

State of Washington

AGRICULTURE

(agency name)

Administrative Order No. 1812

(i) I, M. Keith Ellis, director of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Buckwheat and Stowage Examinations, Chapter 16-213 WAC

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

This action is taken pursuant to Notice No. 84-03-045 filed with the code reviser on 1-18-84. These rules shall take effect: [X] thirty days after they are filed with the code reviser 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 this 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 the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.026 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 22.09 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 84

MAR 2 1984

By

Director

Title

CODE REVISER'S OFFICE WSR 8406-036

NEW SECTION

WAC 16-213-200 DEFINITIONS. (1) "Buckwheat" means grain which before the removal of dockage consists of fifty percent or more of whole kernels of buckwheat (domestic varieties). The term "buckwheat" in these standards shall not include wild buckwheat.

(2) "Dockage" means all matter other than buckwheat which can be readily removed from a test portion of the original sample by use of the approved device in accordance with the procedures as set down in these standards.

(3) "Foreign material" means all matter other than buckwheat which remains in the sample after the removal of dockage.

(4) "Moisture" means a percentage ascertained by the air oven or by any device and method which gives equivalent results.

(5) "Percentages" means percentages ascertained by weight except in the case of moisture.

(6) "Sample grade buckwheat" means buckwheat which has a commercially objectionable foreign odor; or is musty, sour, heating, or hot; or contains eight or more stones per one thousand grams; or fails to meet the grade requirements of Washington numerical grades, or is otherwise distinctly low quality.

(7) "Stones" means concreted, earthy, or mineral matter or other substances of similar hardness that do not disintegrate readily in water.

(8) "Test weight per bushel" means the weight as determined per Winchester Bushel (35.24 liters) or as determined by any device and method which gives equivalent results.

(9) "Type" of buckwheat (large or small) means the result determined by sizing a portion using an 8/64 x 3/4 slotted sieve, and shall be added to and made a part of the grade designation.

(a) The designation shall be "Large" when twenty percent or less of the buckwheat passes through an 8/64 x 3/4 slotted sieve.

(b) The designation shall be "Small" when more than twenty percent of the buckwheat passes through an 8/64 x 3/4 slotted sieve.

(10) "Weevily" buckwheat shall be buckwheat that is infested with live weevils or other insects injurious to stored buckwheat.

NEW SECTION

WAC 16-213-210 PROCEDURES. (1) The determination of dockage shall be on approximately nine hundred seventy-five to one thousand twenty-five grams cut from the representative sample.

(a) The Carter dockage tester shall be set up as follows:

(i) Set the air control at number six;

(ii) Set the feed control at number six;

(iii) Use the number two riddle in the riddle carriage;

(iv) Use no sieve in the top sieve carriage;

(v) Use the number eight sieve in the middle sieve carriage;

(vi) Use the number eight sieve in the bottom sieve carriage.

(b) Dockage will then consist of:

(i) The material removed from the air collecting pan;

(ii) Material over the number two riddle. If any buckwheat is in this pan, remove and return to dockage free buckwheat;

(iii) Material through the number eight sieve. If by weight, it is fifty percent or more of material other than buckwheat, return all of it to the dockage. If by weight, it is more than fifty percent buckwheat, return all of it to the dockage free buckwheat;

(iv) Material through the number six bottom sieve.

(c) Record the percentage of dockage on the pan ticket. When applicable, the percentage of dockage shall be shown on the inspection certificate. The percentage of dockage when equal to 0.5 percent or more shall be stated in terms of half percent, whole percent, or whole

and half percent, whichever is applicable, with other fractions disregarded as shown in the following examples:

- 0.50 to 0.99 percent is expressed as 0.5 percent;
- 1.00 to 1.49 percent is expressed as 1.0 percent;
- 1.50 to 1.99 percent is expressed as 1.5 percent, etc.

(2) The determination of foreign material shall be made on a representative portion of approximately sixty grams cut from the work sample after the removal of dockage. The percentage of foreign material shall be shown on the pan ticket and the inspection certificate to the nearest tenth of a percent.

(3) The determination for moisture shall be made on a representative portion of exactly two hundred fifty grams obtained from the representative sample before the removal of dockage. The percentage of moisture shall be shown on the pan ticket and the inspection certificate in whole and tenths of a percent to the nearest tenth percent.

