

State of Washington

Department of Agriculture  
(agency name)

Administrative Order No. 2005

(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:

Prohibited noxious weed list in Chapter 16-300 WAC; seed testing charges in Chapter 16-304 WAC; and rules relating to seed certification and inspection in Chapter 16-316 WAC.

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

This action is taken pursuant to Notice No. WSR 89-07-074 filed with the code reviser on 3/21/89. 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 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 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 May 19, 1989

STATE OF WASHINGTON FILED MAY 22 1989

By [Signature] Director

Title

CODE REVISER'S OFFICE WSR 89-11-078

AMENDATORY SECTION (Amending Order 1796, filed 5/16/83)

WAC 16-300-010 PROHIBITED NOXIOUS WEED SEEDS. (1) Prohibited (primary) noxious weed seeds are the seeds of weeds which when established are highly destructive, competitive and/or difficult to control by cultural or chemical practices.

(2) It shall be unlawful for any person to distribute mislabeled seed. Seed shall be deemed to be mislabeled if it consists of or contains any of the prohibited noxious weed seeds listed below. For the purpose of seed certification, see WAC 16-316-160 for the list of prohibited noxious weeds.

| ENGLISH OR<br>COMMON NAME  | BOTANICAL OR<br>SCIENTIFIC NAME         |
|--|---|
| Austrian fieldcress  | <i>Rorippa austriaca</i> (Crantz) Bess. |
| Field bindweed   | <i>Convolvulus arvensis</i> L.          |
| Hedge bindweed   | <i>Convolvulus sepium</i> L.            |
| Camelthorn   | <i>Alhagi camelorum</i> Fisch.          |
| Canada thistle   | <i>Cirsium arvense</i> (L.) Scop.       |
| Hairy whitetop   | <i>Cardaria pubescens</i> (C.A. Mey.)   |
| Hoary cress  | <i>Cardaria draba</i> (L.) Desv.        |
| Jointed goatgrass  | <i>Aegilops cylindrica</i>              |
| (only in small grain)  |   |
| Leafy spurge   | <i>Euphorbia esula</i> L.               |
| Perennial pepperweed   | <i>Lepidium latifolium</i> L.           |
| Perennial sowthistle   | <i>Sonchus arvensis</i> L.              |
| Quackgrass   | <i>Agropyron repens</i> (L.) Beauv.     |
| Russian knapweed   | <i>Centaurea repens</i> L.              |
| <u>Serrated tussock</u>  | <u><i>Nassella trichotoma</i></u>       |
| Silverleaf nightshade  | <i>Solanum elaeagnifolium</i> Cav.      |
| Sorghum perennial such as, but not limited to, johnsongrass, sorghum alnum, and perennial sweet sudangrass | <i>Sorghum</i> spp.                     |
| Tansy ragwort  | <i>Senecio jacobaea</i> L.              |
| Yellow-flowering skeleton weed   | <i>Chondrilla juncea</i> L.             |

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as fo

|                                       | SAMPLE<br>MIN.<br>SIZE | PURITY<br>(a)      | NOXIOUS<br>ONLY |
|---------------------------------------|------------------------|--------------------|-----------------|
| Bentgrass                             | 2 oz.                  | \$30.00            | \$15.00         |
| Bluegrass                             | 4 oz.                  | 21.00              | 13.00           |
| Bromegrass                            | 6 oz.                  | 22.00              | 13.00           |
| Fescue                                | 4 oz.                  | 21.00              | 13.00           |
| Orchardgrass                          | 4 oz.                  | 24.00              | 15.00           |
| Ryegrass                              | 4 oz.                  | 21.00              | 13.00           |
| Crested<br>Wheatgrass                 | 4 oz.                  | ((24.50))<br>25.00 | 15.00           |
| Other<br>Wheatgrasses                 | 6 oz.                  | 36.00              | 22.00           |
| Other grasses                         | 4 oz.                  | 17.00              | 10.50           |
| Beans and peas                        | 1 1/4 lb.              | 13.00              | 7.50            |
| Cereals                               | 1 1/4 lb.              | 13.50              | 9.00            |
| Other crops                           | 4 oz.                  | 13.50              | 9.00            |
| Mixture (for each<br>additional kind) |                        | 10.50              |                 |
| Beets                                 |                        | 18.00              | 8.50            |
| Rapeseed                              |                        | 32.00              | 9.00            |
| Carrot                                |                        | 13.50              | 9.00            |

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: One gram - bluegrass; five grams - alfalfa; and one hundred grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: Ten grams - bluegrass; fifty grams - alfalfa; five hundred grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on four hundred seeds.

(c) Purity and germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium test - a chemical test that measures viability and germination potential. (A germination test should also be obtained.)

