variety) of each lot of seed. Records include seed samples and records of declaration, labels, purchases, sales, cleaning, bulking, treatment, handling, storage, analyses, tests and examinations.

"Dealer" as defined in RCW 15.49.011(7) means any person who distributes seeds.

"Department" as defined in RCW 15.49.011(8) means the Washington state department of agriculture or its duly authorized representative.

"Director" as defined in RCW 15.49.011(9) means the director of the department of agriculture.

"Field standards" means the tolerances permitted as determined by established field inspection procedures.

"Fiscal year" means the twelve-month period July 1 through June 30.

"Flower seeds" as defined in RCW 15.49.011(11) include seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold as flower seeds in this state.

"Germination" as defined in RCW 15.49.011(13) means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.

"Interagency certification" means the participation of two or more official certifying agencies in performing the services required to certify the same lot or lots of seed.

"Isolation standards" means the distance in feet from any contaminating source (i.e., distance from other fields of same species).

"Label" as defined in RCW 15.49.011(18) includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the information required on the seed label by chapter 15.49 RCW, and may include other information including the requirement for arbitration.

"Land standards" means the number of years that must elapse between the destruction of a stand of a kind, and establishment of a stand of a specified class of a variety of the same kind (i.e., number of years out of production of same crop kind).

"Mixture, mixed or mix" as defined in RCW 15.49.011(22) means seed consisting of more than one species, each in excess of five percent by weight of the whole.

"Nursery" means an area of two acres or less in which grass for seed production is seeded in rows with twenty-four inch minimum spacing to facilitate roguing.

"O.E.C.D." means the Organization for Economic Cooperation and Development certification scheme.

"Off-type" means a plant or seed which deviates in one or more characteristics from that which has been described as being usual for the strain or variety.

"Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phyto-sanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps, or similar documents certifying seed quality or condition.

"Official sample" as defined in RCW 15.49.011(23) means any sample taken and designated as official by the department.

"Official seed laboratory" means a seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Laboratory, 21 N 1st Avenue, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

"Origin" means the county within the state of Washington, or the state, territory, or country where a specific seed lot was grown.

"Person" as defined in RCW 15.49.011(26) means an individual, partnership, corporation, company, association, receiver, trustee or agent.

"Proprietary variety" means that crop variety for which a person has exclusive production and/or marketing rights.

"Representative sample" means a sample drawn in accordance with sampling procedures adopted in WAC 16-301-095.

"Seeds" as defined in RCW 15.49.011(33) means agricultural or vegetable seeds, or other seeds as determined by rules adopted by the department. The word seed or seeds as used in this chapter shall include all propagating materials.

"Seed labeling permit" means a permit issued by the department pursuant to RCW 15.49.400 to a person labeling seed for distribution in this state.

"Seed program advisory committee" means a committee of representatives from the small grains, pea, lentil, bean, vegetable, small seeded legumes, and grass seed industries selected by the program manager in consultation with the industry.

"Seed standards" means the tolerances permitted as determined by established seed inspection procedures.

"Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry viruses.

"Stock seed" means breeders, prebasic, or like initial generation of seed.

"Sudangrass" means *Sorghum bicolor x drummondii*.

"University" means the Washington State University.

"USDA" means the United States Department of Agriculture.

"Vegetable seeds" as defined in RCW 15.49.011(38) include the seeds of all crops that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.

"WSCIA" means the Washington State Crop Improvement Association.

NEW SECTION

WAC 16-301-010 What publications are adopted in chapters 16-301, 16-302, and 16-303 WAC and where can they be obtained? (1) The AOSCA rules and procedures for certification adopted in the year 2000. A copy may be obtained by writing; AOSCA, 600 Watertower Lane, Suite D, Meridian, Idaho 83642-6286.

(2) The AOSA rules for testing seed adopted in the year 2000. A copy may be obtained by contacting the administrative office for AOSA at McBride and Associates, Inc., P.O. Box 80705, Lincoln, NB 68501-0705.

(3) The Federal Seed Act and Code of Federal Regulations (CFR) Part 201 as revised January 1, 1998. A copy may be obtained by writing to the USDA, AMS, Washington, D.C. 20250.

NEW SECTION

WAC 16-301-011 What are the functions of the seed program advisory committee? The seed program advisory committee shall meet at least annually and make recommendations to the department regarding the objectives of the seed program. The review should include a review of the regulatory activities and program expenditures.

PART 1 - SEED LABELING

NEW SECTION

WAC 16-301-015 Seed labeling requirements for agricultural, vegetable, and flower seeds. (1) Each container of agricultural, vegetable or flower seeds, that is sold, offered or exposed for sale, or transported within this state for sowing purposes, must bear or have attached to the container a plainly written or printed label or tag in the English language; and

(a) The label provides information required in WAC 16-301-060 through 16-301-085 on treated seeds in addition to the information required in subsection (2) of this section; and

(b) The label is placed in a conspicuous manner on the seed container; and

(c) The printed label or tag is not modified or denied in the labeling or on any label attached to the seed container.

(2) Each container of agricultural, vegetable or flower seeds, that is sold, offered or exposed for sale, or transported within this state for sowing purposes must bear *"Requirement for arbitration - The Washington State Seed Act, chapter 15.49 RCW, requires mandatory arbitration of disputes involving allegedly defective seed. See chapter 16-301 WAC or contact the Washington State Department of Agriculture, Seed Program, (509) 225-2630,"* on:

(a) The analysis tag; or

(b) A separate tag or label attached securely to each container; or

(c) Printed in a conspicuous manner on the side of each container; or

(d) Alternate wording may be approved in writing by the department to meet the needs of the industry.

(3) Except for grass seed mixtures, and hybrids that contain less than ninety-five percent hybrid seed, the label for agricultural seeds must contain the following information:

(a) The name of the kind and variety of each agricultural seed present in excess of five percent of the whole and the percentage by weight of each or if the variety is not listed with the certifying agency, the name of the kind and the words, *"variety not stated."* Hybrids must be labeled as hybrids; and

(b) The lot number or other lot identification; and

(c) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated on the label; and

(d) The percentage, by weight, of all weed seeds present. The maximum weed seed content may not exceed two percent by weight; and

(e) The name and rate of occurrence in seeds per pound of each kind of restricted noxious weed seed present; and

(f) The percentage by weight of agricultural seeds, which may be designated as "crop seeds," other than those required to be named on the label; and

(g) The percentage by weight of inert matter; and

(h) The percentage of seed germination, exclusive of hard seed, and the percentage of hard seed, if present, or "total germination and hard seed" as a single percentage; and

(i) The calendar month and year the seed germination test was

completed to determine such percentages; and

(j) The name and address of the person who labels, sells, offers, or exposes for sale seed within this state.

(4) For seed that is coated the label must also contain the following:

(a) The percentage of pure seed with coating material removed;

(b) The percentage of coating material shown as a separate item in close association with the percentage of inert material;

(c) The percentage of germination as determined on four hundred coated seed pellets, with or without seeds.

NEW SECTION

WAC 16-301-020 Other labeling requirements for small grain, field pea, lentil, and/or soybean seed. In addition to the information required on the label in WAC 16-301-015, the following requirements also apply:

(1) Small grain seed - labels for small grain seed must include the following information:

(a) Each variety (e.g., Nugaines), whether the variety is typically a winter or spring sown variety, and kind (e.g., wheat); or may not be shown if the label conspicuously shows the words "typical sowing season not stated";

(b) A tetrazolium test may be used in lieu of germination if the label states "Tetrazolium. . .%," and that a germination test of the lot is in process and shall be made available to the purchaser when completed. The label shall also show the calendar month and year the tetrazolium test was completed.

(2) Small grain, field pea, lentil, and/or soybean seed - the following shall apply for labeling of small grain, field pea, lentil, and/or soybean seed:

(a) When seed is distributed in bulk the required label information must be on the invoice or other document accompanying the distribution of the seed;

(b) The seed labeling registrant may provide the required label information as a guaranteed analysis at the time of distribution if the label, invoice, or other document accompanying the seed states "guaranteed analysis," and the results of a purity and germination test of a representative sample are made available to the purchaser no later than thirty days following the initial distribution of the lot;

(c) Seed held in storage for bulk distribution or invoice labeling, shall be plainly identified on the storage unit(s) with the required label information;

(d) Small grain, field pea, lentil, and/or soybean seed is deemed mislabeled if the seed contains restricted noxious weed singly or collectively in excess of 100 per pound.

NEW SECTION

WAC 16-301-025 Special requirements for labeling of vegetable and flower seed as prepared for use in the home. In addition to the information required on the label in WAC 16-301-015, the following requirements also apply to vegetable and flower seed as prepared for use in home:

(1) **Vegetable seeds in packets or preplanted devices** - labeling for vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in preplanted containers, mats, tapes, or other planting devices must include the following information:

(a) The year in which the seed was packed for sale as "packed for planting in. . ." or the percentage germination and the calendar month and the year the test was completed to determine that percentage;

(b) Label for seeds which germinate less than the standard established under the provisions of chapter 15.49 RCW must include the following:

(i) Percentage of germination, exclusive of hard seed;

(ii) Percentage of hard seed, if present;

(iii) The words "below standard" in not less than eight-point type;

(c) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quality of seed without removing the seed from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.

(2) Vegetable seeds in containers - the labeling requirements for vegetable seeds in containers, other than packets prepared for use in home gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices, is considered met if the seed is weighed from a properly labeled container of more than one pound in the presence of the purchaser.

(3) Flower seeds in packets or preplanted devices - labeling for flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices must include the following information:

(a) For all kinds of flower seeds:

(i) The name of the kind and variety or a statement of the kind and performance characteristics as prescribed in chapter 15.49 RCW and rules adopted thereunder;

(ii) The calendar month and year the seed was tested or the year for which the seed was packaged;

(b) Labels for seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard established under the provisions of chapter 15.49 RCW must include the following:

(i) The percentage of germination exclusive of hard seeds;

(ii) The words "below standard" in not less than eight-point type.

NEW SECTION

WAC 16-301-030 Exemptions for small grain, field pea, lentil and/or soybean seed. (1) Small grain, field pea, lentil, and/or soybean seed distributed in packaged form to a wholesaler or a commercial grower for the grower's own use and accompanied by an invoice or other document containing the labeling information required in this chapter may attach labels containing information required in treated seed label requirements listed in WAC 16-301-060 through 16-301-085; and the net weight of the seed if the purchaser has knowledge of, and consents to, the invoice labeling. Small grain seed labels must also contain information in WAC 16-301-020 (1)(a).

(2) When small grain, field pea, lentil, and/or soybean seed is needed for immediate planting, a purchaser may waive the seed analysis information requirement for the purchase by completion of the following waiver:

CUSTOMER WAIVER AFFIDAVIT

Date .....

.....

.....

.....

.....

(Seed Dealer's Name and Address)

I, ..., because of an emergency need for ..... seed, am waiving my rights as provided in RCW 15.49.021 to receive the germination and purity information required in chapter 16-301 WAC on lot(s) ..... purchased on .....: *Provided,* That within thirty days, ... the supplier provides the above information to me in writing.

.....

(Customer's Signature)

NEW SECTION

WAC 16-301-035 Labeling requirements for agricultural and vegetable hybrid seed that contains less than ninety-five percent hybrid seed. The labeling for agricultural and vegetable hybrid seed that contains less than ninety-five percent hybrid seed must

include the following:

(1) The lot number or other lot identification.

(2) The origin state or foreign country, if known. If the origin is not known, that fact must be stated.

(3) The kind or variety labeled as "hybrid" except that varieties in which pure seed contain less than seventy-five percent hybrid seed may not be labeled as hybrids.

(4) The percent which is hybrid labeled parenthetically in direct association following named variety; i.e., Comet (eighty-five percent hybrid).

(5) The calendar month and year of a germination test of pure live seed or the year in which the seed was packaged.

(6) The percentage by weight of inert matter.

(7) The percentage, by weight, of all weed seeds present. The maximum weed seed content may not exceed two percent by weight.

(8) The name and address of the person who labels seed, or sells, offers, or exposes the seed for sale within this state.

NEW SECTION

WAC 16-301-040 Labeling--Requirements for seed mixtures for lawn and/or turf purposes. The labeling of seed mixtures for lawn or turf purposes must include the following:

(1) The lot number or other lot identification.

(2) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated on the label.

(3) The word "mixed" or "mixture" stated with the name of the mixture.

(4) The heading "pure seed" and "germination" or "germ" used in the proper places.

(5) The commonly accepted name of kind or kind and variety of each agricultural seed component in excess of five percent of the whole, and the percentage by weight, in columnar form, of pure seed in order of its predominance.

(6) The percentage by weight of agricultural seed other than those required to be named on the label which shall be designated as "crop seed," If the mixture contains no crop seed, the statement, "contains no other crop seed," may be used and may be flagged.

(7) The percentage by weight of inert matter.

(8) The percentage, by weight, of all weed seeds present. The maximum weed seed content may not exceed two percent by weight.

(9) For each agricultural seed named under subsection (3) of this section:

(a) The percentage of germination, exclusive of hard seed.

(b) The percentage of hard seed, if present.

(c) The calendar month and year of the most recent test completed to determine such percentages.

(10) The name and address of the person who labels, or sells, offers, or exposes the seed for sale within this state.

NEW SECTION

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	*Rorippa austriaca (Crantz) Bess.*
Field bindweed	*Convolvulus arvensis L.*
Hedge bindweed	*Convolvulus sepium L.*
Bladder campion (only in timothy-*Phleum pratense*)	*Silene cucubalus*
Camelthorn	*Alhagi camelorum Fisch.*
Canada thistle	*Cirsium arvense (L.) Scop.*
Hairy whitetop	*Cardaria pubescens (C.A. Mey.)*
Hoary cress	*Cardaria draba (L.) Desv.*
Jointed goatgrass (only in small grain)	*Aegilops cylindrica*
Knapweed complex	
(including bighead,	*Centaurea macrocephala,*
Vochin,	*Centaurea nigrescens,*
black,	*Centaurea nigra,*
diffuse,	*Centaurea diffusa,*
meadow,	*Centaurea jacea x nigra,*
Russian,	*Centaurea repens,*
spotted knapweeds	*Centaurea maculosa,*
Purple starthistle)	*Centaurea calcitrapa*
Leafy spurge	*Euphorbia esula L.*
Perennial pepperweed	*Lepidium latifolium L.*
Perennial sowthistle	*Sonchus arvensis L.*
Quackgrass	*Elytrigia repens*
Serrated tussock	*Nassella trichotoma*

Sorghum perennial such as, but not limited to, johnsongrass, sorghum almum, and perennial sweet sudangrass	*Sorghum spp.*
Tansy ragwort	*Senecio jacobaea L.*
Velvetleaf	*Abutilon theophrasti*
White cockle (only in timothy-*Phleum pratense*)	*Lychnis alba*
Yellow-flowering skeleton weed	*Chondrilla juncea L.*
Yellow starthistle	*Centaurea solstitialis L.*

NEW SECTION

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	*Alopecurus myosuroides*
Blue lettuce	*Lactuca tatarica subsp. pulchella*
Docks and Sorrel	*Rumex spp.*
Dodder	*Cuscuta spp.*
Dyers woad	*Isatis tinctoria*
Field pennycress (fanweed)	*Thlaspi arvense*
Field sandbur	*Cenchrus incertus*
Gromwell (only in small grain)	*Buglossoides arvensis*
Halogeton	*Halogeton glomeratus C.A. Mey.*
Medusahead	*Taeniatherum capa-medusa subsp.*

	caputmedusae
Plantains	*Plantago spp.*
Poverty weed	*Iva axillaris Pursh.*
Puncturevine	*Tribulus terrestris L.*
St. Johnswort	*Hypericum perforatum L.*
Dalmation toadflax	*Linaria dalmatica (L.) Mill.*
Yellow toadflax	*Linaria vulgaris Hill.*
Western ragweed	*Ambrosia psilostachya DC.*
Wild mustard	*Sinapis arvensis subsp. arvensis*
Wild oat	*Avena fatua L.*

NEW SECTION

WAC 16-301-055 Tolerances for seed law enforcement. Tolerances for seed law enforcement shall be in accord with the code of federal regulations, C.F.R. Title 7, Section 201 as revised January 1, 1998 and/or those adopted by the Association of Official Seed Analysts, as amended on October 1, 2000, except for the tolerances for prohibited noxious and restricted noxious weed seed which shall be as the Washington state seed law specifies for labeling.

TREATED SEED LABELING REQUIREMENTS

NEW SECTION

WAC 16-301-060 Treated seed labeling requirements. For all seed that meets the definition of treated seed contained in RCW 15.49.011, the Washington State Seed Act, there shall be conspicuously shown on the analysis tag or label, or on a separate tag or label, attached to each container, or printed in a conspicuous manner on the side or top of each container the following:

(1) A word or statement indicating that the seed has been treated.

(2) The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used.

(3) The information required in WAC 16-301-065 through 16-301-085.

For bulk seed shipment, the information shall appear on the invoice or other document accompanying and pertaining to each shipment.

NEW SECTION

WAC 16-301-065 Labeling requirements for seed treated with mercurials and similarly toxic pesticides. Seeds treated with a mercurial or similarly toxic pesticide, if any amount remains on or in the seed, shall be labeled with the skull and crossbones and a statement such as: "This seed has been treated with POISON," "treated with POISON," "POISON treated," or "POISON" with the word "POISON" in red on a contrasting background. The word "POISON" shall appear in not less than 8 point type, and the skull and crossbones shall not be less than twice the size of the type used for information required to be on the label. In making this determination, the department shall be guided by the labeling registered by the Environmental Protection Agency and/or Washington State Department of Agriculture on the pesticide being used and by the requirements of the Federal Seed Act, as revised January 1, 1998.

NEW SECTION

WAC 16-301-070 Labeling requirements for seed treated with other pesticides. Seed treated with pesticides, other than those referred to in WAC 16-301-065, shall be labeled with an appropriate caution statement in not less than eight point type, such as: "Treated seed - do not use for food, feed, or oil purposes" and shall contain other appropriate caution statements as required on the Environmental Protection Agency and/or Washington State Department of Agriculture registered pesticide label of the seed treatment being used.

NEW SECTION

WAC 16-301-075 Treated seed color requirement. Seeds of small grains and other products such as peas and beans normally used for feed or for human consumption must, when treated with a pesticide, be colored so as to be readily discernible as having been so treated.

NEW SECTION

WAC 16-301-080 Labeling requirements for seed treated with inoculates. If seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration) shall be shown on the label.

NEW SECTION

WAC 16-301-085 Examples of minimum label formats for treated seed. Examples of minimum label formats for treated seed are as follows:

(1) Mercurial or similarly toxic pesticides:

Treated with
Endrin
POISON (in red) (illus.)

(2) Other pesticides:

Treated with
Captan
Caution: Treated seed - do not use for food, feed, or oil.

(3) Additional information may be shown, such as rate of application, antidote, specific purpose of treatment, etc., provided such information is not false or misleading.

GERMINATION STANDARDS

NEW SECTION

WAC 16-301-090 Germination standards for vegetable seeds. The germination standards for vegetable seeds are as follows:

	Percent*		Percent*
Artichoke	60	Leek	60
Asparagus	70	Lettuce	80
Beans (except Lima)	75	Muskmelon	75
Beans (Lima)	70	Mustard	75
Beets	65	Okra	50
Broccoli	75	Onion	70
Brussels Sprouts	70	Parsley	60
Cabbage	75	Parsnip	60
Carrot	55	Pea	80
Cauliflower	75	Pepper	55
Celery and Celeraic	55	Pumpkin	75
Chicory	65	Radish	75
Citron	65	Rhubarb	60
Collards	80	Rutabaga	75
Corn	75	Salsify	75
Cornsalad	70	Sorrel	60
Cress, garden	40	Spinach (except New	
Cress, water	25	Zealand	60
Cucumber	80	Spinach (New	
		Zealand	40
Dandelion	45	Squash	75
Eggplant	60	Swiss Chard	65
Endive	70	Tomato	75
Kale	75	Tomato, husk	50
Kohlrabi	75	Turnip	80
		Watermelon	70

*Including hard seeds when present.

NEW SECTION

WAC 16-301-095 Sampling--Administration of the Washington State Seed Act. (1) The official sampling procedure for sampling all seed is as follows:

(a) In order to secure a representative sample, equal portions must be taken from evenly distributed parts of the quantity of seed to be sampled. Access must be allowed to all parts of that quantity.

(b) For free-flowing seed in bags or bulk, a probe or trier is used. For small free-flowing seed in bags, a probe or trier long enough to sample all portions of the bag or container must be used.

(c) Nonfree-flowing seed, such as certain grass seed, uncleaned seed, or screenings, difficult to sample with a probe or trier, are sampled by thrusting the hand into the bulk and withdrawing representative portions.

(d) Composite samples must be obtained to determine the quality of a lot of seed, such as the percentages of pure seed, other crop seed, weed seed, inert matter, noxious weed seed, germination, varietal purity, freedom from disease, and effectiveness of seed treatment. Individual bag samples may be obtained to determine whether the seed is of uniform quality.

(2) Sampling equipment. The trier must be designed so that it will remove an equal volume of seed from each part of the bag through which the trier travels. Unless the trier has partitions in the seed chamber, it must be inserted into the bags horizontally.

(3) Obtaining representative samples.

(a) For lots of one to six bags, sample each bag and take a total of at least five cores or handsfull.

(b) For lots of more than six bags, sample five bags plus at least ten percent of the number of bags in the lot. (Round numbers with decimals to the nearest whole number.) Regardless of the lot size, it is not necessary to sample more than thirty bags.

Examples:

No. bags in lots	7	10	23	50	100	200	300	400
No. bags to sample	6	6	7	10	15	25	30	30

(c) For sampling bulk seed to obtain a composite sample, take at least as many cores or handsfull as if the same quantity of seed were in bags of an ordinary size. Take the cores or handsfull from well-distributed points throughout the bulk.

(d) Seed in small containers must be sampled by taking entire unopened container in sufficient numbers to supply a minimum size sample as required in subsection (4) of this section. The contents of a single container or the combined contents of multiple containers of the same lot must be considered representative of the entire lot of seed sampled.

(4) Minimum weights of seed samples are defined in chapter 16-303 WAC, Schedule of testing, certification and other fees.

PART 2 - SEED ARBITRATION

NEW SECTION

WAC 16-301-100 Matters subject to mandatory arbitration. A civil dispute is subject to arbitration under these rules if it involves a claim of damage caused by the failure of any seed covered by the provisions of chapter 15.49 RCW, seeds, to perform as represented on the required label, by warranty, or as a result of negligence. This arbitration is a prerequisite to maintaining a legal action against the dealer of the seed. All the following conditions must be met:

(1) The parties have not agreed to submit the dispute to arbitration and to be bound by the arbitration award.

(2) The claim or counterclaim where relief is sought is, or includes, a monetary amount in excess of two thousand dollars.

(3) Any statutory period of limitations with respect to such claim had not expired.

NEW SECTION

WAC 16-301-105 Filing of a complaint for arbitration. To submit a demand for mandatory arbitration, a buyer shall make and file with the director of the department a sworn complaint against the seed dealer.

(1) Such complaint shall contain:

(a) A statement setting forth the nature of the claim and damages.

