

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1557

(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 16-316-110, WAC 16-316-115, WAC 16-316-151, WAC 16-316-165 and WAC 16-316-180 of Chapter 16-316, Title 16 relating to varieties eligible for seed certification. Amendments clarify wording, remove varieties, renumber subsections.

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

This action is taken pursuant to Notice No. 7975 and 78-03-053 filed with the code reviser on 12/30/77. Such rules shall take effect:

- ( ) pursuant to RCW 34.04.040(2).
X 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):

(a) This rule is promulgated pursuant to RCW 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.

STATE OF WASHINGTON March 1 1978

FILED

MAR 1 1978

By Bob J. Mickelson

Director of Agriculture

Title

CODE REVISER'S OFFICE WSR 78-03-114

file 30

AMENDATORY SECTION (Order 1452, filed 5/13/76)

WAC 16-316-110 VARIETIES ELIGIBLE. (1) Only those varieties that are accepted by the certifying agency as meriting certification, in accordance with the criteria listed below, shall be eligible for certification. For those crops (~~where~~) for which National Variety Review Boards exist, it is (~~required~~) recommended that varieties be submitted to appropriate board to determine their merit for certification.

(2) Acceptance of a variety for certification shall be based on the following:

(a) A statement and supporting evidence by the originator, developer, or owner requesting certification that the variety has been adequately tested to determine its value and probable area of adaptation, and that it merits certification, and that it is distinguishable from other varieties as set forth in Article 5, International Code of Nomenclature for Cultivated Plants, which reads as follows: "The term cultivar (variety) denotes an assemblage of cultivated individuals which are distinguished by any characters (morphological, physiological, cytological, chemical or others) significant for the purposes of agriculture, forestry, or horticulture, and which, when reproduced (sexually or asexually) retain their distinguishing features."

(b) A statement on origin and breeding procedure.

(c) A description of the morphological characteristics, (such as color, height, uniformity, leaf, head or flower characteristics, etc.) physiological characteristics, disease and insect reactions, and any other identifying characteristics of value to field inspectors and such other pertinent factors as the breeder or sponsor considers relevant.

(d) Evidence of performance, including data on yield, insect or disease resistance and other factors supporting the value of the variety. These performance tests may be conducted by private seed firms or Agricultural Experiment Stations, and shall include appropriate check varieties which are used extensively in the area of intended usage.

(e) A statement giving suggested region of probable adaptation and purposes for which the variety will be used. This shall include where the breeder of the variety has tested it and anticipates recommending and merchandising.

(f) Procedure for maintenance of stock seed classes shall be described. At the time a variety is accepted for certification, a sample lot of breeder seed shall be presented to the certifying agency. This is to be retained as a control varietal sample against which all future seed stock released for certified seed production may be tested to establish continued trueness of variety.

AMENDATORY SECTION (Order 1452, filed 5/13/76)

WAC 16-316-115 LIMITATION OF GENERATIONS. (1) Except as provided elsewhere in this section, the number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder or owner of a variety.

(2) The following exceptions to the above limitations of generations are permitted:

(a) Unlimited recertification of the certified class may be permitted for (~~older~~) crop varieties where foundation seed is not being maintained.

(b) The production of an additional generation of the certified class may be permitted on a one-year basis when:

(i) An emergency is declared prior to the planting season by the certifying agency stating that foundation and registered seed supplies in the United States are not adequate to plant the needed acreage of the variety.

(ii) Permission of the originating breeder and/or owner of the variety is obtained (if applicable).

(iii) The additional generation of certified seed produced to meet the emergency need is declared to be ineligible for certification.

#### AMENDATORY SECTION (Order 1452, filed 5/13/76)

WAC 16-316-151 LAND HISTORY. (See specific crop Rules) Requirements may be modified upon approval of the Seed Certification Agency when a cultural practice has proven to be successful. Cultural practice may include mechanical means such as deep plowing and/or chemical means such as fumigants or other material for seed bed preparation. Materials and methods must be a matter of record. Whichever method is used, it must be approved and adequate to insure varietal purity. ((To distinguish between any possible volunteers, the crop seeded must be planted in distinct rows but may vary in drill spacings. -- Plants outside the defined row may be construed as volunteers.))

