

TRANSMITTAL OF RULES ADOPTED

FROM: AGRICULTURE
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 1089
 Emergency rules
relating to (Name of rules or description of subject matter)

Standards and Procedures for Forest Tree Seed Certification.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 2040 ① filed with the code reviser
on 4/19/68 ② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Wash. on 5/16/68 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be 7/3/68 ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this 3rd day of June 1968.

STATE OF WASHINGTON
FILED
JUN 4 1968
CODE REVISER'S OFFICE
DOCKET # 2040 FILE # 19

AGRICULTURE
(AGENCY)
Norval G. Johanson
By
Norval G. Johanson
Asst. Supervisor
Title Grain & Chemical Division

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY RE-
VISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVIS-
ER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED
IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING:
RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

Chapter 16-319

STANDARDS AND PROCEDURES FOR FOREST TREE SEED CERTIFICATION

AMD

WAC 16-319-002 PROMULGATION. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.48 RCW, after due notice as provided under chapter 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, on May 16, 1968, do hereby promulgate the following regulations constituting the standards and procedures for forest tree seed certification.

AMD & NEW WAC

WAC 16-319-020 STANDARDS AND PROCEDURES FOR FOREST TREE SEED CERTIFICATION. (1) Certifying agent means the department's duly appointed certifying agent, the Washington State Crop Improvement Association, Inc.

(2) Purpose of certification - The purpose of adopting tree seed certification is to maintain and make available to the public forest tree seeds properly identified as to species and origin. Origin means the area within which the seed was collected, and is described by location, elevation, and provenance. Location may be given by latitude and longitude, or geographic description, or political subdivision such as state and county. If seed was collected from other than a predominantly native stand, the provenance (original geographic source of the stand) or the phrase "provenance not stated" shall be added.

(3) Classes of certification - Four classes of certification shall be provided as follows:

(a) Certified (Blue Tag): Seed from genetically superior, progeny-tested parents, which are either in a seed orchard or were plus trees with control pollination.

(b) Select Origin-Certified (Green Tag): Seed from identified rogued superior stands or identified superior individual mother trees.

(c) Origin-Certified (Yellow Tag): Seed identified as collected from within specific published seed origin zones* and from within five-hundred foot elevation bands**.

(d) Audit Certificate Class: Seed identified as collected from within specific published seed origin zones* and from within five-hundred foot elevation bands** as based on a thorough audit of the applicant's records and evidence of compliance with prescribed procedures. The seed will be identified by a certificate issued by the Certifying Agent to accompany the seed.

* Western Forest Tree Seed Council Tree Seed Zone Map, as in effect on the effective date of these regulations or as approved by the department.

** Standard elevation bands and standard codes for them adopted herein are:

| | | |
|-----------|------|-----|
| 0-500 | feet | 0.5 |
| 501-1000 | feet | 1.0 |
| 1001-1500 | feet | 1.5 |
| 1501-2000 | feet | 2.0 |
| 2001-2500 | feet | 2.5 |
| 2501-3000 | feet | 3.0 |
| 3001-3500 | feet | 3.5 |
| 3501-4000 | feet | 4.0 |

(4) Application for certification - A request for certification service for the current year crop must be in the office of the Certifying Agent (Washington State Crop Improvement Association, Inc., Post Office Box 617, Yakima, Washington, 98901) five days prior to cone collection but not later than September 1, accompanied by the proper fees. The Department, through its Certifying Agent, reserves the right to refuse to accept late applications.

(5) Basis for certificates.

(a) Certified and Select Origin-Certified Classes: Stands qualifying for these classes must be inspected and approved by certifying officer prior to harvest. Certifying Agent will exercise inspection and control during all steps from cone collection to sale of seed.