(b) The dollar amount involved in the claim.

(c) The remedy sought.

(2) The complaint must be accompanied by a filing fee of one hundred dollars to cover the costs of processing the complaint.

(3) The buyer shall send the dealer that is the subject of the complaint a copy of the complaint by registered mail.

NEW SECTION

WAC 16-301-110 Requirement to respond to complaint. Within twenty days within receipt of the sworn complaint, the seed dealer shall file an answer to the complaint with the director by United States registered mail.

(1) If no answer is filed within the stated time:

(a) It will be deemed that the claim is denied.

(b) The failure to file a timely response will be recorded and made a part of the official record.

(2) Failure to file a timely response shall not operate to delay the arbitration process.

NEW SECTION

WAC 16-301-115 Acceptance of filing by telefax. Complaints, responses to complaints, counterclaims and other communications from parties to the dispute to the committee may be transmitted electronically by telefax except where this chapter specifically requires transmission by registered mail. Such transmissions shall be regarded with the same validity as if sent by United States mail.

NEW SECTION

WAC 16-301-120 Arbitration committee. The director shall create a seed arbitration committee composed of five members, including the director, or a department of agriculture employee as his or her designee, and four members. Four alternates shall also be appointed by the director according to the requirements of RCW 15.49.111.

(1) Each alternate member shall serve only in the absence of the member for whom the person is an alternate.

(2) The arbitration committee shall elect a chairperson and a secretary from among its members.

(a) The chairperson shall conduct meetings and deliberations of the committee and direct its other activities.

(b) The secretary shall keep accurate records of all meetings and deliberations and perform other duties as assigned by the chairperson.

(3) The committee shall be called into session at the direction of the director or the chairperson.

(4) The members of the committee shall receive no compensation for their duties but shall be reimbursed for travel expenses

according to established state travel and per diem rates. Expense reimbursement shall be borne equally by the parties to the arbitration.

(5) A committee member, delegated with investigative responsibilities outside of the hearing under WAC 16-318-395, may not participate in making the final decision and award.

NEW SECTION

WAC 16-301-125 Referral to arbitration committee. Within fifteen days of the receipt of the answer or forty-five days of the receipt of a complaint, the director shall refer the claim to the seed arbitration committee established by RCW 15.49.101 for investigation, finding and recommendation. The buyer and seller shall be notified by certified mail:

(1) That the claim has been submitted to the arbitration committee.

(2) The names of the members of the arbitration committee and the alternates. Within ten days after receipt of notification from the director, either buyer or seller may petition the director that a member of the arbitration committee be disqualified for cause and replaced by an available alternate member: Provided, That either buyer or seller may petition the director at any time during the process upon discovering facts that establish grounds for disqualification. Such decision shall be solely at the discretion of the director.

(3) No person may serve on the committee in any arbitration where he or she has a financial or personal interest in the result of the arbitration unless the parties, in writing, waive such disqualification.

NEW SECTION

WAC 16-301-130 Scheduling of hearing. The chairperson of the arbitration committee shall fix the time and place for each hearing and shall notify each party in writing of the scheduled hearing at least seven days in advance of the hearing date.

(1) Such notice shall include:

(a) The names and addresses of the parties to whom notice has been given.

(b) The address and telephone number of the chairperson of the arbitration committee.

(c) The names and addresses of the members of the arbitration committee.

(d) The date, time, place, and subject of the hearing.

(e) A statement of the legal authority under which the hearing is being held including the sections of statute and rules involved.

(2) To the extent possible, the chairperson of the arbitration committee shall attempt to schedule the hearing at a time and place mutually agreeable to the parties: Provided, That if a mutually agreeable time and place cannot be found, the chairperson may set the time and place.

(3) The chairperson of the committee may allow all or a part of the hearing to be conducted by telephone, or other electronic means when the rights of the parties will not be prejudiced thereby and each party has an opportunity to participate.

NEW SECTION

WAC 16-301-135 Representation by counsel. Any party in the arbitration may be represented by counsel. A party intending to be so represented shall notify the other party and the committee chairperson of the name and address of the counsel at least three days in advance of the hearing at which the counsel is first scheduled to appear. When arbitration is initiated on behalf of a buyer by counsel or when a dealer replies through a counsel, such notice shall be deemed to have been given. The director shall make provision for legal support through the office of the attorney general, as requested by the arbitration committee.

NEW SECTION

WAC 16-301-140 Waiver of oral hearing. The parties may provide, by written agreement submitted to the chairperson, that the hearing shall be conducted on the pleadings submitted without oral argument or testimony.

NEW SECTION

WAC 16-301-145 Record of the hearing. The secretary of the arbitration committee shall maintain summary minutes of the hearing and shall provide for a recording of all oral proceedings. Any party may request copies of all recordings or transcription of testimony. The costs of duplication, transcription and mailing

shall be entirely borne by the requesting party.

NEW SECTION

WAC 16-301-150 Attendance at hearings. The hearing shall be open to the parties to the dispute and other persons having a financial interest. The committee chairperson shall have the authority to require that any witness or witnesses retire from the hearing during the testimony of other witnesses. The admission of other persons to the arbitration hearing shall be at the discretion of the chairperson of the arbitration committee.

NEW SECTION

WAC 16-301-155 Committee investigation. Upon referral of a complaint for investigation to the committee, the arbitration committee shall make a prompt and full investigation by the proceedings specified in this chapter of the matters in the complaint, and report its award to the director within sixty days of such referral, unless the parties in the dispute agree in writing to the chairperson to a later date: Provided, That if the committee decides to grow a representative sample of the seed that sixty-day period shall be extended an additional thirty days.

NEW SECTION

WAC 16-301-160 Evidence. The parties may produce such evidence as they desire and such additional evidence as the arbitration committee may deem necessary to understand the dispute and determine an award. The committee shall be the judge of the admissibility and relevance of all evidence offered. Conformity to strict legal rules of evidence shall not be required. All evidence shall be taken in the presence of the parties concerned, except where a party has waived that right or is absent after receiving proper notice.

NEW SECTION

WAC 16-301-165 Evidence by affidavit. Evidence may be submitted for consideration of the arbitration committee in the form of witness by affidavit. The committee shall consider such evidence and give to it only such weight as the committee deems appropriate after consideration of any objections made to its admission. All parties shall be entitled to examine such documents and shall be entitled to a copy upon request and payment of duplication and mailing costs.

NEW SECTION

WAC 16-301-170 Discovery. Use of discovery is limited in mandatory arbitration cases.

(1) The following types of discovery may be requested of the arbitration committee:

(a) Deposition.

(b) Written interrogatories.

(c) Request for production of documents.

(2) The arbitration committee may allow and condition use of discovery on a showing of necessity and an unavailability by other means.

NEW SECTION

WAC 16-301-175 Arbitration in the absence of a party. The arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to request an adjournment or postponement. An award may not be made solely on the failure to appear. The arbitration committee, in these cases, shall require the party who is present to present such evidence or information as the committee deems necessary to determine an award.

NEW SECTION

WAC 16-301-180 Order of proceedings. When an oral hearing is held, the order of procedure for conducting arbitration hearings shall be as follows:

(1) The chairperson shall open the hearing on behalf of the

committee stating the place, time and date of the hearing; the members of the arbitration committee and the parties to the arbitration and their counsel, if any; and recital of the buyer's claim, any counterclaim, and the dealer's response, if any.

(2) The parties shall have the opportunity to present an opening statement.

(3) The complaining party shall have the opportunity to present the claim for damages, the proof and witnesses and shall submit to questions and other examination by the arbitration committee.

(4) The defending party shall present the defense and his or her proof including witnesses and shall submit to questions or other examination by the arbitration committee.

(5) Each party shall have the right of cross-examination.

(6) The arbitration committee may vary this procedure: *Provided,* That both parties are provided a full and equal opportunity to present their evidence and proofs.

(7) The names and addresses of all witnesses shall be recorded and made a part of the record.

(8) Both parties shall have an opportunity to present a summary statement.

NEW SECTION

WAC 16-301-185 Expert evidence and performance tests. The committee may delegate one of its members to seek advice from experts in the seed industry and/or the seed inspection service of the department of agriculture or the Washington State Crop Improvement Association; may cause to be obtained and grow out a representative sample of the seed; may delegate a portion of the investigation to one of its members who reports back to the committee as a whole at the hearing; or may cause to be performed such other tests of seed quality as may be deemed necessary to render a decision. The results of any such investigation or tests shall be entered into the record at the arbitration hearing. The costs of any such tests necessary to determine an award shall be considered in the award.

NEW SECTION

WAC 16-301-190 Conservation of property. The chairperson, on behalf of the arbitration committee, may issue such orders as may be deemed necessary to safeguard the seed and/or the crop in the field that is the subject of the dispute without prejudice to the

rights of the parties or to the final determination of the dispute.

NEW SECTION

WAC 16-301-195 Reopening of a hearing. An arbitration hearing may be reopened by the following:

(1) The chairperson of the arbitration committee with the assent of a majority of the committee members may reopen a hearing.

(2) A hearing may be reopened by the chairperson with assent of a majority of the committee upon petition of either party prior to the final committee report.

(3) A hearing may not be reopened if such action would cause the sixty-day time limit as defined in WAC 16-301-155 (ninety days with a grow out test) to be exceeded without the written consent of both parties.

NEW SECTION

WAC 16-301-200 Expenses. The expenses for witnesses for either side shall be borne entirely by the party producing such witnesses. The expenses of expert witnesses deemed necessary by the committee shall be borne by the department according to established state travel and per diem rates. The costs of grow out tests or other tests that may be required that exceed the amount of the filing fee may be allocated by the committee in making the award.

NEW SECTION

WAC 16-301-205 Arbitration committee report. The arbitration committee shall prepare a written report of its findings within the established time frames. The report shall include findings of fact and conclusions, the award and allocations as to costs, if any.

(1) If a quorum is present, a simple majority of the arbitration committee shall be sufficient to make a decision.

(2) Any member disagreeing with an award may prepare a dissenting opinion and that opinion shall be included in the committee report.

(3) The report shall be sent to the director.

The director shall promptly send copies of the report to the

parties by registered mail.

NEW SECTION

WAC 16-301-210 Award upon settlement. If the parties to a dispute settle that dispute during the course of an arbitration, the committee, at the request of the parties, may set forth the terms of the agreed settlement in the award.

PART 3 - PHYTO-SANITARY FIELD INSPECTIONS

NEW SECTION

WAC 16-301-215 Definition of a phyto-sanitary certificate. A phyto-sanitary certificate is a certificate stating that a specific crop was inspected a predetermined number of times and a specified disease was not found; or a certificate is based on area surveillance stating that a specific disease, as far as known, does not occur in the area of production.

NEW SECTION

WAC 16-301-220 Apply for a phyto-sanitary field inspection. (1) On an application provided by the department seed program, a person requesting a phyto-sanitary field inspection must provide a list of the disease or diseases for which inspection is requested. Only one kind of crop is permitted on each application. Applications must be submitted to the department seed program before the due date along with the required fees. Refer to chapter 16-303 WAC for the appropriate fees.

(2) Due dates for phyto-sanitary applications for field inspections are as follows:

(a)	**Western Washington**	
(i)	Fall plantings	April 15
(ii)	Spring plantings	June 1

(b) Eastern Washington

Fall plantings	.....	April 15
(i)	Peas in Columbia Basin	May 15
(ii)	Peas East Highway 395 (Palouse)	June 15
(iii)	Beans	July 1
(iv)	All other crops	June 1

(3) Phyto sanitary applications for crops requiring a fall inspection are due 30 days prior to inspection time and not later than September 15.

(4) To be eligible for *Pseudomonas pisi*, phyto-sanitary field inspection for peas or other diseases based on area surveillance, the applicant must file a report with the department seed program listing acreage and general location (such as block and unit if possible) prior to May 1.

(5) Applications received after the due date are assessed a late fee. Acceptance of a late application is at the discretion of the certifying agency.

(6) Each applicant must submit applications and/or required reports stating diseases for which inspection is to be made and the number of inspections required and/or requested.

NEW SECTION

WAC 16-301-225 Land and production requirements for a seed phyto-sanitary field inspection. (1) For a seed field to be eligible for a phyto-sanitary field inspection, the field must:

(a) Prior to planting a bean field the seed used must be in compliance with the quarantine requirements found in chapter 16-301 WAC in order to be accepted for phytosanitary certification. Any phytosanitary field application submitted without proof of quarantine compliance will not be accepted into the program. Any field planted in violation of chapter 16-301 WAC will be subject to the procedures in WAC 16-301-435, 16-301-440, and 16-301-485.

(b) Not be planted to the same crop within the past three years if that crop was known to be contaminated with the specific disease or diseases listed in the application for phyto-sanitary field inspection;

(c) Have clean, cultivated boundaries.

(2) Excessive weeds, poor stands, lack of vigor, or any other condition which is likely to make inspection inaccurate may be cause for rejection.

(3) Additional land and/or production requirements for a phyto-sanitary field inspection may be adopted after consultation with industry representative and area specialist for the specific disease and/or crops listed in the phyto-sanitary field inspection application.

(4) The department may require a laboratory (serology) test

and/or a greenhouse test or other testing methods.

(5) The combined results of a field inspection and laboratory (serology), greenhouse tests and/or other testing methods, when required or available, may be used to determine final eligibility for a phyto-sanitary certificate.

(6) An official five pound sample is required from each ten thousand pounds of seed or portion thereof for serology testing.

NEW SECTION

WAC 16-301-230 Phyto-sanitary field inspection requirements for peas. (1) Specific diseases of peas for which a phyto-sanitary certificate will be issued are:

(a) *Pseudomonas pisi* (Sackett);

(b) Pea seed-borne mosaic virus - based on two field inspections.

(2) For pea seed to be eligible for a phyto-sanitary certificate stating freedom from *Pseudomonas pisi* (Sackett) the following applies:

(a) The seed field must be free of the disease as determined by the department with an area inspection of at least ten percent of the acreage. The department shall conduct a survey of county extension agents, extension pathologists, and plant pathologists at experiment stations and Washington State University.

(b) The applicant of a phyto-sanitary field inspection desiring production eligible seed must make inspections of the fields throughout the growing season. If symptoms of the disease are found, the finding must be immediately reported to the department seed program.

(c) At the end of the growing season, but not later than September 1, each applicant must file a report with the department seed program. The report must contain information on the field inspections made by the applicant during the growing season and whether the disease was observed.

(d) The field must be free of the disease as determined by the department with one field inspection made during the growing stage most optimum for detecting of the disease.

(3) For pea seed to be eligible for a phyto-sanitary certificate stating freedom from pea seed-borne mosaic virus, the field must be free of the disease as determined by the department with one inspection at two to four weeks after seedling emergence, and a second inspection one to two weeks before dry pod stage.

(4) The department recommends that breeding nurseries, isolation nurseries, and/or small seed-increase plots be entered for inspection for freedom from *Pseudomonas pisi* (Sackett).

NEW SECTION

WAC 16-301-235 Phyto-sanitary field inspection requirements for beans. (1) Specific bacterial diseases of beans for which phyto-sanitary certificates may be issued are:

(a) Halo blight - *Pseudomonas phaseolicola* (Burk.) Dows.

(b) Common bean blight - *Xanthomonas phaseoli* (E.F. Sm.) Dows.

(c) Fuscous blight - *Xanthomonas phaseoli var. fuscans* (Burk.)

(d) Bean bacterial wilt - *Corynebacterium flaccumfaciens* (Hedges) Dows.

(e) Or any varieties or new strains of these diseases.

(f) Brown spot disease - *Pseudomonas syringae.*

(g) Bean anthracnose - *Colletotrichum lindemuthianum.*

(h) Seed-borne viral diseases.

(2) For beans to be eligible for a phyto-sanitary certificate covering the bacterial diseases listed in subsection (1) of this section the following provisions apply:

(a) Common bean must be free of the diseases as determined by the department with a field inspection during the growing season and by a windrow inspection. A serology test and greenhouse test may be accepted in lieu of a windrow inspection at the discretion of the department.

(b) Pintos, red mexicans, pinks, great northerns, small whites, navy beans, and black turtle beans may be grown for an unlimited number of generations under rill or sprinkler irrigation.

(c) Kidney beans, cranberry types, Taylor horticultural, and Borlotto types may be grown for an unlimited number of generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. The fourth and unlimited subsequent generations may be grown and inspected with the same alternation of irrigation types.

(d) A field planted must be free of halo blight the previous two years of planting.

(e) Seed fields must be 1,320 feet from an incident of disease. The department recommends that equipment be disinfected between fields.

(3) At least two field inspections of beans are required for bacterial diseases listed in subsection (1) of this section:

(a) The first inspection is conducted by the department when factors effecting diseases are most evident.

(b) The second inspection is conducted by the department when the plants are in the windrow.

(4) All bean seed entered into the phyto-sanitary inspection program must comply with the bean seed quarantine rules. See chapter 16-301 WAC.

NEW SECTION

WAC 16-301-240 Phyto-sanitary field inspection requirements for other seed crops and diseases. (1) Phyto-sanitary certificates may be issued covering other seed crops and other diseases not listed in sections WAC 16-301-215 through 16-301-235 depending upon occurrence, symptoms, and hosts. Inspection procedures and requirements for issuing phyto-sanitary certificates are determined after consultation with area specialists.

(a) To be eligible for phyto-sanitary field inspection, a person must submit an application to allow adequate time to develop procedures and requirements.

(b) Only one field inspection will be provided unless it is determined that it is necessary to make inspections at different times during the growing season to detect symptoms of the disease in question.

PART 4 - QUARANTINES

ANNUAL BLUEGRASS QUARANTINE

NEW SECTION

WAC 16-301-245 Annual bluegrass quarantine--Establishing quarantine. The seeds of the weed known as annual bluegrass, *Poa annua* and its known strains, hereinafter referred to as annual bluegrass, are objectionable in grass seed; therefore, an annual bluegrass quarantine is established to prevent the introduction of annual bluegrass into grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure grass seed growers of a source of seed stock for planting purposes which is tested for presence of annual bluegrass.

NEW SECTION

WAC 16-301-250 Annual bluegrass quarantine--Definitions. Definitions for terms in this chapter may be found in chapter 15.49 RCW and WAC 16-301-005, except for the purposes of WAC 16-301-255 through 16-301-295, the following definitions shall apply:

(1) "Annual bluegrass" means *Poa annua* and all related subspecies and hybrids.

(2) "Seed stock" means those seeds of grasses which are to be planted for seed increase or with intent of seed increase.

(3) "Annual bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from annual bluegrass based on a ten gram sample for bentgrass or redtop; and a twenty-five gram sample for other grasses.

(4) "Quarantine tag" means a tag issued by Washington state department of agriculture to be sealed to each bag showing said seed has met quarantine requirements.

NEW SECTION

WAC 16-301-255 Annual bluegrass quarantine--Regulated area. Areas regulated under the annual bluegrass quarantine include all areas of the state of Washington lying east of the Cascade Crest.

NEW SECTION

WAC 16-301-260 Annual bluegrass quarantine--Quarantine area. Areas quarantined under the annual bluegrass quarantine include all areas of the state of Washington lying west of the Cascade Crest and all areas outside of the state of Washington.

NEW SECTION

WAC 16-301-265 Annual bluegrass quarantine--Regulated articles. Articles regulated under the requirements of the annual bluegrass quarantine include seed stocks of all grass species.

NEW SECTION

WAC 16-301-270 Annual bluegrass quarantine--Conditions governing movement of regulated articles. (1) No seed stock may be shipped, transported, moved within, or into the annual bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of annual bluegrass on the basis of a minimum ten gram analysis for bentgrass and a minimum of twenty-five gram analysis for other grasses except that seed stock found to contain annual bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the state department of agriculture.

(2) This quarantine shall not apply to seed sown for forage or turf.

(3) This quarantine shall not apply to:

(a) Experiments or trial grounds of the United States Department of Agriculture;

(b) Experiments or trial grounds of Washington State University experiment station; or

(c) Trial grounds of any person, firm, or corporation; provided said trial ground plantings are approved by the director and under supervision of technically trained personnel familiar with annual bluegrass control.

(4) Any person shipping, moving or transporting any seed stock for planting purposes in or into the regulated area that is not tagged with official "annual bluegrass quarantine" tags or a test report showing freedom of annual bluegrass as allowed in subsection (1) of this section must:

(a) State where and when seed stock can be sampled for the required annual bluegrass test; or

(b) Attach a copy of the official laboratory analysis showing freedom from annual bluegrass; or

(c) Submit a representative sample for testing.

NEW SECTION

WAC 16-301-275 Violations and penalty. Any person who violates the terms of the annual bluegrass quarantine rules may be subject to the criminal and/or civil penalties provided in chapters 15.49 and/or 17.24 RCW.

NEW SECTION

WAC 16-301-280 Annual bluegrass quarantine--Procedure for clearing. (1) Each person moving, shipping or transporting seed stock within or into the annual bluegrass quarantine regulated area must:

(a) Submit an official laboratory analysis of a representative sample showing freedom from annual bluegrass; or

(b) Submit a representative sample for testing.

(2) Upon receipt of an official laboratory analysis showing freedom from annual bluegrass, the department of agriculture shall tag each bag of those lots found free of annual bluegrass by the required test with "annual bluegrass quarantine" tag, stating said seed is eligible for planting in Eastern Washington.

NEW SECTION

WAC 16-301-285 Annual bluegrass quarantine--Seed stock containing annual bluegrass. Each lot of seed stock found to contain annual bluegrass must be placed under "stop sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under the supervision of, and approved by, an agent of the department of agriculture. The nursery must be seeded in rows. It is the duty of the person receiving seed stock containing annual bluegrass to rogue this increase area or chemically treat to eradicate the annual bluegrass thus assuring production of seed that is free of annual bluegrass. Seed increase areas are inspected by the department at least three times during the seedling year. Any areas not passing inspection must not be harvested, but instead destroyed by the person who planted the increase area upon order of the director of the Washington state department of agriculture or his agent. If not destroyed as directed, the department of agriculture may have the plot destroyed and the grower is liable for all expenses.

NEW SECTION

WAC 16-301-290 Annual bluegrass quarantine--Application for nursery inspection--Sampling and analysis. (1) A person must make application for nursery inspection for annual bluegrass to the department of agriculture not later than fourteen days prior to planting.

(2) Fees for sampling, analysis and nursery inspection for the presence of annual bluegrass is that fee established by the

department. Refer to chapter 16-303 WAC for fees.

NEW SECTION

WAC 16-301-295 Annual bluegrass quarantine--Violation procedures. (1) A person who is alleged to have violated the annual bluegrass quarantine must meet with a representative of the department to determine:

(a) If a violation actually occurred;

(b) How it did occur, and what corrective measures can be taken to avoid reoccurrence;

(c) How much acreage is involved and location of all plantings.

(2) Corrective procedures may be agreed upon, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved.

(3) Treated and rogued acreage is inspected by department of agriculture three times during the seedling stages to assure freedom from annual bluegrass. The violator is assessed an hourly inspection fee and a mileage fee where additional mileage is involved.

(4) Failure to mutually agree, or failure to comply with these procedures, or if it is determined the violation was willful, may be subject to the criminal and/or civil penalties provided in chapters 15.49 and/or 17.24 RCW.