(2) Special tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and/or weed exam..... Noxious only  
fee plus \$ 3.50  
(or hourly rate when applicable)

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each five grams..... \$16.00  
Poa annua check for other grasses - each 10 grams..... \$16.00

(c) Sod seed analysis -  
Bluegrass..... \$56.00  
Fescue..... \$40.00  
Ryegrass..... \$32.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use.)

| ROWS: |              |         | OTS     | 6  |
|-------|--------------|---------|---------|----|
|       |              |         | -2982;1 | 10 |
|       |              |         | 040;2   | 10 |
|       | PURITY       | TETRA-  | 12      | 10 |
|       | AND          | ZOLIUM  | 12      | 10 |
| GERM  | GERM         | 200     | 12      | 10 |
| (b)   | (c)          | Seeds   | 12      | 10 |
|       |              | (d)     | 12      | 10 |
|       |              |         | 12      | 10 |
| 16.00 | \$46.00      | \$21.00 | 14      | 12 |
| 14.00 | 35.00        | 21.00   | 16      | 14 |
| 11.50 | 33.50        | 21.00   | 18      | 16 |
| 11.50 | 32.50        | 21.00   | 20      | 18 |
| 13.00 | 37.00        | 21.00   | 22      | 20 |
| 10.50 | 31.50        | 21.00   | 24      | 22 |
|       |              |         | 25      | 23 |
| 14.00 | ( (37.50) )  | 21.00   | 27      | 25 |
|       | <u>39.00</u> |         | 28      | 26 |
|       |              |         | 29      | 27 |
| 14.00 | ( (49.00) )  | 21.00   | 31      | 29 |
|       | <u>50.00</u> |         | 32      | 30 |
| 10.50 | 27.50        | 21.00   | 34      | 32 |
| 11.50 | 24.50        | 21.00   | 35      | 34 |
| 11.50 | 25.00        | 21.00   | 38      | 36 |
| 11.50 | 25.00        | 21.00   | 40      | 38 |
|       |              |         | 41      | 39 |
| 13.00 |              | 21.00   | 43      | 41 |
| 17.00 | 35.00        |         | 44      | 42 |
| 16.00 | 48.00        | 21.00   | 45      | 43 |
| 11.50 | 25.00        | 36.00   | 46      | 44 |
|       |              |         | 47      | 45 |
|       |              |         | 48      | 46 |
|       |              |         | 49      | 47 |
|       |              |         | 51      | 49 |
|       |              |         | 51      | 49 |
|       |              |         | 53      | 51 |
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|       |              |         | 66      | 64 |
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|       |              |         | 70      | 68 |
|       |              |         | 71      | 69 |
|       |              |         | 73      | 71 |
|       |              |         | 74      | 72 |
|       |              |         | 75      | 73 |
|       |              |         | 76      | 74 |
|       |              |         | 77      | 75 |
|       |              |         | 79      | 77 |
|       |              |         | 79      | 77 |

Bluegrass test includes purity, twenty-five gram all weed/all crop, except ten gram Poa annua exam. Ryegrass and Fescue test includes purity, one hundred gram all weed/all crop. (Fluorescent required on ryegrass; germ and fluorescent test additional fee.)

- (d) Fluorescent test - (four hundred seed test)..... \$13.00
- (e) Pest and disease, soil exam or similar..... \$16.00
- (Reported on seed analysis certificate.) A visual examination of a representative sample.
- (f) Sod analysis check - twenty-five gram exam to evaluate if a lot appears to be sod quality (phone report only)..... \$18.00
- (g) Variety separation of Kentucky bluegrass..... \$18.00
- If separated at time of purity analysis..... \$ 9.00
- (h) Sodium hydroxide test for presence of red and/or white wheat..... \$10.00
- (i) Brassica seed chemical identification test..... \$10.00
- (j) Analysis of partially cleaned, uncleaned or field run seed with excessive inert, other crop or weed seeds (per hour). \$16.00
- (k) Fescue seed fluorescence test - a test required to determine presence of other fine fescue species in hard fescue and sheep fescue which is required on certified samples..... \$14.00
- (3) Inventory testing for germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.
  - (a) Reports may not be mailed until all tests are completed.
  - (b) Samples shall be plainly labeled "inventory samples."
  - (c) Samples shall be reported according to the sender's designation. The laboratory shall assume no responsibility for correct identification. These samples and tests shall not become a part of our permanent record.
  - (d) The fee for this service shall be one-half the regular germination fee.
  - (e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.
- (4) Miscellaneous laboratory fees:
  - (a) Rush samples (including phone report if requested at time sample is submitted)..... \$10.00
  - (b) Phone reports on test result, per call..... \$ 3.50
  - (c) Preliminary report on germination (phone report only)..... \$ 8.00
  - (d) Morphological test..... \$ 8.00
  - (alfalfa or clover examined under magnification for combine damage.)
  - (e) Additional mailing of report (each destination)..... \$ 1.50
  - (f) Recopies of reports (minimum fee)..... \$ 2.50
  - Revised reports (minimum fee)..... \$ 5.00
- (g) I.S.T.A. rules test
 

|                    |                                 |             |
|--------------------|---------------------------------|-------------|
|                    | (or hourly fee when applicable) |             |
|                    | PURITY                          | GERMINATION |
| Alfalfa, clover    | \$20.00                         | \$14.00     |
| Kentucky bluegrass | \$30.00                         | \$14.00     |
| Peas, lentils      | \$20.00                         | \$14.00     |
- (h) Canadian rules test
 