(4) The determination for distinctly low quality and Washington sample grade factors shall be made on the basis of the lot as a whole and/or a representative portion of approximately one thousand grams cut from the representative sample before the removal of dockage. Distinctly low quality factors shall include:

(a) Animal filth. Buckwheat containing two or more rodent pellets, bird droppings, or an equivalent quantity of other animal filth shall be graded Washington sample grade.

(b) Broken glass. Buckwheat containing two or more pieces of broken glass shall be graded Washington sample grade.

(c) Castor beans. These multi-colored bean-like seeds of the castor-oil plant have been found to be highly toxic to animal life. Buckwheat containing three or more castor beans shall be graded Washington sample grade.

(d) Crotalaria. The seeds of crotalaria (*CROTALARIA* spp.) are highly toxic to animal life. These seeds can be various colors and are generally "kidney" or "boxing glove" shaped. Buckwheat containing three or more crotalaria seeds shall be graded Washington sample grade.

(e) Unknown foreign substance. Buckwheat containing four or more pieces of an unknown foreign substance shall be graded Washington sample grade. Pelletized material other than feed pellets shall be considered an unknown foreign substance. Feed pellets in buckwheat are considered dockage or foreign material, depending on where they are found during grading.

When buckwheat is found to be Washington sample grade on one or more of these factors, this fact and the reasons therefore shall be shown on the pan ticket and the inspection certificate even though the buckwheat may be Washington sample grade on another factor.

(5) The determination of stones shall be made on a representative portion of approximately one thousand grams of buckwheat after the removal of dockage.

(6) The determination for test weight per bushel shall be made on a representative portion of buckwheat ranging in size from one and one-eighth to one and one-quarter quarts after the removal of dockage. The test weight per bushel of buckwheat, whether or not this factor determines the grade, shall be shown on the pan ticket and the inspection certificate in whole and half pounds. A fraction of a half pound shall be disregarded.

(7) The determination of type shall be made on a representative portion of approximately two hundred fifty grams cut from the work sample after the removal of dockage. One of the following methods may be used:

(a) The mechanical sieving method.

(i) Mount an 8/64 x 3/4 slotted sieve and the bottom pan on the mechanical sieve shaker with the sieve perforations parallel to the direction of the movement. The sample is placed on the sieve and shaken lengthwise of the slots for twenty strokes.

(ii) All the material passing through the sieve shall be weighed and the percentage determined to the nearest tenth of a percent. This

percentage shall be shown on the pan ticket and the inspection certificate.

(b) Hand sieving method.

(i) Mount an 8/64 x 3/4 slotted sieve on a bottom pan.

(ii) Place the two hundred fifty gram portion in the center of the pan.

(iii) Hold the sieve level in both hands with elbows close to the body and the sieve perforations parallel to the direction of the movement.

(iv) In a steady motion move the sieve left to right approximately ten inches and then return from right to left.

(v) Repeat the operation twenty times.

(vi) All the material passing through the sieve shall be weighed and the percentage determined to the nearest tenth of a percent. This percentage shall be shown on the pan ticket and the inspection certificate.

(8) The determination for the special grade "weevily" shall be made on the basis of the lot as a whole and/or the representative sample before the removal of dockage. Buckwheat is considered infested and shall be graded weevily when:

(a) The work sample contains one live weevil and any other live insect injurious to stored grain.

(b) The work sample contains one live weevil and the balance of the representative sample contains one live weevil or any other live insect injurious to stored grain.

(c) The work sample, or the work sample and the balance of the representative sample combined, contains no live weevils but does contain five or more other live insects injurious to stored grain.

(d) Two or more live weevils are found in, on or about the lot. When buckwheat is found to be weevily, this fact shall be shown on the pan ticket and on the inspection certificate in accordance with grade designation procedures.

(9) To provide uniform certification the following procedure shall be observed when writing grade designations on pan tickets and inspection certificates:

(a) The word "Washington" preceded by the abbreviation "No." and the numerical grade, or preceded by the words "Sample Grade", as the case may be, shall be shown first;

(b) The word "Large" or "Small" shall be shown next;

(c) The word "Buckwheat" shall be shown next;

(d) When applicable, the special grade "Weevily" shall be shown next;

(e) When applicable, the word "Dockage" together with the percentage thereof.