ROUGH BLUEGRASS QUARANTINE

NEW SECTION

WAC 16-301-305 Rough bluegrass quarantine--Establishing quarantine. The seeds of the crop known as rough bluegrass, *Poa trivialis* and its known strains, hereinafter referred to as rough bluegrass, is a threat to grass seed production; therefore, a rough bluegrass quarantine is established to prevent the introduction of rough bluegrass into major grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure grass seed growers of a source of seed stock for planting purposes which is tested for presence of rough bluegrass. If grass seed becomes contaminated with rough bluegrass grass seed, there would

be a significant economic loss to grass growers in the state.

NEW SECTION

WAC 16-301-310 Rough bluegrass quarantine--Definitions. Definitions for terms in this chapter may be found in chapter 15.49 RCW and WAC 16-301-005, except for the purposes of WAC 16-301-305 through 16-301-355, the following definitions shall apply:

(1) "Rough bluegrass" means *Poa trivialis* and all related subspecies.

(2) "Seed stock" means those seeds of grasses which are to be planted for seed increase or with intent of seed increase.

(3) "Rough bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from rough bluegrass based on a twenty-five gram sample.

NEW SECTION

WAC 16-301-315 Rough bluegrass quarantine--Regulated area. Areas regulated under the rough bluegrass quarantine include all counties in the state of Washington lying east of the Cascade Crest.

(1) This quarantine shall not apply to:

(a) Experiments or trial grounds of the United States Department of Agriculture;

(b) Experiments or trial grounds of Washington State University experiment station; or

(c) Trial grounds of any person, firm, or corporation except that the trial ground plantings are approved by the director and under supervision of trained personnel familiar with rough bluegrass control.

(2) This quarantine shall not apply to seed production fields of rough bluegrass grown in Yakima County and that part of Benton County that lies within the Yakima River drainage.

NEW SECTION

WAC 16-301-320 Rough bluegrass quarantine--Quarantine area. Areas quarantined under the rough bluegrass quarantine include all counties in the state of Washington lying west of the Cascade Crest

and all areas outside of the state of Washington.

NEW SECTION

WAC 16-301-325 Rough bluegrass quarantine--Regulated articles. Articles regulated under the requirements of the rough bluegrass quarantine include:

(1) Seed stocks of all varieties of all grasses.

(2) Seed production fields of rough bluegrass.

(3) Rough bluegrass sown for forage or turf.

NEW SECTION

WAC 16-301-330 Rough bluegrass quarantine--Conditions governing movement of regulated articles. No seed stock may be shipped, transported, moved within, or into the rough bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of rough bluegrass on the basis of a minimum twenty-five gram analysis, except that seed stock found to contain rough bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the Washington state department of agriculture.

NEW SECTION

WAC 16-301-335 Rough bluegrass quarantine--Procedure for clearing seed stocks. Each person moving, shipping or transporting seed stock in or into the rough bluegrass quarantine regulated area must:

(1) Submit an official laboratory analysis of a representative sample showing freedom from rough bluegrass; or

(2) Submit a representative sample for testing.

NEW SECTION

WAC 16-301-340 Rough bluegrass quarantine--Seed stock containing rough bluegrass. Each lot of seed stock found to contain rough bluegrass must be placed under "stop sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under supervision of, and approved by, an agent of the department of agriculture. The nursery must be seeded in rows. It is the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the rough bluegrass thus assuring production of seed that is free of rough bluegrass. Seed increase areas are inspected by the department at least three times during the seedling year. Any areas not passing inspection must not be harvested, but instead must be destroyed by the person who planted the increase area upon order of the director of the Washington state department of agriculture or his/her agent. If not destroyed as directed, the department of agriculture may have the plot destroyed and the grower shall be liable for all expenses.

NEW SECTION

WAC 16-301-345 Rough bluegrass quarantine--Application for nursery inspection. A person must make application for nursery inspection for rough bluegrass to the department of agriculture not later than fourteen days prior to planting.

NEW SECTION

WAC 16-301-350 Rough bluegrass quarantine--Fees. Fees for sampling, analysis and nursery inspection for the presence of rough bluegrass is that fee established by the director in chapter 16-303 WAC.

NEW SECTION

WAC 16-301-355 Rough bluegrass quarantine--Violation and procedures. (1) A person who is alleged to have violated the rough bluegrass quarantine must meet with a representative of the department to discuss the allegation and determine:

(a) How it occurred;

(b) How much acreage is involved and location of all plantings;

(c) Corrective procedures, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved to avoid recurrence and minimize economic loss.

(2) Treated and rogued acreage is inspected by the department of agriculture three times during the seedling stages to assure freedom from rough bluegrass. The violator is assessed an hourly inspection fee and a mileage fee where additional mileage is involved.

(3) Any person who violates the terms of this quarantine may be subject to the criminal and civil penalties provided in chapters 15.49 and/or 17.24 RCW.

BEAN SEED QUARANTINE

NEW SECTION

WAC 16-301-365 Bean seed quarantine--Establishing quarantine. The production of edible beans and bean seed is an important industry in the state of Washington. The economic well-being of that industry is threatened by the introduction of bean seed contaminated with viral, bacterial and fungal diseases not established in the commercial production areas in Washington. The director has determined that a quarantine will be effective in preventing the introduction of these viral, bacterial and fungal diseases of beans, and that control of these diseases of beans will provide the bean growers of the state of Washington with a source of seed beans for planting purposes which are tested for the presence of these diseases.

NEW SECTION

WAC 16-301-370 Definitions. Definitions for terms in this chapter may be found in chapter 15.49 RCW and chapter 16-301 WAC, the general seed certification rules except for the purposes of WAC 16-301-365 through 16-301-440, the following definitions shall apply:

(1) "Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

(2) "Dominant I-gene cultivar" means a cultivar which has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

(3) "Recessive I-gene cultivar" means a cultivar which may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.

(4) "Diseases" means those viral, fungal and bacterial diseases of beans enumerated in WAC 16-301-380 and any new variations or strains of these identified in the future.

(5) "Quarantine Area I" means all areas west of the Continental Divide except those counties within the state of Washington subject to internal quarantine and the states of Alaska and Hawaii.

(6) "Quarantine Area II" means areas east of the Continental Divide, the counties in the state of Washington subject to internal quarantine, the states of Alaska and Hawaii and foreign countries.

(7) "Seed-borne viral diseases" includes bean common mosaic virus, adzuki mosaic virus, and other similar viral diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

NEW SECTION

WAC 16-301-375 Regulated articles. Seeds of common beans and adzuki beans intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of infected beans are regulated under the provisions of this chapter.

NEW SECTION

WAC 16-301-380 Regulated diseases. The following viral, bacterial and fungal diseases of beans, and any new strains or variations of these identified in the future, of beans are regulated under the provisions of this chapter:

Halo blight (*Pseudomonas syringae pv. phaseolicola* (Young et. al.))

Common bean blight (*Xanthomonas campestris pv. phaseoli* (Smith) Dye)

Fuscous blight (*Xanthomonas phaseoli var. fuscans* (Burk.))

Bean anthracnose disease (*Colletotrichum lindemuthianum* (Sacc. & Magn.) Scrib.)

Brown spot disease (*Pseudomonas syringae pv. syringae* (Van Hall)) strains virulently pathogenic to Phaseolus

Bean bacterial wilt (*Corynebacterium flaccumfaciens ssp. flaccumfaciens* (Hedges) Dows.)

NEW SECTION

WAC 16-301-385 Bean seed--Quarantined area. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom in the state of Washington, and all areas outside the state of Washington are established as a quarantine area. The quarantine area is further divided into two portions defined in WAC 16-301-370 (5) and (6) for the purposes of regulation.

NEW SECTION

WAC 16-301-390 Bean seed--Regulated area. The entire counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima in the state of Washington are established as a protected area within the state.

NEW SECTION

WAC 16-301-395 General requirements for planting bean seed in the regulated area. (1) No beans may be planted, sold, shipped, or transported for seed purposes in the regulated area which are found to be or are known to be contaminated with any disease listed in WAC 16-301-380.

(2) The department shall be notified in writing, prior to shipping, of any person's intent to ship, move, or transport any bean seed into the regulated area. A copy of the official certificate issued for that bean seed must accompany this notice of intent.

NEW SECTION

WAC 16-301-400 Additional requirements for planting bean seed grown in the regulated area. (1) Bean seed must be entered into the Washington state bean phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-302-045 and 16-301-235.

(2) When the director determines that an emergency condition exists because of a shortage of seed for planting purposes, beans grown for processing as edible beans may be accepted for planting purposes if the lot has been tested by means recommended by the university and approved by the director and found to be apparently free of regulated diseases.

NEW SECTION

WAC 16-301-410 Additional requirements for planting bean seed grown in quarantine Area I. (1) Bean seed from quarantine Area I must not be shipped, transported, or moved into the regulated area for planting unless the beans are accompanied by an origin official certificate showing that the beans are apparently free from the regulated diseases. Such certification shall be on the basis of at least one growing season field inspection and one windrow inspection or an approved laboratory/greenhouse test.

(2) Bean seed planted for seed increase or with intention of seed increase must be planted in fields entered into either the Washington state bean seed phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-302-045 and 16-301-235.

NEW SECTION

WAC 16-301-415 Additional requirements for planting bean seed grown in quarantine Area II. (1) Bean seed must first be planted into an approved trial ground that meets the requirements of the department.

(2) Bean seed, up to a maximum of one pound per variety, may be planted in an approved trial ground intended for research purposes, with notification to the department, plant certification program, of intent to plant and adherence to the inspection procedures in WAC 16-301-425 and such isolation and other requirements as the director may prescribe.

(3) Bean seed over one pound, intended for introduction or seed increase, must first be planted in an approved trial ground

not to exceed fifteen acres for each variety. The trial ground must be isolated from other beans by 1/4 mile. In addition, prior to planting, this bean seed must pass a laboratory/greenhouse test as recommended by the university; notification must be given the department, plant certification program, of intent to plant; and inspection procedures in WAC 16-301-425 must be complied with for trial grounds.

NEW SECTION

WAC 16-301-420 Quarantine--Exceptions and exemptions. (1) Bean seed planted for harvest as green beans for cannery or freezing, otherwise in compliance with this quarantine, is not required to be entered into an inspection program except that the department reserves the right to request complete listing and location of all the plantings and other information the department may deem necessary. Further, if at any time prior to harvest, the grower decides that the plantings are not to be harvested as green beans, the department must be notified and the plantings placed under an inspection program.

(2) This quarantine does not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the regulated area if the beans are free of diseases.

NEW SECTION

WAC 16-301-425 Inspection procedures for trial grounds. (1) Applications for planting in a trial ground must be submitted to the department prior to May 15 of the growing year, and must include a detailed varietal planting plan, a description of the exact location of the trial ground and the manner of isolation.

(2) A minimum of three field inspections is made during the growing season and one windrow inspection.

(3) A disinfectant must be applied to machinery used in the production of bean seed and to footwear of personnel performing inspections prior to movement to other bean fields.

(4) If any regulated diseases are detected by field inspections or subsequent laboratory/greenhouse tests, no seed may be released for general planting but must again be planted in an approved trial ground for one additional year and undergo inspection procedures by the department.

NEW SECTION

WAC 16-301-430 Identification and disposition of diseased bean seed and infected bean fields. (1) Any bean field planted with seed in violation of the requirements of this quarantine is subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread of regulated diseases. Any expenses of such actions will be solely that of the grower or their responsible agents.

(a) Fields that are placed under a quarantine order must be entered into the Washington state bean seed phyto-sanitary inspection program as provided in WAC 16-301-235 with all costs of inspection to be borne by the grower or the grower's agent.

(b) Fields that are placed under a quarantine order may be subject to additional requirements for inspection, control or isolation, as deemed necessary by the director, to prevent the spread of regulated diseases.

(2) Any bean field determined to be infected with a regulated disease must be reported within seventy-two hours after discovery to the department, plant certification program.

(3) The department encourages the aid of all interested parties, including growers and seed company representatives, in the prompt reporting of suspected infected bean fields in order that timely investigation may be made.

(4) Any bean fields within the boundaries of the regulated area which show contamination by a regulated disease, as provided in subsection (5) of this section, must be destroyed in part or in total as may be required to eliminate the disease, by or at the expense of the grower or their responsible agents. The director may authorize any other method of control at the director's discretion. The director must notify the grower, seed company representatives and/or the grower's landlord of the method and extent of the destruction and safeguards against disease spread in order for the parties to comply.

(5) The identity of a regulated disease on growing plants or plants in windrow is based on the observance of the visual symptoms of the disease. If the department deems it necessary to establish true identity or pathogenically, a laboratory and/or greenhouse test may be conducted by the department in cooperation with the university.

(a) In cases of disagreement concerning the presence of a regulated disease between the department plant pathologist and a qualified plant pathologist representing the commercial company or grower, the definitive verification of identity or pathogenically must be determined by isolation of the suspected pathogen and inoculation of seedlings of a known susceptible host using accepted scientific and professional techniques.

(b) Until verification of the suspected pathogen as specified in this section is completed, the involved planting must be placed under quarantine for a period of thirty days subject to conditions and review or extension as determined by the director. Entry into the quarantined area is to be restricted to the grower or grower's

agents, department employees, and/or persons authorized in writing by the director. Persons granted entry into the quarantined area will be required to take all necessary sanitary precautions as prescribed by the director to safeguard against the possible spread of the suspected regulated disease.

(6) The true identity of the regulated disease when found in or on seed is based on testing methods recommended by the university results of which, when positive, is evidence to identify the disease as being subject to the department's requirements. The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification must be made using accepted scientific and professional techniques.

(7) Exemptions and special situations:

(a) Any field of beans first found infected during windrow inspection, is exempt from total destruction if the diseased portion and an area (not less than a fifty-foot radius) surrounding the infected site is promptly destroyed or harvested with the beans from the infected area directed, under department supervision, to processing. Seed from the remainder of the field must be tested by a serology test. Only seed apparently free from regulated diseases may be used for seed purposes in the regulated area.

(b) Any field of beans to be used only for dry edible purposes is exempt from destruction if the diseased portion of the field is destroyed and the entire crop residue is promptly and completely destroyed after harvest.

(c) Beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within ten days after first detection and/or verification as provided in subsection (4) of this section and the crop residue is promptly and completely destroyed after harvest.

NEW SECTION

WAC 16-301-435 Notice of destruction. When the director finds personal property planted in violation of the terms of this quarantine or infected as described in WAC 16-301-430, the director may issue a written notice of quarantine or destruction to the owners and occupants thereof. The notice must identify the property under quarantine, order the destruction of infested plants or prescribe the terms of entry, inspection, partial destruction and/or treatment of regulated articles.

NEW SECTION

WAC 16-301-440 Penalties. In addition to actions specified in WAC 16-301-430, any grower violating the terms of this chapter, is subject to civil and/or criminal penalties provided in chapters 15.49 and/or 17.24 RCW.

BEAN SEED-BORNE VIRAL DISEASE QUARANTINE

NEW SECTION

WAC 16-301-450 Bean seed-borne viral disease quarantine--Establishing the quarantine. The production of dry edible beans and bean seed is an important industry in the state of Washington. The economic well being of that industry is threatened by the introduction of bean seed infected with bean seed-borne viral diseases. The director has determined that a quarantine is needed to protect the Washington dry bean industry and to provide the bean growers of this state a source of bean seed for planting purposes that is tested for the presence of these diseases and that bean seed-borne viral diseases cannot be effectively regulated under the terms of the existing bean seed quarantine.

NEW SECTION

WAC 16-301-455 Bean seed-borne viral disease quarantine--Regulated articles. Seeds of common beans intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of beans are regulated under the terms of the bean seed-borne viral disease quarantine.

NEW SECTION

WAC 16-301-460 Bean seed-borne viral disease quarantine--Regulated disease. Seed-borne viral diseases of beans, such as but not limited to bean common mosaic virus, and adzuki mosaic viruses

are regulated under the terms of the bean seed-borne viral disease quarantine.

NEW SECTION

WAC 16-301-465 Bean seed-borne viral disease quarantine--Quarantined area. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom in the state of Washington and all areas outside the state of Washington are established as a quarantine area for the bean seed-borne viral disease.

NEW SECTION

WAC 16-301-470 Bean seed-borne viral disease quarantine--Regulated area. The entire counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Walla Walla, Whitman, and Yakima are established as a protected area for bean seed-borne viral diseases in Washington.

NEW SECTION

WAC 16-301-475 Bean seed-borne viral disease quarantine--Requirements for planting bean seed in the regulated area. No bean seed may be planted, or sold, shipped, or transported for seed purposes, or knowingly received, into the regulated area which are known to be contaminated with bean seed-borne viral diseases and which do not comply with the requirements of the bean seed quarantine in WAC 16-301-365 through 16-301-440.

Bean seed, that otherwise qualifies, may be received for planting purposes, planted, sold, shipped, or transported if that seed meets one of the following criteria:

(1) The bean variety (cultivar) is known to be uniform for the dominant I-gene. Documentation of evidence of uniformity must accompany the seed shipment. Undocumented cultivars are subject to serology and/or grow out testing to determine freedom from bean seed-borne viral diseases.

(2) The bean seed has been tested by the serology method

(ELISA) and is found to be free from bean seed-borne viral diseases.

(3) The bean seed is tested by the serology method and is found to be positive for seed-borne viral diseases and on a subsequent grow out test, the sample is found free from bean seed-borne viral diseases.

(4) All serology tests are based on an official one pound sample of untreated bean seed for each fifty thousand pounds of bean seed or fraction thereof.

(5) All bean seed to be planted in the regulated area must have a viral disease compliance form filed with the WSDA seed program prior to planting.

NEW SECTION

WAC 16-301-480 Bean seed-borne viral disease quarantine--Identification and disposition of diseased bean seed. All bean seed that is determined to be contaminated by bean seed-borne viral diseases and which does not meet the requirements of WAC 16-301-475 must be destroyed or diverted to dry edible or other non-seed purposes. For seed that is diverted to dry edible or other non-seed purposes, documentation of disposition of the seed must be provided to the department of agriculture upon request.

(1) Seed fields entered in the Washington state bean seed phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-302-045 and 16-301-235 that display symptoms of bean seed-borne viral diseases during the growing season is subject to testing provided in WAC 16-301-475 (3) and (4) to determine final disposition.

(2) When the director determines that it is probable, based on visual symptoms and serological analysis, that a seed field may be infected with bean seed-borne viral diseases and determines that a threat of infection of other fields exists, the director may prescribe aphid control or other requirements, through a notice of destruction as provided in WAC 16-301-435, deemed necessary to prevent infection of adjacent properties.

(3) The true identity of bean seed-borne viral diseases is based on testing methods recommended by the university results of which, when positive, is evidence to identify the disease as being subject to the department's requirements. The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification must be made using accepted scientific and professional techniques.

NEW SECTION

WAC 16-301-485 Bean seed-borne viral disease quarantine--Penalties. (1) Any bean field planted with seed in violation of the requirements of this quarantine is subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread of bean seed-borne viral diseases. Any expenses of such actions will be solely that of the grower or their responsible agents.

(2) Any grower violating the terms of this quarantine, is subject to the criminal and/or civil penalties provided in chapters 15.49 and/or 17.24 RCW.

Chapter 16-302 WAC

GENERAL RULES FOR SEED CERTIFICATION

PART 1 - GENERAL SEED CERTIFICATION STANDARDS

NEW SECTION

WAC 16-302-005 Seed certification--Purpose. Under the authority of chapter 15.49 RCW, the department adopts rules to establish standards for seed certification in Washington state in order to maintain and make available sources of high quality seeds and propagating material of plant varieties so grown and distributed as to ensure genetic identity and genetic purity.

NEW SECTION

WAC 16-302-010 Agencies that certify seed in Washington state. (1) Seed certification in Washington state is conducted under the authority of chapter 15.49 RCW. The department conducts seed certification in cooperation with the WSCIA, Washington State University and AOSCA.

(2) The WSCIA is designated to assist the department in the certification of certain agricultural seeds. A memorandum of understanding between the department and the WSCIA designates WSCIA to act as the director's duly authorized agent for the purpose of certifying seed of buckwheat, chickpeas, field peas, lentils, millet, soybeans, small grain, sorghum and forest trees. The address and phone number for the WSCIA office is 414 S. 46th Avenue, Yakima, WA 98908, (509) 966-2234.

(3) The department's seed program certifies seed other than buckwheat, chickpeas, field peas, lentils, millet, soybeans, small grain, sorghum and forest trees. The address and phone number for the department seed program office is 21 N. 1st Avenue, Yakima, WA 98902, (509) 225-2630.

NEW SECTION

WAC 16-302-015 Seed classes recognized for seed certification. For the eligibility of varieties of seed refer to WAC 16-302-040. Four seed classes are recognized in seed certification, namely: Breeder, foundation, registered, and certified.

(1) Breeder seed is seed or vegetative propagating material directly controlled by the originating, or in certain cases the sponsoring plant breeder, institution, or firm. Breeder seed supplies the source for the initial and recurring increase of foundation seed.

(2) Foundation seed (identified by white tags) is first-generation seed increased from breeder seed or its equivalent. Production must be carefully supervised and approved by the certifying agency and/or the agricultural experiment station. Foundation seed is eligible to produce registered or certified seed.

(3) Registered seed (identified by purple tags) is the progeny of foundation seed that is handled as to maintain satisfactory genetic identity and purity and is approved and certified by the certifying agency. Registered seed is eligible to produce certified seed.

(4) Certified seed (identified by blue tags) is the progeny of foundation, registered or certified seed which is handled as to maintain satisfactory genetic identity and purity and is approved and certified by the certifying agency. Certified seed is not eligible for recertification for the crops certified by WSCIA, listed in WAC 16-302-550, except as provided for in WAC 16-302-035.

NEW SECTION

WAC 16-302-020 Seed standards for proprietary variety certification--Application for proprietary certification. The general seed certification standards provided for in this chapter together with the varieties eligible for seed certification constitutes the basic requirements for proprietary variety certification.

(1) The owner or designee with production or marketing rights of a proprietary variety must submit to the certifying agency a list of growers who will submit applications for certification showing the variety, acreage authorized, processor authorized, and also advising whether the variety is under genetic purity

certification or under complete certification. The list of growers must be submitted prior to the application due dates for seed certification as specified in WAC 16-302-050.

(2) Each application for seed certification received by the certifying agency is subject to approval from the list submitted by the owner with production or marketing rights of a proprietary variety.

(3) The certifying agency shall refuse certification of any seed that appears in a processing or conditioning plant not authorized by the owner with production or marketing rights of a proprietary variety.

(4) An application for seed certification may be withdrawn at any time prior to tagging. The applicant is responsible for fees due and owing when an application for seed certification is withdrawn.

NEW SECTION

WAC 16-302-025 Seed standards for genetic purity certification. All certified seed must conform to the standards of purity and identity or variety in compliance with chapter 15.49 RCW and rules adopted thereunder. The general certification standards together with the specific crop certification standards established in this chapter are the basic requirements for genetic purity seed certification:

(1) Only proprietary varieties and OECD varieties not of United States origin to be tagged under the OECD scheme are eligible for genetic purity certification.

(2) Only the specific crop certification standards established in rule which pertain to genetic purity such as land requirements and isolation, shall apply for genetic purity certification. Fields must not contain other varieties or off-type plants in excess of established standards. The grower is responsible for controlling noxious weeds to prevent seed formation.