|                    |         |              |
|--------------------|---------|--------------|
|                    | PURITY  | GERMINATION  |
| Alfalfa, clover    | \$20.00 | (((\$14.00)) |
|                    |         | \$11.50      |
| Kentucky bluegrass | \$30.00 | \$14.00      |
| Peas, lentils      | \$20.00 | (((\$14.00)) |
|                    |         | \$11.50      |
- (i) Seed count..... \$16.00
- (j) Extra charge for samples requiring special preparation for germination, i.e., New Zealand spinach, pelleted seeds, spinach, chard, etc..... \$16.00
- (k) Hourly fee for miscellaneous services..... \$16.00

|  |         |
|--|---------|
| (l) Service charge for submitted federal phytosanitary certificates, per certificate.....  | \$ 5.00 |
| (m) All states noxious weed examination.....   | \$ 7.00 |
| (n) Fee for special handling service (i.e., Federal Express, Air Parcel Post, or air freight) for documents or seed samples..... | \$ 3.50 |
| (o) Fee for facsimile transmission of documents, per document.....   | \$ 3.50 |

AMENDATORY SECTION (Amending Order 1757, filed 3/31/82, effective 5/1/82)

WAC 16-316-160 PROHIBITED NOXIOUS WEEDS. The following weeds shall be considered prohibited noxious weeds for the purpose of seed certification:

| ENGLISH OR COMMON NAME   | BOTANICAL OR SCIENTIFIC NAME     |
|--|----------------------------------|
| Austrian fieldcress  | Rorippa austriaca (Crantz) Bess. |
| Field bindweed   | Convolvulus arvensis L.          |
| Hedge bindweed   | Convolvulus sepium L.            |
| Camelthorn   | Alhagi camelorum Fisch.          |
| Canada thistle   | Cirsium arvense (L.) Scop.       |
| Dodder   | Cuscuta spp.                     |
| Hairy whitetop   | Cardaria pubescens (C.A. Mey.)   |
| Hoary cress  | Cardaria draba (L.) Desv.        |
| Jointed goatgrass  | Aegilops cylindrica              |
| Leafy spurge   | Euphorbia esula L.               |
| Perennial pepperweed   | Lepidium latifolium L.           |
| Perennial sowthistle   | Sonchus arvensis L.              |
| Quackgrass   | Agropyron repens (L.) Beauv.     |
| Russian knapweed   | Centaurea repens L.              |
| <u>Serrated tussock</u>  | <u>Massella trichotoma</u>       |
| Silverleaf nightshade  | Solanum elaeagnifolium Cav.      |
| Sorghum perennial such as, but not limited to, johnsongrass, sorghum alnum, and perennial sweet sudangrass | Sorghum spp.                     |
| Tansy ragwort  | Senecio jacobaea L.              |
| Yellow-flowering skeleton weed   | Chondrilla juncea L.             |

AMENDATORY SECTION (Amending Order 1452, filed 5/13/76)

WAC 16-316-185 THE SEED ((PROCESSOR)) CONDITIONER. The seed ((processor)) conditioner shall: (1) Notify the seed branch, state department of agriculture, of their intent to ((process)) condition seed for certification.

(2) Request the seed branch to inspect its plant to determine if they can be approved to ((process)) condition seed for certification. Upon approval its name shall be added to the list of approved ((processing)) conditioning plants.

(3) Handle all seed for certification in a manner so as to prevent mixture of lots, clearly identifying each lot with a lot number.

(4) Show evidence of clean maintenance. Installations shall be easily accessible for cleaning and inspection and all equipment ((must)) shall be thoroughly cleaned between lots.

(5) Obtain approval from the certifying agency for handling seed for certification in bulk.

(6) Dispose of screenings in compliance with the Washington State Seed Act.

(7) Obtain approval from the certifying agency to ship seed for certification out-of-state for ((processing)) conditioning.

(8) Have his/her permit to ((process)) condition seed for certification rescinded should a subsequent inspection reveal that the ((processing)) conditioning of seed for certification is not being handled in the manner prescribed when the approval was granted and the operator fails to take corrective measures. The name of the establishment ((will)) shall then be removed from the list of approved ((processors)) conditioners, and the growers of seed for certification notified of the same.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-230 ALFALFA SEED CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:

Per variety, per grower..... \$15.00

(b) Late seedling penalty fee: ..... (~~\$15.00~~)  
\$30.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling ((acreage)) producing fee: (per acre)..... \$ 1.75

(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ((ten)) thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:

Per variety, per grower..... \$15.00

(b) Renewal acreage fee: (per acre)..... \$ 1.75

(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee:..... (~~\$15.00~~)  
\$30.00

This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field)..... (~~\$20.00~~)  
\$40.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two re-inspections are permitted for each field each year.

(4) Production fee includes sampling and tagging per cwt.: ..... \$ 0.50

The sampling and production fees are billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents cwt. production fee charged is refundable.

(5) Purity and germination test: ..... Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars.

AMENDATORY SECTION (Amending Order 1851, filed 5/2/85)

WAC 16-316-270 BEAN SEED CERTIFICATION FEES.

(1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Application fee:

Per variety, per grower..... \$15.00



(b) Acreage fee:

(i) One inspection: (per acre)..... \$ 1.75

One inspection is required for certification of Great Northern, Red Mexican, pinto, pink, and small white beans.

