



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (10/1/89)

Agency: Agriculture

- Permanent Rule
- Emergency Rule

(1) Date of adoption: 12/29/89 LM

(2) Purpose: These labeling rules provide for requirements to implement truth in labeling requirements of the Washington State Seed Act. Treated seed rules are modified to remove inconsistencies with the act.

(3) Citation of existing rules affected by this order:  
Repealed:  
Amended: 16.318 WAC  
Suspended:

(4) Authority for adoption:  
Statute: RCW 15.49  
Other Authority:

(5.1) **PERMANENT RULE ONLY**  
Pursuant to notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).  
Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**  
Pursuant to RCW 34.05.350 the agency for good cause finds:  
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: State law deadline is January 1, 1990. This emergency order is to cover the period between January 1, 1990 and the date the permanent rule becomes effective.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?  
 Yes  No If yes, explain:

(6) Effective date of rule:  
**Permanent Rules**                      **Emergency Rules**  
 31 days after filing                       Immediately  
 Other (specify) \_\_\_\_\_ \*                       Later (specify) \_\_\_\_\_  
\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**  
CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED  
  
DEC 29 1989  
TIME: 4:53  
WSR 90-00-059

NAME (TYPE OR PRINT)  
C. Alan Pettibone  
TITLE  
*Michael S. ...*  
Director  
DATE  
12/29/89

AMENDATORY SECTION (Amending Order 1700, filed 5/30/80)

WAC 16-318-040 TREATED SEED LABELING REQUIREMENTS. ~~((The information required in section 15.49.320-((1)-(2))-of))~~ For all seed that meets the definition of treated seed contained in RCW 15.49.011, the Washington State Seed Act, there shall be conspicuously shown on the analysis tag or label, or on a separate tag or label, attached to each container, ~~((or))~~ or printed in a conspicuous manner on the side or top of each container the following:

- (1) A word or statement indicating that the seed has been treated.
- (2) The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used.
- (3) That information required in WAC 16-318-050 through 16-318-090.

NEW SECTION

WAC 16-318-065 INOCULANTS. If seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration) shall be shown on the label.

NEW SECTION

WAC 16-318-200 LABELING--REQUIREMENTS FOR AGRICULTURAL, VEGETABLE, AND FLOWER SEEDS. Each container of agricultural, vegetable or flower seeds which is sold, offered for sale or exposed for sale, or transported within this state for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the information as described in WAC 16-318-040 through 16-318-090 for treated seeds and WAC 16-318-205 through 16-318-235, which statement shall not be modified or denied in the labeling or on another label attached to the container.

NEW SECTION

WAC 16-318-205 LABELING--GENERAL REQUIREMENTS FOR AGRICULTURAL SEEDS EXCEPT FOR GRASS SEED MIXTURES AND FOR HYBRIDS WHICH CONTAIN LESS THAN NINETY-FIVE PERCENT HYBRID SEED. The label for agricultural seeds, except for grass seed mixtures and for hybrids that contain less than ninety-five percent hybrid seed shall contain the following information:

- (1) The name of the kind and variety of each agricultural seed present in excess of five percent of the whole and the percentage by weight of each: PROVIDED, That if the variety as designated in the regulations is not stated, the label shall show the name of the kind and the words, "variety not stated." Hybrids shall be labeled as hybrids.
- (2) The lot number or other lot identification.
- (3) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.
- (4) The percentage, by weight, of all weed seeds present: PROVIDED, That the maximum weed seed content may not exceed two percent

by weight except as provided in WAC 16-317-080 for small grain, field pea, lentil, and soybean seed.

(5) The name and rate of occurrence in seeds per pound of each kind of restricted noxious weed seed present.

(6) The percentage by weight of agricultural seeds, which may be designated as "crop seeds," other than those required to be named on the label.

(7) The percentage by weight of inert matter.

(8) For each named agricultural seed, except vegetable seeds as described in WAC 16-318-220 and flower seeds described in WAC 16-318-230:

(a) The percentage of germination, exclusive of hard seed, and the percentage of hard seed, if present, or "total germination and hard seed" as a single percentage.

(b) The calendar month and year the test was completed to determine such percentages.

(9) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

#### NEW SECTION

WAC 16-318-210 LABELING--FOR SEED MIXTURES FOR LAWN AND/OR TURF PURPOSES. The labeling for seed mixtures for lawn or turf purposes shall be as follows:

(1) The lot number or other lot identification.

(2) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.

(3) The word "mixed" or "mixture" stated with the name of the mixture.

(4) The heading "pure seed" and "germination" or "germ" used in the proper places.