#### AMENDATORY SECTION (Order 1452, filed 5/13/76)

WAC 16-316-165 OBJECTIONABLE WEEDS. The following weeds shall be considered objectionable weeds for the purpose of seed certification:

English or Common Name	Botanical or Scientific Name
Bermudagrass	<i>Cynodon dactylon</i> (L.) Pers.
Blue lettuce	<i>Lactuca pulchella</i> (Pursh.) DC.
Docks and Sorrel	<i>Rumex</i> spp.
Field pennycress (fanweed)	<i>Thlaspi arvense</i>
Field sandbur	<i>Cenchrus pauciflorus</i> Benth.
Halogeton	<i>Halogeton glomeratus</i> (M. Biev.) C.W. Mey.
((Diffuse-knapweed	<i>Centaurea diffusa</i> Lam.)
((Spotted-knapweed	<i>Centaurea maculosa</i> Lam.)
Medusahead	<i>Elymus caput-medusae</i> L. or <i>Taeniatherum asperum</i> (Sim) Nevski
Plantains	<i>Plantago</i> spp.
Poverty weed	<i>Iva axillaris</i> Pursh.
Puncturevine	<i>Tribulus terrestris</i> L.
St. Johnswort	<i>Hypericum perforatum</i> L.
Dalmation toadflax	<i>Linaria dalmatica</i> (L.) Mill.
Yellow toadflax	<i>Linaria vulgaris</i> Hill
Western ragweed	<i>Ambrosia psilostachya</i> DC.
Wild mustard	<i>Brassica kaber</i> (DC.) L.C. Wheeler Var.
Wild oat	<i>Avena fatua</i> L.
Yellow starthistle	<i>Centaurea solstitialis</i> L.
Goatgrass (in small grain)	<i>Aegilops cylindrica</i>

Gromwell (in small grain)  
Rye (in other small grain)

Lithospermum arvense  
Secale cereale

AMENDATORY SECTION (Order 1452, filed 5/13/76)

WAC 16-316-180 FIELD INSPECTIONS. (~~(1)~~) Field inspections shall be made as follows:

~~((a))~~ (1) A seedling field shall be inspected at the most appropriate time after receipt of seedling application. The inspection will be repeated prior to harvest in case the field produces seed the same season.

~~((b))~~ (2) Field inspections shall be made each year that a crop of certified seed is to be produced when factors affecting certification are most evident.

~~((c))~~ (3) A field will not be eligible for certification unless a field inspection has been made prior to defoliation or harvesting.

~~((d))~~ (4) The unit of certification will be the entire field standing at the time of inspection. A portion of a field may be certified if the area to be certified is clearly defined.

~~((e))~~ (5) A field producing foundation or registered seed that warrants a rejection because of noxious weeds may be reclassified to certified blue tag class if upon reinspection these fields meet certified blue tag standards.

~~((f))~~ (6) Excessive objectionable weeds may be cause for rejection of a field. Excessive weeds, poor stands, lack of vigor, or other conditions which make inspection inaccurate may also be cause for rejection.

~~((g))~~ (7) If a field is rejected, the grower may apply for reinspection after the cause for rejection has been corrected. No more than two reinspections will be granted each field. (See specific crop rules for reinspection fee).



STATE OF  
WASHINGTON

Dixy Lee Ray  
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purposes of legislative review of agency rules, the following statement is submitted:

1. Regulations pertaining to the varieties eligible for seed certification.  
(Statutory authority 15.9 RCW)
2. The amendments are to clarify wording, remove varieties, renumber sections.
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4. Proponets: Department of Agriculture  
Opponents: None
5. No agency comments.