(ii) Two inspections: (per acre)..... \$ 3.50

Includes windrow inspection which is required for: Certification of snap beans, kidney beans, and eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection.

(c) Late application penalty fee:..... ((~~\$15.00~~))  
\$30.00

This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field)..... ((~~\$20.00~~))  
\$40.00

If a field is rejected for reasons other than bacterial diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt.:..... \$ 0.40

The production fees shall be billed at ((final--certification and-tagging)) the completion of tests.

(4) Purity and germination tests: ..... Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(6) Bean seed entered into the certification program shall comply with bean seed quarantine rules. See WAC 16-494-001 through 16-494-062.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-315 PHYTO-SANITARY CERTIFICATION--FEE AND CHARGES.

(1) Fee for area and field inspection:

(a) Field inspection (payable with application):

(i) All seed except wheat seed. For each required inspection (per acre or fraction thereof)..... \$ 4.00  
(with minimum fee of \$20.00 per field per inspection)

(ii) Wheat seed only. For each required inspection (per acre or fraction thereof)..... ((~~\$--75~~))  
\$ 1.75

An additional charge of fifty cents per acre shall be charged for each disease requested in excess of two.

(b) Area inspection

(per one hundred pounds)..... \$ 0.05  
Billed at time certificate is issued with a minimum of twenty dollars and a maximum of one hundred fifty dollars per certificate.

(2) Late application penalty fee..... ((~~\$10.00~~))  
\$30.00

This additional fee shall be charged for each application received after due date.

(3) Sampling fee when sampling is required:

(a) Beans, peas, lentils, cereal grains  
(per one hundred pounds) ..... \$ 0.05

- (b) Other crops (per one hundred pounds)..... \$ 0.15
- (4) Serology test:..... Fee to be established by the state of Idaho.

An official five pound sample is required from each ten thousand pounds or portion thereof. Officially drawn samples will be submitted to: State Plant Pathologist, Idaho Department of Agriculture, P.O. Box 410, Twin Falls, Idaho 83301.

- (5) Fees for services not listed in this rule shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established shall be used.
- (6) Laboratory analysis of plant material: An additional fee of eighteen dollars per field shall be charged when necessary to examine plant material in the laboratory to verify disease.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/89)

WAC 16-316-350 GRASS SEED CERTIFICATION FEES--SEEDLING APPLICATIONS. (1) All applications and fees for seedlings (~~((planted--from January--1--through--June--30))~~) shall be due (~~((September--1,--and--all--fees--for--seedlings--planted--July--1--through--December--31--shall--be--due--April--1--of--the--following--year))~~) within sixty days of planting: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee.

- (a) Seedling application fee:  
Per variety, per ~~((grower))~~ field..... \$15.00
- (b) Late seedling penalty fee: (per kind)..... ~~((15.00))~~ \$30.00

This additional fee shall be charged for seedling applications received after due date.

- (c) Seedling producing application fee:  
Per ~~((variety))~~ field, per grower..... \$15.00
- Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees shall be due July 31: PROVIDED, That such application may be accepted after due date with ~~((ten))~~ thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due May 1: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

- (a) Renewal application fee:  
Per variety, per grower..... \$15.00
- (b) Late renewal penalty fee: (per ~~((kind))~~ variety). ~~((15.00))~~ \$30.00

This additional fee shall be charged for renewal applications received after May 1.

- (c) Inspection fee per field..... \$30.00

(3) Annual grasses inspection fee: (per acre)..... \$ 1.75  
Applications are due within sixty days after planting.

- (4) Reinspection: Other than isolation (each field).. ~~((20.00))~~ \$40.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(5) Inspection and final certification fees: Inspection and final certification fees shall be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B shall sign a memorandum of agreement that shall expire on June 30 of each year. Memorandum may be

terminated by the director if conditioner violates certification standard or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

(i) ~~((Inspection-and))~~ Final certification fee..... \$ 0.80 per one hundred pounds. (If no seed is tagged, twenty cents of the final certification fee is refundable upon request.)

(ii) Service fee for out-of-state origin..... \$ 0.3 per one hundred pounds.

(iii) Blend fee shall be as established by blend rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

(iv) Payment of fees shall be the responsibility of the person signing the application. However, conditioner may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

(i) ~~((Inspection-and))~~ Final certification fee..... \$ 1.10 per one hundred pounds. (Minimum fee per tagging)..... \$10.00

(ii) Service fee for out-of-state origin..... \$ 0.65 per one hundred pounds.

(iii) Blend fee (in addition to fee established by blend rule) shall be payable upon completion of blend on total weight of blend, and shall be as follows:

(A) Washington origin certified seed used in blend..... \$ 1.00 per one hundred pounds.

(B) Out-of-state origin certified seed used in blend..... \$ 0.60 per one hundred pounds: PROVIDED, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit shall be issued for the percent of the blend lot not tagged. (For example, if forty percent of the blend is not tagged, forty percent of the fees charged under Option B above is refundable.) Requests for refunds shall be made by June 30 following final disposition of the blend.

(6) Payment of fees shall be the responsibility of the conditioner. A conditioner choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner shall be responsible for Option A fees on all certified seed not tagged at termination date.