(5) The commonly accepted name of kind or kind and variety of each agricultural seed component in excess of five percent of the whole, and the percentage by weight, in columnar form, of pure seed in order of its predominance.

(6) The percentage by weight of agricultural seed other than those required to be named on the label (which shall be designated as "crop seed"): PROVIDED, That if the mixture contains no crop seed, the statement, "contains no other crop seed," may be used and may be flagged.

(7) The percentage by weight of inert matter.

(8) The percentage by weight of all weed seeds: PROVIDED, That the maximum weed seed content may not exceed two percent by weight.

(9) For each agricultural seed named under subsection (3) of this section:

(a) The percentage of germination, exclusive of hard seed.

(b) The percentage of hard seed, if present.

(c) The calendar month and year of the most recent test completed to determine such percentages.

(10) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

#### NEW SECTION

WAC 16-318-215 LABELING--SPECIAL REQUIREMENTS FOR SEEDS THAT ARE COATED. The labeling for seeds that are coated shall include the following information in addition to the requirements of WAC 16-318-205:

(1) The percentage of pure seed with coating material removed.

(2) The percentage of coating material shown as a separate item in close association with the percentage of inert material.

(3) The percentage of germination as determined on four hundred coated seed pellets, with or without seeds.

#### NEW SECTION

WAC 16-318-220 LABELING--SPECIAL REQUIREMENTS FOR VEGETABLE SEEDS IN PACKETS AS PREPARED FOR USE IN HOME. Labeling for vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in preplanted containers, mats, tapes, or other planting devices shall include the following information in addition to that required by WAC 16-318-205:

(1) The year in which the seed was packed for sale as "packed for planting in ....." or the percentage germination and the calendar month and the year the test was completed to determine that percentage.

(2) For seeds which germinate less than the standard established by the department in WAC 16-304-010:

(a) Percentage of germination, exclusive of hard seed.

(b) Percentage of hard seed, if present.

(c) The words "below standard" in not less than eight-point type.

(3) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quality of seed without removing the seed from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.

#### NEW SECTION

WAC 16-318-225 LABELING--SPECIAL REQUIREMENTS FOR VEGETABLE SEEDS IN CONTAINERS OTHER THAN PACKETS. The labeling for vegetable seeds in containers, other than packets prepared for use in home gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices shall be deemed to have been met if the seed is weighed from a properly labeled container of more than one pound in the presence of the purchaser.

#### NEW SECTION

WAC 16-318-230 LABELING--SPECIAL REQUIREMENTS FOR FLOWER SEEDS. The labeling for flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices shall include the following information in addition to that required by WAC 16-318-205:

(1) For all kinds of flower seeds:

(a) The name of the kind and variety or a statement of the kind and performance characteristics as prescribed in chapter 15.49 RCW and rules adopted thereunder.

(b) The calendar month and year the seed was tested or the year for which the seed was packaged.

(2) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard established under the provisions of chapter 15.49 RCW:

(a) The percentage of germination exclusive of hard seeds.

(b) The words "below standard" in not less than eight-point type.

NEW SECTION

WAC 16-318-235 LABELING FOR AGRICULTURAL AND VEGETABLE HYBRID SEED WHICH CONTAINS LESS THAN NINETY-FIVE PERCENT HYBRID SEED. The labeling for agricultural and vegetable hybrid seed which contains less than ninety-five percent hybrid seed shall include the following:

- (1) The lot number or other lot identification.
- (2) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.
- (3) The kind or variety labeled as "hybrid": PROVIDED, That varieties in which pure seed contain less than seventy-five percent hybrid seed shall not be labeled as hybrids.
- (4) The percent which is hybrid labeled parenthetically in direct association following named variety; i.e., Comet (eighty-five percent hybrid).
- (5) The calendar month and year of a germination test of pure live seed or the year in which the seed was packaged.
- (6) The percentage by weight of inert matter.
- (7) The percentage, by weight, of all weed seeds present: PROVIDED, That the maximum weed seed content may not exceed two percent by weight.
- (8) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

NEW SECTION

WAC 16-318-240 LABELING--PROHIBITIONS. It shall be deemed unlawful if any labeling, advertising, or other representation subject to chapter 15.49 RCW:

- (1) Represents seed to be certified seed or any class thereof unless it has been determined by a seed certifying agency that such seed conforms to standards of purity and identity as to kind, species (and subspecies, if appropriate), or variety, in compliance with the rules and laws of that agency pertaining to such seed.
- (2) Represents seed to be foundation, registered, or certified seed unless it has been inspected and tagged accordingly by a certifying agency meeting certification standards of the department.