(3) Excessive prohibited and/or objectionable weeds, poor stands, lack of vigor, or other conditions, which make inspection by the certifying agency inaccurate, may be cause for rejection of a field.

(4) Field inspection. A field inspection is made by the certifying agency each year at the time the seed crop is in bloom, or at other times as may be most advantageous to determine genetic purity. A complete record must be maintained on the condition of the field (weeds, crop mixtures, etc.) and all information reported to the authorized agent and/or grower. Upon completion of all requirements for field inspection, a final field inspection report is issued by the certifying agency that the seed produced passed genetic purity requirements.

(5) Seed standards. The certifying agency shall test all lots

to determine the purity and germination quality. Seed to be certified must not contain seeds of other varieties or off-types in excess of standards established in rule. The quality of each lot of seed represented to be certified must be that which is normally acceptable in the marketing of high quality seed. Failure to maintain acceptable quality shall be considered cause for revoking permission to participate in seed certification by genetic purity.

(6) Processing or conditioning requirements. Only those conditioning plants approved by the department Seed Program are permitted to process seed for certification. Complete records must be kept of all processing or conditioning. Blending of seed lots of the same variety from fields passing field inspections may be permitted with prior approval and if in accordance with requirements for blending. Sampling and all other operations involving certified seed must be under supervision of the certifying agency. The sample must be obtained in accordance with official sampling procedures. The entire lot must be cleaned and in condition for sale at the time of sampling. This sample must be submitted to the seed laboratory for testing to evaluate quality. Lots of questionable quality may be rejected and not eligible for certification.

(7) Certification tags for seed meeting the genetic purity standards must be clearly marked, "genetic purity certified."

(8) Fees for genetic purity certification are as established for each seed crop in chapter 16-303 WAC and the authorized agent or grower is responsible for all fees.

NEW SECTION

WAC 16-302-030 Standards for production of foundation seed. The general seed certification standards together with specific crop standards established in this chapter constitute the basic standards for production of foundation seed. Seed to be eligible for foundation certification tags, or OECD basic tags, must be approved by the originating plant breeder or his designated agent, and in compliance with the following standards:

(1) Preplanting report. A preplanting inspection, an industry responsibility, must be made of fields to be planted with breeder seed. A written report of the preplant inspection, performed by either a representative of the person issuing the contract or by the grower must be maintained by the variety owner or designee for a minimum of three years. The report shall show the grower's name, number of acres, location, crop history for the past three years, crops to be planted, origin of breeder seed, isolation status, and weed and crop present.

(2) Planting requirement. To distinguish between any possible volunteer and the crop seeded, all fields must be planted in distinct rows. Plants outside defined rows may be construed as

volunteers.

(3) Combine inspection. The combine used for seed harvesting must be cleaned and inspected prior to harvesting foundation or OECD basic seed. The combine must be free of all contaminating material. If an official combine inspection is requested, the certifying agency must be notified of the following: The date, time, and location where the combine inspection may be made.

(4) Processing plant inspection. The processing or conditioning plant must be inspected before processing foundation or OECD basic seed and periodic inspections will be made during processing by the processor.

(5) Recleaning, rebagging, preinoculation, treating, or other processes must be approved by the certifying agency. An original tag must be submitted with the request for recertification and the seed must be retagged and resealed on completion.

(6) For a proprietary variety the above combine inspection (subsection (3) of this section), and processing plant inspection (subsection (4) of this section), responsibility may be assigned to the proprietor or his designee upon their request. The variety owner or designee must maintain a report covering required inspections.

NEW SECTION

WAC 16-302-035 Limitation of generations for seed certification. The number of generations through which a seed variety may be multiplied is limited to the number specified by the originating breeder or owner of a variety except that:

(1) Unlimited recertification of the certified seed class may be permitted for crop varieties where foundation seed is not being maintained.

(2) The production of an additional generation of the certified class may be permitted on a one-year basis when:

(a) Prior to the planting season, the certifying agency states that foundation and registered seed supplies in the United States are not adequate to plant the needed acreage of the variety.

(b) Permission of the originating breeder and/or owner of the variety is obtained (if applicable).

(c) The additional generation of certified seed produced is declared to be ineligible for recertification.

NEW SECTION

WAC 16-302-040 Varieties eligible for seed certification in Washington state. (1) Only seed varieties that are accepted as meriting seed certification by an appropriate AOSCA National Variety Review Board or a member agency of AOSCA in accordance with the criteria listed in subsection (3) of this section may be eligible for seed certification in Washington state.

(2) A current list of varieties eligible for certification for the crops certified by the seed program may be obtained by contacting WSDA Seed Program, 21 N. 1st Avenue, Yakima, WA 98902, (509) 225-2630. A current list of varieties eligible for certification for the crops certified by WSCIA may be obtained by contacting WSCIA, 414 S. 46th Avenue, Yakima, WA 98908, (509) 966-2234.

(3) The following information is required for submission to an AOSCA National Variety Review Board or other certifying agency for acceptance of a seed variety for certification:

(a) A statement and supporting evidence by the originator, developer, or owner requesting certification that:

(i) The variety has been adequately tested to determine its value and probable area of adaptation, and that it merits certification; and

(ii) The variety is distinguishable from other varieties as set forth in Article 5, International Code of Nomenclature for Cultivated Plants, which reads as follows: "The term cultivar (variety) denotes an assemblage of cultivated individuals which are distinguished by any characters (morphological, physiological, cytological, chemical or others) significant for the purposes of agriculture, forestry, or horticulture, and which, when reproduced (sexually or asexually) retain their distinguishing features."

(b) A statement on origin and breeding procedure.

(c) A description of:

(i) The morphological characteristics, (such as color, height, uniformity, leaf, head or flower characteristics, etc.);

(ii) Physiological characteristics;

(iii) Disease and insect reactions; and

(iv) Any other identifying characteristics of value to field inspectors and other pertinent factors as the breeder or sponsor considers relevant.

(d) Evidence of performance, including data on yield, insect or disease resistance and other factors supporting the value of the variety. Performance tests may be conducted by private seed firms or agricultural experiment stations, and must include appropriate check varieties, which are used extensively in the area of intended usage.

(e) A statement giving the suggested region of probable adaptation and purposes for which the variety is used. This includes where the breeder of the variety has tested the variety and anticipates recommending the merchandising of it.

(f) A description of the procedure for maintenance of stock seed classes. At the time a variety is accepted for certification,

a sample lot of breeder seed is presented to the certifying agency. The sample is retained as a control varietal sample against which all future seed stock released for certified seed production may be tested to establish continued trueness of variety.

NEW SECTION

WAC 16-302-045 How may a person apply for seed certification in Washington state? If a person wishes to participate in the Washington state seed certification program, you must submit an application to the appropriate certifying agency along with the required fees (application fee, field inspection fee and late application fee if applicable):

(1) An application for seed certification must be submitted for each crop, variety and field.

(2) Applications may be obtained from a certified seed processor or the certifying agency listed in WAC 16-302-010.

(3) The applicant is responsible for payment of all fees. Washington State University, its official agents and USDA Plant Material Center are exempt from paying fees on seed stock.

(4) The applicant must attach to the application for seed certification official tags/labels and/or other verification from seed stock planted. The applicant must also attach proof of quarantine compliance when required, under chapter 16-301 WAC. Refer to chapter 16-303 WAC for appropriate fees.

(5) When it is necessary for a grower to reseed due to a failure to get a stand, the grower will retain records of seed lots used and the date of reseeding. Reseeding must be done within two years of the original planting date for grasses or within one year for all other crops. If seed stock of a different lot is used for reseeding, the grower must submit proof of seed stock used on a seedling application form. An additional application fee will be charged.

NEW SECTION

WAC 16-302-050 When is an application for seed certification submitted? (1) Seed certification application due dates are:

(a) For seed certified by the department: Alfalfa, clover, grasses and rapeseed (seedling applications) - within sixty days of planting. Seedling applications will not be accepted if received more than one hundred five days after planting.

(b) Notification of a seedling field to be harvested for certification the same year of planting is due July 31 with the

required fees.

(i) Bean - July 1.

(ii) Corn - June 1.

(2) For seed certified by the WSCIA:

(a) Buckwheat, field pea, chickpea, lentil, millet, and small grains (both winter and spring varieties) - June 1.

(b) Soybean - July 1.

(c) Sorghum - July 15.

(d) Forest tree seed certification - refer to specific crop requirements in chapter 16-319 WAC.

(3) An application for seed certification must be submitted to the certifying agency each year a grower plans to produce seed for certification of annual crops (beans, peas, grain).

(4) A renewal application for seed certification must be submitted to the certifying agency after a stand is established each year that a grower plans to produce seed for certification of perennial crops (alfalfa, clover, grass). Due dates for renewal applications are as follows:

(a) Alfalfa and clover - June 15.

(b) Grass - May 1.

(5) Applications received after the due date are assessed a late application fee.

(6) No renewal application for seed certification may be accepted after the due date if a field inspection cannot be conducted prior to harvest except at the discretion of the certifying agency.

NEW SECTION

WAC 16-302-055 What are the responsibilities of a grower when participating in the seed certification program? All growers participating in the seed certification program must:

(1) Maintain the purity and identity of seed harvested and/or farm stored, and ensures reasonable precaution is taken to control contaminating crops and varieties, noxious weeds, and seed-borne diseases.

(2) Exercise precaution to prevent seed crop and lot mixture when harvesting.

(3) Identify the seed crop as it is delivered to the processor with the assigned field number or numbers.

(4) Clean the seed crop at a seed conditioner approved by the department under WAC 16-302-125. A list of approved seed conditioners may be obtained from the department seed program.

(5) Comply with standards and procedures for seed certification under the authority of chapter 15.49 RCW and rules adopted thereunder.

(6) Prior to planting, comply with the quarantine provisions under chapter 16-301 WAC.

(7) Harvest of seed before a field inspection by the certifying agency causes forfeitures of both the application and field inspection fees, and completion of certification.

(8) Failure of seed growers to comply with the seed laws and rules is cause for the department to deny certification of seed under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

NEW SECTION

WAC 16-302-060 What are the certification requirements for seed? (1) The general seed certification rules in addition to the rules adopted on specific seed crop standards constitute the certification requirements for the seed crops listed in this chapter.

(2) Crops approved for certification for which rules are not in effect may be certified under the minimum requirements for seed certification as shown in WAC 16-301-010. Fees for certification of seed shall be the most applicable fees established by the department in rule.

NEW SECTION

WAC 16-302-065 Land history--Seed certification. Land requirements for seed certification are as established in the specific seed crop standards. When a cultural practice has proved to be successful, requirements may be modified upon written approval of the seed certifying agency. Cultural practice may include any of the following:

(1) Mechanical means such as deep plowing.

(2) Chemical means such as fumigants.

(3) Other material for seed bed preparation. Materials and methods must be a matter of record. Any practice used must be adequate to ensure varietal purity and must be approved in writing by the certifying agency. Any deviations from established land requirements must be submitted in writing to the certifying agency.

NEW SECTION

WAC 16-302-070 When is a seed field inspected by the certifying agency? The certifying agency conducts field inspections as follows:

(1) A seedling field is inspected at the most appropriate time after receipt of seedling application. If the field produces seed the same year of planting, a seedling producing inspection is made prior to harvest.

(2) Each year a crop of certified seed is produced, field inspections are made at a time when factors affecting certification are most evident.

(3) The unit of certification is the entire field standing at the time of inspection. A portion of a field may be certified if the area to be certified is clearly defined by flagging, stakes or other visual means.

NEW SECTION

WAC 16-302-075 Tolerances stated as "none found." A tolerance of "none found" for contaminating or diseased material in either field or clean seed standards means that none was found during the normal procedure of field inspection or seed sample testing. None found does not constitute a guarantee that the field or seed is entirely free of the contaminant or disease.

NEW SECTION

WAC 16-302-080 What will cause a seed field to be ineligible for seed certification? (1) A seed field is not eligible for certification unless a field inspection is made prior to defoliation or harvesting.

(2) The presence of prohibited noxious weeds or excessive objectionable weeds may be cause for rejection of a seed field. Excessive weeds, poor stands, lack of vigor, or other conditions which make inspection inaccurate may be cause for rejection. A field producing foundation or registered seed that warrants a rejection because of noxious weeds may be reclassified to certified blue tag class if upon reinspection the field meets certified blue tag standards.

(3) If a seed field is rejected for certification, the grower may reapply to the certifying agency and pay a fee for reinspection after the cause for rejection is corrected, unless otherwise specified in chapter 16-302 WAC. No more than two reinspections

are permitted for each field per year.

NEW SECTION

WAC 16-302-085 When may an applicant withdraw a field from inspection for seed certification. The applicant applying for seed certification may withdraw a field from field inspection for seed certification by notifying the certifying agency before the field is inspected.

NEW SECTION

WAC 16-302-086 Agency power to reject certification. The certifying agency shall have the authority to reject from certification any lot of seed not meeting these regulations. The agency reserves the right to refuse certification on any lot of seed if, in the opinion of the certifying agency, the color appearance, or the condition of the seed might be detrimental to the certification program. The certifying agency has the authority to refuse certification if the labeling of containers is misleading or may tend to be confusing as to its contents.

Persons found guilty of violation or misuse or abuse of these regulations shall be subject to prosecution under chapter 15.49 RCW. Proof of violation may result in removal of privileges of certifying, dealing in or handling certified seed.

NEW SECTION

WAC 16-302-090 Sampling--Methods used in the sampling, inspecting, testing, analyzing and examining seed for certification. (1) The terms used in seed testing and the methods of sampling, inspecting, analyzing, testing and examining seed for certification are those adopted by the AOSA as shown in WAC 16-301-010.

(2) The entire lot of seed must be cleaned and in condition for sale at the time of sampling. Except for ryegrass which may be sampled under the early sampling program as allowed in WAC 16-302-091.

(3) The department shall obtain a representative sample for laboratory analysis of each lot of seed for certification. The

sample shall be taken in accordance with official sampling procedures. Official sampling procedures are as follows:

Seed in bags.

(a) When more than one core is drawn from a bag, follow different paths. When more than one handful is taken from a bag, take them from well-separated points.

(b) For lots of one to six bags, sample each bag and take a total of at least five cores or handfuls.

(c) For lots of more than six bags, sample five bags plus at least 10% of the number of bags in the lot. Round numbers with decimals to the nearest whole number. Regardless of the lot size, it is not necessary to sample more than thirty bags.

Ex: No. bags in lots	7	10	23	50	100	200	300	400
No. bags to sample	6	6	7	10	15	25	30	30

(4) Bulk seed. To obtain a composite sample, take at least as many cores or handfuls as if the same quantity of seed were in bags of an ordinary size. Take the cores or handfuls from well distributed points throughout the bulk.

(5) Seed in small containers. Seed in small containers shall be sampled by taking the entire unopened container in sufficient number to supply a minimum size sample for testing. The contents of a single container or the combined contents of multiple containers of the same lot shall be considered representative of the entire lot of seed sampled.

(6) A mechanical sampling device installed in a conditioning plant approved by the department under WAC 16-302-125 may be used in lieu of the sampling procedures above.

(7) If it is necessary for a sample to be taken by the department, a sampling fee will be charged under provisions of chapter 16-303 WAC.

NEW SECTION

WAC 16-302-091 What is the program for early sampling of ryegrass? The procedure for participating in the program for early sampling of ryegrass is as follows:

(1) Any company participating in this program must submit a report to the seed program listing the grower, acreage, variety, and field number of each field to be enrolled. This report must be filed by June 15th of each year. For fields that are in their second year of production or beyond, all lab numbers of tests from the previous year must also be provided.

(2) The seed company is responsible for having their field personnel sample each field in the window. The sample must be obtained from well-distributed points throughout the field. It is recommended that samples be thrashed and cleaned prior to testing. An additional fee will be charged for samples that are not cleaned.

Samples must be forwarded to the seed program with the following information: The crop and variety, field number, grower, the name of the seed company, and a request for germination and fluorescence test. The sample must also indicate that it is being submitted under the early sampling program for ryegrass.

(3) At the time of conditioning the seed, a composite sample must be submitted to the seed program for purity testing. The sample information must indicate the seed is from a field under the early sampling program for ryegrass. In addition to providing complete certification information, the lab number on which the fluorescence test was conducted must also be provided. The seed program may run a fluorescence test on the composite sample to verify the results from the early sample.

(4) Certification tags will be issued upon completion of all required testing meeting the minimum certification standards for ryegrass. A tagging request must be filed with the seed program.

(5) Failure to comply with the requirements of this section will result in the disqualification of the seed company from the early sampling program for the year.

NEW SECTION

WAC 16-302-095 Identification of seed containers with field or lot numbers. (1) The field number must be on all seed containers or bulk seed delivery documents to ensure identity when delivered to the seed conditioner.

(2) All seed for certification must be packaged in clean, new containers of uniform weight and identified with a lot number when tagged and sealed. The lot number must identify the producer and year of production for each lot of seed. This requirement may be satisfied by use of a conditioner's code.

NEW SECTION

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	*Rorippa austriaca (Crantz) Bess.*
Field bindweed	*Convolvulus arvensis L.*
Hedge bindweed	*Calystegia Spp.*

Camelthorn	*Alhagi maurorum*
Canada thistle	*Cirsium arvense (L.) Scop.*
Dodder	*Cuscuta spp.*
Hairy whitetop	*Cardaria pubescens (C.A. Mey.)*
Hoary cress	*Cardaria draba (L.) Desv.*
Jointed goatgrass	*Aegilops cylindrica*
Leafy spurge	*Euphorbia esula L.*
Perennial pepperweed	*Lepidium latifolium L.*
Perennial sowthistle	*Sonchus arvensis L.*
Quackgrass	*Elytrigia repens (L.) Beauv.*
Knapweed complex	
Bighead	*Centaurea macrocephala*
Vochin	*Centaurea nigrescens*
Black	*Centaurea nigra*
Brown	*Centaurea jacea*
Diffuse	*Centaurea diffusa*
Meadow	*Centaurea jacea x nigra*
Russian	*Acroptilon repens L.*
Spotted	*Centaurea maculosa*
Purple starthistle	*Centaurea calcitrapa*
Yellow starthistle	*Centaurea solstitialis L.*
Serrated tussock	*Nassella trichotoma*
Silverleaf nightshade	*Solanum elaeagnifolium Cav.*
Sorghum perennial such as, but not limited to, johnsongrass, sorghum almum, and perennial sweet sudangrass	*Sorghum spp.*
Tansy ragwort	*Senecio jacobaea L.*
Yellow-flowering skeleton weed	*Chondrilla juncea L*
White cockle	*Silene latifolia (only in timothy)*
Bladder campion	*Silene vulgaris (only in timothy)*
Lepyrodiclis	*Lepyrodicilis holsteoides*
Velvetleaf	*Abutilon theophrasti*

NEW SECTION

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	*Alopecurus myosuroides*
Blue lettuce	*Lactuca tatarica*
Docks and Sorrel	*Rumex spp.*
Field pennycress (fanweed)	*Thlaspi arvense*
Field sandbur	*Cenchrus incertus*
Halogeton	*Halogeton glomeratus C.A. Mey.*
Medusahead	*Taeniatherum caput-medusea subsp. caputmedusae*
Plantains	*Plantago spp.*
Poverty weed	*Iva axillaris Pursh.*
Puncturevine	*Tribulus terrestris L.*
St. Johnswort	*Hypericum perforatum L.*
Dalmation toadflax	*Linaria dalmatica (L.) Mill.*
Yellow toadflax	*Linaria vulgaris Hill.*
Western ragweed	*Ambrosia psilostachya DC.*
Wild mustard	*Sinapis arvensis subsp. arvensis*
Wild oat	*Avena fatua L.*
Gromwell (in small grain)	*Buglossoides arvensis*
Bedstraw	*Galium spp. (in alfalfa only)*
Black mustard	*Brassica nigra (in rapeseed only)*
Brown mustard	*Brassica juncea (in rapeseed only)*
Wild radish	*Raphanus raphanistrum (in rapeseed only)*
Dyers woad	*Isatis tinctoria*

NEW SECTION

WAC 16-302-110 Completion of seed certification--When may seed be labeled with a seed certification tag, label or seal? (1) The seed certification tag, label or seal is evidence of the genetic identity and purity of the contents and is attached to a container of certified seed prior to distribution. Seed that fails to meet certification standards because of genetic purity is not eligible for labeling.

(2) Seed certification tags, labels, and seals must be obtained from the certifying agency except as allowed in WAC 16-302-390, and must be attached to seed containers under the supervision of the certifying agency.

(3) Certification of seed is valid only if the tag, label or seal is affixed to each container in accordance with the AOSCA procedures as shown in WAC 16-301-010.

(4) No tag, label or seal may be removed and reused without permission of the certifying agency.

(5) A certified seed sale certificate will be issued upon completion of final certification for all seed to be sold in bulk. This certificate must accompany any shipment or transfers including those to other seed plants, out-of-state shipments or with any brokered seed. The seed plants own invoice may be used in lieu of a certified seed sale certificate for retail sales to growers.

(6) Seed that fails to meet certification requirements on factors other than genetic purity may be designated substandard at the discretion of the certifying agency. The certification tag or label attached to the seed must clearly show the reason the seed is substandard. Seed may not be tagged substandard if the seed can be remilled to meet minimum seed standards.

(7) Refer to chapter 16-301 WAC for seed labeling requirements.

NEW SECTION

WAC 16-302-115 Limitation of liability--Certification. The issuance of a certified seed label or certificate by the certifying agency for a lot of seed affirms that seed has been produced and conditioned according to chapter 15.49 RCW and the certification rules adopted thereunder. The certifying agency makes no warranty, expressed or implied or any representation as to the freedom from disease or quality of certified seed.

NEW SECTION

WAC 16-302-120 Labeling, advertising or other representation of seed--Prohibitions. It shall be deemed unlawful if any labeling, advertising, or other representation subject to chapter 15.49 RCW represents:

(1) Seed to be certified seed or any class thereof unless it has been determined by a seed certifying agency that such seed conforms to standards of purity and identity as to species (and subspecies, if appropriate), and variety, in compliance with the rules and laws of that agency pertaining to such seed.

(2) Seed to be foundation, registered, or certified seed unless it has been inspected and tagged accordingly by a certifying agency as meeting certification standards of the department.

NEW SECTION

WAC 16-302-125 Who may condition seed in Washington state? (1) Under the authority of RCW 15.49.350, a seed conditioning facility must be inspected and approved by the department prior to conditioning seed in Washington state. Upon approval by the department, a seed conditioning permit is issued and the facility is placed on a list of approved seed conditioning plants. A copy of the list can be obtained by contacting the department seed program.

(2) A person desiring to condition seed must make application to the department for a permit on a form provided by the department.

(3) To obtain department approval for a seed-conditioning permit, the department conducts an inspection. A facility must show evidence that:

(a) Seed for certification is handled in a manner which prevents mixture of lots of seed;

(b) The seed conditioning facility is maintained and cleaned. Equipment must be easily accessible for cleaning and inspection, and must be cleaned between lots;

(c) Each lot of seed is identified with a lot number;

(d) Screenings are disposed of in accordance with chapter 15.49 RCW; and

(e) Seed is sampled in accordance with WAC 16-301-095 and 16-302-090.

