

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1980

(1) I, C. Alan Pettibone, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

Use of pesticides on seed alfalfa in WAC 16-228-600.

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

This action is taken pursuant to Notice No. filed with the code reviser on. These rules shall take effect:

- [] 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, C. Alan Pettibone, 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:

Recent changes in federal environmental protection agency policy have enabled this agency to declare the alfalfa seed crop a non-food, non-feed crop in time for the current growing season. This will allow growers greater freedom in pesticide choice.

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 15.58 and 17.21 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 June 7 1988

STATE OF WASHINGTON FILED

JUN 7 1988

By [Signature] Deputy Director Title

CODE REVISER'S OFFICE WSR 88-13-025

NEW SECTION

WAC 16-228-600 Use of pesticides on seed alfalfa. (1) For purposes of pesticide registration, all alfalfa seed crop fields may be considered non-food and non-feed sites of pesticide use; PROVIDED, that the following conditions are met:

(a) All seed screenings shall be disposed of in such a way that they cannot be distributed or used for food or feed. The seed conditioner shall keep records of screening disposal for three years from the date of disposal and shall furnish the records to the director forthwith upon request. Disposal records shall consist of documentation from a controlled dump site, incinerator, or other equivalent disposal site and shall show the amount of material disposed of, its grower, and the date of disposal.

(b) No portion of the seed alfalfa plant, including but not limited to green chop, hay, pellets, meal, whole seed, and cracked seed, may be used or distributed for food or feed purposes.

(c) All alfalfa seed conditioned in this state shall bear a tag which forbids use of the seed for human consumption or animal feed.

(d) No alfalfa seed conditioned in this state may be distributed for human consumption or animal feed.

(2) Violation of any condition listed in subsection (1) of this section is declared to be a violation of chapters 17.21 and 15.58 RCW.

(3) Alfalfa seed crop certified under provisions of chapter 15.86.070 RCW, the Organic Food Products Act, shall be exempt from the requirements of this section.