

TRANSMITTAL OF RULES ADOPTED

FROM: AGRICULTURE
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules , being Order No. 1485
Emergency rules

relating to (Name of rules or description of subject matter)

Grass seed certification fees and recognition of Tetrazolium tests.

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

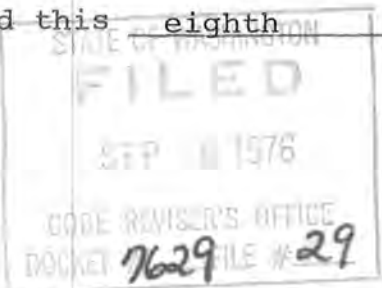
pursuant to Notice No. 6117 ① filed with the code reviser on 8/12/76 ② were regularly adopted as permanent rules of this agency at Olympia, WA on 9/7/76 ^{SR} and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be October 8, 1976. ③

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

pursuant to its finding in the attached administrative order, 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 the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this eighth day of September 1976.



Agriculture
(AGENCY)

By [Signature]

Assistant Supervisor, Grain & Chemical
Title

- 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. [Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
Order No. 1485
Effective October 8, 1976

WAC 16-316-0066 PROMULGATION (This promulgation relates to WAC 16-316-340 through WAC 16-316-370 and is a reenactment of Emergency Order 1484).

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.49 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW and public hearings held on April 27, 1976 in Yakima, Washington; June 11, 1976 in Spokane, Washington; and September 1, 1976 in Rockford, Washington do hereby promulgate the following regulations relating to grass seed certification.

NEW WAC 16-316-340 GRASS SEED CERTIFICATION STANDARDS. The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations, constitute the standards for grass seed certification. (See specific regulations for bentgrass standards).

NEW WAC 16-316-350 CERTIFICATION FEES. (1) SEEDLING APPLICATIONS: Due within sixty days after planting: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee.

(a) Seedling Application Fee:

Per variety, per grower..... \$10.00

(b) Late Seedling Penalty Fee: (per kind)..... \$10.00

This additional fee shall be charged for seedling applications received more than sixty days after planting.

(c) Seedling Producing Application Fee:

Per variety, per grower..... \$10.00

Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 1: PROVIDED, That such application may be accepted after due date with \$10.00 late penalty fee at the discretion of the certifying agency.

(2) RENEWAL APPLICATIONS: Due May 1: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

(a) Renewal Application Fee:

Per variety, per grower..... \$10.00

(b) Late Renewal Penalty Fee: (per kind)..... \$10.00

This additional fee shall be charged for renewal applications received after May 1.

(3) REINSPECTION: (each field)..... \$10.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(4) INSPECTION & FINAL CERTIFICATION FEES: Inspection and final certification fees will be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or par-

participation in Option B must sign a Memorandum of Agreement that shall expire on June 30 of each year. Memorandum may be terminated by the director if processor violates certification standard or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

(i) Inspection and final certification fee..... \$ 0.60 per 100 pounds. (If no seed is tagged, 20¢ of the final certification fee is refundable upon request).

(ii) Resampling if required..... \$ 0.15 per 100 pounds. Fees not applicable if lot has met Washington seed certification standards on previous certified sample and lot was remilled to improve quality.

(iii) Service fee for out-of-state origin..... \$ 0.30 per 100 pounds.

(iv) Blend fee shall be as established by blend regulation, and in addition to above fees. However, blend fee not applicable to salvage blends.

(v) Payment of fees shall be the responsibility of the person signing the application. However, processor may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

(i) Inspection and final certification fee..... \$ 1.00 per 100 pounds. (Minimum Fee)..... \$10.00

(ii) Service fee for out-of-state origin..... \$ 0.75 per 100 pounds.

(iii) Blend fee (in addition to fee established by blend regulation) shall be as follows, and payable upon completion of blend on total weight of blend:

(a) Washington origin certified seed used in blend. \$ 0.95 per 100 pounds.