(4) A seed conditioning facility must be approved by the department prior to handling seed for certification in bulk.

NEW SECTION

WAC 16-302-130 What are the responsibilities of a seed conditioner? (1) It is the responsibility of a department approved seed conditioner to operate in a manner that:

(a) Maintains the purity and identity of seed conditioned, stored, transshipped or labeled.

(b) Complies with the standards and procedures for conditioning and sampling seed in accordance with chapter 15.49 RCW and rules adopted thereunder.

(2) Prior to shipping seed out-of-state, the seed conditioner must obtain approval from the certifying agency. Refer to WAC 16-302-145 through 16-302-165 for interagency seed certification requirements.

(3) Records of all operations must be complete and adequate to account for all incoming seed and final disposition of seed.

(4) The seed conditioner is responsible for seed certification fees including sampling, testing, production and final certification fees, and may request the responsibility for additional fees.

(5) Failure of a seed conditioner to comply with the seed law and rules is cause for the department to revoke a seed conditioning permit under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

PART 2 - BLENDING OF CERTIFIED SEED

NEW SECTION

WAC 16-302-135 What considerations are there for blending seed? (1) Size of seed blend permitted is dependent on factors such as quality of seed lots to be blended and the conditioning plant facilities.

(2) A blend data sheet is filed with the certifying agency and must be maintained by the seed conditioner. Laboratory analysis must be completed before tags are issued.

(3) Seed must be blended by a seed conditioner approved by the department under WAC 16-302-125.

(4) A representative of the certifying agency may supervise the blending operation.

(5) A tetrazolium test may be used in lieu of a germination test.

(6) Upon approval of the certifying agency, field run lots of seed may be commingled to facilitate conditioning. The blend fee

shall not apply.

(7) Remill lots of seed may be blended prior to testing to facilitate processing.

(8) Individual lots of grass seed shall not contain more than one hundred eighty per pound and alfalfa and clover shall not contain more than ninety per pound of objectionable weed seeds.

(9) Individual lots must be free of prohibited noxious weed seeds.

(10) Two or more sod quality lots may be blended and tagged as a "sod quality mixture or blend." Appropriate tags will be issued and blend fee shall be applicable.

NEW SECTION

WAC 16-302-140 When are seed blends eligible for tagging prior to analysis? Blends are eligible for tagging prior to analysis of the official sample of the blend upon meeting the following conditions:

(1) The calculated percent of impurities (weeds, crop, inert, etc.) is twenty percent less than the maximum allowed in rules for seed certification.

(2) The calculated percent of germination is not less than the minimum germination standard established in the rule for seed certification.

(3) All seed lots blended meet certification standards.

(4) All lots of seed used in a registered class blend must meet registered class purity and germination standards.

(5) Fees for blending are payable to the department by the person requesting permission for the blend after completion of lab analysis. Refer to chapter 16-303 WAC for the appropriate fee.

PART 3 - INTERAGENCY SEED CERTIFICATION REQUIREMENTS

NEW SECTION

WAC 16-302-145 Interagency seed certification standards. (1) Interagency certification is the participation of two or more official certifying agencies in performing the services required to certify the same lot or lots of seed.

(2) The general rules for seed certification and specific

certification standards are basic and together with WAC 16-302-150 through 16-302-165, constitute the rules for interagency certification for Washington state.

NEW SECTION

WAC 16-302-150 Eligibility for interagency certification. (1) Seed recognized for interagency certification must be received in containers carrying official certification labels or evidence of its eligibility from another official certifying agency together with the following information:

(a) Variety and species;

(b) Quantity of seed;

(c) Class of seed; and

(d) Field or lot number traceable to the previous certifying agency's records.

(2) Seed tagged and sealed with official certification tags is eligible for interagency certification without obtaining approval from the certifying agency of the originating state.

(3) An "interagency certified seed" report form must be submitted to all certifying agencies involved. Forms can be obtained from the department seed program. Information required to complete the form includes:

Part A

- Name
- Address of shipper
- Destination
- Shipping weight
- Lot number
- Grower name
- Field number
- Date of seed shipment
- Amount of seed used

Part B and C

- Date shipment is received by the receiving state
- Receiving weight and lot number
- Clean weight
- Bag count
- New lot number if different than the receiving lot number
- Screenings weight

(4) Certified seed not tagged and sealed with official certification tags must follow the interagency certification procedure in WAC 16-302-155.

NEW SECTION

WAC 16-302-155 Interagency seed certification procedure. Certified seed that is produced in Washington state and shipped out-of-state must comply with the interagency seed certification procedure.

(1) The interagency seed certification procedure for field pea, lentil, soybean, small grain and sorghum seed is as follows:

(a) A certified seed sale certificate must be executed by the department for unprocessed seed pending final certification when moved out-of-state.

(b) Unprocessed seed pending final certification is subject to all certification fees when moved out-of-state.

(2) The interagency seed certification procedure for all other kinds of seed except field pea, lentil, soybean, small grain and sorghum seed shipped out-of-state is as follows:

(a) Obtain approval of all certifying agencies involved prior to shipment:

- Complete section (A) of "interagency certified seed" report referred to in WAC 16-302-150(3). Prior to shipment one copy of the "interagency certified seed" report must be submitted to the department seed program and one copy to the certifying agency where seed is being processed.
- Clearly mark each container with the lot number and Washington field number.

(b) Upon completion of seed processing, sections (B) and (C) of "interagency certified seed" report referred to in WAC 16-302-150(3) must be completed and submitted to the department seed program.

- If the department is to finalize certification, a representative of the certifying agency in the receiving state must draw an official sample. The sample must be submitted to the department seed program.
- When Washington state certification tags are used, the lot must be tagged and sealed under supervision of the department. The applicant must pay a mileage fee and hourly rate for all additional mileage and travel time required.
- When Washington state interagency tags are used, the tags must be mailed to the nearest representative of the certifying agency having jurisdiction for tagging.

(c) If another state receives seed and finalizes certification, the department must advise the receiving state's certifying agency of certification eligibility. Sampling, testing, and tagging shall be in accordance with the receiving state's requirements.

(d) The applicant for interagency seed certification is responsible for all fees authorized under Washington's certification program and any additional fees that may be assessed by both agencies involved. Fees for Washington's interagency certification program must be paid upon submission to the department of the "interagency certified seed" report, section (A).

NEW SECTION

WAC 16-302-160 Interagency seed certification standards--Seed produced out-of-state. (1) Certified seed produced out-of-state and shipped into Washington state for processing is eligible for Washington interagency tags only after obtaining approval from the certifying agency of the originating state. The seed must then comply with Washington certification standards.

(2) Certified seed produced out-of-state that is officially tagged and sealed must be handled under the interagency program if seals are to be broken for reinoculation or other processing. The applicant for interagency seed certification must obtain approval from the department prior to breaking the official seals and all operations must be under the supervision of the certifying agency.

NEW SECTION

WAC 16-302-165 Interagency certification requirements--Blends. Blends of different origin can be authorized only after obtaining approval from certifying agencies involved. Blends must comply with blend standards established by the department (see blending of certified seed in this chapter). Interagency tags used must show percentage of each origin involved.

NEW SECTION

WAC 16-302-170 Other considerations in applying the standards for certification. (1) Any crop certification standard, with the exception of germination that is expressed as a percent will be derived from a test based on the minimum weight for purity analysis as specified in the 2000 AOSA rules for that crop unless otherwise specified in rule.

(2) Any crop certification standard that is based on a number per pound will be derived from a test based on the minimum weight for noxious weed seed examination as specified in the 2000 AOSA rules for that crop unless otherwise specified in rule.

(3) For species that have a high rate of inherent dormancy, it will be acceptable to use the percent of total viability instead of germination percentage for certification only. State and federal seed laws require seed be labeled on a germination test.

PART 4 - PROCEDURES FOR ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT SCHEME FOR VARIETY CERTIFICATION (OECD)

NEW SECTION

WAC 16-302-210 What is the organization for economic cooperation and development? The Organization for Economic Cooperation and Development (OECD) certification scheme is an international organization limited to federal government membership. The agricultural research service of the United States Department of Agriculture is responsible for implementing the OECD seed certification schemes in the United States. The department, by virtue of an agreement with the agricultural research service, United States Department of Agriculture, is authorized to implement OECD certification in Washington state.

NEW SECTION

WAC 16-302-215 Crop standards for OECD variety certification. (1) The general and specific crop certification standards as established in rule by the department are basic and, together with the following specific standards, constitute the rules for OECD varietal seed certification.

(2) Varieties eligible for OECD certification.

(a) Crop varieties of Unites States origin shall be eligible for OECD certification only if accepted into Washington state's certification program.

(b) Crop varieties, of origin other than United States, are eligible for OECD certification only if listed in OECD publication, *List of Cultivars Eligible for Certification*.

(3) Classes of seed eligible for OECD certification.

Washington and U.S. Seed Classes	Label Color	Equivalent OECD Seed Classes	OECD Label Color
Breeder	------	Prebasic	----------
Foundation	White	Basic	White
Registered	Purple	Basic	White
Certified	Blue	1st Generation Certified Seed	Blue
Certified produced from Certified	Blue	2nd Generation Certified Seed	Red

(a) Breeder or prebasic shall be planted to be eligible to produce basic white label.

(b) Foundation white label, registered purple label, or basic

white label shall be planted to be eligible to produce 1st generation blue label.

(c) Certified or 1st generation blue label shall be planted to be eligible to produce 2nd generation red label.

(4) OECD seed stock sample. Each lot of OECD seed stock shall be sampled under supervision of the certifying agency before seals are broken. Samples are used as control for grow out test and a portion may be submitted to seed laboratory for analysis if deemed necessary. Seed stock lots without official tags will not be granted OECD approval.

(5) The department must obtain approval from the originating country for each OECD seed stock lot to be planted in the state of Washington for OECD production. Request for OECD approval is submitted by the seed program to ARS-Beltsville, Maryland, which then contacts the originating country.

(6) Application for OECD certification and fees.

(a) Applicant desiring plantings to be eligible for OECD certification must submit applications and fees as required for certification of that crop under Washington state's certification standards. Certification requirements and procedures for each species shall be the genetic standards in Washington state's certification program supplemented by OECD standards and by the limitations specified by originating country; such as, length of stand and number of seed crops eligible. All OECD seed shall be officially sampled and tested prior to tagging. Seed lots may not be required to meet Washington's minimum purity or germination certified seed standards.

(b) Washington OECD eligible lots may, with approval of both agencies involved, be blended with OECD eligible seed of other state agencies. The applicant is responsible for all fees of both agencies involved.

(c) Seed produced out-of-state and processed in Washington must be OECD tagged by the state of origin.

(7) OECD tagging and sealing. OECD tags shall be printed and issued according to OECD rules. The department seed program shall issue an OECD reference number; e.g. (USA-W-78-000), which is printed on each tag. The department recommends that OECD reference numbers be stenciled on each bag. Additional statements on the OECD tag such as, "date of sealing," etc. must be kept to a minimum.

(8) Bagging sample of OECD lot. A bagging sample of each lot of OECD seed tagged is drawn under supervision of the certifying agency. One hundred to two hundred fifty grams of the sample must be held for the originating country, and the balance of the sample is used for required post control grow-out tests.

(9) OECD certificate. The seed program shall issue an OECD certificate showing:

(a) Species,

(b) Variety,

(c) Reference number,

(d) Date of sealing,

(e) Number of containers,

(f) Weight of lot, class of seed, and

(g) OECD reference number of seed stock used for each lot tagged and sealed upon receipt of tagging report and bagging sample.

One copy of the OECD certificate is to be mailed to the shipper, one copy is mailed to ARS-USDA, one copy is attached to bagging sample and one copy is for department seed program files.

(10) OECD grow-out tests. As prescribed by OECD rules, at least one of four domestic lots tagged and all lots of foreign varieties OECD tagged must be planted in grow-out tests.

(11) Special OECD fees. In addition to fees required by applicable Washington certification rules, an additional fee shall apply to all seed tagged OECD. Refer to chapter 16-303 WAC for the appropriate fee.

All fees are payable by the person requesting OECD certificate.

PART 5 - SPECIFIC SEED CERTIFICATION STANDARDS

ALFALFA SEED CERTIFICATION STANDARDS

NEW SECTION

WAC 16-302-220 What are the standards for alfalfa seed certification. (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-225 through 16-302-240 constitute the standards for alfalfa seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

NEW SECTION

WAC 16-302-225 Land requirements for alfalfa seed certification. Land requirements for the production of alfalfa seed crop are as follows:

(1) Prior to stand establishment an alfalfa seed crop of the

same kind must not have been grown or planted on the land for four years for the production of foundation or registered class or one year for the production of certified class; except two years are required for the production of certified class seed of varieties adapted to the northern and central regions following varieties adapted to the southern region.

(2) Reseeding of an alfalfa seed field due to failure or partial failure of the first seeding may be done by referring to the guidelines in WAC 16-302-045(5).

(3) Ditchbanks, roadways, etc. adjacent to a certified alfalfa seed field must be free of volunteer alfalfa and prohibited noxious weeds.

(4) Volunteer alfalfa plants in the alfalfa seed field may be cause for rejection or reclassification of a seed field.

(5) No manure or other contaminating materials may be applied during the establishment and production period of the alfalfa seed stand.

NEW SECTION

WAC 16-302-230 Isolation requirements for alfalfa seed certification. Isolation requirements for the production of alfalfa seed crop are as follows:

(1) Alfalfa seed crop for certification must be isolated from all other alfalfa varieties or fields of the same variety not meeting varietal purity requirements for certification as follows:

	Fields less than five acres	Fields five acres or more
Foundation	900 feet	600 feet
Registered	450 feet	300 feet
Certified	165 feet	165 feet

(2) Isolation between different classes (generations) of the same variety of alfalfa seed crop must be as follows:

Class Being Produced	Distance required from fields planted with:	Fields less than five acres	Fields five acres or more
Foundation	Foundation or Registered	225 feet	150 feet
Registered	Registered or Certified	115 feet	75 feet
Certified	Certified	75 feet	45 feet

(3) In cases where an adjoining field is planted with a different variety of alfalfa, or alfalfa of a lower class, isolation may be obtained by measuring off the required strip in the certified seed crop field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire alfalfa seed field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for

isolation at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower must harvest and deliver to a department approved conditioning plant the seed from the certified portion of the field separately from the seed from isolation strip. After the seed is weighed and lotted in, the weight of the seed from the isolation strip is to be reported to the seed program. At this time the seed program records will indicate the field has passed certification.

(4) Isolation is not required in an alfalfa seed field producing certified class seed when the isolation zone is less than ten percent of the entire field being certified if there is a clear ten-foot line of demarcation between adjacent varieties. The isolation zone is the area calculated by the length of the common border with other varieties by average width of the certified field falling within the one hundred sixty-five-foot isolation distance requirement.

NEW SECTION

WAC 16-302-235 Field tolerances for alfalfa seed certification. Field tolerances for the production of alfalfa seed are as follows:

	Field Producing*		
	Foundation	**Registered**	**Certified**
Other varieties	0.1%	0.5%	1.0%
Sweet Clover	none found	5 plants/acre	10 plants/acre
Red Clover	none found	4 plants/acre	20 plants/acre

* Prohibited noxious weeds must be controlled to prevent seed formation.

NEW SECTION

WAC 16-302-240 Seed standards for alfalfa seed certification. (1) Seed standards for the production of alfalfa seed are as follows:

Purity	**Foundation**	**Registered**	**Blue Tag Certified**
Pure seed (minimum)	99.00%	99.00%	99.00%
Other crops (maximum)	.10%	.10%	.25%
Sweet clover (maximum)	none found	none found	90 per lb.
Inert matter (maximum)	1.00%	1.00%	1.00%
Weed seed (maximum)	.10%	.20%	.25%

Purity	Foundation	Registered	Blue Tag Certified
Objectionable weed seeds (maximum)	none found	none found	18 per lb.
Germination (Min. total of germination and hard seed)	80.00%	85.00%	85.00%
or *Tetrazolium* (Min. total of Tetrazolium and hard seed)	82.00%	87.00%	87.00%

(2) Alfalfa seed must be free of prohibited noxious weed seeds and foundation class must be free of Brassica spp.

(3) One pound of seed will be examined for the presence of dodder.

BEAN SEED CERTIFICATION STANDARDS

NEW SECTION

WAC 16-302-245 What are the standards for bean seed certification. (1) The general seed certification standards and definitions in this chapter are basic and together with WAC 16-302-250 through 16-302-270 constitute the standards for bean seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

(3) Prior to the planting of bean seed stock, the seed must be in compliance with the quarantine requirements found in chapter 16-301 WAC in order to be eligible for certification. Any seedling application submitted without proof of quarantine compliance will not be accepted into the certification program. Any seed field planted in violation of chapter 16-301 WAC will be subject to the procedures in WAC 16-301-435, 16-301-440, and 16-301-485.

NEW SECTION

WAC 16-302-250 Definitions. For the purposes of WAC 16-302-245 through 16-302-270, the following definitions shall apply in addition to the definitions found in chapter 16-301 WAC:

"Adzuki bean" means Vigna angularis.

"Dominant I-gene cultivar" means a cultivar that has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-

gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

"Diseases" means those viral, fungal, and bacterial diseases of beans enumerated in WAC 16-494-013 and any new variations or strains of these identified in the future.

"Recessive I-gene cultivar" means a cultivar that may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.

"Seed-borne viral diseases" includes bean common mosaic virus, adzuki common mosaic virus, and other similar viral diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

NEW SECTION

WAC 16-302-255 Land requirements for bean seed certification. Land requirements for the production of bean seed are as follows:

(1) A field to be eligible for the production of certified class must not have been planted to beans of a different variety the preceding three years.

A field to be eligible for the production of foundation or registered classes must not have been planted to beans for the previous three years unless those beans were of the same variety of equal or higher class. The fields must be free of bacterial diseases during the previous two years of planting.

(2) A bean field is not eligible for production of certified seed for more than two consecutive years.

NEW SECTION

WAC 16-302-260 Field tolerances and requirements for bean seed certification. (1) Field tolerances and requirements for the production of a bean seed crop are as follows:

	Field Producing*		
	Foundation	Registered	Certified
Other varieties or off-type plants	none found	0.1%	0.2%
Other crops	none found	0.1%	0.1%
Total seed-borne diseases**	none found	none found	none found

* Except as noted in subsection (6) of this section.
** Except as noted in subsection (7) of this section.

(2) Snap and kidney beans must be isolated by 1320 feet from

known bacterial blight.

(3) The following requirements apply to bean seed certification:

(a) Pintos, red mexicans, pinks, great northern, small whites, navy beans, and black turtle beans may be grown for an unlimited number of generations under rill or sprinkler irrigation.

(b) Kidney beans, cranberry types, Taylor horticultural types, and Borlotto types may be grown for an unlimited number of generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. The fourth and unlimited subsequent generations may be grown and inspected with the same alternation of irrigation types.

(4) Bean fields must be rogued of weeds, off-type plants, volunteer plants, and plants showing symptoms of seed-borne diseases. Excessive nightshade shall be a cause for rejection.

(5) For a bean field to be eligible for certification it must be clean and have boundaries that are clearly defined and a minimum of 36" which is adequate to prevent mechanical contamination.

(6) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of a bean field.

(7) Bean fields, including those planted with a dominant I-gene cultivar, are allowed the following levels of bean seed-borne virus diseases in the field: For foundation class, none; for registered class, .5% and for certified class 1.0%.

NEW SECTION

WAC 16-302-265 Seed field inspection requirements for bean seed certification. Seed field inspection requirements for the production of bean seed are as follows:

(1) When factors affecting certification are most evident. The second inspection, when required, shall be a windrow inspection.

(2) A serology or a grow out test to verify presence of seed-borne diseases in beans may be required if the applicant, or the certifying agency deems it necessary as allowed under WAC 16-301-480(1).

NEW SECTION

WAC 16-302-270 Seed standards for bean seed certification. Seed standards for the production of bean seed are as follows:

(1)

Purity	Foundation	Registered	Certified
Pure seed (Min.)	98%	98%	98%
Other crops & varieties (Max.)	none found	none found	2/100 lbs.
Badly damaged seed (Max.)		2%	2%
Inert matter (Max.)		2%	2%
Splits (Max.)		2%	2%
Weed seed (Max.)		none found	none found
Germination (Min.)		85%	85%

(2) Total inert matter, splits, and badly damaged bean seed shall not exceed 2% except for foundation class.

(3) Laboratory test reports state the percent of discolored beans for information only.

(4) Rough handling of bean seed in the combine or cleaning plant reduces germination materially. Precautions must be taken against such treatment and the seed safeguarded against high drops.

CORN SEED CERTIFICATION STANDARDS

NEW SECTION

WAC 16-302-275 What are the standards for corn seed certification. (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-280 through 16-302-315 constitute the standards for corn seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

NEW SECTION

WAC 16-302-280 Eligibility for corn seed certification. Eligibility for corn seed certification is as follows:

(1) Foundation corn inbred lines:

(a) For the purposes of corn seed certification, the propagation of male sterile inbred lines is subject to the same requirements and rules as apply to foundation single crosses in subsection (2) of this section.

(b) An inbred line must be a relatively true breeding strain of corn resulting from at least five successive generations of

controlled self-fertilization; or at least five generations of back-crossing to a recurrent parent with selection; or its equivalent.

(c) Inbred lines increased by hand pollination are eligible for corn seed certification.

(d) An inbred used as a pollinator in a foundation single cross production corn field may be certified if all the seed parents in the isolated corn field are inspected for certification and meet all field requirements for certification.

(e) Addition of specific genetic factors to a line of corn.

(i) When a specific genetic factor(s) is added to an inbred line, the line must be backcrossed to its recurrent parent at least five generations. The line shall be homozygous for the specific genetic factor(s) except for the pollen restoration factor(s), and the genic male sterile maintainer line.

(ii) For a recovered pollen restorer inbred line, selection must be relative to a specific cytoplasmic male sterile source.

(iii) The originator must supply proof of the genetic nature of a recovered line.

(iv) A genic male sterile maintainer line, consisting of duplicate-deficient and male-steriles in an approximate one to one ratio must be no more than two generations removed from breeder's seed. The maintainer must be designated according to generation as:

(A) Breeder seed: The hand pollinated selfed seed from a known duplicate-deficient plant heterozygous at a particular male sterile locus.

(B) Foundation I seed: The product of random-mating among fertile plants arising from breeder seed.

(C) Foundation II seed: The product of random-mating among fertile plants arising from foundation I seed.

(v) A genic male sterile line must be a strain homozygous for a particular male sterile recessive allele.

(vi) The genic male sterile lines shall be identified as to the recessive genes they carry, e.g., B37 ms-1, N26 ms-10. The maintainer lines must be identified not only for the male sterile gene for which it is heterozygous, but also for the specific translocation from which it was derived, e.g., B37 Mt-1 ms-1, N28 Mt-1 ms-10.

(2) Foundation corn single crosses:

(a) Foundation single cross. A foundation single cross must consist of the first generation of a cross between: Two inbred lines; an inbred line and a foundation back cross; or two foundation back crosses.

