



RULE-MAKING ORDER
(RCW 34.05.360)

Adrian Carter
CR-103 (10/1/89)

- Permanent Rule
 Emergency Rule

Agency: WASHINGTON STATE DEPARTMENT OF AGRICULTURE

(1) Date of adoption: December 9, 1994

(2) Purpose: To declare certain small seeded vegetable seed crops as non-food sites of pesticide application.

(3) Citation of existing rules affected by this order:
Repealed: na
Amended: WAC 16-228-600
Suspended: na

(4) Authority for adoption:
Statute: RCW 15.58 and RCW 17.21
Other Authority:

(5.1) PERMANENT RULE ONLY
Pursuant to notice filed as WSR 94-21-088 on October 19, 1994 (date).
Describe any changes other than editing from proposed to adopted version:
Seed crops Caraway and Fennel were removed from the list.

(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:
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

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STATE OF WASHINGTON

DEC 19 1994

2:25

95-01-019

NAME (TYPE OR PRINT)
JIM JESERNIG

SIGNATURE
Jim Jesernig

TITLE DATE
DIRECTOR 12/9/94

AMENDATORY SECTION (Amending Order 1989, filed 10/19/88)

WAC 16-228-600 Use of pesticides on small seeded vegetable seed crops and seed alfalfa. (1) For purposes of pesticide registration, (~~all alfalfa seed crop fields~~) the following crops, when grown to produce seed specifically for crop reproduction purposes, are considered nonfood and nonfeed sites of pesticide use ((, and the following conditions shall be met)):

<u>Common Name</u>	<u>Synonyms</u>
<u>alfalfa</u>	
<u>arugula</u>	<u>Mediterranean salad, rucola, roquette, Ghargir</u>
<u>beet</u>	
<u>broccoli raab</u>	<u>Rapani, Choy Sum, Chinese flowering cabbage</u>
<u>Brussels sprouts</u>	
<u>cabbage</u>	
<u>carrot</u>	
<u>cauliflower</u>	
<u>Chinese cabbage</u>	<u>Pe-tsai</u>
<u>Chinese kale</u>	<u>Chinese broccoli</u>
<u>Chinese mustard</u>	<u>Pak Choi (Choy), Bok Choi (Choy) Taisai, celery mustard, spoon cabbage</u>
<u>collard</u>	
<u>coriander</u>	<u>cilantro</u>
<u>dill</u>	
<u>endive</u>	
<u>kale</u>	<u>bore kale</u>
<u>kohlrabi</u>	
<u>leek</u>	
<u>lettuce</u>	
<u>mustard</u>	
<u>onion (bulb)</u>	
<u>onion (bunching)</u>	
<u>parsley</u>	
<u>parsnip</u>	
<u>radish (other than daikon)</u>	
<u>rape</u>	
<u>rutabaga</u>	
<u>spinach</u>	
<u>spinach mustard</u>	
<u>swiss chard</u>	<u>spinach beet</u>
<u>turnip</u>	

(2) For the seed crops listed in subsection (1) of this section, the following conditions shall be 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 lot numbers, amount of material disposed of, its grower(s), 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, roots, bulbs, leaves and seed screenings may be used or distributed for food or feed purposes.

(c) All (~~(alfalfa)~~) seed from the crops listed in subsection (1) of this section grown or conditioned in this state shall bear a tag or container label which forbids use of the seed for human consumption or animal feed.

(d) No (~~(alfalfa)~~) seed from the crops listed in subsection (1) of this section grown or conditioned in this state may be distributed for human consumption or animal feed.

~~((2))~~(3) Violation of any condition listed in subsection ~~((1))~~(2) of this section is declared to be a violation of chapters 17.21 and 15.58 RCW.

~~((3) Alfalfa)~~(4) Any seed crop certified under provisions of RCW 15.86.070, the Organic Food Products Act, shall be exempt from the requirements of this section.