(7) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(8) Purity and germination test fees shall be as established by the director of agriculture.

(9) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(10) Fees for reissue of tags shall be ten cents per tag with a minimum fee of ten dollars.

AMENDATORY SECTION (Amending Order 1504, filed 3/31/77)

WAC 16-316-360 GRASS SEED--ISOLATION REQUIREMENTS. (1) A seed field to be eligible for the production of foundation, registered or certified seed ~~((must))~~ shall be isolated from any other variety or strain of the same species in accordance with the requirements in the following table:

| Symbol for Type of Reproduction       | Minimum Isolation Distance Required for Fields Producing: |            |                      |
|---------------------------------------|---|------------|----------------------|
|                                       | Foundation  | Registered | Certified            |
| Strains at least 80% Apomictic -----A | 60 feet   | 30 feet    | 15 feet clean fallow |
| Highly Self-Fertile Species -----S    | 60 feet   | 30 feet    | 15 feet clean fallow |
| All Cross-Pollinated Species --C      | 900 feet  | 300 feet   | 165 feet             |

(2) Isolation required between different classes of the same variety of cross-pollinated (C) species:

| Class Seed Planted | Class Seed ((Planted)) Produced | Distance Required From Nearest Field Producing: |
|--------------------|---------------------------------|---|
| Breeder            | Foundation                      | Registered----- 150 feet                        |
| "                  | "                               | Certified----- 225 feet                         |
| Foundation         | Registered                      | Certified----- 75 feet                          |

(3) Isolation requirements between classes of the same variety of apomictic (A) and self-fertile (S) species is as follows:

- (a) Field producing foundation or registered shall be a minimum of ((75)) fifteen feet from field planted with different class of same variety.
- (b) Field producing certified seed shall be a minimum of five feet from field planted with different class of the same variety.
- (4) Border removal for grass isolation: If it is not possible to provide minimum isolation distances for fields exceeding ((5)) five acres in area, border removal is permitted. Border removal requires removal of the portion of the field being certified that is adjacent to the contamination source. Minimum distances required for border removal are as follows:

| Border to be removed from the field being certified | Minimum Isolation Distance Required for Fields Producing: |            |           |
|---|---|------------|-----------|
|   | Foundation  | Registered | Certified |
| 0 feet  | 900 ft.   | 300 ft.    | 165 ft.   |
| 15 feet   | 450 ft.   | 150 ft.    | 75 ft.    |

- (a) The grower ((must)) shall apply for certification of the entire field and before inspection clearly stake off the border removal portion.
- (b) A reinspection ((will)) shall be required after harvest of the certified portion of the field.

- (c) The border removal portion of the field may be harvested for uncertified seed under the following conditions:
- (i) The entire field ((~~must~~)) shall pass all certification requirements except for isolation at time of inspection. The field report will show rejection due to lack of isolation.
  - (ii) The grower ((~~will~~)) shall harvest the certified portion of the field first and deliver this seed to the processing plant. After seed is weighed and lotted in, the grower ((~~will~~)) shall request a reinspection; if everything is in order, the field ((~~will~~)) shall be passed and the border strip can be harvested as uncertified seed.

AMENDATORY SECTION (Amending Order 1851, filed 5/2/85)

WAC 16-316-440 RED CLOVER SEED CERTIFICATION FEES.

- (1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.
- (a) Seedling application fee:  
Per variety, per grower..... \$15.00
  - (b) Late seedling penalty fee:..... ((~~\$15.00~~))  
\$30.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

- (c) Seedling ((~~acreage~~)) producing fee: (per acre)..... \$ 1.75  
(Refundable if acreage is withdrawn before inspection.)  
Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ((~~fifteen~~)) thirty dollars late penalty fee at the discretion of the certifying agency.

- (2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.
- (a) Renewal application fee:  
Per variety, per grower..... \$15.00
  - (b) Renewal acreage fee: (per acre)..... \$ 1.75  
(Refundable if acreage is withdrawn before inspection.)
  - (c) Late renewal penalty fee:..... ((~~\$15.00~~))  
\$30.00

This additional fee shall be charged for each renewal application received after June 15.

- (3) Reinspection: Other than isolation (each field).. ((~~\$20.00~~))  
\$40.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

- (4) Production fee: Includes sampling and tagging per cwt.:..... \$ 0.50  
The production fee is billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents cwt. production fee charged is refundable.

- (5) Purity and germination test:..... Fees as established by the director of agriculture.
- (6) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.
- (7) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars.

AMENDATORY SECTION (Amending Order 1851, filed 5/2/85)

WAC 16-316-474 FIELD PEA--LENTIL--SOYBEAN--SORGHUM--SMALL GRAIN--APPLICATION AND FEES. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of field pea, lentil, soybean, sorghum and small grains.

(2) Due dates:

- (a) Field pea - June 1
- (b) Lentil - June 1
- (c) Soybean - July 1
- (d) Sorghum - July 15
- (e) Small grains - June 1 for both winter varieties and spring varieties.

(f) After due date, an application with late application fee may be accepted for service.