(b) Foundation back-crosses:

(i) A first generation foundation back cross must be the first generation cross between a foundation single cross of related inbred lines and an inbred line which must be the same as one of the inbreds in the foundation single cross.

(ii) A second generation foundation back cross must be made by using a first generation back cross as the seed parent and the pollinating parent shall be an inbred line. The inbred line must be the same as the inbred parent used in making the first

generation back cross seed parent.

(c) A male sterile line may be substituted for its fertile counterpart as one parent of a foundation single cross if the male sterile line has been backcrossed for not less than five generations to its fertile counterpart, or the male sterile line is the same in other characteristics as its fertile counterpart.

(d) Male sterile lines propagated by hand pollination will be are eligible for certification.

(e) A pollen restoring line may be substituted for its nonrestoring counterpart in a foundation single cross if the pollen restoring line is the same in other characteristics as its nonrestoring counterpart.

(3) Hybrid corn seed:

(a) Hybrid corn seed is seed to be planted for the production of feed or for use other than seed. It may be any one of the following:

(i) Double cross - the first generation cross between two foundation single crosses.

(ii) Three-way cross - the first generation cross between a foundation single cross as one parent and an inbred line or a foundation back cross as the other parent.

(iii) Single cross must consist of the first generation of a cross between: Two inbred lines; an inbred line and a foundation back cross; or of two foundation back crosses.

(b) Foundation single cross seed and foundation back cross seed planted for the production of double cross, single cross, or three-way cross hybrid corn seed must be completely certified by a recognized seed certifying agency.

(c) Inbred line seed planted for the production of single cross or three-way cross hybrid corn seed to be used for grain or forage production must meet the requirements for the definition of an inbred line (as provided for in subsection (1)(b) of this section) and be certified.

(d) Only the class "certified" is recognized.

(4) Inbred seed and the seed of each parent for single crosses must meet one of the following requirements:

(a) Be in the hands of the originator;

(b) Be a line obtained directly from the originator;

(c) Be a line obtained from a state agricultural experiment station;

(d) Be a line obtained from the United States Department of Agriculture; or

(e) Be certified. Evidence of eligibility must be a certification tag taken from the seed planted.

NEW SECTION

WAC 16-302-285 Field inspection for corn seed certification. A representative of the certifying agency makes a minimum of three field inspections during the pollinating period for certification of corn seed. When the previous crop was corn, at least one additional inspection is made to verify that the field is sufficiently free of volunteer plants from the previous crop. Field inspections may be made without giving prior notice to the grower.

NEW SECTION

WAC 16-302-290 Field standards for corn seed certification. Except for hybrid corn field standards for corn seed certification are:

(1) Corn seed isolation requirements are:

(a) An inbred must be so located that it is not less than 660 feet from other corn except when the inbred is grown as a pollinator in a single cross production field. Any ear parent(s) in the same isolated field must be entered for certification, inspected, and meet all field requirements for certification.

(b) A specific foundation single cross must be located so the seed parent is not less than six hundred and sixty feet from other corn for pollinator rows and other seed parent(s) in the same isolated field. All seed parent(s) in the same isolated field must be applied for certification, inspected, and meet all field requirements for certification.

(c) Differential maturity dates are permitted for modifying isolation distances for inbred lines or male sterile inbred line increases if there are no receptive silks in the ear or seed parent at the same time pollen is being shed in the contaminating field.

(d) Foundation inbred or single cross production fields of dent sterile popcorn need not be isolated from yellow dent field corn.

(e) Corrections for improper isolation must be made by one of the following methods:

(i) By completely destroying or by detasseling the necessary contaminating corn before silks appear in the ear or seed parent in the field to be certified; or

(ii) By completely destroying the plants which are improperly isolated from the contaminating corn before the final field inspection.

(2) For corn single crosses, nine feet is the maximum distance a seed parent row must be from a pollen parent row.

(3) For corn single crosses, the minimum population of pollen shedding plants per acre is two thousand. Ineffective pollen parent plants must not be counted.

(4) Corn single cross fields being inspected for certification must contain not less than four hundred pollen plants per acre that are actively shedding pollen when more than twenty-five percent of the seed parent silks are apparently receptive.

(5) Corn single cross detasseling or pollen control. More than five percent of the seed parent must have apparently receptive silks for the following provisions to apply. Apparently receptive silks are emerged silks which are not wilted or brown.

(a) An isolation of a specific foundation single cross is not accepted for certification if at one inspection more than one-half percent of the stalks of the seed parent have shed pollen, or if the total number having shed pollen on any three days of inspection exceeds one percent.

(b) Cytoplasmic male sterile seed parent plants; detasseling (cutting or pulling) to control plant pollen is permitted.

(6) Corn field roguing:

(a) Definitely off-type plants must be destroyed completely so that suckers do not develop. Plants showing definite hybrid vigor or a definitely different type from the inbred or parent being inspected are classified as definitely off-type.

(b) For inbred lines, an isolation in which more than one-tenth of one percent (one per one thousand) of definitely off-type plants have shed pollen, when at the same time more than five percent of the plants have apparently receptive silks, is not certified.

(c) For single crosses, an isolation in which more than one-tenth of one percent of definitely off-type plants are present in the seed parent, when the silks have turned brown, is not eligible for certification.

(d) Sucker tassels and portions of tassels of off-type plants is counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two has the anthers extended from the glumes.

NEW SECTION

WAC 16-302-295 Field standards for hybrid corn seed certification. Field standards for hybrid corn seed certification are:

(1) Hybrid corn seed isolation:

(a) A specific hybrid must be located so that the seed parent is not less than six hundred and sixty feet from corn of a different color or texture with the following exceptions:

(i) Hybrid seed production fields of dent sterile popcorn need not be isolated from yellow dent field corn; or

(ii) When the contaminating corn is of a different color or texture aggregating less than one-fourth acre on one exposure, the isolation distance may be modified in accordance with the table

listed in this section.

(2) A specific hybrid corn must be located so that the seed parent is not less than four hundred and fifteen feet from other corn of the same color or texture. The planting of pollen parent border rows and the size of the crossing field according to the following table may modify this distance.

Field Size* = 1-20 Acres		Field Size* = 21 Acres or more	
Distance from other corn in feet	Minimum border rows required	Distance from other corn in feet	Minimum border rows required
415	0	415	0
395	1	375	1
375	2	330	2
355	3	290	3
330	4	250	4
310	5	210	5
290	6	165	6
270	7	125	7
250	8	85	8
230	9	45	9
210	10	less than 45	10
185	11		
165	12		
145	13		
125	14		
105	15		
85	16		

* Different dates of planting will not divide a field for isolation purposes but may divide the field for detasseling inspection.

(a) The border rows and pollen parent rows must be planted with certified first generation seedstock, must be shedding pollen simultaneously with silk emergence of the seed parent and must not be separated from the seed parent by more than thirty-three feet.

(b) A field planted with the same eligible pollen parent may be used as an isolation buffer if it is applied for certification, inspected and meets field requirements for certification.

(c) Full credit is not given where poor stands of border corn exist, where the border rows have been detasseled, or where, for any reason, the border rows are not shedding pollen as plentifully as the pollen parent rows. Because of the difficulty of obtaining and maintaining a good stand of corn, the planting of more than the minimum number of border rows is recommended.

(d) The maximum distance a seed parent row shall be from a pollen parent row is fifteen feet.

(3) Corrections for improper isolation of hybrid corn must be made by one of the following methods:

(a) By completely destroying or by detasseling the necessary contaminating corn before silks appear in the seed parent in the field to be certified; or

(b) By completely destroying the seed producing plants that are improperly isolated from contaminating corn before the final field inspection.

(4) Hybrid corn detasseling or pollen control. More than five percent of the stalks of the seed parent must have apparently

receptive silks for the following provisions to apply. Apparently receptive silks are emerged silks which are not wilted or brown.

(a) An isolation is not accepted for certification if upon inspection by the certifying agency more than one percent of the stalks of the seed parent have shed pollen, or if the total number having shed pollen on any three days of inspection exceeds two percent.

(b) When more than one combination of hybrid corn is grown in the same isolation and the seed parent of one or more is shedding pollen in excess of one percent, all seed parents having five percent or more apparently receptive silks at the time is disqualified for certification unless adequately isolated from the shedding seed parent.

(c) Sucker tassels and portion of tassels are counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two have the anthers extended from the glumes.

(5) A male sterile seed parent may be used to produce certified hybrid corn seed by either of two methods:

(a) Seed of the normal fertile seed parent is mixed with the seed of the male sterile seed parent of the same pedigree either by blending in the field at harvest or by size at conditioning time. The ratio of male sterile seed parent seed to normal seed parent seed does not exceed two to one.

(b) The male parent involves a certified pollen restoring line or lines so that not less than one-third of the plants grown from the hybrid corn seed produce pollen that appears to be normal in quantity and viability.

(6) Hybrid corn roguing:

(a) Definitely off-type plants in a parent line planted for the production of single cross or three-way cross hybrid corn seed to be used for grain or forage production must be completely destroyed so that suckers do not develop.

(b) Plants showing definite hybrid vigor or a definitely different type from the parent being inspected must be classified as definitely off-type.

(c) An isolation in which more than two-tenths of one percent of definitely off-type plants in the parent or parents have shed pollen, at a time when more than five percent of the seed parent plants have apparently receptive silks, is disqualified for certification.

NEW SECTION

WAC 16-302-300 Seed inspection for foundation corn single crosses and inbred lines certification. The following applies for certification of corn single crosses and inbred lines: When excessive off-type or different textured kernels are observed at

the time of ear inspection by the certifying agency and the off-type kernels are detectable in the shelled seed, the seed certification applicant may have the option of shelling the ears to attempt to remove the kernels by mechanical or other means. The sampled seed after conditioning must not contain in excess of three-tenths of one percent of the off-type kernels.

NEW SECTION

WAC 16-302-310 Seed inspection and standards for hybrid corn seed certification. Seed inspection and standards for hybrid corn seed certification are as follows:

(1)	Genetic Factor	Standard Certified Class
	Other varieties and off-types (maximum)	0.5%
	Off-textured kernels in opaque 2, flowery 2 and waxy (maximum)	1.0%
(2)	**Quality Factors**	**Standards**
	Pure seed (minimum)	98.0%
	Total other crops - including other varieties (maximum)	0.5%
	Total weed seed (maximum)	None found
	Total inert matter (maximum)	2.0%
	Germination (minimum)	90.0%
	Moisture (maximum)	14.0%

NEW SECTION

WAC 16-302-315 Ear inspection and winter growouts for certification of foundation corn single crosses and inbred lines. Ear inspection and winter growouts for certification of foundation corn single crosses and inbred lines are:

(1) Foundation single crosses and inbred lines is either inspected in the ear or included in a winter growout.

(2) Foundation corn single crosses and inbred lines for ear inspection are inspected by the certifying agency after the applicant for seed certification indicates the seed is sorted and ready for inspection.

(3) A corn seed lot must not contain in excess of one-tenth of one percent of definitely off-type ears, or more than five-tenths

of one percent of ears with off-colored or different textured kernels which would not exceed a total of twenty-five off-colored seeds, or different textured kernels per one thousand ears.

(4) Winter growouts for foundation corn single crosses and inbred lines:

(a) When differential maturity dates or detasseling within the required isolation distance are permitted for modifying isolation distances for corn foundation male sterile inbred line increases or foundation inbred lines, winter growouts are required in addition to other standards.

(b) The applicant may choose to have a winter growout in lieu of ear inspection.

(c) Seed shelled before ear inspection must be included in a winter growout.

(d) Standards for winter growouts are:

(i) Percentage of off-types allowed must not exceed one percent.

(ii) Growouts are made on one round and/or flat separation, or on individual grade sizes.

(iii) The inspection fee for winter growouts are charged to the applicant for seed certification at actual cost.

GRASS SEED CERTIFICATION STANDARDS

NEW SECTION

WAC 16-302-320 What are the standards for grass seed certification? (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-325 through 16-302-360 constitute the standards for grass seed certification.

(2) Each lot of seed stock subject to the annual bluegrass and rough bluegrass quarantine as established in chapter 16-301 WAC must be in compliance with the quarantine requirements prior to planting in order to be eligible for certification. Any seedling application submitted without proof of quarantine compliance will not be accepted into the certification program. Any seed field planted in violation of chapter 16-301 WAC will be subject to the violation procedures under WAC 16-301-295 and 16-301-355.

(3) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

NEW SECTION

WAC 16-302-325 Land requirements for grass seed certification. (1) Land requirements for production of grass seed are as follows:

(a) A grass field planted with breeder seed for the production of foundation seed must not have been seeded to the same species, subspecies, variety, or strain of grass during the preceding five years of planting. The field must be planted in spaced rows. The five-year eligibility may be waived to three years with the use of fumigants and other short-term soil sterilization chemicals with prior approval of the certifying agency.

(b) A grass field planted with foundation seed for the production of registered seed must not have been seeded to the same species, subspecies, variety, or strain of grass during the preceding three years.

(c) A grass field planted with foundation, registered, or certified seed for the production of certified seed must not have been seeded to the same species, subspecies, variety or strain of grass during the preceding year from planting unless the previous planting was of the same variety and eligible to produce foundation, registered or certified seed.

(d) Reseeding of a grass field because of failure or partial failure of the first seeding may be done by referring to the guidelines in WAC 16-302-045(5).

(e) Grasses of the same kind growing in fencerows and other areas adjacent to the field must be controlled to prevent blooming.

(f) Prohibited noxious weeds in the field, or on ditchbanks, roadways, etc., adjacent to a certified field shall be controlled to prevent seed formation.

NEW SECTION

WAC 16-302-330 Field isolation requirements for grass seed certification. (1) The field isolation requirements for grass seed are as follows:

(a) A seed field eligible for the production of foundation, registered or certified seed must be isolated from any other variety or strain of the same species in accordance with the requirements in the following table:

	Minimum Isolation Distance Required for Fields Producing:		
Symbol for Type of Reproduction	**Foundation**	**Registered**	**Certified**
Strains at least 80%			
Apomictic A	60 feet	30 feet	15 feet clean fallow

Symbol for Type of Reproduction	Minimum Isolation Distance Required for Fields Producing: Foundation	Registered	Certified
Highly Self-Fertile Species--S	60 feet	30 feet	15 feet clean fallow
All cross-pollinated Species--C	900 feet	300 feet	165 feet

(b) A seed field that is eligible for the production of foundation or registered seed must be isolated from different classes of the same variety of cross-pollinated (C) species in accordance with the requirements in the following table:

Class Seed Planted	Class Seed Produced	Distance Required From Nearest Field Producing:	
Breeder	Foundation	Registered	150 feet
Breeder	Foundation	Certified	225 feet
Foundation	Registered	Certified	75 feet

(c) Isolation is not required in fields producing certified class seed when the isolation zone is less than ten percent of the entire field being certified if there is a clear (ten feet) line of demarcation between adjacent varieties. The isolation zone is the area calculated by the length of the common border with other varieties by average width of the certified field falling within the one hundred sixty-five feet isolation distance requirement.

(d) A field eligible for the production of foundation, registered or certified seed must be isolated from classes of the same variety of apomictic (A) and self-fertile (S) species in accordance with the following requirements:

(i) A field producing foundation or registered seed must be a minimum of fifteen feet from a field planted with a different class of the same variety.

(ii) A field producing certified seed must be a minimum of five feet from a field planted with a different class of the same variety.

(e) If it is not possible to provide minimum isolation distances for fields producing foundation, registered or certified seed exceeding five acres in area, border removal is permitted. Border removal requires removal of the portion of the field being certified that is adjacent to a contamination source. The following requirements apply if the grower uses border removal:

(i) The minimum distances required for border removal are as follows:

Border to be removed from the field being certified	Minimum Isolation Distance Required for Fields Producing: Foundation	Registered	Certified
0 feet	900 ft.	300 ft.	165 ft.
15 feet	450 ft.	150 ft.	75 ft.

(ii) The grower must apply for seed certification of the

entire field and clearly stake off the border removal portion before inspection of the field by the certifying agency.

(f) The border removal portion of the field may be harvested for uncertified seed under the following conditions:

(i) The entire field must pass all certification requirements except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(ii) The grower must harvest and deliver to a department approved conditioning plant the seed from the certified portion of the field separately from the seed from the isolation strip. After the seed is weighed and lotted in, the weight of the seed from the isolation strip is to be reported to the seed program. At this time the seed program records will indicate the field has passed certification.

NEW SECTION

WAC 16-302-335 Field inspection tolerances for grass seed certification. (1) Field tolerances for the production of foundation, registered or certified grass seed are as follows:

Maximum other varieties permitted in fields producing:

Foundation:	0%
Registered:	0.5%
Certified:	2%

(2) Prohibited noxious weeds must be controlled to prevent seed formation.

NEW SECTION

WAC 16-302-385 Grass seed standards for certification. The seed standards for grass shall be as follows:

		SEED STANDARDS												
		MINIMUM % GERM (d)		MINIMUM % PURE		MAXIMUM % INERT		MAXIMUM % WEEDS (b)		MAXIMUM % OTHER CROPS		MAXIMUM SEEDS OF OTHER CROP GRASS SPECIES		
CROP AND TYPE OF REPRODUCTION AS PER WAC 16-302-330		FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. (i) REG. (i)	CERT. (a)	FNDT. SEEDS/LB.	REG. SEEDS/LB.	CERT. %
BLUEGRASS														
Big	(A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25
Canby	(A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25
Kentucky	(A)	80	80	97	97	3	3	.05	.3	.1	.5	45 /lb.	454 /lb.	.25
Canada, Upland	(A)	80	80	96	92	4	8	.05	.3	.1	.5	45 /lb.	907 /lb.	.25

CROP AND TYPE OF REPRODUCTION AS PER WAC 16-302-330		MINIMUM % GERM (d)		MINIMUM % PURE		MAXIMUM % INERT		MAXIMUM % WEEDS (b)		MAXIMUM % OTHER CROPS		MAXIMUM SEEDS OF OTHER CROP GRASS SPECIES		
		FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. (i) REG. (i)	CERT. (a)	FNDT. SEEDS/LB.	REG. SEEDS/LB.	CERT. %
BROMEGRASS														
Smooth & Meadow	(C)	80	85	95	95	5	5	.05	.3 (c)	.1	.5	9 /lb.	91 /lb.	.25
Mountain & Sweet	(C)	85	85	95	95	5	5	.3	.3 (c)	.1	1.0	9 /lb.	91 /lb.	.25
DEERTONGUE	(C)	50	50	97	95	3	5	.50	.5 (c)	1.0	1.0	1%		
FESCUE														
Tall & Meadow	(C)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	18 /lb.	91 /lb.	.25
Hard & Sheep (m)	(C)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
Chewings Red, Idaho and other Fescue	(C)	80	90	95	97	5	3	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
ORCHARDGRASS	(C)	80	85 80 for	85 penlate	90 & latar	15	10	.03	.3 (c)	.1	.5	27 /lb.	91/lb.	.25
RYEGRASS		85	90	96 (k)	97 (k)	4	3	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
Pennfine	(C)	80	85	96 (k)	97 (k)	4	3	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
TIMOTHY		80	85	97	97	3	3	.1	.3	.1	.5	9 /lb.	45 /lb.	.25
WHEATGRASS (n)														
Beardless	(C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Bluebunch	(C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Indermediate, Tall	(C)	80	85	95	95	5	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Pubescent	(C)	80	85	95	95	5	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Western, R/S Streambank, Thickspike	(C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Slender	(S)	80	85	90	95	10	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Crested & Siberian	(C)	80	85	90	95	10	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
INDIAN RICEGRASS	(C)	80(j)	80 (j)	95	90	5	10	.3	.5	.5	1.0	9 /lb.	45 /lb.	.25
PUCCINELLIA (n) distans	(C)	80	80	90	95	5	5	.3	.5	.5	1.0	45 /lb.	454 /lb.	.25
WILDRYE (n)	(C)	80	80	90	90	10	10	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
BENTGRASS	(C)	85	85	98	98	2	2	.3	.4 (f) (g)	.2	.6 (h)			
REDTOP	(C)	80	80	92	92	8	8	.3	.5 (f)	.5	.2			
Ann. CANARYGRASS	(C)	85	85	99	99	1	1	.1	.3	1/lb.	3/lb.			-
GREEN NEEDLEGRASS	(C)	80	80	80	80	20	20	.1	.3(c)	.1	.5	-	-	
SWITCHGRASS	(C)	60	60	90	90	10	10	.5	1.5	.1	.25			

The following (a) - (n) are notes to the above table.

(a) Not to exceed .25% other grass species for blue tag seed.

(b) Grass seed must not contain more than 45/lb. for registered seed 91/lb. for certified seed, singly or collectively, of objectionable weed seeds. (See (f) of this subsection for certified bentgrass and redtop exemption.) Grass seed shall be free of the seed of prohibited noxious weeds.

(c) A tolerance of 0.5% may be allowed for samples containing weedy bromus spp provided the total of all other weed seeds does not exceed 0.3%.

(d) A standard tetrazolium (two hundred seed) test may be used in lieu of germination test. NOTE: State and federal seed laws require seed be labeled on a germination test.

(e) A tolerance of 0.8% may be allowed in registered and certified wheatgrass containing small grain seed provided the total of all other crop seed does not exceed 0.1% for registered class and 0.5% for certified class.

(f) Certified seed must not contain over 907 seeds per pound, singly or collectively, of the following weeds: Plantago spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

(g) A maximum of .50% weed seed may be allowed in certified bentgrass containing silver hairgrass provided the total of all other weed seed does not exceed .40%.

(h) 1.50% other fine bentgrasses and .50% redtop may be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.

(i) A crop exam is required for all registered and foundation class grass seeds.

(j) Or 70% by Tz test.

(k) Maximum other ryegrass allowed as determined by fluorescence test: Foundation 0.1%, registered 1%, certified 2% for annual and 3% for perennial containing a minimum of 97% total ryegrass. Acceptable fluorescence levels for specific varieties available upon request.

(l) 85% minimum germination allowed on ryegrass varieties as designated by the breeder or variety owner. See list maintained

by the seed program.

(m) An ammonia test is required on hard and sheep fescue to determine presence of other fescue sp. Other fine-leaved fescue found in the ammonia test will be included with other crop not other grass species.

(n) Total viability as allowed in WAC 16-302-170 can be substituted for germination percentage.

NEW SECTION

WAC 16-302-390 Inspection and final grass seed certification fees--Options. Inspection and final grass seed certification fees are based on the following options:

(a) **Option A** - certification is based on pounds of seed sampled, and billed at completion of required laboratory tests, the fees are:

(b) **Option B** - certification is based on dealers requesting sampling and tagging privileges. Seed dealers must sign a memorandum of agreement with the department that expires on June 30 of each year. The memorandum may be terminated by the director if the dealer violates certification standards or requirements of memorandum. Payment of fees is the responsibility of the conditioner under this program. Upon termination or nonrenewal of the memorandum of agreement, the dealer is responsible for Option A fees on all certified seed not tagged at termination date. A dealer choosing this program must handle all certified grasses in his warehouse under this program for the entire crop year.

Fees are as established in chapter 16-303 WAC.