(b) Origin-Certified Class: Seed to qualify for this class must have been produced from cones that were:

(i) Identified as to place and elevation in feet of collection by picker over his signature, on a label which he has attached to each container of cones in the field near the point of collection and prior to transportation in a vehicle; and

(ii) Collected in an area where seed origin zone and elevation band boundaries are marked on roads, or picker has other means of identifying place of collection; and

(iii) Identified as to zone and elevation band of origin by cone buyer or supervisor of collection on label over his signature following interview with picker and verification or correction of picker's identification of place of collection; and

(iv) Collected or purchased by seedsman or his representative under conditions such as one of the following that minimizes incentive for picker to mislabel origin:

(A) Cone buying station located and collections made behind locked gates, with cone buyer making no refusal to purchase nor differential in price for any cones on account of origin; or

(B) Collections made by pickers under effective control of seedsman or his representative such as employees, or preregistered pickers who each day advise the seedsman's representative in advance of approximate field location where they can be found making collections; or

(C) Cones purchased at an open buying station that buys all cones presented with no refusal to purchase or no price differential made on account of origin.

(v) Inspections by Certifying Agent will include spot inspections of:

(A) Field collection and labeling by pickers;

(B) Seedsmen procedures in instructing and controlling pickers to assure correct field labeling by pickers; and

(C) Procedures followed by cone buyers or supervisors in verifying correctness of picker's identification of place of collection, and in labeling origin by zone and elevation.

Inspections will also cover all phases of cone handling, transporting, storage, processing, seed warehousing, sales, and all records covering these operations.

(c) Audit Certificate Class: Certificates will be issued on basis of audits made of records maintained by the applicant covering all cone purchases, handling, processing, storage and sales. Certificates will be issued only on lots properly documented. Participating seedsmen must furnish Certifying Agent with information on all cone buying stations or collection operations prior to start of buying or collections as a basis of spot inspection of cone buying stations. All seed lots in the applicant's inventory or harvest must be included in the audit.

(i) Initial and subsequent audits will be made at the applicant's place of business during any normal business hour.

(ii) Audit Certificate Class does not require that cone pickers must label each sack in the field, provided that in lieu thereof cone buyer consistently follows a practice of interrogating cone picker or seller as to origin of cones and the two, seller and buyer, agree on and join in signing a statement of origin for either each separate container or each separate lot of cones. If statement is not on tag attached to container it shall be referenced to each separate container in the cone lot by a serial number, lot number, or code with the statement or copy made available at the processing plant or seedsmen's office for Certifying Agent's audit.

(iii) The Audit Certificate Class does not imply or require Certifying Officer's inspection of field collections.

WAC 16-319-040 BASIS FOR REJECTION. Any seed lot may be rejected at any time if in the opinion of the inspector the applicant has failed to meet the Standards and Procedures set forth or has failed to maintain proper lot identity. The privilege of certification may be withdrawn by the Department through its Certifying Agent for a definite period of time in cases of flagrant violations of the Certification Standards and Procedures.

WAC 16-319-050 BASIS FOR REFUSAL TO INSPECT. The Department through its Certifying Agent reserves the right to return fees and refuse certification when the location of a stand or buying station is such that inspection would be unduly expensive, or when the applicant has failed to follow rules governing certification, including payment for certification services previously rendered.

WAC 16-319-060 RIGHT OF APPEAL. If applicant believes an erroneous decision has been rendered, he may appeal. The appeal must be in writing to the Department's Certifying Agent. The Department through its Certifying Agent reserves the right to charge the applicant the cost of an appeal inspection if the initial decision is upheld.

WAC 16-319-070 SEED STANDARDS. The Department's Certifying Agent may refuse to certify seed that fails to meet the following standards, and may require that a test be made before tagging if the seed obviously does not meet the following standards. The test will be considered a special service.

Specific requirements:

| | |
|---|-------|
| Pure seed (minimum)..... | 95.0% |
| Other species or varieties (maximum)..... | .5% |
| Inert matter (maximum)..... | 5.0% |

WAC 16-319-080 FEES. (1) Origin-Certified (Yellow Tag) \$0.40 per bushel of cones collected. Sixty percent of fee to be paid at time of application. Forty percent of fee to be paid when processing is complete.

