



# RULE-MAKING ORDER

CR-103 (12/31/00)

(RCW 34.05.360)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: February 23, 2004

(2) Purpose: The purpose of this rule making order is to adopt amendments modifying the isolation standards for small grain certification by increasing the distance between fields of the same genus from three feet to ten feet. This action is in response to a change in national standards set by the Association of Official Certifying Agencies.

(3) Citation of existing rules affected by this order:

Repealed: None

Amended: WAC 16-302-685

Suspended: None

(4) Statutory authority for adoption: RCW 15.49.370(3) and 15.49.310

Other authority: RCW 34.05

### PERMANENT RULE ONLY

Adopted under notice filed as WSR 04-01-179 on 12-23-03 (date).

Describe any changes other than editing from proposed to adopted version: None

### 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

- 31 days after filing
- Other (specify) \_\_\_\_\_\*

#### Emergency Rules

- Immediately
- Later (specify) \_\_\_\_\_

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

NAME (TYPE OR PRINT)

Valoria Loveland

SIGNATURE

*Valoria Loveland*

TITLE

Director

DATE

February 23, 2004

### CODE REVISER USE ONLY

SEARCHED INDEXED  
SERIALIZED FILED

FEB 23 2004

2:06  
04.06.018

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	1	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended		Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	1	Repealed	_____

AMENDATORY SECTION (Amending WSR 02-12-060, filed 5/30/02, effective 6/30/02)

**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	OTHER CROP MAXIMUM HEAD RATIO	WILD OAT MAXIMUM PLANTS/ACRE
Foundation	2*	90 same genus** 3 different genus	None found	None found***	None found
Registered	1*	((3)) <u>10 same genus 3 different genus**</u>	1/148,000	1/148,000***	5
Certified	1*	((3)) <u>10 same genus 3 different genus**</u>	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)) ten feet for certified class, unless otherwise stated by the plant breeder.  
 \*\*\* Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; and no vetch is permitted in barley, oat, rye, triticale, or wheat.

(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 Washability 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. For registered and certified classes, noxious weed, vetch, off-type, and other small grain determinations are based on 500 grams examined. For foundation class, noxious weed, vetch, off-type, and other small grain determinations are based on 1000 grams examined.