(b) Out-of-state origin certified seed used in blend \$ 0.70 per 100 pounds: PROVIDED, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(c) A refund or credit will be issued for the percent of the blend lot not tagged. (For example, if 40% of the blend is not tagged, 40% of the fees charged under Option B above is refundable). Requests for refunds must be made by June 30 following final disposition of the blend.

(iv) Payment of fees shall be the responsibility of the processor. A processor choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or non-renewal of Option B Memorandum of Agreement, processor shall be responsible for Option A fees on all certified seed not tagged at termination date.

(5) FEES FOR SERVICES such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(6) PURITY AND GERMINATION TEST fees shall be as established by the director of agriculture.

(7) FEES FOR RESAMPLING, RETAGGING, OR SERVICES NOT LISTED IN THIS ORDER shall be the most applicable fee established by the director of agriculture.

(8) FEES FOR REISSUE OF TAGS shall be \$0.05 per tag with a minimum fee of \$5.00.

WAC 16-316-355 LAND REQUIREMENTS. (1) A field to be planted with breeder seed for the production of foundation seed must not have grown or have been seeded to the same species, sub-species, variety, or strain of grass during the preceding five years. The field must be planted in spaced rows.

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

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

(4) Reseeding of a field because of failure or partial failure of the first seeding may be done with permission of the seed branch.

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

NEW WAC 16-316-356 VARIETY RESTRICTIONS. (1) Pennlate Orchardgrass: Life of stand limited to six years. Maximum of three seed crops on foundation.

(2) Pennfine Perennial Ryegrass: Maximum of two seed crops on foundation, four seed crops on certified.

(3) Pennstar Kentucky Bluegrass: Life of stand limited to six years.

(4) Deer Tongue: Life of stand limited to six years.

NEW WAC 16-316-360 ISOLATION REQUIREMENTS. (1) A seed field to be 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:

Symbol for Type of Reproduction	Minimum Isolation Distance Required For Fields Producing:		
	Foundation	Registered	Certified
Strains at least			15 feet
80% Apomictic - - - A	60 feet	30 feet	clean fallow
Highly Self-Fertile			15 feet
Species - - - - - S	60 feet	30 feet	clean fallow
All Cross-Pollinated			
Species - - - - - C	900 feet	300 feet	165 feet

(2) Isolation required between different classes of the same variety of cross-pollinated (C) species:

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

(3) Isolation requirements between classes of the same variety of apomictic (A) and self-fertile (B) species is 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.	

(a) The grower must apply for certification of the entire field and before inspection clearly stake off the border removal portion.

(b) A reinspection will be required after harvest of the certified portion of the field.

(c) 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 will harvest the certified portion of the field first and deliver this seed to the processing plant. After seed is weighed and lotted in, the grower will request a reinspection; if everything is in order, the field will be passed and the border strip can be harvested as uncertified seed.

NEW

WAC 16-316-365 FIELD TOLERANCES SHALL BE AS FOLLOWS:

(1) Maximum other varieties permitted in fields producing:
Foundation: 0% Registered: 0.5% Certified: 2%
 Prohibited noxious weeds must be controlled to prevent seed formation.

NEW

WAC 16-316-370 SEED STANDARDS. Seed standards for grass shall be as follows:

Crop & it's type of Reproduction	Symbol (as defined in 16-316-360)	Min.% Germ Fndt.		Min.% Pure Fndt.		Max.% Inert Fndt.		Max.% Weeds (b) Fndt.		Max.% Other Crop Fndt. (a)		Max. No. seeds of other grass spp.	
		Req.	Cert.	Req.	Cert.	Req.	Cert.	Req.	Cert.	Req.	Cert.	Fndt.	Req.
Bluegrass													
Sherman	(A)	70	70	90	90	10	10	.05	.3	.1	.5	1/10 grams	1/1 grams
Kentucky	(A)	80(e)	80	97	97(d)	3	3	.05	.3	.1	.5(d)	1/10 grams	1/1 grams
Merion Kentucky	(A)	80(e)	80	92	92(d)	8	8	.05	.3	.1	.5(d)	1/10 grams	2/1 grams
Canada	(A)	80	80	96	96(d)	4	4	.05	.3	.1	.5(d)	1/10 grams	1/1 grams
Smooth Brome	(C)	80	85	95	95	5	5	.05	.3(c)	.1	.5	1/50 grams	10/50grams
Doortongue	(C)	50	50	97	95	3	5	.50	.5	1.0	1.0	1%	----
Fescue													
Tall	(C)	80	85	95	97	5	3	.03	.3	.1	.5	2/50 grams	10/50grams
Hard Fescue	(C)	80	85	95	95	5	5	.03	.3	.1	.5	1/50 grams	5/50grams
Other Fescue	(C)	80	90	95	95	5	5	.03	.3	.1	.5	1/50 grams	5/50grams
Orchardgrass	(C)	80	85	85	90	15	10	.03	.3	.1	.5	3/50 grams	16/50grams
					80 for Pennlate & Latar								
Ryegrass	(C)	85 (f)	90(f)	96	98	4	2	.1	.3	.1	.5	1/50 grams	5/50grams
Pennfene	(C)	85 (f)	85(f)	96	97	4	3	.1	.3(c)	.1	.5	1/50 grams	5/50grams
Timothy	(C)	80	85	97	97	3	3	.1	.3	.1	.5	1/50 grams	5/50grams
Wheatgrass													
Beardless	(C)	80	85	90	90	10	10	.1	.3	.1(e)	.5	1/50 grams	5/50grams
Intermediate	(C)	80	85	95	95	5	5	.1	.3	.1(e)	.5	1/50 grams	5/50grams
Pubescent	(C)	80	85	95	95	5	5	.1	.3	.1(e)	.5	1/50 grams	5/50grams
Streambank	(C)	80	85	90	90	10	10	.1	.3	.1(e)	.5	1/50 grams	5/50grams
Crested, Siberian	(C)	80	85	90	95	10	5	.1	.3	.1(e)	.5	1/50 grams	5/50grams
Slender	(S)	80	85	90	95	10	5	.1	.3	.1(e)	.5	1/50 grams	5/50grams
Tall	(C)	80	85	95	95	5	5	.1	.3	.1(e)	.5	1/50 grams	5/50grams

(a) Not to exceed twenty-five hundredths of one percent (.25%) other grass species for certified seed.

(b) Grass seed must not contain more than 45 per pound for registered seed, 90 per pound for blue tag seed, singly or collectively, or objectionable weeds (see current general rules). Grass seed must be free of the seed of prohibited noxious weeds.

(c) A tolerance of .5% will be allowed for samples containing weedy bromus spp., provided the total of all other weed seeds does not exceed .3%.

(d) A 3% tolerance of other Kentucky bluegrass varieties will be allowed in Merion (Note: containing minimum 92% Merion). In a Kentucky bluegrass other than Merion, 2% of varieties other than the variety certified will be allowed. In Canada bluegrass 2% Kentucky bluegrass will be permitted.

(e) A standard tetrazolium (200 seed) test may be used in lieu of germination test.

(f) A tolerance of .8% will be allowed in registered and certified wheatgrass containing small grain seed, providing the total of all other crop seed does not exceed .1% for registered class and .5% for certified class.

(g) Acceptable maximum fluorescence allowed:

Variety	Foundation	Registered	Certified
NK-100	3 - 12%	-----	3 - 12%
Norlea	2%	-----	5%
Pelo	1%	2%	5%
Pennfine	0 - 1%	-----	0 - 3%
Cropper	To be determined		
NK-200	0	-----	3%
Yorktown	0	0	2%

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

A handwritten signature in cursive script that reads "Stewart Bledsoe". The signature is written in dark ink and is positioned above a horizontal line.

STEWART BLEDSOE
Director of Agriculture

Signed at Olympia, WA

Date:

9/8/76