

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1622

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

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

Small grain seed certification standards in WAC 16-316-520, WAC 16-316-525, WAC 16-316-530, WAC 16-316-540, WAC 16-316-545 and WAC 16-316-550.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 79-03-071 filed with the code reviser on March 6, 1979. Such rules shall take effect:

- [X] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(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)1 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 15.49 and is intended to administratively implement that statute.

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

has authority to implement the provisions of (agency)

(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 APPROVED AND ADOPTED April 30 19 79 FILED

By [Signature] Deputy Director Title

APR 30 1979

CODE REVISER'S OFFICE WSR 79-05-056

AMENDATORY SECTION (Amending Order 1459, filed 5/13/76)

WAC 16-316-520 SMALL GRAIN SEED CERTIFICATION STANDARDS. The general ((rules-for)) seed certification standards are basic and together with the following specific ((rules;)) standards constitute the ((rules)) standards for small grain seed certification.

AMENDATORY SECTION (Amending Order 1562, filed 3/1/78)

WAC 16-316-525 ELIGIBLE VARIETY AND STOCK SEED.

Kind, type	Variety
Barley, spring	<u>Advance</u> Belford, Blazer, <u>Kimberly</u> , Klages, <u>Kombar</u> (P), Larker, <u>Lud</u> (P), <u>Stepford</u> (P), <u>Steptoe</u> , ((Unitan;---Vale---79;)) Vanguard, ((Kombar-{P};-Stepford-{P};)) Woodvale
Barley, winter	Boyer, Kamiak
Oat, spring	<u>Appaloosa</u> , Cayuse, <u>Corbit</u> , <u>Otard</u> Park, ((Victory)) <u>Toral</u>
Rye, winter	Puma, Rymin
Wheat, spring	Borah, Fielder, Marfed, Peak 72, ((Produx {P};)) Profit 75 (P), Prospur (P), ((Springfield)) <u>Prostar</u> (P), Twin, Urquie, <u>Walladay</u> , Wandell, Wared, WS-1 (P), WS-6 (P), WS-25 (P), Kitt, RF-75 (P), Wampum
Wheat, winter	Barbee, Daws, Faro, Gaines, Hyslop, Luke, McCall, McDermid, Moro, Nugaines, Paha, Sprague, Wanser, Yamhill, Jacmar (P), Stephens

Triticale, spring

(P) means Proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

AMENDATORY SECTION (Amending Order 1562, filed 3/1/78)

WAC 16-316-530 APPLICATION AND FEES. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field must be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for small grain seed.

(2) Due Dates:

(a) June 1 for winter varieties; however, acceptable for service after due date with late application fee.

(b) July 1 for spring varieties; however, acceptable for service after due date with late application fee.

(3) Fees:

- (a) Application fee per variety per grower..... \$10.00
- (b) Field inspection fee per acre..... \$ 0.70
- (c) Late application fee..... \$10.00
- (d) Reinspection fee..... \$20.00

minimum for each field which did not pass field inspection plus \$ 0.20 each acre over 25. The reinspection fee for isolation requirements only for a field of any size is \$20.00.

(e) Final certification fee..... \$ 0.10 per cwt. of clean seed sampled, which shall be charged to processing plant or production fee..... \$ 0.10 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to processing plant or, if name, to applicant.

(f) Sampling fee..... \$ 0.10 per cwt. of clean seed sampled, with minimum charge of \$10.00 per sample, which shall be charged to processing plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeiture of both the application and field inspection fees, and completion of certification.

AMENDATORY SECTION (Amending Order 1459, filed 5/13/76)

WAC 16-316-540 ISOLATION REQUIREMENTS. (1) Each small grain field for certification must be isclated from other small grain fields by three feet.

(2) Each rye field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet.

(3) Each triticale field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet.

AMENDATORY SECTION (Amending Order 1459, filed 5/13/76)

WAC 16-316-545 FIELD STANDARDS.

Factor		Foun- dation	Regis- tered	Certi- fied
Off-types	(Max.)	None	5 plants /acre	15 plants /acre
Other small grains	(Max.)	None	5 plants /acre	15 plants /acre
Rye <u>and triticale</u> in barley, oat or wheat		None	None	None
Vetch (r-triticale)		None	None	None

((a)) (1) The field inspection will be made when the seedcrop is fully headed and of mature color.

((b)) (2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in prohibited noxious weeds, or excess objectionable or common weeds, or mechanical field mixing, shall be cause for rejection.

AMENDATORY SECTION (Amending Order 1493, filed 3/31/77)

WAC 16-316-550 SEED STANDARDS.

Factor		Founda- tion	Regis- tered	Certi- fied
Pure seed	(Min.)	99.00%	99.00%	99.00%
Off-types	(Max.)	None	1/lb.	4/lb.
Inert matter	(Max.)	1.00%	1.00%	1.00%
Other crop seed	(Max.)	None	0.05%	0.10%
Other small grains	(Max.)	None	1/lb.	2/lb.
Rye <u>and triticale</u> in barley, oat or wheat		None	None	None
Vetch (r - Triticale)		None	None	None
Weed seed	(Max.)	None	0.05%	0.05%
Prohibited noxious Objectionable (r -goatgrass)		None	None	None
and groomwell	(Max.)	None	None	1/lb.
Wild oat	(Max.)	None	None	None, except 1/lb. barley, oat
Germination when sampled	(Min.)	85.00%	85.00%	85.00%



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

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

- (a) This rule relates to the seed regulations in Washington state (statutory authority RCW 15.49).
- (b) Revision of regulations concerning production, certification and distribution of seed. These changes include a 15 percent increase in seed testing fees; amendments in seed certification, quarantine, phytosanitary, noxious weed seed programs, clover, alfalfa, grass, bean, pea, lentil, soybean, small grain, tree seed, sod quality, blending, the O.E.C.D. program; and, admendments to restricted noxious weed seed list.
- (c) Department of Agriculture
Grain and Chemical Division
Art G. Losey
406 General Admin. Bldg.
Olympia, WA 98504
753-5062
- Robert Eschbach
2015 So. 1st Street
Yakima, WA 98903
575-2750
- (d) Proponents:
- Department of Agriculture
Ted Dion
Les Clemmons
Jack McGillis
- Duward Massey
Bob Johnson
- Opponents: None
- (e) None