(2) Audit Certificate Class - Cost of initial audit for current year harvest will be charged at the rate of \$10.00 per hour plus mileage and per diem; plus \$0.05 per pound for all seed sold. Sixty percent of audit cost fee on estimated harvest will be paid at time of application. Forty percent of the fee will be paid at the conclusion of the audit. \$0.05 per pound fee on all seed sold for the seed harvested in 1968 and subsequent years will be paid periodically as seed is sold.

(3) Special Services - on cost basis.

(4) Refunds may be made in cases of overpayment of fees.

(5) The Department may adjust fees if the Certifying Agent determines that costs are significantly more or less than anticipated, provided that increases shall not exceed 25% of above schedule.

WAC 16-319-090 LOT IDENTITY. (1) Each lot of cones or seed shall be identified by lot number for each species and warehouse at all times throughout processing and storage. A lot shall be defined as a quantity of cones or seed of a single species collected during one collecting season in a single seed origin zone and within a five-hundred foot elevation band.

(2) Each lot number must include the year of production for purposes of inspection and audit. The year of production need not be placed on certification tag or certificate.

(3) Each bag of cones that contributes to a lot of seed for certification shall be labeled or referenced by code for species, seed origin zone, elevation band, date of collection, cone picker's signature and cone buyer's verification. For origin-certified seed a label with geographical location, approximate elevation, date of collection and picker's signature must be attached to cone bag before being transported from the point of harvest. Cone bag labels shall be satisfactory to the needs of the Certifying Agent.

(4) All cones and/or seed must be handled in a manner to prevent mixture and maintain lot identity. All machinery is to be thoroughly cleaned of all seed before processing another lot.

WAC 16-319-100 BUYING STATION RECORDS. (1) Buying Station Log - Each buying station is to maintain a log of all cones received. The log will be maintained on serially numbered forms. The log shall contain the following information: name of buying station, date of purchase, name of cone picker or seller, species, number of bushels, seed origin zone and elevation. The log is to be available for check by an official of the Certifying Agent during any business hour. The buying station log and the cone identification labels shall constitute

the basis for seed origin zone and elevation classification. Certifying Agent shall make spot checks in the field to assure that proper identification is being maintained.

(2) Register of Pickers - The buying station shall maintain a register of names and addresses of all cone pickers and sellers. For origin-certified seed, pickers shall have been preregistered and instructed in required procedures.

(3) Shipment Records - All movement of cones or seed from one place to another shall be covered by proper shipping forms until the seed is sold or stored. The shipping forms shall show species, seed origin zone, elevation band, number of sacks or bushels of cones, and pounds of seed.

WAC 16-319-110 MAINTENANCE OF CONE IDENTIFICATION LABELS. The cone identification label shall remain on the bag until processing. When removed from the bag, the cone identification labels are to be grouped by lot number and made available to the Certifying Officer. The cone identification labels shall be retained until approved for disposal by the Certifying Agent.

WAC 16-319-120 CONE AND SEED INVENTORY RECORDS. The applicant is to maintain a continuous current inventory record for each separate lot of cones or seed on hand at each plant or warehouse. The record should indicate species, lot number, harvest year, seed origin zone, elevation, date received, bushels of cones or weight of cleaned seed, and order number of similar record.

WAC 16-319-130 TAGGING AND SEALING. Seed lots having met all requirements for the certified, select origin-certified and origin-certified classes of certification will be tagged and sealed by the Certifying Agent. If only a part of the seed in a sealed container is to be sold, removal of the seal and its replacement shall be supervised by the Certifying Agent. Seed will not be considered as having met all the requirements of certification until the tag is attached and sealed to the container.

WAC 16-319-140 BLENDING OF LOTS. Two or more lots of cones or seed may be blended only with prior approval of and verification of eligibility by the Certifying Agent. When two or more lots are blended, proper procedures must be used to obtain a homogenous mixture, and the resulting blend must be truthfully labeled for its content.