

TRANSMITTAL OF RULES ADOPTED

FROM: Department of Agriculture
(Name of Agency)

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

The enclosed Permanent rules , being order No. 1123&1124
Emergency rules
relating to (Name of rules or description of subject matter)

Regulations for Labeling Small Grain Seed and
Treated Seed Labeling Requirements.

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

pursuant to Notice No. 2361 ① filed with the code reviser
on July 16, 1969 ② were regularly adopted as permanent rules of this
(date)
agency at Olympia on Aug. 19, 1969 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 Sept. 22, 1969 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 19th day of August 19 69

STATE OF WASHINGTON
FILED
AUG 19 1969
CODE REVISER'S OFFICE
KET 253 FILE # 25

Department of Agriculture
(AGENCY)
By Donald W. Moos
Title Director

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'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 REVISER'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 16-318

TREATED SEED LABELING REQUIREMENTS

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA
Order No. 1124
Effective September 22, 1969

WAC 16-318-002 PROMULGATION. (This promulgation relates only to WAC 16-318-040, WAC 16-318-050, WAC 16-318-060, WAC 16-318-070, WAC 16-318-080, and WAC 16-318-090).

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 chapters 42.32 and 34.04 RCW, and public hearing held in Yakima, Washington on August 14, 1969, do hereby promulgate the following regulations relating to treated seed labeling requirements.

NEW WAC 16-318-040 TREATED SEED LABELING REQUIREMENTS. The information required in New Section 32(1)(e) of the Washington State Seed Act, 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.

WAC 16-318-050 MERCURIALS AND SIMILARLY TOXIC PESTICIDES.

(a) For the purpose of this order, pesticides having a toxicity similar to mercurials shall include the following: Aldrin, Dieldrin, p-Dimethylaminobenzenediazo sodium sulfonate (Dexon), Endrin, Ethion, Heptachlor, Diazinon [0-0-diethyl-0-(isopropyl-4-methyl-6-pyrimedy)], Demeton [0-0-diethyl-0-(and S)-2-(ethylthio) ethyl phosphorothioate], Parathion, Phorate, and Toxaphene.

(b) Seeds treated with a mercurial or similarly toxic pesticide 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 be not less than twice the size of the type used for information required to be on the label.

(c) The terms "mercury" or "mercurial" may be used to represent all types of mercurial compounds.

WAC 16-318-060 OTHER PESTICIDES.

Seed treated with pesticides, other than those referred to in WAC 16-318-050, shall be labeled with an appropriate caution statement in not less than eight point type, such as: "Do not use for food, feed, or oil purposes."

WAC 16-318-070 TREATED SEED COLOR REQUIREMENT.

Pesticides used in the treatment of small grain seed or seed which might be used for feed or for human consumption, shall be colored so as to be readily discernible as having been treated.

WAC 16-318-080 BULK SEED.

The information required on the labels of packaged treated seed shall appear on the invoice or other document accompanying and pertaining to bulk seed.

WAC 16-318-090 EXAMPLES OF MINIMUM LABEL FORMATS.

(a) Mercurial or similarly toxic pesticides:

Treated with
Ethyl mercury phosphate
POISON (in red)



(b) Other pesticides:

Treated with
Captan
Caution: Do not use for food,
feed, or oil.

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

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated.



DONALD W. MOOS
Director of Agriculture
State of Washington

Signed at Olympia, Washington
Date: August 19, 1969

Chapter 16-317

REGULATIONS FOR LABELING SMALL GRAIN SEEDS

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA
Order No. 1123
Effective September 22, 1969

WAC 16-317-002 PROMULGATION. (This promulgation relates only to WAC 16-317-040, WAC 16-317-050, WAC 16-317-060, and WAC 16-317-070.)

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 chapters 42.32 and 34.04 RCW, and a public hearing held in Yakima, Washington on August 14, 1969, do hereby promulgate the following regulations relating to labeling of small grain seeds.

EW WAC 16-317-040 LABELING REQUIREMENTS FOR SMALL GRAIN SEEDS. In addition to the labeling requirements specified in New Section 32 of the Washington State Seed Act, labels for small grain seed shall contain the following information:

(a) Each variety (e.g., Nugaines), type (winter or spring), and kind (e.g., wheat), or each type and kind when in excess of 5 per cent by weight of the whole; or type may not be shown, PROVIDED, That the label shall conspicuously show the words "type not stated".

(b) A tetrazolium test may be used in lieu of germination, PROVIDED, That the label shall state "Tetrazolium ____%", and PROVIDED FURTHER, 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.

WAC 16-317-050 ALTERNATE LABELING REQUIREMENTS AND EXEMPTIONS.

(a) Seed distributed in packaged form to a wholesaler or a commercial grower for his own use and accompanied by an invoice or other document containing the labeling information required in New Section 32(1)(b), (d), (g) and (2)(a), (c), (d), and (e) of the Washington State Seed Act need only contain the information required in WAC 16-317-040(a) and New Section 32(1)(b), (c), and (e) on the attached labels; PROVIDED, That the purchaser has knowledge of and consents to said invoice labeling.

(b) When seed is needed for immediate planting, a purchaser may waive the seed analysis information requirement for his 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 Section 32(4) to receive the germination and purity information required in Section 32(1)(g) and (2), Chapter 63, Laws of 1969, on lot/s _____ purchased on _____; PROVIDED, That within 30 days, the supplier provides the above information to me in writing.

(Customer's Signature)

(c) When seed is distributed in bulk, the information required in WAC 16-317-040 and New Section 32 of the Washington State Seed Act shall be provided on the invoice or other document accompanying the distribution of said seed.

(d) The seed labeling registrant may provide the information required in WAC 16-317-040(a) and (b) and New Section 32 of the Washington State Seed Act as a guaranteed analysis at the time of distribution; PROVIDED, That the label, invoice, or other document accompanying the seed states "guaranteed analysis", and PROVIDED FURTHER, That the results of a purity and germination test of a representative sample is made available to the purchaser no later than thirty (30) days following the initial distribution of the lot.

(e) Origin is not required for small grain seed labeling.

WAC 16-317-060 SEED HELD IN STORAGE.

Seed held for bulk distribution or invoice labeling, shall be plainly identified with information required under WAC 16-317-040 (a) and New Section 32(1)(b) and (e) of the Washington State Seed Act.

WAC 16-317-070 NOXIOUS WEEDS.

(a) For the purposes of this order, the following weeds shall be considered restricted noxious in addition to those listed by regulation:

- (1) Rye, when in other small grain seeds,
- (2) Gromwell, and
- (3) Pacific Meadow foxtail.

(b) It shall be unlawful to distribute small grain seed containing restricted noxious weed seeds and those seeds listed in (a) above as restricted noxious singly or collectively in excess of 100 per pound.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated.



DONALD W. MOOS
Director of Agriculture
State of Washington

Signed at Olympia, Washington
Date: August 19, 1969