(10) The following certification requirements are applicable to buckwheat under these standards:

| GRADE            | MINIMUM TEST WEIGHT<br>PER BUSHEL (POUNDS) |        | MAXIMUM LIMIT OF |
|------------------|--|--------|------------------|
|                  | LARGE                                      | SMALL  | FOREIGN MATERIAL |
|                  | Pounds                                     | Pounds | Percent          |
| No. 1 Washington | 45   | 48     | 1.0              |
| No. 2 Washington | 43   | 46     | 2.0              |
| No. 3 Washington | 40   | 42     | 4.0              |

Sample grade - Buckwheat which has a commercially objectionable foreign odor, or is musty, sour, heating, hot, contains eight or more stones per one thousand grams, or is otherwise distinctly low quality shall be graded Washington sample grade buckwheat with the inspector's notation as to quality and condition.

NEW SECTION

WAC 16-213-220 INSPECTION AND CERTIFICATION OF SHIPLOTS AND COMBINED LOTS OF WASHINGTON BUCKWHEAT. (1) For the loading of shiplots and combined lots, procedures from Chapter 2 - "Inspection of Shiplots and Combined Lots" and Chapter 3 - "Certification of Shiplots and Combined Lots" shall be utilized from the Federal Grain Inspection Manual.

(2) The following table shall be used for Uniform Inspection and determination of breakpoints.

(3) For purposes of the table below, GL means grade limit and BP means breakpoint.

| GRADE            | MINIMUM TEST WEIGHT<br>PER BUSHEL (POUNDS) |     |        |     | MAXIMUM LIMIT OF<br>FOREIGN MATERIAL |     |
|------------------|--|-----|--------|-----|--------------------------------------|-----|
|                  | LARGE                                      |     | SMALL  |     |                                      |     |
|                  | Pounds                                     |     | Pounds |     | Percent                              |     |
|                  | GL   | BP  | GL     | BP  | GL                                   | BP  |
| No. 1 Washington | 45.0                                       | 0.5 | 48.0   | 0.5 | 1.0                                  | 0.5 |
| No. 2 Washington | 43.0                                       | 0.5 | 46.0   | 0.5 | 2.0                                  | 0.5 |
| No. 3 Washington | 40.0                                       | 0.5 | 42.0   | 0.5 | 4.0                                  | 0.8 |

| OTHER FACTORS | GRADE LIMIT                            | BREAKPOINT |
|---------------|--|------------|
| Moisture      | As specified by contract or load order |            |
| Dockage       | 0.49%                                  | 0.27%      |
|               | 0.99%                                  | 0.27%      |
|               | 1.49% and above                        | 0.39%      |
| Large         | 20% or Less                            | 5.0%       |
| Small         | More than 20%                          | -5.0%      |
| Weevily       | See WAC 16-213-210(8)                  | 0 count    |

NEW SECTION

WAC 16-213-230 WASHINGTON STOWAGE EXAMINATIONS. (1) Upon request, original inspection or reinspection stowage examinations to determine suitability for loading of carriers transporting cultivated buckwheat, beet pulp pellets and other commodities not specifically covered by the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.) or the Agricultural Marketing Act of 1946, as amended (7

U.S.C. 1621 et seq.) will be performed by inspectors of the Washington state department of agriculture who are licensed under one of the above acts to perform official export stowage examinations.

(2) Procedures and guidelines for cleanliness shall be those of the United States Grain Standards Act, as amended. If the stowage area is acceptable, results shall be certificated on a Washington state certificate as:

"Hold no(s) ..... was (were) examined on the above date by an inspector of the Washington state department of agriculture and was (were) found to be substantially clean, dry, free of insect infestation and suitable to maintain the quality of the (type of commodity)."

If the stowage area is unacceptable, results will be certificated on a Washington state certificate as:

Hold no(s) ..... was (were) examined on the above date by an inspector of the Washington state department of agriculture and was (were) found to be not suitable to maintain the quality of the (type of commodity) because of (condition)."

The terms "official" or "official stowage examination" shall not be used.

~~REPEALER~~

*NW*

The following section of the Washington Administrative Code is repealed:

~~WAC 16-213-010 PROMULGATION.~~