



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture

- Permanent Rule
 Emergency Rule

(1) Date of adoption: January 25, 1990

(2) Purpose: To remove language that is inconsistent with other seed labeling requirements and to bring this chapter into compliance with R W 15.49.

(3) Citation of existing rules affected by this order:

- Repealed:
Amended: 16-317 WAC
Suspended:

(4) Authority for adoption:

- Statute: RCW 15.49
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 89-24-066 on December 20, 1989 (date). 5.3 / 5

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:

(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:

- | | |
|--|--|
| <p>Permanent Rules</p> <p><input checked="" type="checkbox"/> 31 days after filing
<input type="checkbox"/> Other (specify) _____ *</p> | <p>Emergency Rules</p> <p><input type="checkbox"/> Immediately
<input type="checkbox"/> Later (specify) _____</p> |
|--|--|

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

TITLE

Director

DATE

1/25/90

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JAN 25 1990

TIME: 1:31 PM
WSR 89-24-066-003

AMENDATORY SECTION (Amending Order 1699, filed 5/30/80)

WAC 16-317-040 LABELING REQUIREMENTS FOR SMALL GRAIN, FIELD PEA, LENTIL, AND/OR SOYBEAN SEEDS (~~(7--AND--LAWN--AND/OR--PASTURE--MIXES)~~). Labeling requirements shall be as specified in (~~(RCW-15-49-320--of--the--Washington--State--Seed--Act)~~) WAC 16-318-200 through 16-318-235 and 16-318-040 through 16-318-065. In addition, labels for small grain seed shall contain the following information:

(1) Each variety (e.g., Nugaines), (~~(type-f)~~) whether the variety is typically a winter or spring (~~(?)~~) sown variety, and kind (e.g., wheat) (~~(7--or--each--type--and--kind--when--in--excess--of--five--percent--by--weight--of--the--whole)~~); or (~~(type)~~) may not be shown: PROVIDED, That the label shall conspicuously show the words "~~(type)~~ typical sowing season not stated."

(2) A tetrazolium test may be used in lieu of germination: PROVIDED, That the label shall state "Tetrazolium", and that a germination test of the lot is in process and shall be made available to the purchaser when completed. The label shall also show the calendar month and year the tetrazolium test was completed.

AMENDATORY SECTION (Amending Order 1699, filed 5/30/80)

WAC 16-317-050 ALTERNATE LABELING REQUIREMENTS AND EXEMPTIONS.

(1) Small grain, field pea, lentil, and/or soybean seed distributed in packaged form to a wholesaler or a commercial grower for his own use and accompanied by an invoice or other document containing the labeling information required in (~~(RCW-15-49-320--(1)(a)-(b)-(d)-(g)--and--(2)(a)-(b)-(c)-(d)--and--(e)--of--the--Washington--State--Seed--Act)~~) WAC 16-318-200 through 16-318-235 and 16-318-040 through 16-318-065 need attached labels containing only information required in (~~(RCW--15-49-320--(1)(a)-(b)-(c)--and--(e);)~~) WAC 16-318-205 (1) and (2); WAC 16-318-040 through 16-318-065; and the net weight of the seed and small grain seed labels shall also contain additional information in WAC 16-317-040(1): PROVIDED, That the purchaser has knowledge of and consents to said invoice labeling.

(2) When seed is needed for immediate planting, a purchaser may waive the seed analysis information requirement for his purchase by completion of the following waiver:

CUSTOMER WAIVER AFFIDAVIT

Date

.....
.....
.....
.....
.....

(Seed Dealer's Name and Address)

I,, because of an emergency need for seed, am waiving my rights as provided in RCW (~~(15-49-320(4))~~) 15.49.021 to receive the germination and purity information required in (~~(RCW 15-49-320(1)(g)--and--(2);)~~) chapter 16-318 WAC on lot/s purchased on: PROVIDED, That within thirty days, the supplier provides the above information to me in writing.

.....
(Customer's Signature)

(3) When small grain, field pea, lentil, and/or soybean seed is distributed in bulk, the information required in (~~(RCW--15-49-320--of--the--Washington--State--Seed--Act)~~) WAC 16-318-200 through 16-318-235 and 16-318-040 through 16-318-065 and for small grain, the information in

WAC 16-317-040 shall be provided on the invoice or other document accompanying the distribution of said seed.

(4) The seed labeling registrant may provide the information required in WAC 16-317-040 and ~~((REW-15,49,320-of-the-Washington-State-Seed-Act))~~ 16-318-205 through 16-318-230, and 16-318-040 through 16-318-065 as a guaranteed analysis at the time of distribution: PROVIDED, That the label, invoice, or other document accompanying the seed states "guaranteed analysis," and that the results of a purity and germination test of a representative sample are made available to the purchaser no later than thirty days following the initial distribution of the lot.

~~((5)--Origin-is-not-required-for-small-grain,-field-pea,-lentil,-and/or-soybean-seed-labeling*))~~

AMENDATORY SECTION (Amending Order 1699, filed 5/30/80)

WAC 16-317-060 SEED HELD IN STORAGE. Small grain, field pea, lentil, and/or soybean seed held for bulk distribution or invoice labeling, shall be plainly identified with information required in ~~((REW-15,49,320-(1)(a),-(b)-and-(c)-of-the-Washington-State-Seed-Act))~~ WAC 16-318-205 through 16-318-230, and 16-318-040 through 16-318-065, and for small grain, the information in WAC 16-317-040(1).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-317-090 LABELING LAWN AND PASTURE MIXTURES.