(3) Fees:

- (a) Application fee per variety per grower..... (~~(\$10.00)~~)  
\$15.00
- (b) Field inspection fee per acre..... (~~(\$7.85)~~)  
\$ 2.10
- (c) Late application fee..... (~~(\$10.00)~~)  
\$15.00
- (d) Reinspection fee..... (~~(\$20.00)~~)  
\$30.00

minimum for each field which did not pass field inspection plus (~~(\$0.20)~~) \$0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is (~~(\$20.00)~~) \$30.00.

- (e) Final certification fee..... (~~(\$-0.14)~~)  
\$ 0.17

per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee..... (~~(\$-0.14)~~)  
\$ 0.17

per cwt. of production from fields inspected which is utilized for seed, which shall be charged to conditioning plant or, if none, to applicant.

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

(4) A field may be withdrawn upon notification by the applicant to the certifying agency's office 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 forfeitures of both the application and field inspection fees, and completion of certification.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-525 FIELD PEA--LENTIL--SOYBEAN--SORGHUM--SMALL GRAIN--ELIGIBLE VARIETY AND STOCK SEED.

| Kind           | Variety  |
|----------------|--|
| Barley, spring | Advance, Belford, Andre, <u>Camelot</u> (P), Clark, Columbia (P), Cougar, Flynn, Gus (P), <u>Harrington</u> , Klages, Kombar (P), Lindy (P), Menuet (P), Morex, Nova (P), Onda (P), Piston (P), Poco (P), Seven (P), Steptoe, WestBred Gustoe (P), WestBred 501 (P), WestBred Sprinter (P), Whitford (P)   |
| Barley, winter | Boyer, Hesk, Kamiak, Luther, Mal, Scio, Showin   |
| Oat, spring    | Appaloosa, Border, Cayuse, Monida, Ogle, Park,   |
| Rye, winter    | Puma, Rymin  |
| Wheat, spring  | Bliss, Bronze Chief (P), Copper, <u>Czar</u> (P), Dirkwin, Edwall, Fielder, Kodiak (P), Landmark (P), McKay, (( <del>W-754</del> -(P) )) Owens, Penawawa, <u>Spillman</u> , Tammy (P), Treasure, Urquie, <u>Wadual</u> , <u>Wakanz</u> , Wampum, Wared, Waverly, (( <del>WestBred-803</del> -(P) )) WestBred 881 (P), WestBred 906R (P), WestBred 911 (P), WestBred 926 (P), <u>WestBred Sprite</u> , WS-1 (P), W-444 (P), Yecora Rojo |
| Wheat, winter  | Andrews, Basin (P), Batum, Cashup (P), Crew Daws, Dusty, Hatton, Hill-81, <u>Hyak</u> , John, Lewjain, <u>Madsen</u> , McCall, Moro, Nugaines, Paha, Sprague, Stephens, Tres, Tye, Wanser  |

Triticale, spring Juan, Whitman

Triticale, winter Flora

(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 1851, filed 5/2/85)

WAC 16-316-660 WHITE CLOVER AND TREFOIL SEED CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:  
Per ((variety)) field, per grower..... \$15.00

(b) Late seedling penalty fee:..... ((~~\$15.00~~))  
\$30.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

- (c) Seedling ((acreage)) producing fee: (per acre)..... \$ 1.75  
 (Refundable if acreage is withdrawn before inspection.)  
 Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ((ten)) thirty dollars late penalty fee at the discretion of the certifying agency.
- (2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.
  - (a) Renewal application fee:  
 Per variety, per grower..... \$15.00
  - (b) Renewal acreage fee: (per acre)..... \$ 1.75  
 (Refundable if acreage is withdrawn before inspection.)
  - (c) Late renewal penalty fee:..... ((~~\$75.00~~))  
\$30.00

This additional fee shall be charged for each renewal application received after June 15.
- (3) Reinspection: Other than isolation  
 (each field)..... ((~~\$20.00~~))  
\$40.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.
- (4) Production fee: Includes sampling and tagging per cwt..... \$ 0.50  
 The production fee is billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents cwt. production fee charged is refundable.
- (5) Purity and germination test:..... Fees as established by the director of agriculture.
- (6) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.
- (7) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

- Bentgrass: Seaside Creeping\*\*\*  
 (subject to poa annua Putter Creeping  
 quarantine) Emerald Creeping\*\*
- Big Bluegrass: Sherman\*\*
- Canada Bluegrass: Reubens\*\*  
 (subject to poa annua  
 quarantine)
- Canby Bluegrass: Canbar\*\*
- Kentucky Bluegrass: A-34 (Benson)\*\*  
 (subject to poa annua Abbey\*\*  
 quarantine) Adelphi\*\*  
 Alpine\*  
 Amason\* (Amazon\*)  
 America\*  
 Ampellia\*  
 Argyle\*\*  
 Banff\*\*