SOD QUALITY CERTIFICATION

NEW SECTION

WAC 16-302-395 What are the standards for sod quality seed certification? (1) The general seed certification definitions and standards in this chapter and the grass seed certification standards are basic and together with WAC 16-302-400 through 16-302-410 constitute the standards for sod quality seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

NEW SECTION

WAC 16-302-400 Varieties eligible, certification fees, land and isolation requirements and field tolerances. The varieties eligible and certification scheme of each; the certification fees; the land requirements; the isolation requirements; and field tolerances shall be as listed in grass seed certification standards and fees.

NEW SECTION

WAC 16-302-410 Standards for sod quality seed. (1) Except for ryegrass sod quality seed, seed standards for sod quality grass seed are as follows:

Variety	Minimum Purity	Minimum Germination	Maximum* Other Crop	Maximum** Weed
Kentucky Bluegrass	97%	80%	0.1%	.02%
Red Fescue	98%	90%	0.1%	.02%
Chewings Fescue	98%	90%	0.1%	.02%
Tall Fescue	98%	85%	0.1%	.02%

* Must be free of ryegrass, orchardgrass, timothy Agrostis sp., black medic, Poa trivialis, brome, reed canarygrass, tall fescue, clover, and meadow foxtail. Maximum allowable Canada bluegrass .02%. When the base sample is one of these kinds, the species will not be considered a contaminant (i.e., tall fescue in tall fescue).

** Must be free of Big, Canby and Sandberg bluegrass, dock, chickweed, crabgrass, plantain, short-awn foxtail, annual bluegrass, velvetgrass, rattail fescue and noxious weed seeds as listed under WAC 16-302-100 and 16-302-105.

(2) Seed standards for sod quality ryegrass seed are as follows:

Variety	Minimum Purity	Germination	Other Crop*	Maximum*** Weed
Ryegrass**	98%	90%	0.10%	.02%

* Must be free of black medic, orchardgrass, timothy, Agrostis sp., Poa trivialis, brome, reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.

** Maximum fluorescence levels as determined by breeder or variety owner.

*** Must be free of Big, Canby and Sandberg bluegrass, rattail fescue, dock, chickweed, crabgrass, plantain, annual bluegrass, velvetgrass, short-awn foxtail, and noxious weed seeds as listed under WAC 16-302-100 and 16-302-105. An additional 0.07% of weedy Bromus spp. will be allowed.

**** 85% minimum germination allowed on ryegrass varieties as designated by the breeder or variety owner. See list maintained by the seed program.

(3) A sod seed analysis certificate is the basis of determining if a lot meets sod quality standards. This certificate is issued by the certifying agency and represents a purity analysis, a twenty-five gram noxious all weed all crop exam, a ten gram Poa annua check and a germination test on an official sample except a 50-gram noxious all weed all crop exam is required for fescues and ryegrass.

(4) In addition to a seed certification tag, seed meeting sod quality certified seed standards will be tagged with a special "sod quality seed" tag.

SUDANGRASS CERTIFICATION STANDARDS

NEW SECTION

WAC 16-302-415 What are the standards for sudangrass certification? (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-420 through 16-302-435 constitute the standards for sudangrass seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

NEW SECTION

WAC 16-302-420 Land requirements for sudangrass seed certification. The land requirements for the production sudangrass are as follows:

(1) A field planted for all foundation, registered, and certified classes of sudangrass seed must not have grown or been seeded to sudangrass or sorghum during the preceding two years.

(2) Reseeding of a field, because of failure or partial failure of the first seeding may be done by referring to the guidelines in WAC 16-302-045(5).

(3) Prohibited noxious weeds in the field and on ditchbanks, roadways, etc., adjacent to a certified field shall be controlled to prevent seed formation.

NEW SECTION

WAC 16-302-425 Isolation requirements for sudangrass seed certification. Sudangrass for certification of the foundation, registered, and certified classes must be isolated from all other sudangrass not meeting the same varietal purity requirements for certification or from sorghum by a minimum of nine hundred ninety feet.

NEW SECTION

WAC 16-302-430 Field tolerances for sudangrass certification. Maximum other varieties permitted in field inspection for certification shall be as follows:

(a) Foundation seed field . . 1 plant/50,000 plants
(b) Registered seed field . . 1 plant/35,000 plants
(c) Certified seed field . . . 1 plant/20,000 plants

NEW SECTION

WAC 16-302-435 Sudangrass lot standards for certification. Lot standards for certification of sudangrass are as follows:

Purity	Foundation	Class Registered	Certified
Pure seed (min.)	98.0%	98.0%	98.0%
Inert material (max.)	2.0%**	2.0%**	2.0%**
Other crop (max.)	0.01%	0.03%	0.08%
Weed seed (max.)	0.10%	0.10%	0.10%
Prohibited or restricted noxious weed seeds	none found	none found	none found
Germination (min.)	85.0%	85.0%	85.0%

** Inert matter must not contain more than 0.5% of material other than seed fragments of the variety under consideration.

NEW SECTION

WAC 16-302-440 Standards for verification of turf seed ingredients. The general rules for seed certification are basic and together with the following specific requirements constitute the rules for certification identity of mixtures of different kinds of turf certified seed:

(1) A blend data sheet, including proof of certification, verifying the origin and the certifying agency along with the analysis and pounds of each lot must be submitted to the certifying agency for approval.

(2) Each lot of certified seed shall:

(a) Meet standards acceptable to the certifying agency.

(b) Be sampled under supervision of the certifying agency prior to mixing. The sample shall be obtained in accordance with official sampling procedures. The sample shall be identified with:

(i) The verification of certification, origin, and certifying agency;

(ii) The kind/variety;

(iii) The analysis and size of lot.

(3) The certifying agency reserves the right to:

(a) Refuse permission to use individual lots;

(b) Approve the equipment to be used and procedure to follow in mixing;

(c) Approve the containers and labeling to be used; and

(d) Sample the final mixture.

(4) The certifying agency will identify each container with an official certification label verifying that the individual lots used were certified seed lots.

(5) For a mixture to be labeled sod quality each component shall meet sod quality standards in WAC 16-302-410.

(6) Fees for turf seed mixing shall be the same as the current blend fee. Refer to chapter 16-303 WAC for appropriate fees.

FLAX CERTIFICATION STANDARDS

NEW SECTION

WAC 16-302-445 What are the standards for Flax certification. (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-450 through 16-302-455 constitute the standards for Flax certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

NEW SECTION

WAC 16-302-450 Field standards for Flax certification. Isolation must be an adequate distance to prevent mechanical mixture.

Maximum Permitted-Ratio of heads or plants.

Foundation	Registered	Certified
1:5000	1:2000	1:1000

NEW SECTION

WAC 16-302-455 Seed standards for Flax certification.

Standards for each class

Factor	Foundation	Registered	Certified
Pure seed (min.)		98%	97%
Inert matter (max.)		2%	3%
Weed seed (max.)*		.1%	.2%
Other crop seed (max.)		.1%	.2%
Germination (min.)		80%	80%

* Flax must be free of prohibited and objectionable noxious weed seed.

WOODY PLANTS AND FORBES CERTIFICATION STANDARDS

NEW SECTION

WAC 16-302-460 What are the standards for woody plants and Forbes certification? (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-465 through 16-302-470 constitute the standards for woody plants and Forbes certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

NEW SECTION

WAC 16-302-465 Land requirements and field standards for woody plants and Forbes. (1) The life of a stand shall be unlimited as long as seventy-five percent of the plants present in the stand are those that were planted originally.

(2) To be eligible for the production of certified class of seed, a field must not have grown or been seeded to the same species during the previous four years for foundation, three years for registered, and two years for certified.

(3) A seed field inspection must be made the year of establishment and at least once each year that seed is to be harvested. This inspection will be made at a time when plant development allows for the detection of factors such as off-type varieties and weed contamination.

(4) Isolation for seed production the minimum distance from a different variety or wild hybridizing populations are as follows:

	Minimum of isolation-feet:	
	Fields of 2 acres or less	Fields of more than 2 acres
Foundation & Registered	400	200
Certified	200	100

Volunteer plants may be cause for rejection or reclassification of a seed field.

(5) Specific field tolerances:

	Maximum ratio of heads or plants		
Factor	Foundation	Registered	Certified
Other varieties & off type	1/1000	1/500	1/250
Other kinds (Inseparable other species)	1/2000	1/1000	1/500
Prohibited noxious weeds	None found	None found	None found

NEW SECTION

WAC 16-302-470 Seed standards for woody plants and Forbes.

SEED STANDARDS

Crop	Germination (min.)		Pure seed (min.)		Inert (max.)		Weeds* (max.)		Other crop (max.)	
	F/R	C	F/R	C	F/R	C	F/R	C	F/R	C
Small burnet	80	80	95	95	5	5	.1	.2	.1	.25
Purple prairie clover	60**	60**	95	95	5	5	.20	.5	.1	.25

* Must be free prohibited and restricted noxious weed seed.

** Includes total germination and hard seed.

RAPESEED CERTIFICATION STANDARDS

NEW SECTION

WAC 16-302-475 What are the standards for rapeseed certification. (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-480 through 16-302-490 constitute the standards for rapeseed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

NEW SECTION

WAC 16-302-480 Field standards for rapeseed certification. Field standards for the production of rapeseed are as follows:

(1) A portion of a rapeseed field may be certified if the area to be certified is clearly defined.

(2) A field producing foundation, registered or certified rapeseed must be the minimum isolation distance from fields of any other variety or fields of the same variety that do not meet the varietal purity requirements for certification, as given in the following table:

Class	Fields of Cross Pollinated Varieties	Fields of Self Pollinated Varieties
Foundation	1,320 feet	660 feet
Registered	1,320 feet	660 feet
Certified	660 feet	330 feet
Different class of same variety	165 feet	165 feet

These isolation distances are minimum and must be met in all cases. When isolating fields of different usage kinds, i.e., industrial type from edible type, it is recommended that distances of three miles for foundation and registered, and two miles for certified be used.

(3) Volunteer plants may be cause for rejection or reclassification of a rapeseed field.

(4) Specific standards for rapeseed are:

	Maximum permitted in each class		
Factor	**Foundation**	**Registered**	**Certified**
Other varieties*	None found[1]	None found[1]	1.00%

* Other varieties are considered to include off-type plants and plants that can be differentiated from the variety being inspected.

[1] None found means none found during the normal inspection procedures. None found is not a guarantee to mean the field inspected is free of the factor.

(5) Inspection will be made by the certifying agency when the crop is in the early flowering stage.

NEW SECTION

WAC 16-302-485 Land requirements for rapeseed certification. (1) Land requirements prior to planting for the production of rapeseed are as follows:

Class Planted	Class Produced	Years Field Shall be Free of Rapeseed
Breeder	Foundation	5
Foundation	Registered	4
Breeder, Foundation, Registered	Certified	3

(2) For all classes no manure or other contaminating materials shall be applied during the establishment and production period of the rapeseed stand.

(3) Reseeding of a rapeseed field due to failure or partial failure of the first seeding may be done by referring to the guidelines in WAC 16-302-045(5).

(4) Ditchbanks, roadways, etc., adjacent to a certified rapeseed field must be free of volunteer rapeseed and prohibited noxious weeds.

NEW SECTION

WAC 16-302-490 Seed standards for rapeseed certification. Seed standards for the production of rapeseed are as follows:

Purity		Foundation	Registered	Certified
Pure seed	(Min.)	99.00%	99.00%	99.00%
Other crop and/or varieties	(Max.)	9/lb	9/lb	18/lb
Inert matter	(Max.)	1.00%	1.00%	1.00%
Weed seed	(Max.)	91/lb	91/lb	181/lb

Purity		Foundation	Registered	Certified
Prohibited noxious weeds (1)		None found	None found	None found
Objectionable weeds (2)	(Max.)	5/lb	9/lb	18/lb
Chemical analysis (3)				
Germination	(Min.)	85.00%	85.00%	85.00%

Note:

(1) None found means none found during normal inspection procedures. None found is not a guarantee that the lot is free of noxious weed seeds.

(2) Objectionable weed seeds are defined as restricted noxious listed in WAC 16-301-125 plus: Brassica nigra, Sinapis arvensis, Brassica juncea, and Raphanus raphanistrum.

(3) Erucic acid content shall be less than 2% and glucosinolate content shall not be greater than thirty micromoles unless other tolerances are described by the plant breeder for each variety.

(4) Erucic acid and glucosinolate analysis must be conducted on clean seed.

(5) Erucic acid and glucosinolate analysis must be conducted is a WSDA approved laboratory

RED CLOVER SEED CERTIFICATION STANDARDS

NEW SECTION

WAC 16-302-495 What are the standards for red clover seed certification? (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-500 through 16-302-520 constitute the standards for red clover seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

NEW SECTION

WAC 16-302-500 Land requirements for red clover seed certification. Land requirements for the production of red clover seed are as follows:

(1) A field planted with red clover breeder seed for the production of foundation seed must have grown or been seeded to red clover during the preceding six years of planting, three years of which the land must be cultivated.

(2) A field to be planted with red clover foundation seed for the production of certified seed must not have grown or been seeded

to red clover during the preceding two years. The time interval may be shortened to one year if one cultivated crop or clean fallow has intervened and the new planting is of the same variety and class.

(3) A stand of red clover is not eligible to produce certified seed after two seed crops. The two crops may be produced either in the same or in consecutive years.

(4) Reseeding of a red clover field because of failure or partial failure of the first seeding may be done by referring to the guidelines in WAC 16-302-045(5).

(5) Ditchbanks, roadways, etc., adjacent to a certified red clover field must be free of volunteer red clover and prohibited noxious weeds.

(6) Volunteer plants in the red clover field may be cause for rejection or reclassification of the seed field.

(7) No manure or contaminating material may be applied one year preceding planting, or during the establishment and productive period of the red clover stand.

(8) A stand of red clover over three years old is not eligible for certification.

NEW SECTION

WAC 16-302-510 Isolation requirements for red clover seed certification. Isolation requirements for the production of red clover seed crop are as follows:

(1) Red clover for certification must be isolated from all other red clover varieties or fields of the same variety not meeting varietal purity requirements for certification as follows:

Class Being Produced	Fields less than five acres	Fields five acres or more
Foundation	900 feet	600 feet
Certified	165 feet	165 feet

(2) Isolation between different classes (generations) of the same red clover variety is as follows:

Class Being Produced	Distance Required from Fields Planted with:	Fields less than 5 acres	Fields 5 acres or more
Foundation	Foundation or Certified	225 feet	150 feet
Certified	Certified	75 feet	45 feet

(3) In cases where an adjoining field is planted with a different variety of red clover, or red clover of a lower class, isolation may be obtained by measuring off the required strip in the certified seed field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire red clover field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower must harvest and deliver to a department approved conditioning plant the seed from the certified portion of the field separately from the seed from the isolation strip. After the seed is weighed and lotted in the weight of the seed from the isolation strip is to be reported to the seed program. At this time the seed program records will indicate the field has passed certification.

NEW SECTION

WAC 16-302-515 Field tolerances for red clover seed certification. Field tolerances for the production of red clover seed are as follows:

		Field Producing*	
		Foundation	**Certified**
Other varieties	(Max.)	0.00%	0.50%
Alfalfa	(Max.)	None found	0.50%
Sweet Clover	(Max.)	None found	20 plants/acre

* Prohibited noxious weeds must be controlled to prevent seed formation.

NEW SECTION

WAC 16-302-520 Seed standards for red clover seed certification. Seed standards for the production of red clover seed are as follows:

(1)

Purity		**Foundation**	**Certified**
Pure seed	(Min.)	99.00%	99.00%
Other crops	(Max.)	18 per lb.	0.25%
Inert matter	(Max.)	1.00%	1.00%
Sweet clover	(Max.)	9 per lb.	90 per lb.
Weed seed	(Max.)	0.15%	0.25%
Objectionable weed seeds	(Max.)	none found	90 per lb.
Germination (minimum total germination and hard seeds)		85.00%	85.00%

or *Tetrazolium* (minimum total tetrazolium and hard seeds)	87.00%	87.00%

(2) Red clover seed must be free of prohibited noxious weed seeds and foundation class must be free of Brassica spp.

(3) One pound of seed will be examined for the presence of dodder.

WHITE CLOVER AND TREFOIL SEED CERTIFICATION STANDARDS

NEW SECTION

WAC 16-302-525 What are the standards for white clover and trefoil seed certification? (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-530 through 16-302-545 constitute the standards for white clover and trefoil seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

NEW SECTION

WAC 16-302-530 Land requirements for white clover and trefoil seed certification. Land requirements for the production of white clover and trefoil seed are as follows:

(1) Breeder seed for the production of white clover or trefoil foundation seed must not be planted on land on which the same kind has been previously planted. During the year prior to white clover or trefoil seeding, the land must be in a cultivated crop or fallow and the land must be free from volunteer plants as determined by a field inspection during the season in which the seedling is established.

(2) Foundation seed for the production of registered or certified white clover or trefoil seed must be planted on land on which no other variety or strain of the same kind is grown or planted during the season in which the seedling is established.

(3) Foundation or registered trefoil seed for the production of certified seed shall be planted on land on which no other variety or strain of trefoil is grown or planted during the three years prior to planting.

(4) Reseeding of a white clover or trefoil seed field due to failure or partial failure of the first seeding may be done by referring to the guidelines in WAC 16-302-045(5).

(5) Certification of trefoil shall be limited to stands not exceeding five years of age, except for a variety grown outside its region of adaptation, in which case certification shall be limited to stands not exceeding three years of age.

(6) Foundation or certified producing white clover fields are eligible for certification for only two harvest years following the year of seeding if the seed production the first year is prevented. Foundation fields may be reclassified to the next lower class after being harvested for seed for two years.

(7) Ditchbanks, roadways, etc., adjacent to a certified white clover or trefoil field must be free of volunteer plants of the same kind and prohibited noxious weeds.

(8) Volunteer plants in the white clover or trefoil field may be cause for rejection or reclassification of the seed field.

(9) No manure or other contaminating materials may be applied during the establishment and production period of the white clover or trefoil stand.

NEW SECTION

WAC 16-302-535 Isolation requirements for white clover and trefoil seed certification. Isolation requirements for the production of white clover and trefoil seed crop are as follows:

(1) White clover or trefoil fields for certification must be isolated from all other fields of the same variety not meeting varietal purity requirements for certification as follows:

Class Being Produced	Fields less than five acres	Fields five acres or more
Foundation	900 feet	600 feet
Registered	450 feet	300 feet
Certified	165 feet*	165 feet

*330 feet required for trefoil.

(2) Isolation between different classes (generations) of the same variety of white clover or trefoil is as follows:

Class Being Produced	Distance Required from Fields Planted with:	Fields less than five acres	Fields five acres or more
Foundation	Foundation or Registered	225 feet	150 feet
Registered	Registered or Certified	115 feet	75 feet
Certified	Certified	75 feet	45 feet

(3) In cases where an adjoining field is planted with a different variety, or of a lower class, isolation may be obtained by measuring off the required strip in the certified seed field. This isolation strip may be mowed for hay or it may be harvested

for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire white clover or trefoil field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation, at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower must harvest and deliver to a department approved conditioning plant the seed from the certified portion of the field separately from the seed from the isolation strip. After the seed is weighed and lotted in the weight of the seed from the isolation strip is to be reported to the seed program. At this time the seed program records will indicate the field has passed certification.

NEW SECTION

WAC 16-302-540 Field tolerances for white clover or trefoil seed certification. Field tolerances for the production of white clover or trefoil seed are as follows:

	Maximum permitted: Ratio of Plant Field Producing*		
Factor	Foundation	Registered	Certified
Other Variety	1:1000	1:400	1:100
Sweet Clover	1:1000	1:400	1:100
Other Inseparable Crops	1:1000	1:400	1:100

* Prohibited noxious weeds must be controlled to prevent seed formation.

NEW SECTION

WAC 16-302-545 Seed standards for white clover and trefoil seed certification. Seed standards for the production of white clover and trefoil seed are as follows:

(1) **PART I OF TABLE**

		WHITE CLOVER		
		Found.	Reg.	Cert.
Pure Seed	(Min.)	98.0%	99.0%	99.0%
Other Crop	(Max.)	0.1%	0.2%	0.5%
Inert	(Max.)	2.0%	2.0%	1.0%
Weed Seed	(Max.)	0.2%	0.25%	0.3%
Sweet Clover	(Max.)		9/lb	90/lb

WHITE CLOVER

Objectionable Weed Seeds	(Max.)	none found	45/lb	90/lb
Germination (Germination +Hard Seed)	(Min.)	85.0%	85.0%	85.0%
or Tetrazolium (Minimum total tetrazolium and hard seeds)				87.0%

PART II OF TABLE

TREFOIL

		Found.	Reg.	Cert.
Pure Seed	(Min.)	98.0%	98.0%	99.0%
Other Crop	(Max.)	0.1%	0.25%	0.3%
Inert	(Max.)	2.0%	1.0%	1.0%
Weed Seed	(Max.)	0.1%	0.25%	0.3%
Sweet Clover	(Max.)	None found	9/lb	90/lb
Objectionable Weed Seeds	(Max.)	None found	45/lb	90/lb
Germination (Germination +Hard Seed)	(Min.)	85.0%	85.0%	85.0%
or Tetrazolium (Minimum total tetrazolium and hard seeds)				87.0%

(2) White clover and trefoil seed must be free of prohibited noxious weed seeds and foundation class must be free of Brassica spp.

SEED CROPS CERTIFIED BY WSCIA

BUCKWHEAT, CHICKPEA, FIELD PEA, LENTIL, MILLET, SOYBEAN, SORGHUM AND SMALL GRAINS SEED CERTIFICATION

NEW SECTION

WAC 16-302-550 Standards for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains seed certification. (1) The general seed certification definitions and standards in this chapter are basic and together with WAC 16-302-

555 through 16-302-700 constitute the standards for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains seed certification.

(2) Fees for seed certification are assessed by the certifying agency as established in chapter 16-303 WAC.

NEW SECTION

WAC 16-302-555 Labeling and sealing of certified seed of small grains by a grower. The certifying agency may authorize a grower who has his own equipment and conditions his own seed to label and seal certified seed of small grains.

NEW SECTION

WAC 16-302-560 Miscellaneous field and seed inspection standards for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum, small grain seed certification. (1) Field inspection standards for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum, small grain seed entered in the certification program are:

(a) For field pea and chickpea (garbanzo bean) - when seed crop is in full bloom and at maturity;

(b) For lentil - when seed crop is in full bloom and at maturity;

(c) For soybean - when seed crop is in full bloom and/or of mature color;

(d) For open pollinated sorghum - when seed crop is in full bloom, and optionally again when seed crop begins to show mature color;

(e) For hybrid sorghum - two inspections during bloom and one inspection after seed begins to show mature color;

(f) For small grains - when seed crop is fully headed and of mature color;

(g) For millet - one inspection during bloom and one inspection after seed begins to show mature color; and

(h) For buckwheat - one inspection when seed crop is in full bloom.

(2) Any condition or practice which permits or causes contamination of the seed crop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, is cause for rejection upon inspection except for formation of bindweed or Canada thistle in fields of chickpea, lentil, and field pea seed. Fields rejected

for jointed goatgrass at first inspection are not eligible for reinspection and must remain ineligible for any production of certified classes of small grain seed until a reclamation procedure, as specified in subsection (3) of this section has been completed. Fields rejected for other causes will remain eligible for reinspection.

