

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1556

(1) I, Bob J. Mickelson, director of the Department of Agriculture

do promulgate and adopt at Olympia, Washington

(place)

the annexed rules relating to:

WAC 16-495-085 and WAC 16-495-110 of Chapter 16-495, Title 16 relating to definitions and violation procedures in implementing the annual bluegrass quarantine. Amendment removes ryegrass from seed stock list. New section added on violation procedures.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules. & 2/21/78

This action is taken pursuant to Notice No. 7968 and 78-03-042 filed with the code reviser on 12/30/77. Such rules shall take effect:

pursuant to RCW 34.04.040(2).

XX at a later date, such date being April 1, 1978

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order 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 public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

X (a) This rule is promulgated pursuant to RCW 17.24 and 15.49

and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED March 1 19 78

STATE OF WASHINGTON FILED

By Bob J. Mickelson

Director of Agriculture

Title

MAR 1 1978

[Form CR-7: Effective 12/1/77]

CODE REVISER'S OFFICE WSR 78-03-105

File 32

AMENDATORY SECTION (Order 1468, filed 5/13/76)

WAC 16-495-085 DEFINITIONS. (1) Annual bluegrass - *Poa annua* and all related subspecies.

(2) Seed stock - those seeds of grasses which are to be planted for seed increase or with intent of seed increase; except this definition does not include: Big Bluegrass, Upland Bluegrass, Bromegrasses, Tall Fescue, Meadow Fescue, Oatgrass, Orchardgrass ((Ryegrass)), Timothy, or Wheatgrass.

(3) Official Seed Laboratory - seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Lab, 2015 South 1st Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(4) Official Sample - sample drawn in accordance with sampling procedures adopted by the director.

(5) Annual Bluegrass Analysis Certificate - a test report from an official laboratory showing freedom from annual bluegrass of an official 25 gram sample for bluegrass; 50 gram sample for other grasses.

(6) Quarantine Tag - 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 16-495-110 VIOLATION PROCEDURES. (1) A person who violates quarantine shall meet with a representative of the Seed Branch to determine:

(a) If a violation actually occurred;

(b) How did it 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 shall 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 shall be inspected by Department of Agriculture three times during the seedling stages to assure freedom from annual bluegrass. Violator will be assessed hourly inspection fee and 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, will be referred to the Attorney General for action.