Barblue\*pvv  
 Baron\*\*  
 Birka\*  
 Bono (Birdie)\*  
 Bronco\*  
 Chateau\*\*  
 Cheri (Golf)\*  
 Classic\*\*  
 Coventry\*\*  
 Destiny\*  
 Dawn\*  
 Eclipse\*  
 Enmundi\*pvv  
 Estate\*  
 Freedom\*  
 Fylking\*\*  
 Georgetown\*\*  
 Geronimo\*  
 Glade\*\*  
 Haga\*  
 Harmony\*  
 Holiday\*  
 Huntsville  
 Ikone\*\*  
 Julia\*  
 Kenblue\*  
 Kyosti\*  
 Leikra  
 Liberty\*\*  
 Limosine\*  
 Majestic\*\*  
 Merion\*\*  
 Monopoly\*  
 Mystic\*  
 Nassau\*\*  
 Newport\*\*  
 Nugget\*  
 Nutop\*  
 Parade\*  
 Park\*\*  
 Paso\*  
 Pennstar\*  
 Plush\*  
 Princeton 104\*  
 Ram I\*pvv  
 Rugby\*  
 Scenic\*  
 Suffolk\*  
 Swing\*  
 Sydsport\*  
 S-21\*\*  
 Tendos  
 Touchdown\*\*  
 Troy\*\*  
 Wabash\*  
 Welcome\*  
1757

Rough Bluegrass:

Colt\*

Meadow Brome:

Regar\*\*

Mountain Brome:

Bromar\*\*

|   |                                     |
|---|-------------------------------------|
| Smooth Brome:   | Baylor*                             |
|   | Beacon*                             |
|   | Bravo*                              |
|   | Jubilee*                            |
|   | Manchar**                           |
|   | Rebound*                            |
|   | Saratoga*                           |
| Fescue:<br>(subject to poa annua<br>quarantine - except tall<br>fescue) | Countess Chewings**pvpV             |
|   | Arid Tall*                          |
|   | Barcel Tall**pvpV                   |
|   | Barfalla Chewings**                 |
|   | Barfalla Chewings**                 |
|   | Baruba Chewings                     |
|   | Durar Hard**                        |
|   | Finelawn 1-Tall**                   |
|   | Joseph Idaho**                      |
|   | Nezpurs Idaho*pvpV                  |
|   | Logro Slender Creeping<br>Red**pvpV |
|   | Chesapeake Tall*                    |
|   | Manade Tall*                        |
|   | Mesa-Tall Turf Type                 |
|   | Rebel Tall*                         |
|   | Safe Tall*                          |
|   | Southern Cross Tall                 |
|   | Covar Sheep**                       |
|   | Fawn Tall*                          |
|   | Beaumont Meadow*                    |
|   | First Meadow**                      |
|   | Forager Tall*                       |
|   | Wrangler-Tall Turf Type             |
| Orchardgrass:   | Hay King*                           |
|   | Hay King II*                        |
|   | Latar**                             |
|   | Natsumidori (summer green)*         |
|   | Paiute**                            |
|   | Pennlate*                           |
|   | Potomac*                            |
| Redtop:   | Streaker*                           |
| Indian Ricegrass:   | Nezpar**                            |
| Perennial Ryegrass:<br>(subject to poa annual<br>quarantine)            | All*Star**                          |
|   | Friend**pvpV                        |
|   | <u>Ranger**</u>                     |
| Puccinellia distans:  | Fults*                              |
| Timothy:  | Clair*                              |
|   | Climax*                             |
|   | Hokuo*                              |
|   | Hokusen*                            |
|   | Kempus*                             |
|   | Kunpu*                              |
|   | Nosappu*                            |
|   | Promesse*                           |
|   | Senpoku*                            |
| Wheatgrass:   | Whitmar Beardless**                 |
|   | Secar Bluebunch**                   |
|   | Fairway Crested*                    |
|   | Ruff Crested*                       |
|   | Nordan Crested**                    |
|   | Ephraim Rhizomatous Crested**       |

Greenar  
 Intermediate\*\*  
 Oahe Intermediate\*  
 Tegmar Intermediate\*  
 Siberian\*\*  
 Greenleaf Pubescent\*  
 Luna Pubescent\*\*  
 Topar Pubescent\*\*  
 P-27 Siberian\*\*  
 Sodar Streambank\*\*  
 Critana Thickspike\*\*  
 Alkar Tall\*\*

Basin Wild Rye:

Magnar\*\*

Russian Wild Rye:

Bozoisky Select\*\*

(2) Variety restrictions.

|                         | NO. OF SEED HARVESTS |            | CERTIFIED |
|-------------------------|----------------------|------------|-----------|
|                         | FOUNDATION           | REGISTERED |           |
| (a) Kentucky Bluegrass: |                      |            |           |
| Baron                   | 5                    |            | 5         |
| Birka                   | 2 + 3 Cert.          |            | 5         |
| Enmundi                 | 4                    |            | 5         |
| Georgetown              | 5                    |            | 5         |
| Geronimo                | 6                    |            | 6         |
| Kenblue                 | 5                    |            | 7         |
| Majestic                | 3 + 5 Cert.          |            | 5         |
| Parade                  | 5                    |            | 5         |
| Ram-I                   | 2                    |            | 6         |
| Rugby                   | 3 + 2 Cert.          |            | 5         |
| Sydsport                |                      |            | 5         |
| Touchdown               | 2 + 5 Cert.          |            | 5         |
| (b) Orchardgrass:       |                      |            |           |
| Pennlate                | 3                    |            | 6         |

