

State of Washington
Department of Agriculture

(agency name)

Administrative Order No. 1700

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

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Treated seed labeling requirements in WAC 16-318-040; WAC 16-316-050;
WAC 16-318-060; WAC 16-318-080 and WAC 16-318-090.

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

This action is taken pursuant to Notice No. WSR 80-04-114 filed with the code reviser
on April 2, 1980. Such rules shall take effect:
 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):

(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
APPROVED AND ADOPTED May 30, 1980
FILED

MAY 30 1980

By Bob J. Mickelson
Director of Agriculture

Title

CODE REVISER'S OFFICE

WSR 80-06-118



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98501

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

1. Rules pertaining to production, certification and distribution of seed in Washington state (Statutory Authority RCW 15.49).
2. Amendments of the seed regulations included a forty percent increase in laboratory seed testing fees; amendments to regulations on seed quarantine, small grain seed labeling requirements, treated seed labeling requirements; and amendments to seed certification for clover, alfalfa, grass, bean, pea, lentil, soybean, small grain, tree seed, sod quality seed certification. New regulations were adopted for sod and sod seed certification standards.

3 Art Losey
406 General Administration Bldg.
Olympia, WA 98504
753-5062

Robert Eschbach
2015 So. 1st Street
Yakima, WA 98903
SCAN 558-2750

4. Proponents:

Department of Agriculture
Duward Massie
Les Clemons
Bob Prentice
A. Sumida
W. Eldridge
Ted Dionne

Opponents: None

5. No agency comments.

AMENDATORY SECTION - (Amending Order 1124, filed 8/19/69)

WAC 16-318-040 TREATED SEED LABELING REQUIREMENTS. The information required in ~~((New))~~ Section 15.49.320 ~~((32))~~(1)(e) of the Washington State Seed Act, shall be conspicuously shown on the analysis tag or label, or on a separate tag or label, attached to each container, printed in a conspicuous manner on the side or top of each container.

AMENDATORY SECTION - (Amending Order 1124, filed 8/19/69)

WAC 16-318-050 MERCURIALS AND SIMILARLY TOXIC PESTICIDES. ~~((a) For the purpose of this order, pesticides having a toxicity similar to mercurials shall include the following: Aldrin, Dieldrin, p-Dimethylamino-benzenediazo-sodium-sulfonate (Dexon), Endrin, Ethion, Heptachlor, Diazinon (0-0-diethyl-0-(isopropyl-4-methyl-6-pyrimedy)), Demeton (0-0-diethyl-0-(and-S)-2-(ethylthio)-ethyl-phosphorothioate), Parathion, Phorate, and Toxaphene.))~~

~~((b))~~ Seeds treated with a mercurial or similarly toxic pesticide, if any amount remains on or in the seed, shall be labeled with the skull and crossbones and a statement such as: "This seed has been treated with POISON", "Treated with POISON", "POISON Treated", or "POISON" with the word "POISON" in red on a contrasting background. The word "POISON" shall appear in not less than 8 point type, and the skull and crossbones shall ~~((be))~~ not be less than twice the size of the type used for information required to be on the label. In making this determination, the department shall be guided by the labeling registered by the Environmental Protection Agency and/or Washington State Department of Agriculture on the pesticide being used and by the requirements of the Federal Seed Act.

~~((c) -- The terms "mercury" or "mercurial" may be used to represent all types of mercurial compounds.))~~

AMENDATORY SECTION - (Amending Order 1124, filed 8/19/69)

WAC 16-318-060 OTHER PESTICIDES. Seed treated with pesticides, other than those referred to in WAC 16-318-050, shall be labeled with an appropriate caution statement in not less than eight point type, such as: "Treated seed - do not use for food, feed, or oil purposes ((=))" and shall contain other appropriate caution statement as required on the Environmental Protection Agency and/or Washington State Department of Agriculture registered pesticide label of the seed treatment being used.

AMENDATORY SECTION - (Amending Order 1124, filed 8/19/69)

WAC 16-318-080 BULK SEED. The information required on the labels of packaged treated seed shall appear on the invoice or other document accompanying and pertaining to each bulk seed shipment.

AMENDATORY SECTION - (Amending Order 1124, filed 8/19/69)

WAC 16-318-090 EXAMPLES OF MINIMUM LABEL FORMATS. (a) Mercurial or similarly toxic pesticides:

Treated with
~~((Ethyl-mercury-phosphate))~~ Endrin
POISON (in red) (Skull & Crossbones Symbol)

(b) Other pesticides:

Treated with
Captan
Caution: Treated seed - do not use for food,
feed, or oil.

(c) Additional information may be shown, such as rate of application, antidote, specific purposes of treatment, etc., provided such information is not false or misleading.