(3) The jointed goatgrass reclamation procedure includes the following:

(a) Each grower must develop a reclamation plan for his/her affected fields. The plan must be based on the most current recommendations of Pacific Northwest scientists and Washington State University cooperative extension as well as good management practices. The plan may include use of certified seed, spring cropping practices, and late tilling and planting. No particular program is specified or endorsed and compliance with a program does not assure eligibility for the production of certified classes of small grain seed. Eligibility is based solely upon results of field inspections as provided in (b) through (e) of this subsection.

(b) The rehabilitation and inspection program duration is three years for irrigated land and five years for dryland without production of certified small grain seed and the first year of certified seed production thereafter.

(c) Annual inspections of the affected fields are conducted by the certifying agency during the prescribed rehabilitation period at such time that the jointed goatgrass would be most visible.

(d) Following the prescribed period of rehabilitation and during the first certified seed production year, a minimum of three field inspections are conducted by the certifying agency.

(e) If jointed goatgrass is found during any inspection as provided in (c) and (d) of this subsection, the rehabilitation program is determined unsuccessful or the field is declared ineligible and the rehabilitation and inspection program for that field must begin again at year one of the procedure.

(4) Field run lots of seed of the same variety may be commingled to facilitate storage and conditioning.

(5) No prohibited noxious weed seeds are permitted upon inspection for seed standards.

(6) Germination minimum refers to germination when sampled.

(7) If chemically controllable seed-borne diseases are noted upon inspection for field standards and seed standards for small grains, treatment of seed is required.

(8) Wild oat, isolated patches and borders must be removed or clearly marked so as to avoid harvesting with the rest of the field. If rejected, a reinspection is necessary to assure clean-up efforts are satisfactory. Spot checks are conducted on fields where heavy patches or contaminated borders were noted. Harvesting these areas with the rest of the field is cause for rejection of the entire field.

(9) The official laboratory providing seed analysis for the purpose of certification is the department.

NEW SECTION

WAC 16-302-660 Field pea standards for seed certification. (1) The land, isolation, and field standards for field pea seed certification are:

CLASS	LAND MINIMUM YEARS	ISOLATION MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	FIELD OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	5*	100**	None found	None found***
Registered	3*	100**	10	None found***
Certified	2*	25**	20	None found***

* Spring peas also require 10 years land history with no production of Austrian pea for all classes.

** Reduce to three feet from fields producing a certified class of the same variety. In addition, each field pea field for certification must be isolated by three feet from small grain fields. To prevent mechanical field mixing of swathed field pea seed crop, the planting of small grain between field pea fields, except for the three feet of isolation, is recommended.

*** For spring peas, no Austrian pea or rye is permitted. For Austrian peas, no rye is permitted.

(2) Seed certification standards for field pea are:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	99.00	1.00	None found	None found	85
Registered	None found	99.00	1.00	None found	0.25**	85
Certified	0.03	99.00	1.00	0.10*	0.25**	85

* For spring peas, no Austrian pea or rye is permitted. For Austrian peas, no rye is permitted.

** Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM
Registered	1/lb
Certified	2/1b

NEW SECTION

WAC 16-302-665 Lentil standards for seed certification. (1) Land, isolation, and field standards for lentil seed certification are:

CLASS	LAND MINIMUM YEARS	ISOLATION MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	FIELD OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	5	100*	None found	None found
Registered	4	100*	10	10**
Certified	3	25*	20	20**

* Reduce to three feet from fields producing a certified class of the same variety. In addition, each lentil field for certification must be isolated by three feet from small grain fields. To prevent mechanical field mixing of swathed lentil seed crop, the planting of small grain between lentil fields, except for three feet of isolation, is recommended.

** Refers to barley and vetch, each.

(2) Seed certification standards for lentil are:

OFF-TYPE CLASS	PURE SEED MAXIMUM SEEDS/LB	INERT MINIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	99.00*	1.00*	None found	None found	85.00
Registered	1	99.00*	1.00*	0.05**	0.05***	85.00
Certified	4	99.00*	1.00*	0.10**	0.05***	85.00

* A total of three percent inert matter is allowed in samples containing decorticated seed provided total of all other inert matter does not exceed one percent.

** No vetch is permitted.

*** Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM
Registered	1/lb
Certified	2/lb

NEW SECTION

WAC 16-302-670 Soybean standards for seed certification. (1) The land, isolation, and field standards for soybean seed certification are:

CROP CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	FIELD STANDARDS OFF-TYPE MAXIMUM %	FIELD STANDARDS OTHER MAXIMUM NO.
Standard				
Foundation	1*	3	.01	--
Registered	1*	3	.10	--
Certified	1*	3	0.20	--

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

(2) Seed standards for soybean certification are:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM SEEDS/LB	GERMINATION MINIMUM %
Foundation	0.10	98.00	2.00	None found	None found	85.00
Registered	0.20	98.00	2.00	None found	1	85.00
Certified	0.20	98.00	2.00	1 per 2 lb.	2	85.00

NEW SECTION

WAC 16-302-675 Hybrid sorghum standards for seed certification. (1) Land, isolation, and field standards for hybrid sorghum seed certification are:

				Field Standards	
	Land Standards Minimum Years (b)	Isolation Standards Minimum Feet	Pollen Shedding By Seed Parent Maximum At Any One Inspection	Other Varieties And/Or Off-Type (a)	
				Definite	Doubtful
Class	(**)				
Foundation	1	990	1:3,000	1:50,000	1:20,000
Certified	1	660	1:1,500	1:20,000	1:1,000

(2) Seed standards for hybrid sorghum seed certification are:

	Off-Type Max. Seeds/lb.	Pure Seed Min. %	Inert Max. %	Other Crop Max. Seeds/lb.	Weed Max. %	Germination Min. %
Class						
Foundation	2	98.00	2.00	2	0.10	85
Certified	10	98.00	2.00	10	0.10	85

(**) Pollinator Lines: B= Maintainer, R= Restorer

(a) If off-type plants are found at the time of inspection, all seed heads within a radius of five feet of these plants must be removed from the field before the field is approved.

(b) Hybrid sorghum is not eligible for certification if planted on land that grew sorghum the previous year unless:

(i) The preceding sorghum crop is the same variety and is inspected and approved for the same or higher certification classification; or

(ii) The preceding sorghum crop is a variety which differs substantially in plant growth characteristics from the variety planted. However, grain type sorghum or sweet sorghum is not eligible for certification if planted on land that grew grass type sorghum the previous year.

NEW SECTION

WAC 16-302-680 Open pollinated sorghum standards for seed certification. (1) Land, isolation and field standards for open pollinated sorghum seed certification are:

FIELD STANDARDS***

CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	OFF-TYPE MAXIMUM RATIO	OTHER CROP MAXIMUM NO STANDARD
Foundation	1*	1,000**	None found	--
Registered	1*	1,000**	1 head/50,000	--
Certified	1*	1,000**	1 head/20,000	--

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.
** Refers to fields of other varieties or same variety which does not meet tolerance of off-types.
*** Other tolerances for field standards:

	JOHNSONGRASS MAXIMUM	HEAD SMUT MAXIMUM	KERNEL SMUT MAXIMUM
Foundation	None found	None found	None found
Registered	None found	None found	None found
Certified	None found	1 head/10,000	1 head/2,500

(2) Seed standards for open pollinated sorghum seed certification are:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	97.00	3.00**	None found	0.10	80.00
Registered	None found	97.00	3.00**	0.03	0.10	80.00
Certified	0.01*	97.00	3.00**	0.07***	0.10	80.00

* Or two seed per pound.
** Where two percent or more is cracked.
*** Or ten seeds per pound.

NEW SECTION

WAC 16-302-685 Small grains standards for seed certification.

(1) Land, isolation, and field standards for small grains (barley, oat, rye, triticale, and wheat) seed certification are:

CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	FIELD STANDARDS OFF-TYPE MAXIMUM HEAD RATIO	FIELD STANDARDS OTHER CROP MAXIMUM HEAD RATIO	WILD OAT MAXIMUM PLANTS/ACRE
Foundation	2*	3**	None found	None found***	None found
Registered	1*	3**	1/148,000	1/148,000***	5
Certified	1*	3**	1/49,000	1/49,000***	5

* Waived if the previous crop is grown from an equal or higher certified class of seed of the same variety.
** Refers to distance from other small grain fields. Foundation class fields must be isolated ninety feet from fields of the same genus. In addition, each rye field for certification must be isolated by three feet from fields producing a certified class of the same variety, and by six hundred sixty feet from other rye fields. Each triticale field for certification must be isolated by three feet from fields producing a certified class of the same variety, and by three hundred feet from other triticale, rye and wheat fields for foundation and registered class, and three feet for certified class, unless otherwise stated by plant breeder.
*** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains - seed standards:

Class	Foundation	Registered	Certified
Pure seed (min.)	98%	98%	98%
Inert (max.)	2%	2%	2%
off-type(*) (max.)	None found	2/lb	4/lb
Other small grain(*) (max.)	None found	1/lb	2/lb
Other crop(**) (max.)	None found	0.03%	0.05%
Weed seed (max.)	0.01%	0.01%	0.03%
Objectionable weed seed(***) (max.)	None found	None found	1/lb
Wild oat (max.)	None found	None found	None found (****)
Viability(*****) (min.)	85%	85%	85%

(*) The combination of other small grain and off-type must not exceed 2/lb for registered class, and 4/lb for certified class. The tolerance for rye or triticale, is none found in barley, oat, or wheat. The tolerance for rye is none found in triticale. The tolerance for triticale is none found in rye.

(**) Excluding off-type and other small grain. No vetch is allowed in small grain seed

(***) Excluding wild oat.

(****) 1/lb for certified class oat.

(*****) A certification certificate is issued upon receipt of either an official AOSA tetrazolium or germination test which meets minimum Washington viability standards. NOTE: State and federal seed laws require seed be labeled based on a germination test.

Note: For all classes the purity analysis is based on 100 grams examined. Registered and certified classes, noxious weed, vetch, off-type, and other small grain, determinations are based on 500 grams examined. For foundation class, noxious weed, vetch, off-type, and other small grain determinations are based on 1000 grams examined.

NEW SECTION

WAC 16-302-690 Chickpea standards for seed certification. Land, isolation, and field standards for chickpea seed certification are:

FIELD STANDARDS

Land Requirements (1) (minimum years)		Isolation (min. feet)	Off-type (plants/acre)	Other Crop (2) (plants/acre)	Noxious (3) Weeds (plants/acre)	Ascochyta Blight (4)
Class						
Foundation	3	100	none found	none found	none found	none found
Registered	2	50	5	none found	none found	none found
Certified	2	25	10	none found	none found	10

(1) Shall not have been planted to chickpeas for three years for foundation class, and two years for registered and certified class, unless the previous crop is of the same variety and passes certification field standards of the same or higher generation.

(2) Inseparable other crops.

(3) Prohibited, restricted, and other weeds difficult to separate must be controlled.

(4) None found in all classes of nontolerant varieties. Planting seedstock must be treated with Thiabendazole (2-(4-triazoyl) benzimidazole.

FIELD INSPECTION

Foundation and registered class fields must have two field inspections: One at bloom stage and one at late pod stage. Certified class fields must be inspected at bloom stage plus another at pod stage if ascochyta blight is observed during the bloom stage inspection.

SEED STANDARDS

	Pure seed	Inert	Other crop	Weed seed	Germination
Class (7)					
Foundation	99.00%	1.0%	none found	none found	85%
Registered	99.00%	1.0%	none found	none found	85%
Certified	99.00%	1.0%	2 seeds/lb(5)	2 seeds/lb(6)	85%

(5) None found for Austrian pea, rye, or vetch.
(6) None found for nightshade berries or prohibited noxious weed seeds.
(7) All classes must be treated with Thiabendazole (2-(4-thiazoyl) benzimidazole at the labeled rate).

NEW SECTION

WAC 16-302-695 Open pollinated millet standards for seed certification. (1) Land, isolation and field standards for open pollinated millet seed certification are:

			FIELD	
CLASS	LAND MINIMUM YEARS	ISOLATION MINIMUM FEET	OFF-TYPE MAXIMUM	OTHER CROP MAXIMUM
Foundation	1*	1,320	1:3,000	None found
Registered	1*	1,320	1:2,000	1:30,000
Certified	1*	660	1:1,000	1:10,000

* Waived if the previous crop was the same variety and equal or higher class of certified seed.

(2) Seed certification standards for open pollinated millet seed are:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	0.5	99.00	1.0	0.5	0.05	85
Registered	1	99.00	1.0	1	0.05	85
Certified	3	99.00	1.0	3	0.10	85

NEW SECTION

WAC 16-302-700 Buckwheat standards for seed certification. (1) Land, isolation, and field standards for buckwheat seed certification are:

CLASS	LAND MINIMUM YEARS	ISOLATION MINIMUM FEET	FIELD OFF-TYPE MAXIMUM	OTHER CROP MAXIMUM
Foundation	2*	2,640	1:10,000	None found
Registered	1*	1,320	1:5,000	1:30,000
Certified	1*	660	1:2,000	1:10,000

*Waived if previous crop was the same variety and equal or higher class of certified seed.

(2) Seed standards for buckwheat seed certification are:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
FOUNDATION	0.5	99.0	1.0	0.5	0.05	85
REGISTERED	1	99.0	1.0	1	0.05	85
CERTIFIED	3	99.0	1.0	3	0.10	85

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-300-010	Prohibited noxious weed seeds.
WAC 16-300-020	Restricted noxious weed seeds.
WAC 16-300-025	Tolerances for seed law enforcement.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-304-010	Germination standards for vegetable seeds.
WAC 16-304-020	Sampling in the administration of the Washington State Seed Act.
WAC 16-304-039	Schedule of charges--Billing policies and procedures.
WAC 16-304-040	Schedule of charges.
WAC 16-304-050	Miscellaneous charges.
WAC 16-304-100	Definitions.
WAC 16-304-110	Annual seed inspection charge.
WAC 16-304-120	Registrant records.
WAC 16-304-130	Seed inspection assessment--Effective dates.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-313-010	Definition.
WAC 16-313-015	Field run and remill blends.
WAC 16-313-020	Blend data sheet.
WAC 16-313-030	Equipment and procedure.
WAC 16-313-035	Size of blend.
WAC 16-313-040	Supervision.
WAC 16-313-050	Registered class.
WAC 16-313-060	Quality standards for certified class.
WAC 16-313-070	Objectionable weeds.
WAC 16-313-080	Prohibited noxious weeds.
WAC 16-313-090	Calculated analysis.
WAC 16-313-100	Tetrazolium test.
WAC 16-313-110	Fees.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-316-035	Bentgrass and redtop certification standards.
WAC 16-316-0901	Standards for verification of turf seed ingredients.
WAC 16-316-100	General seed certification standards.
WAC 16-316-105	By whom certified.
WAC 16-316-110	Varieties eligible.
WAC 16-316-115	Limitation of generations.
WAC 16-316-120	Seed classes.
WAC 16-316-125	Labels and sealing requirements.
WAC 16-316-130	Agency deviation from certification standards.
WAC 16-316-135	Agency power to reject.
WAC 16-316-140	Rejection for color or appearance.
WAC 16-316-145	Agency power to refuse certification.
WAC 16-316-150	Specific crop regulations.
WAC 16-316-151	Land history.
WAC 16-316-155	Penalty.
WAC 16-316-160	Prohibited noxious weeds.
WAC 16-316-165	Seed certification--Objectionable weeds.
WAC 16-316-170	Procedure to follow for certification.
WAC 16-316-175	All growers in certification program.
WAC 16-316-180	Field inspections.
WAC 16-316-183	Tolerance for diseased or contaminating material.
WAC 16-316-185	The seed conditioner.
WAC 16-316-190	Containers and lot numbers.
WAC 16-316-195	Sampling.
WAC 16-316-196	Off-type.
WAC 16-316-197	Fee responsibility.
WAC 16-316-205	Withdrawal from certification.
WAC 16-316-210	Completion of certification.
WAC 16-316-212	Refunds.
WAC 16-316-214	Limitation of liability.
WAC 16-316-215	Rules and procedures for organization for economic cooperation and development scheme for varietal certification

WAC 16-316-484	Mechanical sampling.
WAC 16-316-486	Certified seed sale certificate.
WAC 16-316-525	Buckwheat--Chickpea--Field pea--Lentil--Millet--Soybean--Sorghum--Small grain--Eligible variety and stock seed.
WAC 16-316-570	Labeling and sealing of certified seed of small grains by grower.
WAC 16-316-572	Certifying agency issuance of certificate.
WAC 16-316-575	Foundation seed certification standards.
WAC 16-316-590	Proprietary variety certification standards--Definition.
WAC 16-316-595	Application procedure.
WAC 16-316-600	Genetic purity certification.
WAC 16-316-610	Sod quality certified seed standards.
WAC 16-316-615	Varieties eligible, certification fees, land and isolation requirements, and field tolerances.
WAC 16-316-620	Standards.
WAC 16-316-622	Ryegrass standards.
WAC 16-316-625	Sod seed analysis certificate.
WAC 16-316-630	Sod quality seed tag.
WAC 16-316-635	Service fee.
WAC 16-316-637	Sod quality mixture.
WAC 16-316-650	White clover and trefoil seed certification standards.
WAC 16-316-660	White clover and trefoil seed certification fees.
WAC 16-316-665	Land requirements.
WAC 16-316-670	Isolation requirements.
WAC 16-316-675	Field tolerances.
WAC 16-316-680	Seed standards.
WAC 16-316-701	Definitions of terms for standards.
WAC 16-316-715	Miscellaneous field and seed inspection standards.
WAC 16-316-717	Field pea standards.
WAC 16-316-719	Lentil standards.
WAC 16-316-721	Soybean standards.
WAC 16-316-722	Hybrid sorghum standards.
WAC 16-316-723	Open pollinated sorghum standards.
WAC 16-316-724	Small grains standards.
WAC 16-316-727	Chickpea standards.
WAC 16-316-729	Open pollinated millet standards.
WAC 16-316-730	Interagency seed certification standards.
WAC 16-316-731	Buckwheat standards.
WAC 16-316-735	Rules.
WAC 16-316-738	Procedure for field pea, lentil, soybean, small grain and sorghum seed.

standards--Seed andards.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-317-040	Labeling requirements for small grain, field pea, lentil, and/or soybean seeds.
WAC 16-317-050	Alternate labeling requirements and exemptions.
WAC 16-317-060	Seed held in storage.
WAC 16-317-080	Noxious weeds.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-318-002	Promulgation.
WAC 16-318-003	Promulgation.
WAC 16-318-040	Treated seed labeling requirements.
WAC 16-318-050	Mercurials and similarly toxic pesticides.
WAC 16-318-060	Other pesticides.
WAC 16-318-065	Inoculants.
WAC 16-318-070	Treated seed color requirement.
WAC 16-318-080	Bulk seed.
WAC 16-318-090	Examples of minimum label formats.
WAC 16-318-200	Labeling--Requirements for agricultural, vegetable, and flower seeds.
WAC 16-318-205	Labeling--General requirements for agricultural seeds except for grass seed mixtures and for hybrids which contain less than ninety-five percent hybrid seed.
WAC 16-318-210	Labeling--For seed mixtures for lawn and/or turf purposes.
WAC 16-318-215	Labeling--Special requirements for seeds that are coated.
WAC 16-318-220	Labeling--Special requirements for vegetable seeds in packets as prepared for use in home.
WAC 16-318-225	Labeling--Special requirements for vegetable seeds in containers other than packets.
WAC 16-318-230	Labeling--Special requirements for flower seeds.
WAC 16-318-235	Labeling for agricultural and vegetable hybrid seed which contains less than ninety-five percent hybrid seed.
WAC 16-318-240	Labeling--Prohibitions.
WAC 16-318-300	Definitions.
WAC 16-318-305	Matters subject to mandatory arbitration.
WAC 16-318-310	Arbitration requirement--Labeling.
WAC 16-318-315	Filing of a complaint for arbitration.
WAC 16-318-320	Requirement to respond to complaint.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-493-001	Rough bluegrass quarantine--Establishing quarantine.
WAC 16-493-005	Rough bluegrass quarantine--Definitions.
WAC 16-493-010	Rough bluegrass quarantine--Regulated area.
WAC 16-493-015	Rough bluegrass quarantine--Quarantine area.
WAC 16-493-020	Rough bluegrass quarantine--Regulated articles.
WAC 16-493-025	Rough bluegrass quarantine--Conditions governing movement of regulated articles.
WAC 16-493-030	Rough bluegrass quarantine--Procedure for clearing seed stocks.
WAC 16-493-035	Rough bluegrass quarantine--Seed stock containing rough bluegrass.
WAC 16-493-040	Rough bluegrass quarantine--Application for nursery inspection.
WAC 16-493-045	Rough bluegrass quarantine--Fees.
WAC 16-493-050	Rough bluegrass quarantine--Violation and procedures.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-494-001	Establishing quarantine.
WAC 16-494-010	Definitions.
WAC 16-494-012	Regulated articles.
WAC 16-494-013	Regulated diseases.
WAC 16-494-020	Bean seed--Quarantined area.
WAC 16-494-030	Bean seed--Regulated area.
WAC 16-494-042	General requirements for planting bean seed in the regulated area.
WAC 16-494-043	Additional requirements for planting bean seed grown in the regulated area.
WAC 16-494-044	Additional requirements for planting bean seed grown in quarantine Area I.
WAC 16-494-045	Additional requirements for planting bean seed grown in quarantine Area II.
WAC 16-494-046	Quarantine--Exceptions and exemptions.
WAC 16-494-047	Inspection procedures for trial grounds.
WAC 16-494-062	Identification and disposition of diseased bean seed and infected bean fields.
WAC 16-494-063	Notice of destruction.
WAC 16-494-064	Penalties.
WAC 16-494-100	Bean seedborne viral disease quarantine--Establishing the quarantine.
WAC 16-494-110	Bean seedborne viral disease quarantine--Regulated articles.
WAC 16-494-120	Bean seedborne viral disease quarantine--Regulated disease.
WAC 16-494-130	Bean seedborne viral disease quarantine--Quarantined area.
WAC 16-494-140	Bean seedborne viral disease quarantine--Regulated area.
WAC 16-494-150	Bean seedborne viral disease quarantine--Requirements for planting bean seed in the regulated area.
WAC 16-494-160	Bean seedborne viral disease quarantine--Identification and

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-495-004	Annual bluegrass quarantine--Establishing quarantine.
WAC 16-495-010	Annual bluegrass quarantine--Definitions.
WAC 16-495-020	Annual bluegrass quarantine--Regulated area.
WAC 16-495-030	Annual bluegrass quarantine--Quarantine area.
WAC 16-495-040	Annual bluegrass quarantine--Regulated articles.
WAC 16-495-050	Annual bluegrass quarantine--Conditions governing movement of regulated articles.
WAC 16-495-060	Violations and penalty.
WAC 16-495-090	Annual bluegrass quarantine--Procedure for clearing.
WAC 16-495-095	Annual bluegrass quarantine--Seed stock containing annual bluegrass.
WAC 16-495-100	Annual bluegrass quarantine--Application for nursery inspection.
WAC 16-495-105	Annual bluegrass quarantine--Fees.
WAC 16-495-110	Annual bluegrass quarantine--Violation procedures.