AMENDATORY SECTION (Amending Order 1930, filed 5/22/87)

WAC 16-316-810 RED CLOVER VARIETIES ELIGIBLE. (1) Following are the red clover varieties eligible and the certification scheme for each:

- Arlington\*
- Atlas\*
- Chesapeake\*
- Flare\*
- Florex\*
- Florie\*
- Hamidori\*
- Kenland\*
- Kenstar\*pvpV
- Lakeland\*
- Marathon\*
- Persist\*
- Prosper I\*
- Redland\*pvpV
- Redland II\*
- Redman\*
- Reddy\*
- Ruby\*\*
- Sapporo\*

Tristan\*  
 ((#-446\*))

(2) Variety restrictions. Kenstar: No seed production permitted year of seeding.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-320 ALFALFA VARIETIES ELIGIBLE. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

Agate\*  
 Anchor\*  
Anstar\*  
 Answer\*  
 Aquarius\*  
 Apollo II\*  
 Armor\*  
Arrow\*  
 Atlas\*  
 Atra-55\*  
 Baker\*pvv  
 Big Ten\*  
 Blazer\*  
Centurion\*  
 Challenger\*  
 Chief\*\*  
 Cimarron\*  
 Classic\*  
Commandor\*  
Crown\*  
 Crusader\*\*  
DK-125\*  
DK-135\*  
 Drummor\*  
 Eagle\*  
Elevation\*  
 Endure\*  
 Excaliber\*  
 Gladiator\*  
 G-2815\*  
 G-7730\*  
 GH-737\*\*  
 Hi-Phy\*  
 Honeoye\*pvv  
 Iroquois\*  
 Julius\*  
Legend\*  
 Magnum III\*  
 Maxim\*  
 Mesilla\*\*  
 Mohawk\*  
 Oneida\*pvv  
Oneida VR\*  
 Peak\*  
 Perry\*  
 Phytor\*  
 Polar II\*  
 Preserve\*  
 Primal\*  
 Ranger\*\*  
 Riley\*  
 Saranac\*

Saranac AR\*ppvV  
 Shenandoah\*  
Shield\*  
 Sparta\*  
 Spredor 2\*  
Summit\*  
Sure\*  
 Sverre\*  
 SX-217\*  
 SX-418\*  
 Trumpetor\*  
 Turbo\*  
Ultra\*  
 Vernal\*  
 Vancor\*  
 Vernema\*  
 Vista\*  
 WL-220\*  
 Weevlchek\*  
 WL-221\*  
 WL-225(\*)\*ppvV  
 WL-312\*  
 WL-313\*  
 WL-315\*ppvV  
 WL-316\*ppvV  
 WL-318\*  
 WL-320\*\*ppvV  
 Wrangler\*  
 88\*  
 120\*  
 123\*  
 130\*  
 521\*  
 520\*  
 526\*  
 530\*  
 531\*  
 532\*  
 581\*  
5262\*  
5432\*  
5444\*  
 624\*  
 629\*

## (2) Variety restrictions.

|            | Breeder | Foundation | NO. OF SEED HARVESTS<br>Registered | Certified |
|------------|---------|------------|------------------------------------|-----------|
| Answer     |         | 2          |                                    | 5         |
| Apollo II  |         |            |                                    | 3         |
| Baker      | 2       | 3          |                                    | 6         |
| Blazer     |         | 3          |                                    |           |
| Challenger | 2       | 3          |                                    | 5         |
| Chief      |         | 3          | 3                                  | 5         |
| Crusader   |         | 3          | 3                                  | 5         |
| Drummor    | 2       | 3          |                                    | 5         |
| G-7730     |         | 3          |                                    | 5         |
| GH 737     |         | 3          | 3                                  | 5         |
| Honeoye    |         | 3          |                                    | 6         |
| Iroquois   |         | 3          |                                    | 6         |
| Oneida     |         | 3          |                                    | 6         |
| Peak       |         | 3          |                                    |           |
| Perry      | 2       | 3          |                                    | 6         |
| Preserve   | 2       | 3          |                                    | 5         |
| Polar II   | 2       | 3          |                                    | 5         |

|            | Breeder | NO. OF SEED HARVESTS |            | Certified |
|------------|---------|----------------------|------------|-----------|
|            |         | Foundation           | Registered |           |
| Saranac    |         | 3                    |            | 6         |
| Saranac AR |         | 3                    |            | 6         |
| Spredor 2  | 2       | 3                    |            | 5         |
| Trumpetor  | 2       | 3                    |            | 5         |
| Vancor     | 2       | 3                    |            | 5         |
| Vernema    |         | 4                    |            | 6         |
| WL-221     |         | 3                    |            |           |
| WL-225     |         | 3                    | 3          | 5         |
| WL-313     |         | 3                    |            |           |
| WL-315     |         | 3                    |            | 5         |
| WL-320     |         | 3                    | 3          | 5         |
| WL-316     |         | 3                    |            | 5         |
| Wrangler   |         |                      |            | 6         |
| 120        |         | 3                    |            |           |
| 123        |         | 2                    |            | 4         |
| 130        |         | 3                    |            | 5         |
| 526        |         | 3                    |            | 5         |