

State of Washington  
Department of Agriculture  
(agency name)

Administrative Order No. 1606

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

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

Labeling small grain seed in WAC 16-317-040, WAC 16-317-050, WAC 16-317-060 and WAC 16-317-002.

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

This action is taken pursuant to Notice No. WSR 79-03-055 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) 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

(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 April 30 1979

FILED

APR 30 1979

By [Signature] Deputy Director

Title

CODE REVISER'S OFFICE WSR 79-05-080

AMENDATORY SECTION (Amending Order 1123, filed 8/19/69)

WAC 16-317-040 LABELING REQUIREMENTS FOR SMALL GRAIN SEEDS. In addition to the labeling requirements specified in ~~((New-Section--32))~~ RCW 15.49.320 of the Washington State Seed Act, labels for small grain seed shall contain the following information:

~~((a))~~ (1) 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))~~ percent by weight of the whole; or type may not be shown ~~((r))~~; PROVIDED, That the label shall conspicuously show the words "type not stated".

~~((b))~~ (2) A tetrazolium test may be used in lieu of germination ~~((r))~~; 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.

AMENDATORY SECTION (Amending Order 1123, filed 8/19/69)

WAC 16-317-050 ALTERNATE LABELING REQUIREMENTS AND EXEMPTIONS. ~~((a))~~ (1) 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))~~ RCW 15.49.320 (1) (b), (d), (g) and (2) (a), (c), (d), and (e) ~~(([REW-15.49.320]))~~ of the Washington State Seed Act need only contain the information required in WAC 16-317-040 (a) and ~~((New-Section-32))~~ RCW 15.49.320 (1) (b), (c), and (e) ~~(([REW-15.49.320]))~~ on the attached labels ~~((r))~~; PROVIDED, That the purchaser has knowledge of and consents to said invoice labeling.

~~((b))~~ (2) 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))~~ RCW 15.49.320 (4) ~~(([REW--15.49.320(4)]))~~ to receive the germination and purity information required in ~~((section-32))~~ RCW 15.49.320 (1) (g) and (2) ~~(([REW 15.49.320(1)(g)--and--(2)]--chapter--63--Laws--of--1969))~~, on lot/s ..... purchased on ..... ~~((r))~~; PROVIDED, That within ~~((30))~~ thirty days, the supplier provides the above information to me in writing.

.....  
(Customer's Signature)

~~((c))~~ (3) When seed is distributed in bulk, the information required in WAC 16-317-040 and ~~((New-Section-32-[REW-15.49.320]))~~ RCW 15.49.320 of the Washington State Seed Act shall be provided on the invoice or other document accompanying the distribution of said seed.

~~((d))~~ (4) The seed labeling registrant may provide the information required in WAC 16-317-040 (a) and (b) and ~~((New-Section-32))~~ RCW 15.49.320 of the Washington State Seed Act as a guaranteed analysis at the time of distribution ~~((r))~~; 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)~~) (5) Origin is not required for small grain seed labeling.

AMENDATORY SECTION (Amending Order 1123, filed 8/19/69)

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)~~) RCW 15.49.320 (1) (b) and (e) (~~(RCW--15.49.320(1)(b)--and--(e))~~) of the Washington State Seed Act.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-317-002 PROMULGATION.



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, amendments 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